



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 28TH JANUARY 2004 AT 17:00.

(RESERVE DATE : MONDAY 2ND FEBRUARY 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meetings held on 17 December 2003 and 7 January 2004 (attached).
3. Public Question Time
4. TRULL REPORT ITEMS
42/2003/046CA - DEMOLITION OF BUILDINGS, GATCHELL HOUSE, HONITON ROAD, TRULL;
42/2003/047CA - DEMOLISH FORMER SQUASH CLUB BUILDINGS, OUTBUILDINGS AND WALLS, GATCHELL HOUSE, HONITON ROAD, TRULL;
42/2003/048 - ERECTION OF EXTENSION TO GATCHELL HOUSE IN THE FORM OF AN 'ORANGERY' AS A MEETING ROOM TO SERVE ELDERLY PERSONS DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PLANNING PERMISSION NO. 42/1999/010 AT GATCHELL HOUSE, HONITON ROAD, TRULL;
AND
42/2003/049 - ERECTION OF 28 APARTMENTS/COTTAGES FOR THE ELDERLY AND DISABLED, THE CONVERSION OF PART OF GATCHELL HOUSE TO PROVIDE SUPPORT ACCOMMODATION, ERECTION OF EXTENSION TO GATCHELL HOUSE IN THE FORM OF AN ORANGERY AS A MEETING ROOM TO SERVE THE PROPOSED APARTMENTS/COTTAGES AT GATCHELL HOUSE, HONITON ROAD, TRULL.
5. CHIPSTABLE - 09/2003/010
CHANGE OF USE OF BARN TO DWELLING AND ASSOCIATED GARAGING, ROWLANDS BARN, CHIPSTABLE.
6. LYDEARD ST LAWRENCE - 22/2003/019
CREATION OF VEHICULAR ACCESS AND PARKING AREA, 2 NETHERCOTT WAY, LYDEARD ST LAWRENCE.
7. RUISHTON - 31/2003/032
ERECTION OF 2 DWELLINGS WITH GARAGES ON LAND ADJOINING THORNHAMS, HENLADE AS AMENDED BY PLAN RECEIVED 9TH JANUARY, 2004

8. SAMPFORD ARUNDEL - 32/2003/004
CONVERSION OF AGRICULTURAL BUILDING INTO DWELLING AND CONVERSION OF BARN INTO CAR PORT AND STORE, BROADLEIGH, WHITEBALL, WELLINGTON AS AMENDED BY LETTER DATED 3RD DECEMBER, 2003 WITH ACCOMPANYING PLAN NO. 1068(A)/1A AND AS AMPLIFIED BY LETTER DATED 22ND DECEMBER, 2003
9. TAUNTON - 38/2003/641
ERECTION OF BUNGALOW ON LAND TO REAR OF 34-40 GREENWAY CRESCENT, TAUNTON (OUTLINE APPLICATION) AS AMENDED BY DRAWING ATTACHED TO APPLICANTS LETTER DATED 6TH JANUARY, 2004
10. TAUNTON - 38/2003/650
ERECTION OF DWELLING FOR USE AS A UNIT OF MULTIPLE OCCUPATION (6 BEDROOMS) AT LAND ADJACENT TO 14 GREENWAY ROAD, TAUNTON
11. WELLINGTON - 43/2003/136
RETENTION OF WOODEN FENCE AND USE OF LAND AS DOMESTIC CURTILAGE TO REAR AND FORMATION OF PEDESTIRAN ACCESS ONTO CHAMPFORD LANE, 26 CHAMPFORD LANE, WELLINGTON
12. WEST MONKTON - 48/2003/064
RESIDENTIAL DEVELOPMENT OF LAND AT SIDBROOK FARM, WEST MONKTON AS AMENDED BY APPLICANTS LETTER DATED 23RD DECEMBER, 2003 AND ATTACHED PLAN NO. SF.01 REV A
13. WEST MONKTON - 48/2003/067
CHANGE OF USE OF EXISTING OFFICE TO RESIDENTIAL USE AS PART OF CHERRY GROVE COTTAGE AND CHANGE OF USE OF OUTBUILDING TO OFFICE USE AT WINSFORD, WEST MONKTON AS AMENDED BY AGENTS LETTER DATED 5TH DECEMBER, 2003 AND DRAWINGS ATTACHED THERETO TOGETHER WITH TJS (ARCHITECT'S) LETTER DATED 12TH JANUARY, 2004 AND DRAWING 0240/03 ATTACHED
14. 43/2002/159 - Erection of new dwelling on land to the rear of 2 Highland Place, High Street, Wellington. Miscellaneous item
15. Enforcement action in respect of Foxmoor Nurseries, Haywards Lane, Wellington. Joint report of the Chief Solicitor and the Chief Planning Officer. Miscellaneous item
16. E367/06/2003 - Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St. Luke, Taunton. Enforcement item
17. E450/06/2003 - Planting of hedge and provision of timber protection at The Cothelstone, Lydeard Mead, Bishops Lydeard. Enforcement item
18. E13/20/2004 - Occupancy of dwelling in breach of condition at Hopper Lodge, The Kingfisher Centre (formerly known as Enforcement item

Nailsbourne Nursery), Nailsbourne, Taunton.

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| 19. | E300/21/2002 - Operation of a business (traditional toys) from premises at Wellisford Manor, Lower Wellisford, Langford Budville, Wellington. | Enforcement item |
| 20. | E14/24/2004 - Erection of 1.8m high fence at Marlborough Cottage, Stoneyhead Hill, Wrantage, North Curry. | Enforcement item |

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

21 January 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM N0.2.

Planning Committee Members:-

Councillor Mrs Allgrove (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Beaven
Councillor Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
The Mayor (Councillor Govier)
Councillor Guerrier
Councillor Henley
Councillor House
Councillor Morrell
Councillor Miss Peppard
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Vail
Councillor Wedderkopp

Planning Committee - 17 December 2003

Present: Councillor Mrs Allgrove (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Guerrier,
Henley, House, Morrell, Miss Peppard, Mrs Smith, Stuart-Thorn, Vail and
Wedderkopp.

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

(The meeting commenced at 5.00 pm).

(Councillors Bowrah and Croad arrived at the meeting at 5.19 pm and 5.28 pm respectively).

161. Apology

The Mayor (Councillor Govier).

162. Minutes

The minutes of the meeting held on 26 November 2003 were taken as read and were signed.

163. Public Question Time

Mr J Blackwell referred to the recent publicity concerning the siting of a mobile phone mast by Orange Telecommunications at Sampford Moor, near Wellington. He wished to know who had been at fault and whether there had been any cost to the public purse. He added that he had written to the Leader of the Council on this matter earlier in the month and had received no reply to date.

In response, the Chief Planning Officer (Tom Noall) provided a full verbal explanation of the circumstances leading to the mast being positioned on the land at Sampford Moor even though the Planning Committee had previously refused consent for this development in May 2002. He anticipated that Mr Blackwell would receive a response from the Leader of the Council to his letter shortly.

164. Redevelopment to provide residential development, B1 employment uses, conversion of Pumping Station to provide public house/restaurant, new access road, canal-side walkway, new infrastructure, landscaping, earth moving and demolition of existing structures, construction of new walls and fences and all associated engineering works at Taunton East Goods Yard, Taunton Station, Taunton (38/1999/394)

Reference Minute Nos 77/2000, 95/2003 and 152/2003, submitted reports previously circulated, which set out in detail the background to this application.

Although the terms of a Section 106 Agreement with Abbey Manor Developments Limited had been negotiated, the South West of England Regional Development Agency (SWERDA) had twice requested the Planning Committee to defer a decision to proceed with the development for the following reasons:-

- (1) Meeting of 9 July 2003 (Minute No 95/2003) - SWERDA expressed disappointment that approval of the Section 106 Agreement was being sought in advance of any reports from the Consultants engaged to carry out the Urban Design Framework for Taunton (the Terence O'Rourke Master Plan). There was also concern that the new access road proposed might reduce or constrain options for the comprehensive redevelopment of Firepool; and
- (2) Meeting of 26 November 2003 (Minute No 152/2003) - SWERDA was concerned that the scheme could generate a potential growth development value significantly higher than that assessed by the Council's independent appraisal.

In addition, the SWERDA had also argued that circumstances had changed materially since the original resolution of the Planning Committee in August 2000, in terms of the following:-

- the Taunton Deane Local Plan Revised Deposit, November 2000;
- the Taunton Deane Local Plan Inspector's Report, September 2003;
- the Regional Planning Guidance for the South West (RPG10), September 2001;
- the Council's Interim Planning Policy for Firepool and Tangier approved by the Executive on 23 October 2002; and
- the Terence O'Rourke Master Plan.

The report comprehensively addressed all of these issues and reflected the extensive negotiations that had taken place with Abbey Manor Developments Limited, Terence O'Rourke, the SWERDA and the County Planning and Transport Officer.

With regard to the issue of contributions which could be obtained from the development, reported that a formula had now been agreed by all parties whereby the level of developer contribution would be increased from the £2.4 million already negotiated if:-

- (a) The number of dwellings provided was greater than the 300 assumed by the developer in the outline application; and/or
- (b) The gross development value (receipts from development) to the developer at the end of the development was higher than 17.5%.

This had led to the SWERDA withdrawing its last objection to the scheme progressing and the proposed terms of the Section 106 Agreement had been revised accordingly.

In the view of the Chief Planning Officer:-

- (1) The enhanced terms of the Section 106 Agreement were the maximum that could reasonably be asked of the development. The terms also fulfilled the requirement of the Taunton Deane Local Plan Revised Deposit Policy T5 as endorsed by the Local Plan Inspector's Report;
- (2) The application site formed part of the wider Firepool mixed use redevelopment area and was considered to meet the requirements of Policy S4 of the Taunton Deane Local Plan Revised Deposit; and
- (3) The application was in accordance with the Regional Planning Guidance and did not conflict with the interim policy which discouraged new applications for development in advance of the current master planning exercise for the Firepool area.

Terence O'Rourke was of the opinion that the proposal was in broad accordance with the draft Master Plan and considered that permission could be granted provided the layout made provision for the east-west link across the site and the ability to connect to the new bridge.

As such, it was considered that the potential community benefits deriving from the proposed development had been maximised and that the scheme would contribute to the coordinated and comprehensive development of the area.

RESOLVED that the terms of the Section 106 Agreement as set out below be endorsed and, on completion of the Agreement, the Chief Planning Officer in consultation with the Chairman, be authorised to grant planning permission subject to the conditions previously agreed (Minute No 77/2000) to be amended as necessary, to take account of the Section 106 Agreement:-

The terms of the Section 106 Agreement shall be as follows:-

- (i) The developer shall agree to design, construct and fund the traffic signal junction and access as stipulated by the County Highway Authority on the specified drawings (Nos HHITN07/1D/2/3A and 14A);
- (ii) The developer shall undertake to build a road through their site as part of the reserved matters which follows the route of the approved Terence O'Rourke Master Plan for the Firepool area. This road shall be capable of adoption and be designed, if possible, to serve East Yard as a street and follow the principles of good urban design;
- (iii) At the appropriate time, the developer shall fund and build the realignment of the access road from Station Road to link with the extension of the road through the site westwards across Station Road, via the disused railway

bridge, and to fund and build any works within the site that were required to facilitate the re-routing of the access from Station Road via the Station Forecourt;

- (iv) The developer shall fund and construct the abutments for the new road bridge proposed in the approved Master Plan that were within the site, at such time as the new bridge was constructed;
- (v) In addition to the provisions of a cycleway to Obridge Lane as part of the development, a contribution of £200,000 shall be made towards off-site transport infrastructure (as enhanced by (xi) below);
- (vi) Agreement had been reached with the Local Education Authority for a contribution of £700 per market dwelling (excluding the social housing);
- (vii) A contribution of £66.67 per residential unit shall be made towards the provision/enhancement of public open space on land between the River Tone and Canal (£20,000 if 300 units were constructed);
- (viii) 21% (62 units) of the total housing provision shall be provided as social housing of mixed size as specified in the table below. Should the number of dwellings approved under reserved matters or other applications fall above or below the 300 dwellings assumed in the draft Development Guide, the number of social housing units (and the associated subsidy) shall be adjusted in accordance with the 21% requirement and the proportional mix of social housing units set out in the table below shall be maintained. At 300 dwellings, the social housing subsidy shall amount to £1,990,180.

Social Housing Provision

Tenure	No	Beds	Persons	Types
Rent	2	2	4	Disabled flat
Rent	2	4	6	House
Rent	21	2	3	Flat
Rent	4	2	4	Flat
Rent	2	2	4	House
Rent	2	3	5	House
Rent	14	1	2	Flat
Shared	12	2		Flat
Shared	3	3		House

Unit Total 62

- (ix) The total developer contribution in respect of (i) to (viii) above, shall not be less than £2,376,780. Should the total number of dwellings on the site exceed a theoretical level of 300 dwellings, the developer contribution shall be enhanced in accordance with (x) and (xi) below. Should the total number of dwellings be less than 300 dwellings, the amount payable towards social

housing and off-site public open space will decrease on a pro-rata basis and the balance of these reduced contributions up to £2,376,780 will be contributed towards off-site transport infrastructure;

- (x) Should the total number of dwellings approved on the site under reserved matters or other applications exceed 300 dwellings, the level of developer contributions (excluding that for off-site transport infrastructure) shall be increased on a pro-rata basis (subject to (vi) above);
- (xi) In addition to (x) above, in the event that the developer's profit on completion of the residential development was in excess of 17.5% of total disposable income, the developer shall contribute 50% of any such profit over and above the 17.5% level to the Local Planning Authority, subject to a maximum payment of £1,000,000 to be used for related off-site infrastructure improvements. The developer shall be required to submit a financial appraisal on nearing completion of the development to the Local Planning Authority for approval prior to the calculation of any additional contribution under (xi). Any such contribution shall be paid within two months of the sale of the last ten market dwellings; and
- (xii) No planning applications for approval of reserved matters or other types of permission shall be submitted within twelve months of the grant of outline planning permission, except in the circumstances that the Master Plan for Firepool had been approved as supplementary planning guidance, other than in respect of Planning Application Reference No 38/2001/402 (Station Approach access).

In view of (xii) above the date for the submission of reserved matters under condition (a) of the outline planning permission shall be extended to four years.

165. 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 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:-

02/2003/011

Erection of three two-storey detached dwellings, formation of shared surface access road and erection of double garage to serve Brooklands, land adjoining Brooklands, Ash Priors.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;

- (d) C101 - materials;
 - (e) C112 - details of guttering, downpipes and disposal of rainwater;
 - (f) C201A - landscaping;
 - (g) C205 - hard landscaping;
 - (h) C215 - walls and fences;
 - (i) C314 - visibility splays;
 - (j) C321A - parking;
 - (k) C416 - details of size, position and materials of meter boxes;
 - (l) Before any of the dwellings hereby permitted are occupied, all the existing buildings on the site shall be demolished and all materials resulting from the demolition shall be removed from the site;
 - (m) P001A - no extensions;
 - (n) P005 - no garages;
 - (o) P007 - no fencing in front of dwellings;
 - (p) Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul 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;
 - (q) The roadside watercourse shall be piped in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
 - (r) The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (s) No part of the access drive shall be laid out at a gradient steeper than 1 in 14;
 - (t) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
- (Notes to applicant:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N113 - street names; (4) N114 - meter boxes; (5) N029 - design; (6) N024 - development in accordance with the approved plans; (7) N051B - health and safety; (8) N119 - Design Guide; (9) Applicant was advised to construct soakaways in accordance with Building Research Digest 365 (September 1991).)

Reason for granting outline planning permission:-

The proposal was considered to comply with Policies STR1, STR5 and STR9 of the Somerset and Exmoor National Park Joint Structure Plan Review. Although the proposal did not comprise infill development and was therefore not in strict compliance with West Deane Local Plan Policy WD/AP/1, the proposal satisfactorily respected the form, character and setting of the settlement and the integrity of the street scene and had no material affect on neighbouring properties. The proposed development was small scale, would support the villages' social and economic viability and maintained or enhanced

the village's environmental quality. To that extent it was in compliance with Policy S7 of the Taunton Deane Local Plan Revised Deposit. However, although there was a village hall in Ash Priors, access to other services would involve increased car travel, although it was not considered that this would be significant overall. Similarly, with this proviso, the general policy requirements contained in Policy S1 of the Taunton Deane Local Plan Revised Deposit were met by the proposal. The application was in outline only and the requirements of Policies S2 and EN15 of the Taunton Deane Local Plan Revised Deposit could be met at the reserved matters stage.

34/2003/040

Erection of two dwellings on land to the rear of Little Gables and formation of combined access at 218 Staplegrave Road, Taunton.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage to include a percolation test to determine the suitability of the soil 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;
- (d) Within a period of three years from the date of this permission, and before any work hereby permitted is commenced, details of the existing and proposed site levels which shall be set down from the existing levels by at least 1m shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented;
- (e) C111 - materials - for drives;
- (f) C201 - landscaping;
- (g) C208A - protection of trees to be retained;
- (h) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (i) Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for each dwelling. The said garage (or garage space), parking space and access shall be constructed or hard surfaced before the dwellings hereby permitted are occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access;
- (j) C307 - access - gates set back;
- (k) C314 - visibility splays;
- (l) The proposed access shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
- (m) The proposed access/drive shall incorporate splays on both of its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
- (n) C327 - turning space;

- (o) The dwellings shall be designed to be chalet bungalows in accordance with the application forms with the upper floor contained mainly within the roof and small scale dormers;
- (p) Garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;
(Notes to applicant:- (1) Applicant was advised that the proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, should be properly consolidated and surfaced (not loose stone or gravel) with these details to be submitted in respect of condition (e); (2) Applicant was advised that the gradient of the proposed access should be no steeper than 1 in 10; (3) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which should be submitted to the Local Planning Authority under condition (c). Such drainage should be provided prior to the access first being brought into use; (4) Applicant was advised that the need to provide a turning space for each dwelling referred to in condition (n), will result in the dwellings not being as indicated on the submitted plans; (5) Applicant was advised that there have been issues in respect of water discharge from the adjoining fields into the garden of No 216. These issues should be addressed and the proposed drainage should take account of these issues; (6) In relation to condition (d), applicant was advised that there is potential for overlooking between properties. The slab level should therefore be at a level to minimise such overlooking. As an indication, this level should be at least 1m below existing ground levels. There is no need to reduce the existing level of the access; (7) In relation to condition (a), applicant was advised that the details of the access should ensure that the existing conifer tree shown to be retained close to the Staplegrove Road boundary is given sufficient space to prevent any damage to its roots or branches, in accordance with the discussions with the Local Planning Authority's Landscape Officer; (8) Applicant was advised to contact Wessex Water in respect of foul sewer and mains water connections; (9) Applicant was advised to contact the Council's Drainage Officer in order to discuss soakaways and the percolation tests; (10) N110 - design; (11) N111 - disabled access; (12) N112 - energy conservation; (13) N119 - design guide; (14) N045 - encroachment).

Reason for granting outline planning permission:-

The site was within the settlement boundary of Taunton, and residential development of the site was considered to be acceptable without detriment to the amenities of the adjoining occupiers, and thus the proposal was considered to be in compliance with the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4 and 49 and Taunton Deane Local Plan Revised Deposit Policies S1 and H1.

43/2003/122

Erection of new dwelling with associated garage on land to rear of 31 Blackmoor Road, Wellington.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline- time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) C201 - landscaping;
- (f) C215 - walls and fences;
- (g) One garage space and one parking space, together with a vehicular access thereto shall be provided for the dwelling. The said garage space, parking space and access shall be constructed prior to occupation of the dwelling and shall not be used other than for the parking of domestic vehicles or for access thereto;
- (h) C917 - services - underground;
- (i) No construction shall take place within half the height of the adjoining beech trees along the boundary of 30 Blackmoor Road;
- (j) C112 - details of guttering, downpipes and disposal of rainwater;
- (k) Any gate(s) provided shall be hung to open inwards only and shall be set back a minimum distance of 4.5m from the edge of the adjoining highway carriageway;
- (l) Before the access hereby approved is first brought into use, a properly consolidated and surfaced turning space 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 turning space shall be kept clear of obstruction at all times;
- (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (n) Any garage erected shall be at least 6m from the highway boundary, details of which must be submitted to, and approved in writing by, the Local Planning Authority;
- (o) The siting of any poles or stays adjacent to the highway shall be agreed with the Local Planning Authority before work commences;
- (p) Before any work commences on site, details of visibility splays for the access shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be maintained at all times;
- (q) A type 'A' waiting bay for vehicles shall be formed at the point of access in accordance with the attached diagram and specifications. Such waiting bay shall be completed before the dwelling hereby approved is first occupied and 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.
(Notes to applicant:- (1) N024 - development in accordance with approved plans; (2) N040 - drainage/water; (3) N041A - drainage/water; (4) Applicant was advised that the developer should protect the integrity of Wessex Water Systems and agree with Wessex Water prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (5) Applicant was

advised that as a public foul sewer crosses the site, a minimum 3m easement width on either side of Wessex Water's apparatus is required for maintenance and repair; (6) N114 - meter boxes; (7) N112 - energy conservation; (8) N115 - water conservation; (9) N117 - crime prevention; (10) N119 - Design Guide; (11) With regard to condition (p), applicant was advised that the County Highway Authority require visibility set back 2m from the carriageway edge for 60m either side of the access, no higher than 900mm above adjoining road level).

Reason for granting outline planning permission:-

The proposal was considered acceptable having regard to neighbouring properties, the street scene and highway considerations and was in accordance with Policies H1 of the Taunton Deane Local Plan Revised Deposit and WD/HO/3 of the West Deane Local Plan.

- (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:-

06/2003/057

Erection of single storey sun lounge to swimming pool, Cedar Falls Health Farm, Bishops Lydeard (amended scheme).

Conditions

- (a) Use of the doors on the west elevation shall be for emergency and reasonable maintenance purposes only, unless otherwise agreed in writing by the Local Planning Authority;
- (b) The proposed extension shall be acoustically double glazed and the fabric of the building shall be suitably insulated so that noise arising from the activities within the sun lounge building shall be imperceptible to neighbouring residential or other noise sensitive premises, all in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the proposed building being brought into use, it shall be painted in accordance with a sample area of the proposed painting, which shall be provided and approved by the Local Planning Authority.

Reason for granting planning permission:-

Subject to the conditions imposed, the proposal was considered to be in compliance with Policy S1(E) of the Taunton Deane Local Plan Revised Deposit in that it would not harm the residential amenity of neighbouring properties.

14/2003/038

Erection of 12 industrial units with access way and services, including bio-disc effluent disposal, demolition of sub-standard redundant buildings when new

buildings are available, and relocation of two existing buildings, Creech Paper Mill, Mill Lane, Creech St Michael.

Conditions

- (a) C001 - time limit;
- (b) Notwithstanding the details shown on the plans and application form, and prior to the commencement of works on site, details or samples of the materials to be used for all the external surfaces of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the local planning authority;
- (c) C201 - landscaping;
- (d) Noise emissions arising from the industrial units or from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than five decibels expressed in terms of an A-Weighted two minute Leq when measured at any point 1.5m from any residential or other noise sensitive boundary between the following hours:- Monday to Friday - 0800 to 1800 hours; Saturdays - 0800 to 1300 hours. At all other times, including Sundays and Bank Holidays, noise emissions shall not exceed background levels when measured as above. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (e) C926B - remediation investigation/certificate;
- (f) C324 - parking;
- (g) C328 - loading/unloading area;
- (h) The premises shall be used for B1 and B2 as defined in the Town and County Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order;
- (i) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (j) Finished floor levels for units 1 and 2 shall be set at 10.56m above ordnance data;
- (k) Prior to the commencement of works on site, positions and wording of flood warning notices along Mill lane shall be submitted, and approved in writing by, the Local Planning Authority. Such approved notices shall be erected on site prior to the commencement of the uses of the buildings hereby approved;
- (l) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks

- and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (m) Prior to the commencement of the uses hereby permitted, the buildings to be demolished shall be completely demolished and the rubble removed from the site to the satisfaction of the Local Planning Authority;
 - (n) Prior to the demolition of the brick mill building, a full measured archaeological survey and photographic record of the building (internal and external) shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (o) No development shall take place until details of a desk top study, looking at previous site uses, potential groundwater contaminations and other relevant information is submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that any soakaway system used for the disposal of surface water should be designed and constructed in accordance with BS8301:1985 (Section 8.4); (2) Applicant was advised to confirm with the Local Planning Authority's Building Control Department and the County Highway Authority, if relevant, that soakaways will be acceptable to them for this proposal; (3) Applicant was advised that the Environment Agency considers that previous uses of the site may have caused, or have the potential to cause, contamination of controlled waters. The groundwater beneath the site is classified as a minor aquifer of high vulnerability, in accordance with the Environment Agency's "Policy and Practice for the Protection of Groundwater". The Environment Agency therefore recommends that, prior to determination, a desk top survey is carried out which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. If the desk top study identifies that contamination may be present, then the Environment Agency recommends that development is permitted subject to suitable conditions being imposed relating to a site investigation, risk assessment and remediation method statement. The design of the site investigation and the remediation method statements should be approved in writing by the Local Planning Authority before being carried out; (4) Applicant was advised that any planting should be carried out using native species ideally of local provenance. Alder should not be planted as there is a risk of introducing Phytophthora Disease of Alder; (5) Applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant/agent).

Reason for granting planning permission:-

The proposal represented a modernisation and development of the site for employment uses and, as such, complied with Taunton Deane Local Plan Revised Deposit Policy EC1a.

38/2003/483

Removal of Condition 07 (no deliveries other than bakery products shall be made between the hours of 2000 hours on any day and 0700 hours on the following day) attached to 38/2000/476 (extension to Safeway Stores) to allow 24 hour delivery to the store at Safeway, Priory Bridge Road, Taunton.

Conditions

- (a) Noise emissions arising from vehicle deliveries shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 2 Min Leq, when measured at any point 1.5m from any residential or other noise sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission, "background levels" shall be those levels of noise which occur in the absence of noise from the development to which the 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;
- (b) The layout of the site shall be designed to minimise the need for heavy goods vehicles to reverse;
- (c) Vehicle mounted refrigeration units shall be turned off within five minutes when delivery vehicles enter the unloading area and reconnected not sooner than five minutes prior to leaving. When it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or wanting to unload.

Reasons for granting planning permission:-

The proposal was considered to comply with the Taunton Deane Local Plan Revised Deposit Policy S1 regarding the impact of noise nuisance on residential amenity.

(The Chairman (Councillor Mrs Allgrove) declared a personal interest in the following application).

46/2003/044

Renewal of conversion of garage to living accommodation, erection of extension to granny annexe and erection of double garage at Emerald Vale Nurseries, West Buckland.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) C404 - single family unit;
- (d) C404A - single family unit - link;
- (e) The garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only.

(Notes to applicant:- (1) N115 - water conservation; (2) N112 - energy conservation; (3) N024 - development in accordance with the approved plans; (4) N044 - drainage/water; (5) N063 - granny flat).

Reason for granting planning permission:-

The proposal was considered acceptable having regard to visual and residential amenity and was in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(Design), H19(A) and (C), H20 and West Deane Local Plan Policy WD/HO/9.

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

35/2003/010

Erection of two-storey extension to rear of 1 Potters Cottage, Appley, Stawley.

Reason

The proposed extension by reason of its size, design and external appearance would be out of keeping with the character of the existing dwelling and be of excessive scale in relation to the existing property, and overbearing on the neighbouring property likely to result in the undesirable development of the site contrary to Policy H19 of the Taunton Deane Local Plan Revised Deposit and Policy WD/HO/10 of the West Deane Local Plan.

51/2003/011

Erection of agricultural storage building at Samways Farm, Burrowbridge (revised scheme).

Reasons

- (a) The site lies within a Special Landscape Area as identified by the East Deane Local Plan and a Landscape Character Area as identified in the Taunton Deane Local Plan Revised Deposit. It is the policy of the Local Planning Authority to carefully control all development that might damage those features which give such areas their special character. In the opinion of the Local Planning Authority, the proposal would constitute a visual intrusion, exacerbated by the loss of the hedgerow, which would be detrimental to the amenity of the Special Landscape Area and Landscape Character Area and would therefore be contrary to Policy ED/EC/7 of the East Deane Local Plan, Policy EN13 of the Taunton Deane Local Plan Revised Deposit and Policy 5 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) It is considered that the proposal would adversely affect the visual setting of the adjacent Baptist Church which is a Grade II listed building, by reason of its size, siting, design and appearance. Therefore, it is considered to be contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy EN17 of the Taunton Deane Local Plan Revised Deposit;

- (c) The proposed development would not be in the interests of the safety and convenience of road users or pedestrians by reason of the additional traffic that would be generated along narrow sub-standard access roads. Therefore, the proposal is considered to be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan Revised Deposit.

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

The Committee had concerns about the access to the proposed storage building and with its likely impact on the nearby listed Chapel and the surrounding landscape.

- (4) That the following application be **withdrawn**:-

47/2003/010

Change of use of agricultural land to domestic curtilage, Abbeywood, West Hatch.

Also RESOLVED that:-

- (1) Enforcement action be taken to seek the reinstatement of the land to its former condition; and
- (2) subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with.

166. Erection of 26 dwellings, land adjacent to north of former hospital buildings, Cotford St Luke (part amendment to 06/2002/062) (06/2003/051)

Reported this application.

RESOLVED that subject to the receipt of no representations raising new issues on the amended plans by 5 January 2004, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if the amended plans were approved, the applicants be advised of the following notes:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N113 - street names; (4) N114 - meter boxes; (5) N115 - water conservation; (6) Applicant's attention is drawn to conditions 05, 07, 09, 11(i), 13, 16, 20, 21, 22, 24, 25, 28 and 32 of Planning Permission No 06/1994/018 which must be complied with before development commences; (7) N051B - health and safety; (8) N075 - Section 106 Agreement; (9) 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 premises:- Monday to Friday - 0800 to 1800 hours; Saturdays 0800 to 1300 hours. At all other times, including public holidays, no noisy working.

Reason for approval, if granted:-

The proposal comprised the details following an outline planning permission for residential development. The proposed development was in keeping with the character and visual amenity of the remainder of the adjacent new village and was therefore in compliance with Policy WD/HO/3 of the West Deane Local Plan and Policy H1 of the Taunton Deane Local Plan Revised Deposit. The proposal and the associated unilateral undertaking provided for the erection of the shops approved under planning permission 06/2002/062 at the same time as the current proposal.

167. Construction of access road off Station Approach and Station Road in connection with development at Taunton East Goods Yard, Taunton (38/2001/402)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement undertaking to fund and build the realignment of the proposed access road to link with the access road in the approved Master Plan for the wider Firepool area, and enabling its extension to the West Goods Yard (as required for Application Ref No 38/1999/394), 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) No work shall commence on site until full constructional details in three dimensions in accordance with Drawing No HH143387/1A have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) C910B - archaeological investigation.

168. Extension to retail store, cladding of existing building and revision to parking layout at Asda Store, Creechbarrow Road, Taunton (38/2003/505)

Reported this application.

RESOLVED that subject to:-

- (1) The views of the First Secretary of State under the Departure Procedures; and
- (2) The applicants entering into a Section 106 Agreement to provide:- (i) a suitable contribution towards improvements to the Transport Strategy; and (ii) the provision of a Green Travel Plan for Asda employees, 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:-

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C206A - existing and proposed levels;

- (e) C331 - provision of cycle parking;
- (f) C324 - parking;
- (g) C737 - service yard kept unobstructed;
- (h) C918 - flood lighting;
- (i) Prior to the commencement of the development hereby permitted, the site shall be investigated for contamination and landfill gas and details shall be submitted in accordance with the relevant guidance to, and approved in writing by, the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all investigations, assessments, results and measures needed to render the development safe shall be submitted to, and approved in writing by, the Local Planning Authority before the development is implemented;
- (j) No more than 6,226m² of floor space shall be used for retail trading at any time without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised to protect the integrity of Wessex Water systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (2) Applicant was advised to agree with Wessex Water, prior to commencement on when he works on site, a point of connection on to Wessex systems; (3) Applicant was advised that means of escape in case of fire should comply with Approved Document B1, of the Building Regulations. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (4) Applicant was advised that access for fire appliances should comply with Approved Document B5, of the Building Regulations; (5) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (6) Notwithstanding the submitted details, applicant was requested to consider alternative materials which more closely reflect the existing form of the building; (7) N005 - advertisements; (8) N024 - development in accordance with approved plans; (9) N040A - drainage/water; (10) N075 - Section 106 Agreement; (11) N118A - disabled access; (12) N051B - health and safety; (13) N104 - public art).

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

The Committee was of the view that the social and economic benefits to the local Halcon area, which was a designated Enterprise Area, outweighed the concerns regarding the limited impact of the proposal on other retail centres, particularly in respect to Taunton Town Centre, and was not thought to be prejudicial to the Development Plan Strategy. Furthermore, the site was accessible to a large part of the town's catchment population and a financial contribution would be sought towards accessibility improvements in accordance with the approved Transport Strategy for Taunton. A Green Travel Plan for staff would also be required.

169. Unauthorised retention of mobile homes on land at Hyde Lane Egg Farm, Hyde Lane, Bathpool, Taunton

Reported that in 1985 temporary planning permission had been granted to position two mobile homes on land at Hyde Lane Egg Farm, Hyde Lane, Bathpool.

Permission was granted due to the proven agricultural/horticultural need for the mobile homes and over the years, the temporary permission had been regularly renewed.

However, a further application had been submitted in October 2003. Since the last renewal in 1998, the Egg Farm had ceased production and no supporting evidence to retain the mobile homes had been submitted with this latest application.

As there no longer appeared to be any agricultural need for the mobile homes, permission was refused on 1 December 2003 and enforcement action to seek the removal of the mobile homes from the land was now recommended.

Submitted details of a representation from the National Farmers Union which outlined the personal circumstances of the occupants of the mobile homes. In the special circumstances that existed, members felt that it would be appropriate to defer enforcement action.

RESOLVED that:-

- (1) The occupiers of the mobile homes be contacted and encouraged to submit a further planning application to retain the mobile homes by way of a personal permission;
- (2) The Chief Planning Officer be authorised to determine such an application as a delegated item even if representations against the application were received; and
- (3) If a planning application was not forthcoming, an Enforcement Notice seeking the removal of the mobile homes from the land at Hyde Lane, Bathpool be served.

(Councillors Henley and Vail left the meeting at 7.23 pm).

(The meeting ended at 10.06 pm).

Planning Committee - 7 January 2004

Present: Councillor Mrs Allgrove (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Bowrah, Croad, Denington, Guerrier, Henley, House, Morrell,
Miss Peppard, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp.

Officers: Mr N T Noall (Chief Planning Officer), Mr R I Taylor (Chief Solicitor) and
Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillor Bowrah arrived at the meeting at 5.35 pm).

1. Apologies

The Mayor (Councillor Govier) and Councillors Beaven, Miss Cavill and Floyd.

2. 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 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:-

38/2003/557

Redevelopment of site for residential development, staff accommodation, new school building and extension to school buildings, floodlit hard playing surface, new road junction, access and car parking on land to the south of Greenway Road, Taunton.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) C215 - walls and fences;
- (f) C206A - existing and proposed levels;
- (g) No development shall take place until a traffic signal junction on Greenway Road, generally in accordance with the attached drawing JCCI, has been completed to the satisfaction of, and in accordance with a design to be submitted and approved by, the Local Planning Authority;

- (h) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority;
- (i) Prior to the commencement of development, the details of a barrier/gate to prevent through traffic movements between the new access and College Road shall be submitted for approval to the Local Planning Authority. The said barrier/gate shall be erected prior to the use of the new access and thereafter retained;
- (j) Prior to the commencement of development, a scheme to assess the conditions, modelling and rehabilitation of the culvert passing through the development site shall be submitted to, and approved in writing by, the Local Planning Authority together with a scheme to attenuate flows upstream of Greenway Road. The said schemes shall be implemented to the satisfaction of the Local Planning Authority prior to the commencement of development;
- (k) No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be provided prior to the commencement of development. The scheme shall include long term legal and financial provision to ensure long term maintenance of volumes within the storage area;
- (l) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (m) Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the floodlit hard playing area and identify what measures, if any, might be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development works;
- (n) There shall be no lighting of the hard playing surface hereby permitted until full details are submitted to, and approved in writing by, the Local Planning Authority;

- (o) The lights for the hard playing surface shall not be used or switched on between 2200 hours and 0900 hours the following day;
- (p) The proposed lighting luminaire for the hard playing surface shall be installed and maintained in a manner which ensures that no light source shall be visible from the adjacent residential properties or highway in accordance with details approved under condition (n) of this permission;
- (q) The proposed lights shall not be commissioned until the expiration of 14 days following a notice given in writing to the Local Planning Authority. Within four weeks of commissioning, the developer shall carry out any modifications to the lights which may be found necessary following a supervised testing of the lights. During that period the lights shall remain switched off;
- (r) In the event of unacceptable light pollution being created for neighbouring residents (in conflict with the relevant CIBSE LG) the lights shall be switched off until such time as the pollution can be overcome;
- (s) The astroturf pitch (proposed under Local Planning Authority Reference 38/2003/558) shall be fully constructed and available for use within three months of the commencement of any part of the development hereby permitted;
- (t) C201 - landscaping;
- (u) Before the development hereby permitted is commenced, details of the surface treatment to the drives, parking and turning areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (v) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

(Notes to applicant:- (1) In regard to condition (n), applicant was advised that no lighting should be emitted above the horizontal, light sources should not be visible from any residential property, adopted road or footpath, no light pollution should be created and, if it was, must be resolved immediately. In addition, all external lighting should be so located, installed and permanently maintained, that inconvenience from glare, whether direct or reflected, should not be caused at any residential or other sensitive premises; (2) Applicant was advised that due to the proximity of residential properties, it may not be possible to provide a lighting scheme that will be acceptable; that is, not cause harm to the amenity of residents; (3) Applicant was advised that prior to the creation of a landscaping scheme, you should contact the Local Planning Authority's Landscape Officer to discuss the potential impact/consideration of the trees covered by Tree Preservation Orders on the site; (4) Applicant was advised to consult with the Environment Agency to discuss the requirements of conditions (j) to (l) inclusive; (5) Applicant was advised by the Local Planning Authority's Drainage Officer that the following will need to be part of the submission of drainage details:- (i) Any surface water discharges to watercourses and culverts should be limited to that which occurs naturally from the catchment and as calculated from a 1 in

1 year storm using 10% impermeability. Any excess flows should be dealt with by on-site attenuation; (ii) The design storm for any attenuation system should be for a 1 in 25 year return period storm; (iii) The Environment Agency should be approached for Consent to Discharge and for their requirements regarding oil interceptors and headwall design; (iv) Details shall be submitted of the proposed point of discharge to a watercourse together with details of the headwall; (v) The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDS) for dealing with urban run-off. It is strongly recommended that some form of SUDS be used at this proposed development; (6) Applicant was advised to investigate the use of Sustainable Drainage Systems (SUDS) for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water and include:- (a) infiltration techniques; (b) detention/attenuation; (c) porous paving/surfaces; and (d) wetlands; (7) Applicant was advised that if off-site water disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (8) N111 - disabled access; (9) N112 - energy conservation; (10) N114 - meter boxes; (11) N116 - disabled access; (12) N117 - crime prevention).

Reason for granting outline planning permission:-

The site was located in the settlement limits of Taunton where residential development was considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4. The revised proposal was considered to meet the requirements of the Taunton Deane Local Plan Revised Deposit Policies S1, H1 and C3 in that it would overcome highway concerns, nearby properties would not be adversely affected and replacement recreational facilities were proposed.

38/2003/558

Erection of astroturf all-weather pitch, associated car parking and the erection of a dwelling on land at Greenhams, Taunton.

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) The astroturf shall not be artificially lit without the prior written approval of the Local Planning Authority for planning permission, if required;
- (f) C215 - walls and fences;
- (g) C201 - landscaping;
- (h) Before any part of the permitted development is commenced, the lime tree to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing

shall be removed only when the development has been completed. During the period of construction of the development, the existing soil levels around the boles of the tree so retained shall not be altered;

- (i) C323 - parking;
- (j) The astroturf pitch hereby permitted shall be constructed and available for use no later than three months from the date of the commencement of development permitted under Local Planning Authority Reference 38/2003/557.
(Notes to Applicant:- (1) N110 - design; (2) N111 - disabled access; (3) N112 - energy conservation; (4) N114 - meter boxes; (5) N116 - disabled access; (6) N117 - crime prevention).

Reason for granting outline planning permission:-

The proposal was for the improvement of sporting facilities for the existing school playing area and conformed to the requirements of the Taunton Deane Local Plan Revised Deposit Policies S1 (general requirements) and C3 (playing field enhancement).

- (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:-

04/2003/005

Conversion of garage to granny annexe at Seaforde Grange, Dairy House Lane, Bickenhall.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;
- (c) The granny annexe hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used as a separate unit of accommodation;
- (d) C902 - alternate permissions on same site.
(Notes to applicant:- (1) N024 - development in accordance with approved plans; (2) Applicant was advised that surface water drainage needs to be kept within the site, with no outfall onto the adjoining track/footpath).

Reason for granting planning permission:-

The building to be converted to an annexe has a close functional relationship with the main house and was considered to be appropriate for conversion. Therefore, the proposal was considered to accord with Policy H20 of the Taunton Deane Local Plan Revised Deposit, subject to a condition tying the annexe to the main house.

24/2003/037

Erection of rear extension and pitched roof over existing flat roof at 2 Barcroft Crescent, Wrantage.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials.
(Notes to applicant:- (1) N024 - development in accordance with approved plans; (2) N040A - drainage/water).

Reason for granting planning permission:-

It was not considered that the proposal would significantly harm neighbouring amenity and its design was thought to be appropriate. Therefore, the scheme was considered to accord with Taunton Deane Local Plan Revised Deposit Policy H19.

38/2003/582

Change of use and conversion of former veterinary practice and ancillary accommodation to form three dwellings at Acorn Veterinary, Pool Farm, Mountfields, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C106 - second hand materials;
- (c) C110 - materials - for hard surfacing;
- (d) C111 - materials - for drives;
- (e) C112 - details of guttering, downpipes and disposal of rainwater;
- (f) C201 - landscaping;
- (g) C215 - walls and fences;
- (h) C146 - details of size, position and materials of meter boxes;
- (i) The proposed rooflights shall be of flush fitting style, fitted with the appropriate flashing to ensure that the rooflights do not stand proud of the roof plain.
- (j) Before any of the dwellings hereby permitted are occupied, all the existing buildings on the site which are no longer required shall be demolished and all materials resulting from the demolition shall be removed from the site;
- (k) P001A - no extensions;
- (l) P003 - no ancillary buildings;
- (m) P006 - no fencing;
- (n) P010 - no further windows.

(Notes to applicant:- (1) Applicant was advised to investigate the history of this site and determine the likelihood of the existence of any contamination resulting from previous use. If contamination is present, a site investigation, risk assessment and remediation strategy should be submitted to the Local Planning Authority for consideration; (2) N025 - conversions; (3) N024 - development in accordance with approved plans; (4) N025A - owls and bats; (5) N118 - disabled access; (6) N051B - health and safety).

Reason for granting planning permission:-

The buildings were of permanent and substantial construction and could be converted in accordance with Policy H9 of the Taunton Deane Local Plan Revised Deposit. The proposals would not cause any material impact upon neighbouring properties and would give rise to potentially less traffic than from the authorised use.

(Councillors Henley and Mrs Smith declared personal interests in the following application).

38/2003/636

Erection of garden shed at 78 Bacon Drive, Taunton

Conditions

- (a) C001 - time limit;
 - (b) C102A - materials.
- (Note to applicant:- N024 - development in accordance with approved plans).

Reason for granting planning permission:-

The proposal would not harm neighbouring amenity or the appearance of the street scene and therefore accorded with Policies S1 (general) and S2 (design) of the Taunton Deane Local Plan Revised Deposit.

48/2003/066T

Application to fell two ash trees, the subject of a Tree Preservation Order at 6 Thornash Close, Monkton Heathfield, at the rear of the property on the boundary.

Conditions

- (a) C019 - time limit;
- (b) The stumps shall not be removed or damaged and any regenerating growth from the stumps or other parts of the hedge shall be retained. In the future, stems would need to be selected to become the new hedgerow tree(s).

52/2003/057

Retrospective application for wall/fence combination at 18 Scaffell Close, Taunton.

Reason for granting planning permission:-

The proposal did not adversely affect visual amenity and accordingly did not conflict with Policies S1 and S2 of the Taunton Deane Local Plan Revised Deposit.

- (3) That the following application be **withdrawn**:-

42/2003/044

Enlargement of existing garage with first floor extension above at 8 Orchard Close, Trull.

3. Demolition of Blagdon Lodge and erection of "Retirement Village" comprising 74 apartments, 11 cottages, 11 bungalows and 1 unit from the converted Coach House at former Princess Margaret School site, Middleway, Taunton (38/2003/549)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by 18 February 2004 relating to the provision of:-

- (i) A suitable level of affordable housing;
- (ii) A cycle-link; and
- (iii) An age restriction to ensure occupants of the Retirement Village were 55 years old and above, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:- (a) C001 - time limit; (b) C101 - materials; (c) C201 - landscaping; (d) C208A - protection of trees to be retained; (e) C215 - walls and fences; (f) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority; (g) C301 - highways - in accordance with the County Highways Authority's booklet; (h) C146 - details of size, position and materials of meter boxes; (i) C910B - archaeological investigation; (j) C926B - remediation investigation/certificate; (k) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed. (Notes to applicant:- (1) Applicant was recommended to investigate the use of Best Management Practices for drainage on this site, in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water and include:- (i) infiltration techniques; (ii) detention/attenuation; (iii) porous paving/surfaces; and (iv) wetlands; (2) N024 - development in accordance with approved plans; (3) N118A - disabled access; (4) N104 - public art; (5) N051B - health and safety).

Reason for planning permission, if granted:-

The site was suitably located for the type of development proposed in terms of its design, form and density and would not adversely affect existing dwellings surrounding. The proposal satisfactorily complied with Taunton Deane Local Plan Revised Deposit Policies S2, H12 and EN7.

(The meeting ended at 6.46 pm).

42/2003/046CA

SOMERSET REDSTONE TRUST

**DEMOLITION OF BUILDINGS, GATCHELL HOUSE, HONITON ROAD, TRULL AS
AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003**

21250/22118

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

I recommend that Conservation Area Consent for the demolition of buildings be GRANTED subject to the following condition:-

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

REASON(S) FOR RECOMMENDATION:- The buildings are of limited interest and their removal does not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

42/2003/047CA

SOMERSET REDSTONE TRUST

DEMOLISH FORMER SQUASH CLUB BUILDINGS, OUTBUILDINGS AND WALLS, GATCHELL HOUSE, HONITON ROAD, TRULL AS AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003

21253/22078

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990

REASON(S) FOR RECOMMENDATION:- The buildings are of limited interest and their removal does not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

42/2003/048

SOMERSET REDSTONE TRUST

ERECTION OF EXTENSION TO GACHELL HOUSE IN THE FORM OF AN 'ORANGERY' AS A MEETING ROOM TO SERVE ELDERLY PERSONS DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PLANNING PERMISSION NO. 42/1999/010 AT GACHELL HOUSE, HONITON ROAD, TRULL AS AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003

21253/22078

FULL

1.0 **RECOMMENDATION**

Subject to the receipt of revised drawings amending the proportions of the openings proposed, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A) .
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

Notes to Applicant

- 01 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and

principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).

- 02 You are asked to contact Wessex Water, Waste Water Services, Riverside, Chilton Trinity, Bridgwater, TA6 3JS, to ensure that the works you propose do not involve building over a public sewer.
- 03 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 04 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.

REASON(S) FOR RECOMMENDATION:- The proposal respects the character and appearance of Gatchell House and will not have any adverse impact on the surrounding area. The proposal therefore accords with Taunton Deane Local Plan Revised Deposit Policy EN15.

42/2003/049

SOMERSET REDSTONE TRUST

ERECTION OF 28 APARTMENTS/COTTAGES FOR THE ELDERLY AND DISABLED, THE CONVERSION OF PART OF GATCHELL HOUSE TO PROVIDE SUPPORT ACCOMMODATION, ERECTION OF EXTENSION TO GATCHELL HOUSE IN THE FORM OF AN ORANGERY AS A MEETING ROOM TO SERVE THE PROPOSED APARTMENTS/COTTAGES AT GATCHELL HOUSE, HONITON ROAD, TRULL

21251/22079

FULL

1.0 **RECOMMENDATION**

Subject to the receipt of revised drawings amending the proportions of the openings to the orangery and the applicants entering into a Section 106 by 18th February, 2004 restricting occupancy to elderly or disabled persons, provision of 7 social housing units and financial contribution of £80,000 towards squash facilities/development of if such cannot be provided within two years, towards other forms of sports/recreation facilities the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

- 05 (i) Before any part of the permitted development is commenced, a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 06 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 07 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 08 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 08 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

- 10 No windows other than those shown on the plans hereby approved shall be constructed in any wall of the buildings which abuts the boundary with Gatchell Meadow without the prior written consent of the Local Planning Authority.
- 10 Reason: To maintain the privacy of adjoining occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 11 There shall be no obstruction to visibility greater than 300 mm above the adjoining road level in advance of lines drawn 4 m back from the carriageway edge on the centre lines of the access and extending to points on the nearside carriageway edge 70 m either side of the access. Such visibility splays shall be fully provided before any of the accommodation hereby approved is first occupied and shall thereafter be maintained at all times.
- 11 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 The access road shall not be less than 5 m in width over the first 25 m of its length.
- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 A radius of not less than 6 m shall be provided on the southern side of the access road junction with the Honiton Road and a radius of not less than 12.5 m shall be provided on the northern side.
- 13 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 Development shall not begin until full details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread plus 25% of the American Oak situated to the east of Gatchell House are submitted to and approved by the Local Planning Authority. The above details shall include an investigation and assessment to identify the extent of any damage or disturbance which may be caused to the root system and the measures to be taken to avoid any damage which is likely to affect the American Oak when the site is developed. Development shall not commence until the measures approved in the details submitted have been implemented.
- 14 Reason: In the interests of preservation of the American Oak tree in accordance with Taunton Deane Local Plan Revised Deposit Policy EN5.
- 15 Details of proposals to ensure protection of bats shall be submitted to and approved by the Local Planning Authority before any works commence and any resulting measures shall be implemented in accordance with an agreed programme.
- 15 Reason: To ensure the development does not harm protected species in accordance with Taunton Deane Local Plan Revised Deposit Policy EN4a

Notes to Applicant

- 01 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 02 You are asked to contact Wessex Water, Waste Water Services, Riverside, Chilton Trinity, Bridgwater, TA6 3JS, to ensure that the works you propose do not involve building over a public sewer.
- 03 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.
- 04 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 05 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 06 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises. Monday - Friday 0800 - 1800; Saturdays 0800 - 1300. At all other times, including Public Holidays there shall be no noisy works.

1.0 **APPLICANT**

Somerset Redstone Trust

2.0 **PROPOSAL**

Applications 42/2003/046CA and 42/2003/048 relate to the demolition of outbuildings to the rear of Gatchell House itself and the erection of an extension in the form of an 'orangery' to provide communal facilities to serve the twelve elderly persons dwelling which have planning permission in the walled garden.

Applications 42/2003/047CA and 42/2003/049 relate to the demolition of the former squash club buildings to accommodate a further twenty-eight sheltered units, together with the 'orangery' extension.

The buildings are generally two-storey in height with eaves level reduced to allow provision of dormers.

APPENDIX A comprises the submitted planning statement.

APPENDIX B comprises the submitted architectural design statement.

APPENDIX C comprises a Landscape Design Report.

APPENDIX D comprises the conclusion of a report on the impact upon squash.

APPENDIX E Appeal Decision Letter dated 21st May, 2002.

APPENDIX F Local Plan Inspector's conclusions on allocation of site

4.0 **THE SITE**

Gatchell House lies to the south of Taunton on the Honiton Road, just north of Staplehay. The entire site lies within the Trull Conservation Area and the trees along the road frontage are covered by a Tree Preservation Order. The site comprises Gatchell House, which is currently used as offices by the applicants, together with the adjacent former squash and fitness club, which comprises a mix of traditional and modern utilitarian buildings. Forward of the squash and fitness club buildings are a parking area and two outdoor tennis courts. To the rear lies a walled garden with a range of outbuildings along the northern boundary wall. The site lies within the settlement limits of Taunton.

5.0 **RELEVANT PLANNING HISTORY**

30/1976/018 Erection of building containing six squash courts and conversion of existing stables to club house. Outline permission granted 13th January, 1977.

30/1977/012 Detailed permission granted for the above, 26th August, 1977.

30/1982/020 Erection of kitchens and bar extension and extension to car park. Granted conditional planning permission 28th September, 1982.

42/1987/007 Erection of tennis netting and floodlighting. Granted conditional planning permission 2nd June, 1987.

42/1990/009 Erection of two-storey extension to sports club. Granted conditional planning permission 23rd March, 1990.

42/1992/003 Erection of two dwellings and garages within the walled garden. Refused permission 13th March, 1992. Subsequent appeal was dismissed.

42/1992/024 Erection of two storey extension to changing rooms. Granted conditional planning permission 28th July, 1992.

- 42/1999/010** Erection of extension to health club, erection of twelve elderly persons dwellings with care facilities and change of use of existing house to provide offices, communal facilities and treatment rooms. The proposal involved the loss of one of the tennis courts. Conditional planning permission granted 19th January, 2001.
- 42/1999/011CA** Conservation Area consent granted 15 July 1999 for demolition of two outbuildings. Partial removal of kitchen garden wall and realignment of walls to house, garden and boundary.
- 42/2000/036CA** Conservation Area consent refused 30th October, 2000 for demolition of squash courts and annex buildings.
- 42/2000/039** Erection of 36 dwellings for elderly, provision of 2 wardens accommodation in former barn and conversion of main house to ancillary communal facilities. Refused 30th October, 2000.
- 42/2001/022CA** Conservation Area consent refused 17th October, 2001 for demolition of squash court and annex building. Appeal dismissed on 21st May, 2002.
- 42/2001/023** Erection of 36 dwellings for elderly persons, provision of 2 units of warden's accommodation in former barn and provision of hydro-therapy pool and conversion of main house to ancillary communal facilities with demolition of squash court buildings. Refused 17th October, 2001. Appeal dismissed 21st May, 2002. Appeal decision at Appendix E.
- 42/2002/057** Erection of 45 dwellings/apartments for the elderly and disabled, conversion of part existing house to provide support accommodation, together with rear extension accommodating health facilities. Refused 10th March, 2003. Appeal lodged and held in abeyance pending outcome of current application.
- 42/2002/058** Demolition of former squash club buildings, outbuildings with walled gardens, together with other walls and enclosures. Refused 10 March 2003. Appeal lodged and held in abeyance pending out come of current application.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review 2000

Policy STR1 Sustainable development

POLICY 37

FACILITIES FOR SPORT AND RECREATION WITHIN SETTLEMENTS

Provision should be made for the protection, maintenance and improvement of the range of facilities for sport and recreation, where they are compatible with the size and function of the Settlement involved. New developments which would generate substantial transport movements should be accessible by public transport.

Policy 39 Transport and development

Taunton Local Plan

Policy H4

Policy EC9

Taunton Deane Local Plan Revised Deposit

Policy H1 Housing with classified settlements

Policy H11 Affordable Housing

Policy H12 Affordable Housing with general market housing

Policy EN15 Conservation Areas

Policy EN16 Demolition affecting Conservation Areas

Policy C3

Proposals involving the loss of recreational open space, including allotments, public, private and school/college playing fields, sports grounds and children's play areas will not be permitted unless:

- (A) there is an excess of good quality recreational open space of the type which would be lost, sufficient to meet local demand; or
- (B) the proposed development provides recreational or community benefit greater than the long term recreational value of the open space that would be lost; or
- (C) equivalent provision in a convenient location is made to at least an equal standard and with equal community benefit; or
- (D) in the case of school or college playing fields only: the land is needed for development of school buildings and/or associated facilities, and adequate playing fields to meet statutory requirements would be retained or provided.

T25 The following sites as shown on the proposals map are allocated for residential development:

Site	Site Area (hectares)
A Hamilton Road	0.6
B Princess Margaret School, Middleway	1.4
C St.James Street Garage	0.2
D Wheatley Crescent	0.4
E The Avenue/Chip Lane	0.3
F Sherlands, Stonegallows	1.1
G Somerset Place	0.7
H Cheddon Road	0.2
I Dabinett Close, Norton Fitzwarren	0.3
K 52/55 Upper High Street	0.03
L Gatchell House, Trull	1.5

Gatchell House, Trull

8.172

An allocation which can provide larger style houses in a popular area of Taunton, or alternative smaller units of accommodation such as for the elderly. The site comprises the immediate grounds to Gatchell House, a substantial Victorian dwelling. The site is current used as part of the “Gatchell House Squash and Country Club, with facilities such as tennis and squash courts. Other elements to the site include an orchard and walled garden. The current access to the site is via the Honiton Road, a frontage which has a substantial group of protected trees. However, this access may be inadequate to serve a larger development. The continual protection of the tree group may necessitate that any new access arrangement is made via Gatchell Meadow, a small modern housing development to the south of the site. The northern and western boundaries of the site comprise open areas of countryside. Gatchell House maybe suitable for conversion to flats, but the house and its immediate frontage are excluded from the allocation, because they add substantially to the quality and distinctiveness of the local environment. The site meets the criteria set out in policy H12 for the provision of affordable housing. No unusual costs are likely to be associated with the development of the site so the Borough Council will seek provision of 40% of the site as affordable housing in accordance with the definition set out in policy H11. To meet the assessed need as set out in paragraphs 3.44 - 3.45, the priority should go towards the provision of social housing. Part of the site has planning permission, subject to the completion.

The Local Plan Inspector’s conclusions in respect of this allocation as Appendix.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 General Policy and Principles

Paragraphs 4 - 7

Paragraph 24

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

- to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;
- to make effective use of land within urban areas, by allocating the maximum amount of housing to previously-developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns;
- outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including leisure, shopping, education and health facilities;
- to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and
- to ensure that housing is available where jobs are created.

Paragraph 32

Paragraphs 47 - 49

PPG 3 Housing

Paragraph 11

Local authorities should take account of assessments of local housing need in determining the type and size of additional housing for which they should plan. They should assess the composition of current and future households in their area, and of the existing housing stock, and formulate plans which:-

- secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of

households in their area in the light of the likely assessed need;

- encourage the provision of housing to meet the needs of specific groups (see paragraph 13);
- avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes;
- promote improved quality of developments which in their design, layout and allocation of space create a sense of community; and
- introduce greater flexibility in the application of parking standards, which the Government expects to be significantly lower than at present.

Paragraphs 14 - 17

Paragraph 38

Paragraph 54

Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.

Paragraph 56

Paragraphs 57

Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a

site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided.

Paragraph 58

Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

PPG 15 Planning and the Historic environment

Paragraphs 2.12 - 2.14

Paragraphs 3.6 - 3.19

Paragraphs 4.14 - 4.15

Paragraphs 4.16

Many conservation areas include the commercial centres of the towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest.

Paragraph 4.17

Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a

larger whole which has a well-established character and appearance of its own.

Paragraph 4.19 The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

Paragraph 4.20 As to the precise interpretation of 'preserve or enhance', the Courts have held (*South Lakeland DC v Secretary of State for the Environment*, (1992) 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

Paragraphs 4.26 - 4.29

PPG 17 Planning for Open Space, Sport and Recreation

Paragraph 10 Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them. Paragraph 15 below applies in respect of any planning applications involving playing fields.

- Paragraph 11 Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include: -
- i. small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities;
 - ii. areas of open space that provide a community resource and can be used for informal or formal events such as religious and cultural festivals, agricultural shows and travelling fairs. Travelling fairs may also require suitable winter quarters (DoE Circular 22/91 refers); and
 - iii. areas of open space that particularly benefit wildlife and biodiversity.
- Paragraph 12 Development of open space, sports or recreational facilities may provide an opportunity for local authorities to remedy deficiencies in provision. For example, where a local authority has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit.
- Paragraph 13 Equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

8.0 **CONSULTATIONS**

County Highway Authority

“The Planning Officer will be well aware of the previous correspondence culminating in a letter to you dated 10th January, 2003 on application 4/42/2002/057. The comments in that letter are equally applicable to the present application in terms of the Advanced Payments Code and the requirement of conditions. Should the Planning Officer wish to clarify any matters regarding conditions please do not hesitate to ring me on the above extension.”

10th January, 2003

“The Planning Officer will be well aware of the previous correspondence on this site, culminating in my letter to you dated 23 January 2002 a copy of which is attached.

The present scheme differs significantly to those previously submitted in that the alternative road alignment mentioned in my letter of 23 January 2002 is now unable to be provided due to the revised layout of the dwellings.

On the basis that the dwellings will always remain with the Trust and not be individually offered for sale on the open market. It is unlikely that the Developer will be required to deposit money under the Advance Payments Code. However it is essential that the construction specification for the access roads and footpaths is to such a standard so as to ensure that they do not become in so unsatisfactory a state that it requires the Highway Authority to use private street works powers to rectify the situation. In addition a long term and Enforceable Management Agreement must be in place to secure the future up keep of this private street.

The Highway Authority raises no objection to the development subject to conditions being attached to secure the improvements to access and visibility previously requested. I enclose a sketch showing a minor amendment to the footway on the north side of the access which will achieve an improved pedestrian/vehicular inter visibility at the access. The Developer will be required to contact the Highway Authority prior to commencing the works relating to the access radii, dropped kerb crossing and visibility splays.”

County Archaeologist

“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.”

Wessex Water

“The development is located within a foul sewer area. It will be necessary, if required, for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

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

English Heritage

“English Heritage has always considered the prime view of Gatchell House and its setting to be from the north where it is seen in largely open country against a background of trees. This scheme deletes some of the extensions previously proposed to east and west of the main new block in other recent iterations, and the view from the north is therefore considerably improved. We have also previously drawn attention to the need for any new scheme to address the comments of the inspector in dismissing the previous appeal on the design aspects of the new build. The removal of these extensions has reduced the overall scale and massing of the new build and therefore, unlike the previous proposals, this scheme does not appear to be so obviously in conflict with the comments in that appeal decision.

The report on the stables now contains further details since I commented in August 2003. That further information is useful and gives a more comprehensive picture of the building than was available previously. I am satisfied on this basis that its previous conversion and partial rebuilding has significantly compromised the building and I have no objection to its removal subject to suitable recording.

As stated previously, I have no objection to the addition of the extension to Gatchell House (termed 'orangery') of the size and broad design approach shown. However it is important that the detailed design and build quality reflects that of the main house and I trust you will therefore ensure that suitable details at a larger scale are forthcoming.

I note that the walled garden is not included here and on the basis that its enclosing walls are retained I have no comment on this aspect.

However I would wish to raise one further matter in relation to this site. I understand that the inspector's report into the local plan inquiry has recently become available and recommends the allocation of a total of 20 residential units on this site, where previously no number was specified. Twelve units have already been approved in the walled garden and bearing that in mind, the present proposal appears at variance with this recommendation, even allowing for the fact that these are elderly or disabled units rather than conventional housing. I appreciate that your Authority will not yet have taken any decision in relation to the inspector's inquiry report, but given the 'plan-led'

system in operation, I trust you will give this recommendation due weight in considering the latest scheme.”

English Nature

“As I wrote in my letter 13th January, 2003 Panscape Environmental Consultancy surveyed Gatchell House for bats in August 2001. Although bats were seen no evidence could be found to indicate that bats roosted in the building, however, that was over two years ago.

As you know, it states in Planning Policy Guidance: Nature Conservation (PPG9) that the presence of a protected species is a material consideration when a local planning authority is considering a development that, if carried out, would be likely to result in harm to the species or its habitat. Therefore to fulfil this statutory function English Nature would advise that you should ask the developer to employ a wildlife consultant to undertake an up to date survey of the buildings before this application is determined.”

Further comments awaited following receipt of bat survey.

Sport England

“Firstly I would emphasise that Sport England remains of the view that the closure of the Gatchells club has had a substantial adverse impact on competitive and youth squash in the area, and hence compensatory provision for this loss should be secured as part of any planning application that is granted. In the absence of adequate compensatory provision being secured, in line with para 13 of PPG 17, then our policy stance would be to continue to oppose the redevelopment of the site.

Sport England welcomes the review, undertaken by Leisure Domain, of the impact on squash and options for rectification. Our comments on the recommendations of the report are set out below:

Wyvern Club

We note the recommendation in the Leisure Domain report that the only option that is considered to be viable and which is also provisionally acceptable to the community is relocation to the Wyvern Club, and in principle Sport England would support this option. In relation to this there are two key issues I would wish to comment on as follows:-

1. New build and/or refurbishment:- I note that the Gatchells Club feel that refurbishment and new build is essential (thus providing a three court complex), and that sports development is of secondary importance. Whilst two courts would be the minimum requirement to enable matches to be played, in my view three courts would be far more preferable where a club has more than one team. This would enable two teams to play matches concurrently, which is often the requirement of a successful club. I understand that Gatchells currently has 4 teams playing in the Somerset League. Three courts

would also enable the hosting of squash events (eg an inter-county tournament), and also better enable coaching and other squash development to take place, as was the case at Gatchells House when the club were based there. Therefore it is Sport England's view that the new build option, together with some improvements to the existing courts, should be pursued if the Wyvern Club option is to meet the requirement of para 13 of PPG 17.

2. Access to Gatchell Club members:- It is essential that an agreement is reached with the Wyvern Club to allow sufficient access to the facilities for Gatchell members, and that such an arrangement allows for the growth of the club in the future. This would be in line with para 13 of PPG17 in respect of being accessible to 'current and potential new users'. Built into any such agreement should be confirmation that the club will be able to 'block book' sufficient court time for club matches and coaching sessions, as well as the occasional larger event.

Sports Development Option

I note the comments in the Leisure Domain report that "refurbishment alone coupled with some revenue commitment to squash development would be the most effective solution". However, in my view priority attention should be given to resolving the issue of capital works to enable relocation of Gatchells Club to the Wyvern Club. In the light of the need to provide a three court complex (as discussed above), I would not support pursuing the 'development officer' option at this stage.

Section 106 Planning Obligation

Clearly the logistics of the Trust entering into a legal agreement, and with whom, will require further attention. Ideally the agreement should require a sum of money to be paid to the Wyvern Club, who in turn would be required to undertake agreed capital works and agree access arrangements for Gatchell members (and potential future members).

In the light of the above comments, I can confirm that Sport England wishes to continue to object to the redevelopment of the Gatchell House site. However, our objection could be overcome if a satisfactory legal agreement is reached, which secures satisfactory compensatory provision for squash, as outlined above."

Fire Officer

"1. Means of Escape

1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2. Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

2.2 It would appear from the plans supplied that the access drive is unlikely to meet the Standard required in B5. I attach a copy of the minimum vehicular requirements.

3. Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Landscape Officer

“I think the scheme works well in integrating the proposed apartment/cottages into the Conservation Area both from Trull Road and Dipford Lane. I think the increase in space and entranceway to the site from Trull Road works well and in landscape terms forms a better setting for the proposed buildings than previous schemes.

Details of tree works and landscape proposals will be required in due course.”

Conservation Officer

Does not object to the proposal in principle, but has requested amendments to fenestration to orangery.

Housing Officer

“We would expect 7 social housing units on this site at nil subsidy levels. Would prefer this company to work with a QHP Housing Association, but understand they may wish to rent out these units themselves with the Council nominating tenants directly.”

Forward Plan & Regeneration Officer

No objection in principle. The site falls within the defined settlement limit of Taunton ('Associated Settlement', policy T1 applies) and the Local Plan Inspector recommended that the site be included as a specific allocation (policy T25L).

I note that the applicant is willing to contribute to affordable housing requirements (policy H12) and a commuted sum towards sports provision resulting from the loss at Gatchell (policy C3). This is supported. The submission also appears to better address the concerns of the previous application, dismissed on appeal, regarding overall layout and design within the Trull (village) Conservation Area, consistent with policies S2 and EN 15.

Drainage Officer

“I note that soakaways are the chosen method for disposal of surface water for this development. I have doubts if this method will work here as problems were encountered in the adjoining development at Gatchell Meadow when a piped attenuation scheme was installed.

I feel a condition that an acceptable and agreed method of surface water treatment be agreed before any works commence on site.

I suggest the applicant contacts this office to discuss this at their earliest convenience.”

Leisure Development Manager

“Overall, I would not want to become the fund holder for money which has such strings attached to it that we end up never being able to spend it. I assume this is why Wyvern Club do not wish to accept the money directly - fear that it won't be enough to deliver what is expected I would be much happier to receive the money with a more open rider on it - that we can use it to respond to a proven sports-need in the local community if the squash is not identified as a priority . We are about to commission a sports strategy to identify local needs and thus the services and facilities needed to fulfil those needs. This will be completed by the summer in order for our Leisure TRUST to go forward. I would want to hold the final decision on the use of the money pending that piece of work and its identified priorities for the local community

On the report I comment as follows:-

The report identifies a surplus of courts for squash in the area and a low and declining level of demand for the sport. If we bow to Sport England's pressure to replace the squash provision despite the known decline in the sport, it would therefore seem sensible for the applicant to be expected to pay for an upgrade existing courts not provide new ones. This is what is proposed in the report, but I am not happy with the proposed location at the Wyvern Club unless it relaxes its membership rules and signs a binding agreement not to fetter the membership of the Squash Club in any way.

The crucial question here is whether we should expect the applicant to replace the squash provision for the membership of Gatchell Squash Club only (which Wyvern would allow) or to be providing a facility at a location that is accessible by all members of the public? There is a telling comment in the last paragraph (7.3) of the report where the report proposes that a combination of refurbishment of the 2 existing courts at Wyvern Club plus a squash development programme as the best option, but hte squash club members consider that development of the sport is not important and want teh refurb plus an additional court that the SRA consider is not essential for a club to operate. If we go down the Wyvern route, we should require the squash club to develop an inclusive sports development policy with our sports development officer and the local squash development officer.

The report assesses all the local squash provision and dismisses two existing facilities with publicly accessible facilities as unsuitable for investment - YMCA and Blackbrook Pavilion. The YMCA could be investigated in more depth as a possible location for investment and the comments about the Blackbrook that it is not available at times suitable for club play and has no atmosphere need some explanation for me to accept that this site is not suitable for the investment before we finally decide on the Wyvern.

However if the Wyvern is found to be the preferred option and the Council is to act as an intermediary for the money, there will be a cost for administering this and we would want to satisfy ourselves as to the costings that have been provided by a 3rd party for the works to the courts at the Wyvern which I have not seen. The comment in the report (6.2.2.) that the work would be undertaken by the club to avoid VAT and by artisan members to keep costs down concerns me greatly.

The Council needs to allow its QS to check the sums of money proposed for the project are sufficient to deliver the project and it will also require a fee to undertake the design, CDM, planning and other project management costs associated which could be as much as 15% of the capital project costs.”

Parish Council

The Council considered the applications in detail on 12th January 2004, with some 56 Parishioners present. It was resolved to OBJECT to the proposals for the following reasons:-

1. Matters relating to PPG17 Planning Policy Guidance have not been fully addressed.
2. The proposed number of units exceeds the number indicated by the Inspector in the Local Plan Enquiry.
3. Priority should be given to accommodation for young, local families.
4. No meaningful attempt by Somerset Care Trust to reinstate the loss of the sport and leisure facilities.
5. The application does not appear to have the support of the community as a whole

9.0 REPRESENTATIONS

24 letters of support

20 standard letters of support with no addresses.

40 letters and e-mails (4 of which are addressed to the chair) objecting on the following grounds:-

1. Inappropriate location for elderly persons accommodation due to lack of local facilities.
2. Loss of sporting facility.
3. Demand remains for sports facility.
4. Increased traffic congestion caused by former club members accessing other facilities elsewhere.
5. Loss of community facility.
6. School of Dance has suffered due to enforced re-location.
7. Will create parking and access problems.
8. Public opinion is against.
9. Still interest from leisure providers to re-open and operate.
10. Compromise could still be achieved.
11. Application not in keeping with Trull as a village community.
12. Over development of the site.
13. Closure of the club has had detrimental impact on squash in Taunton.
14. “from the perspective of the governing body, the favoured option remains the refurbishment of the courts- or new build to enable the satisfactory rehousing of former Gatchell members under one roof” (England Squash)
15. Devaluing of houses in Gatchell Meadows.
16. 55 is too young to be classified ‘Elderly persons housing’.
17. Flats do not complement listed house.
18. There will be no demand for the accommodation.

10. **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal meet the requirements of the Local Plan housing policies? HOUSING POLICY
- B. Does the proposal provide adequate compensation for the loss of sporting facilities? SPORT AND RECREATION PROVISION

- C. Does the proposal have an adverse impact upon Gatchell House and preserve or enhance the character of the Conservation Area? IMPACT OF DEVELOPMENT
- D. Is this a sustainable location of this form of development? SUSTAINABILITY.

A. Housing Policy

The site was allocated for residential development in the Taunton Deane Local Plan, although it was proposed to delete the allocation, the Inspector rejected this and reconfirmed the allocation. The principle of residential development here is therefore accepted, a view endorsed by both the Local Plan Inspector and the earlier appeal inspector who concluded specifically that the site is acceptable as a location for elderly persons dwellings, (Appendix E paragraph 26). The Council's Housing Needs Survey identifies a need for additional elderly persons accommodation, and particularly for the 80+ cohort. The principle of this form of development is therefore now established in policy terms. The applicants have indicated a willingness to provide an additional unit of affordable housing in lieu of the contribution to sports provision should the Council so wish. The scheme already meets the requirements of the Council's Housing Officer.

B. Loss of Sporting Facilities

On this issue the earlier inspector concluded (paragraph 49) that 'even if the site were to be sold, and despite the undoubted commitment and enthusiasm of local residents, it is unlikely that a commercial leisure operator or a non-profit group would succeed in buying the property, reopening and running the club in a manner similar to its former state'. This view is reinforced by the subsequent closure of the Presidents Health Club at Henlade citing increased competition from town centre Health and Fitness Clubs as the cause. The Committee has granted permission for the conversion of this property for residential use. At the appeal the Inspector concluded that the contribution of £25,000 would be appropriate towards compensatory provision for competitive squash. Notwithstanding this, taking on board the views of both Sport England and the Council's Sports Development Officer the applicants have been persuaded to increase their contribution to £80,000 based upon an assessment of the cost of providing an additional court and refurbishing the two existing courts at the Wyvern Club (this sum would not cover VAT and professional costs). However it is understood that the Wyvern Club will only agree to this suggestion if the applicants fund and construct the works and meet the full costs (including VAT and professional fees). The applicants say that £80,000 is the maximum they can offer and they do not wish to be responsible for the construction contract as this is beyond their operational remit. I therefore recommend in line with the comments of the Council's Leisure Development Officer i.e. that the Council uses its best endeavours to use the money to improve squash facilities/development over a 2 years period and if there should prove to be no demand the money be used to improve other sports or fitness facilities in the locality.

C. Impact of Development

The reason the previous proposal was dismissed at appeal was that (Appendix E paragraph 60) “the effects of the proposed development would cause serious harm to the character and appearance of the village Conservation Area”. The Inspector felt (paragraph 51) that the long blocks would form an inappropriate mass and an uncharacteristic and unfortunate backdrop to Gatchell House. He went on in paragraph 52 to suggest that “there would be insufficient variety of form and detail in the appearance of the buildings’ and that ‘the scheme fails to project any quality of local distinctiveness. The design as a whole is not of a quality appropriate to its conservation area location. It reflects neither the urbane rectitude of Gatchell House and its annex, nor the rustic qualities of the old stable buildings and nearby walled garden.” The determination of this revised application therefore hangs on an assessment as to whether the applicant has satisfactorily overcome these issues. English Heritage now appear to be of the view that these earlier concerns have been overcome and that the proposal is no longer in conflict with the Inspector’s assessment. In terms of the issue of numbers raised by English Heritage, they are referring to the figure of 20 units in the Local Plan. However, this is a nominal figure for the purposes of assessing the overall housing requirement and is not specific to any particular type of housing and certainly should not be seen as a maximum figure. This is reaffirmed by the Local Plan Inspector himself who concludes in paragraph 3.11.4.8 of his report that “They key question at Gatchell relates to the form of the development” and in paragraph 8.136.4. and he refers to the key issues being the production of a suitable development in the context in particular of the Conservation Area”. As English Heritage now seem satisfied in respect of this latter requirement, the question of numbers is not therefore a relevant issue. I strongly contend that subject to the amendments to the ‘Orangery’ suggested by the Conservation Officer, the proposal now submitted will preserve and enhance the Conservation Area in accordance with relevant development plan policies.

D. Sustainability

Sports facilities such as those that were provided at Gatchell House are, in sustainability terms, best located in town centre locations or close to public transport, where accessibility by a variety of modes of transport can be maximised. Whilst the closure of the club has meant that members who are residents of Trull have had to travel further to other sports facilities in the town, it has inevitably also meant less travel movements to Trull from those living elsewhere. The loss of the club has been balanced by the provision of new sports and fitness facilities elsewhere in the town e.g. Fitness First at Creech Castle, Esporta at East Reach and the new Wellsprings Centre.

The use of the site for residential purposes, particularly in the form of sheltered accommodation, will reduce the overall number of car movements compared with the previous use.

The site is within the urban limits of Taunton and generally accessible to local facilities.

11.0 **SUMMARY AND CONCLUSIONS**

Gatchell House Squash and Fitness Club clearly provided a useful facility for a large number of people and a diverse range of groups. However no evidence has been submitted which could lead to a different conclusion from that of the appeal Inspector i.e. that notwithstanding the outcome of this application, there is little or no likelihood of the club reopening.

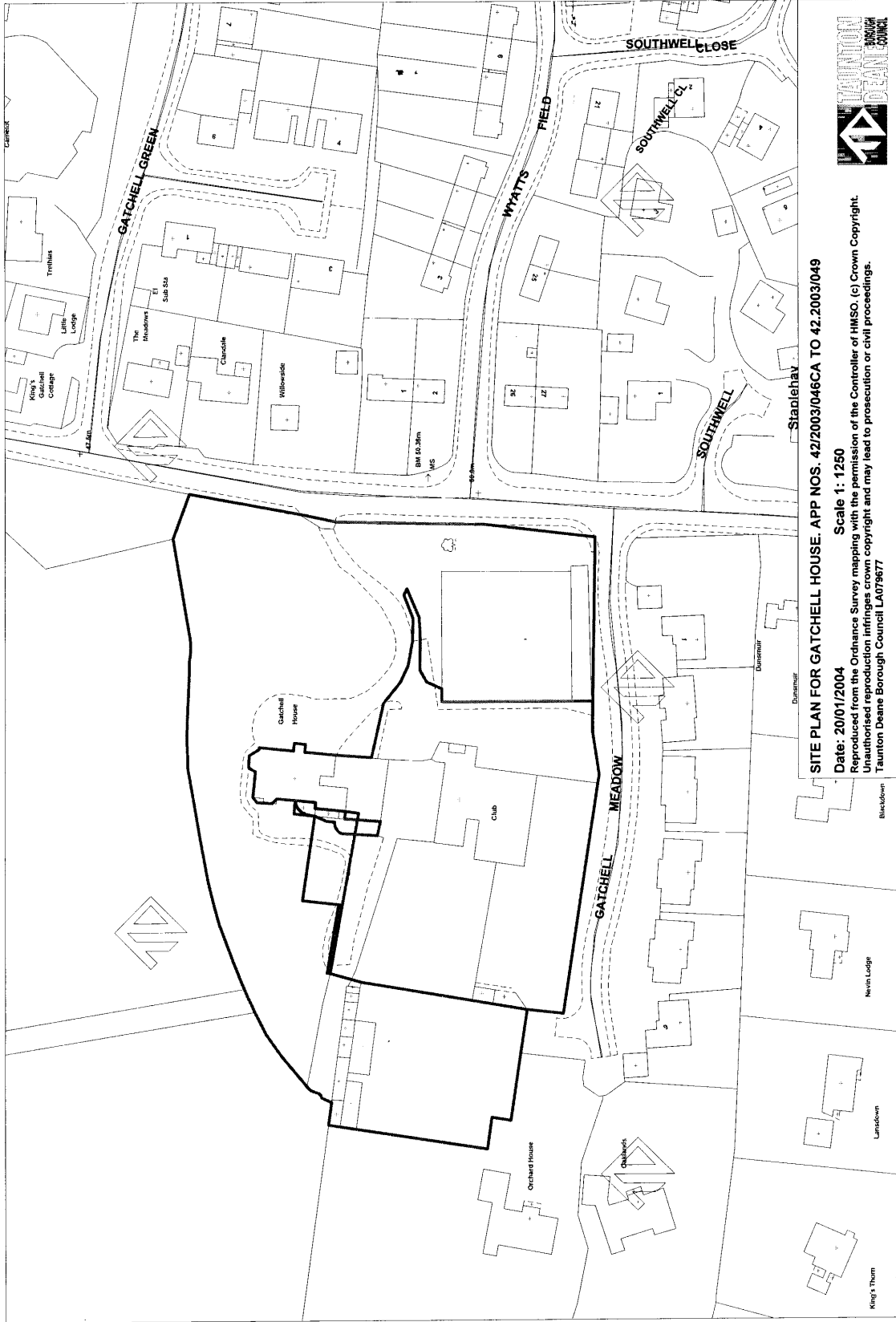
The site is suitable for residential use and more particularly for elderly persons accommodation. Appropriate provision of affordable housing is being proposed. The site is allocated for housing in the Taunton Deane Local Plan and Section 54A of the Town and Country Planning Act 1990 requires that development be determined in accordance with the development plan.

The applicant have addressed previous concerns in respect of mass, form, detailed design and impact upon the Conservation Area. English Heritage no longer object to the proposal. Overall it is concluded that the scheme is appropriate in terms of preservation and enhancement of the conservation Area, bearing in mind the need to provide densities that accord with the requirements of PPG 3.

I recommend that subject to the receipt of revised drawings amending the proportions of the openings to the 'Orangery', and the applicant entering into a Section 106 Agreement by 18th February, 2004 restricting occupancy to elderly and disables persons, provision of 7 social housing with and a financial contribution of £80,000 towards squash facilities and development or, if such facilities/development cannot be provided within a reasonable period of time (say 2 years), other sports/fitness facilities planning permission should be granted. I also recommend that subject to revised drawings amending the proportions of the openings to the 'orangery' planning application no 42/2003/048 be granted together with Conservation Area Consent for demolition of buildings.

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

CONTACT OFFICER:- Mr T Burton Tel: 356464



SITE PLAN FOR GATCHELL HOUSE. APP NOS. 42/2003/046CA TO 42.2003/049

Scale 1: 1250

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 Taunton Deane Borough Council LA079677



09/2003/010

MR AND MRS BLACKMORE

**CHANGE OF USE OF BARN TO DWELLING AND ASSOCIATED GARAGING,
ROWLANDS BARN, CHIPSTABLE.**

03234/27039

FULL PERMISSION

PROPOSAL

The proposal is to convert a disused barn into a dwelling, with garage and garden. The barn is partly constructed of stone with some cob at high level, but has much recent block work filling, including the gable wall of the east elevation. There have also been recent blockwork extensions to the barn on the east and north elevation. The proposal also includes the erection of a first floor extension on the south elevation. Materials to be stone as existing and some render, timber windows, and a slate roof.

A structural survey submitted with the planning application confirms that the mains walls are structurally sound, capable of supporting the barn being converted to a dwelling. The roof would have to be re-constructed as it is not considered adequate to safely support the proposed slate roof. Reinforced walls are also suggested inside the existing stone walls, where these walls are retaining.

The proposed access to reach the barn will be by way of an agricultural track which was recently granted permission under an Agricultural Notification.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the confines of any major settlement, where it is remote from adequate services, facilities, education or employment opportunities, and there is no public transport available. As a result, the occupants would be solely dependent on private vehicles for their daily needs. Accordingly consider that the development would be contrary to the advice contained within RPG10, PPG13 and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. Although this development is considered unsustainable in terms of transport policy, it must be a matter for the Planning Authority to determine if the planning merits of this development outweigh the highway sustainability issues raised. In the event of permission being granted, recommend conditions regarding no obstruction, consolidated surface for first 6 m, entrance gates set back and open inwards, gradient, visibility splays of 2 m x 60 m no greater than 900mm, disposal of surface water.

ENVIRONMENTAL HEALTH no objection subject to condition being imposed regarding potential contamination. DRAINAGE OFFICER no objection. Applicant should contact the Environment Agency for consent to discharge to underground strata.

PARISH COUNCIL approve plans; happy that inheritors of Little Wilscombe Farm live in or close to their former home.

9 LETTERS OF SUPPORT have been received raising the following points:- shape of barn will not change; barn of great antiquity with wonderful profile and some magnificent timber work; some relatively modern block work can be removed and building restored; barn is redundant and can only be used for conversion or decay, and even eventual loss; plans sympathetic and preserves old character of barn; conversion will not impinge on the surrounding countryside; conversion will continue family ownership of the land, which is best way to manage land particularly as part is within Somerset Wildlife Site; better to convert than leave to disrepair; need to encourage people to make a life in the parish.

POLICY CONTEXT

Policy WD/SP/3 and WD/SP/4 of the West Deane Local Plan is relevant. This policy indicates that a change of use of a building to residential use outside defined settlement limits will be allowed provided certain criteria are met. These criteria include:- the building is capable of conversion without significant rebuilding; the converted building and new use would be compatible with the landscape character, nature conservation and historic heritage of the area; there would be no harm to the residential amenity of neighbouring properties. It is considered that in view of the alterations and modern block work that has been carried out and the proposed first floor extension, the criteria are not met.

Policy H9 of the Taunton Deane Local Plan Revised Deposit has certain criteria regarding the conversion of rural buildings to residential use outside the defined limits of settlements. Two of these criteria are that the building is of permanent and substantial construction and is in keeping with its surroundings; has a size and structure suitable for conversion without major rebuilding or significant extension and alteration. Again it is considered that the existing alterations and proposed extension does not meet these criteria.

ASSESSMENT

The barn is located within agricultural fields with access from a newly constructed track with no dwellings within the immediate vicinity. The site is partly visible from the roadside approximately 170 m away.

The barn has undergone considerable change, including modern block work added into the fabric of the building and modern block work extensions, resulting in any previous traditional character being lost. The character of the building would be further altered by

the use of materials (render) and the proposed first floor extension. As the site lies outside of any defined settlement limits the proposal is not considered acceptable in view of the conflict with policy.

RECOMMENDATION

Permission be REFUSED for reasons that (i) the barn has undergone significant alteration and rebuilding and therefore the conversion of the barn as proposed would not be compatible with the landscape and rural character of the area due to the inappropriate character of the existing building; furthermore the proposed first floor extension would alter the appearance of the building further (West Deane Local Plan Policy WD/SP/4 and Taunton Deane Local Plan Revised Deposit Policy H9); and (ii) the site lies within open countryside where it is remote from adequate services, facilities, education and employment opportunities and there is no public transport available; any occupiers of the dwelling would be solely dependent on private vehicles for their daily needs; the proposal will therefore foster a growth in the need to travel and as such the proposal is contrary to advice contained in PPG13, RPG10 and Structure Plan Policies STR1 and STR6.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

22/2003/019

MR & MRS S J P PADDICK

CREATION OF VEHICULAR ACCESS AND PARKING AREA, 2 NETHERCOTT WAY, LYDEARD ST LAWRENCE.

12926/32024

FULL PERMISSION

PROPOSAL

The proposal is for the demolition of a low stone wall and removal of earth bank to create a vehicular access and hardstanding to the front of the property.

An application was recently refused for a similar proposal at the same address on 15th October, 2003 (application 22/2003/016). The application was refused because of the lack of turning facilities.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY have no objection subject to conditions regarding no obstruction, vehicles to be parked only in connection with development, surface treatment to be agreed.

PARISH COUNCIL object to application because of poor visibility, as property very close to primary school and its traffic; visual impact of removing bank and concreting area would be detrimental to the street.

POLICY CONTEXT

Policy S1(D) of the Taunton Deane Local Plan Revised Deposit is relevant to this application as it seeks to prevent harm to the appearance and character of the street scene.

Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review is also relevant to this application having regard to highway safety.

ASSESSMENT

Since the previous refusal the proposal has been altered to provide a larger turning area and now involves the removal of the complete frontage to the property and a lengthening of the depth of the hardstanding. These alterations have overcome the concerns that the County Highway Authority had with the previous application.

The site is to the front of a mid terraced property fronting onto the highway leading into the village. The end-terraced properties have existing vehicular access into their properties. Though the removal of the bank and wall will have some impact on the street scene, considering the existing access and the interests of highway safety, the proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of surface treatment to be submitted, access to be kept unobstructed. Notes re compliance, permit from Highway Authority.

REASON(S) FOR RECOMMENDATION:- Whilst the proposal will have some adverse affect on the visual amenity of the street this is not deemed to be so significant as to warrant permission being refused. The proposal has been amended to meet the requirements of the County Highway Authority and is considered to satisfy the requirements of Taunton Deane Local Plan Revised Deposit Policies S1 and S2 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

31/2003/032

MR J PIDGEON

**ERECTION OF 2 DWELLINGS WITH GARAGES ON LAND ADJOINING
THORNHAMS, HENLADE AS AMENDED BY PLAN RECEIVED 9TH JANUARY,
2004**

26798/24171

RESERVED MATTERS

PROPOSAL

This reserved matters application comprises the erection of 2 No. 4-bedroomed detached dwellings, one with an attached double garage, the other with a detached double garage. The site forms part of the large garden area of Thornhams. Vehicular access is off the A358. The application has been amended by a plan which sets the more southerly of the dwellings a further 3 m back into the site in order to avoid any future conflict with an attractive walnut tree on the highway boundary.

Outline planning permission was granted in September 2003, reference 31/2003/023, for the erection of two dwellings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY reminds that visibility splay condition should be complied with, and that there should be 2 parking spaces per dwelling. WESSEX WATER should this have any implications on Wessex Water infrastructure I would be happy to comment.

LANDSCAPE OFFICER my main concern is the proximity of the more southerly dwelling to the walnut tree. I recommend that there should be a distance of 10 m to allow the tree to mature and avoid future conflict. The eastern boundary fence line is very high at 2.4 m. I suggest climbers and shrubs should be planted to soften its impact, especially near the entranceway. DRAINAGE OFFICER view awaited.

PARISH COUNCIL consider that the dwellings are too large and should be reduced in size.

POLICY CONTEXT

Policy H1 of the Taunton Deane Local Plan allows residential development within settlement limits provided, inter alia, a coherent approach to the overall length is adopted.

Policies S1 and S2 of the same Local Plan also accept development provided, inter alia, no adverse impact on visual and residential amenity.

ASSESSMENT

This application seeks reserved matters approval for the siting, design and external appearance of the buildings; for the foul and surface water drainage arrangements; for landscaping details; for the enclosure details and for the disposal of surface water so as to avoid discharge onto the highway.

Whilst the Parish Council consider the dwellings too large, they are in fact smaller than some neighbouring houses and considered in keeping with the established character of the area. Siting, design and external appearance are consequently considered acceptable. The submitted landscaping and enclosure details are also considered acceptable. In respect of drainage details, however, the observation of the Drainage Officer had not been received.

RECOMMENDATION

That subject to no adverse observation being received from the Drainage Officer, permission be GRANTED subject to conditions of climbers and shrubs planting. Note re compliance with conditions of 31/2003/023.

REASON(S) FOR RECOMMENDATION:- The application site lies within the settlement limits of Henlade and it is considered that the scale and design of the dwellings is appropriate. The scheme will not harm the appearance of the street scene or significantly harm neighbouring amenity. Therefore the proposal accords with Taunton Deane Local Plan Revised Deposit Policies S1 and H1.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

32/2003/004

MR A F TUCKER

**CONVERSION OF AGRICULTURAL BUILDING INTO DWELLING AND
CONVERSION OF BARN INTO CAR PORT AND STORE, BROADLEIGH,
WHITEBALL, WELLINGTON AS AMENDED BY LETTER DATED 3RD DECEMBER,
2003 WITH ACCOMPANYING PLAN NO. 1068(A)/1A AND AS AMPLIFIED BY
LETTER DATED 22ND DECEMBER, 2003**

09900/18667

FULL PERMISSION

PROPOSAL

Conversion of traditional agricultural building into one detached two storey dwelling and conversion of second barn into carport and store. A further pair of buildings will be retained as ancillary domestic outbuildings. The buildings are currently in agricultural use. Structural engineer's report indicates that the building is in fair condition for its age and provided the recommended structural alterations, repairs and strengthening works are carried out, the structural stability of the building will be preserved. A number of existing modern farm buildings will be demolished as part of the overall development proposal. The rear wall of the large building to the north east of the proposed barn conversion will be retained to a height of 1.8 m to maintain privacy with the adjacent property. It is intended that surface water will be drained to soakaways within the area of the site and foul drainage will be accommodated by way of a new septic tank or package treatment plant with soakaway system. There was a refusal of planning permission for the conversion of the building to a dwelling in 1977 on the grounds that the site is in an area where only dwellings required for agriculture will be permitted.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the agricultural activities are to cease, thus reducing the overall vehicle movements at the access serving the proposed development. The visibility at the access is substandard and the applicant does not have control over the adjacent land. However any improvements to the visibility that could be achieved by agreement with the neighbouring landowners would be appreciated. In view of these factors no objection.

ENVIRONMENTAL HEALTH OFFICER due to the possibility of contamination from the previous agricultural use recommends a contaminated land remediation report.
DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) and percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The Environment Agency's consent to discharge to an underground strata is also required.

PARISH COUNCIL unable to support the application unreservedly and instead fully endorses the objections from the occupants of two of the neighbouring properties. The parish council is also concerned about possible future plans for the site and would not

like to see any further development on it. Also it is felt that the access route would not accommodate any additional traffic.

FIVE LETTERS OF OBJECTION circumstances at time of 1977 refusal still apply, including that very little of the existing structure would be left and that a new building would result instead of a conversion; barn overlooks property and proposal will result in new windows with light intrusion at night, alteration to character of objector's property, loss of privacy, tranquillity and security; wish to live in a rural environment; will not enhance the character of the countryside or satisfy a proven local need and will be of no benefit to the local rural community and on-going conservation of the countryside; proposal will diminish the quality of life and destroy the sense of stability for our and future generations of families who choose to live in the area; precedent for further dwellings or holiday lets on the site; applicant intends to sell off the property if he gets planning permission; inadequate services; the traffic in the narrow, single carriageway, private track would increase as would noise and headlight intrusion at night, the narrow track meets the main lane (which is used by other farmers and their agricultural vehicles) with blind vision in both directions; adjacent dwelling has a right to draw water from a well on the site, together with right of access to and right of drainage across the property; one of the outbuildings has been rebuilt and enlarged in recent years; loss of value; blockwork building for car port should be rebuilt in stone; plans inaccurate; consideration of plans should avoid any conflict of interest; should be no further dwellings; wall on boundary should remain; any soakaways should be diverted away from adjacent properties.

Further comments on amended plans:- welcome improved plans which make the proposal clearer, confirmation of no intention include additional dwellings or holiday lets and that the concrete block is to be made visually more attractive and in keeping with private housing rather than agricultural use; remain concerned that the proposed change of use retains more buildings than would be expected, in particular the large store nearest the barn conversion, which is in a poor state and is a candidate for further changes of use in the future which would be totally unacceptable; plans still inaccurate; proposed site for foul drainage raises concern about the contamination of adjacent dwelling by sewage and health and safety implications; foul and storm drainage entering the ground may contaminate the well; proposal to drain storm water to soakaways on site also raises the risk of contamination and flooding of adjacent dwelling, particularly in view of change in weather patterns in recent years resulting in flash flooding in many areas due to abnormal rainfall and the fact that the application site is at a higher level than adjacent property; there is a delicate balance of drainage system in the area, with the system being blocked some years ago; retaining wall to a height of 1.8 m provides no privacy for adjacent property with only a barbed wire fence; traffic levels under residential use would be considerably greater than under the present agricultural use - stock is held in these buildings only during winter months after which time they are moved into the fields, hence farm traffic is once a day during the winter between daylight hours, as compared with domestic use which would mean moving vehicles at all times of the day and night, all year round.

POLICY CONTEXT

County Structure Plan Policy STR1 on sustainable development is relevant. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policies WD/SP/3 and WD/SP/4 of the West Deane Local Plan are relevant. These policies indicate that change of use of buildings outside defined settlement limits will be allowed provided certain criteria are met. It is considered that these criteria are met with the current proposal.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy H9 of the same plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. It is considered that the relevant criteria are met with the proposal.

ASSESSMENT

Letter of amplification from applicant's agent indicates that the site is currently in use as part of the applicant's farming activity and there are a number of fairly large agricultural buildings on site, of both modern and traditional construction; these buildings are suitable for a number of different agricultural uses including accommodation of livestock and farm storage; the agricultural use of the site has the potential to generate a substantial amount of agricultural traffic including tractors and trailers, livestock transporters, feed lorries, muck spreaders, agricultural engineers, the vet, various representatives and professionals and individual employees driving to and from work. The agent contends that the proposal would substantially reduce the likely number of vehicle movements that could be generated and would also change the nature of the use from large bulky and slow moving agricultural vehicles to much lighter residential traffic; it is likely that the potential number of agricultural vehicle movements would be several times that of residential vehicle movements and this represents a substantial highway gain. The County Highway Authority does not object to the proposal. The applicant's agent contends that the means of drainage should not cause any problem for neighbouring properties. The Drainage Officer does not raise any objection to the proposal. Due to the position of the barn in relation to the adjacent residential properties, I do not consider that there will be any undue loss of privacy or overlooking of the adjacent properties. Different planning policies were in existence at the time of the 1977 refusal. The Structural Engineer's report indicates that the building is structurally sound and suitable for conversion to a dwelling.

RECOMMENDATION

Planning permission be GRANTED subject to conditions re percolation tests, materials, rainwater goods, landscaping, boundary treatment, parking, turning, meter boxes, schedule of works, timber doors and windows, contaminated land remediation report and removal of GPDO rights for extensions, ancillary buildings, doors/windows and walls/fences. Notes re conversions letter, future extensions unlikely, compliance,

disabled access, energy / water conservation, contaminated land, CDM Regulations, bats and owls note, soakaways and contact Environment Agency.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Revised Deposit Policies S1 (General Criteria) and H9 (Conversion of Rural Buildings)

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:

38/2003/641

MRS N HEAL

ERECTION OF BUNGALOW ON LAND TO REAR OF 34-40 GREENWAY CRESCENT, TAUNTON (OUTLINE APPLICATION) AS AMENDED BY DRAWING ATTACHED TO APPLICANTS LETTER DATED 6TH JANUARY, 2004

22397/26018

OUTLINE APPLICATION

PROPOSAL

The application site forms part of the rear garden of 38 Greenway Crescent which also wraps around behind No. 36 and part of 34. The site is bounded by domestic gardens and the flank wall of No. 4 Asquith Street. Access is shown via the joint access between 36 and 38. Garages for each of these dwellings are also shown on the illustrative drawing submitted.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER no objection.

5 LETTERS OF OBJECTION received on the following grounds:- increased on-street parking; traffic congestion; loss of outlook; bungalow will be out of keeping with houses surrounding; loss of light to adjacent gardens; boundaries should be no higher than 2 m; noise and disturbance from parking area.

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 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) 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

This site comes within the definition of previously developed land where there is a general presumption in favour of further development. The important issues here are therefore whether a bungalow can be accommodated without adverse impact upon neighbouring properties or highway safety. The illustrative layout submitted demonstrates that a bungalow could be accommodate without significant loss of light or outlook..

Conditions are proposed which will ensure that off-street parking is provided for both the existing and proposed dwellings. It is not thought that the level of additional traffic using the access is such as to cause demonstrable harm to highway safety.

RECOMMENDATION

Permission be GRANTED subject to conditions of outline, materials, single storey, site levels, no gates, turning space, parking. Notes re Part M, compliance, drainage CDM Regs.

REASON(S) FOR RECOMMENDATION:- The proposal accords with the requirements of Taunton Deane Local Plan Revised Deposit Policy H1 in that a dwelling can be accommodated without material adverse impact upon adjoining properties. Safe access and suitable levels of parking can be achieved.

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:

38/2003/650

J BAKER

ERECTION OF DWELLING FOR USE AS A UNIT OF MULTIPLE OCCUPATION (6 BEDROOMS) AT LAND ADJACENT TO 14 GREENWAY ROAD, TAUNTON

22527/25832

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a two-storey building to the west of 14 Greenway Road on land currently used for parking in connection with the existing dwelling. The building would provide a six bedroomed unit of accommodation with two kitchens and bathrooms, one for each floor of accommodation. The dwellings are elevated above the highway and the entrance drive to the application site is via a steep slope. The existing and proposed properties are located within the central area of Taunton where off street parking is not required. The distance to the rear boundary would range from 1 m (to the west) to 5.6 m (to the east) but there is a large communal garden to the rear, associated with properties to the rear of Gladstone Street.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no comment. WESSEX WATER the site is within a foul and surface water sewered area and the developer will need to agree points of connection.

ENVIRONMENTAL HEALTH OFFICER all works must comply to relevant standards, there must be adequate provision of external storage of rubbish bins.

3 LETTERS OF OBJECTION have been received raising the following points of concern:- the existing property has been the source of frequent unsociable behaviour and disturbance with loud music day and night, fighting, swearing, doors being broken down, police raids and broken windows, an additional dwelling would create even more problems having a detrimental impact on the amenities of adjacent residents; the proposal would result in the loss of off street parking for the existing property increasing on street parking in the area adding to congestion and an increased risk to pedestrians; the proposal should not obscure light to the existing adjacent dwelling's kitchen or living room; the proposal would be an over-development of the site, detrimental to the current quality of life of the area; the proposal would result in a change of use from residential to commercial.

ONE PETITION WITH 33 SIGNATURES has been received raising the following points of concern:- the existing property has a history of bad tenants with antisocial behaviour and frequent visits from the police showing a lack of responsibility by the owner and applicant for this proposal; residents of the Knightstone Housing Association Ltd will be overlooked and their privacy invaded; the development will result in a devaluation of existing property values in the area; there is already limited restricted on street parking to the front of the site causing cars to park in associated side streets and this would be

exacerbated by the addition of residential units with up to 6 residents with no off street parking; there has been inadequate notification of surrounding properties and no site notice as required by planning law.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies apply:- STR1 requiring proposals to be a sustainable development; of high quality , good design and locally distinctive. STR4, development should be focused in towns where provision should be made in character with their role and function, individual characteristics and constraints. Policy 49 requires development proposals to be compatible with the road network or, if not, to provide an acceptable improvement.

Taunton Deane Local Plan Revised Deposit the following policies apply:- S1 governing the general requirements of all development; criteria (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the accessibility of the site for public transport, walking, cycling and pedestrians would minimise the need to use the car; (D) requires that the appearance and character of the street scene would not be harmed as a result of the development; (E) potential air pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use. S2, requires new development to (A) reinforce the local character and distinctiveness of an area, incorporate site features of environmental importance (E) include measures to reduce crime (F) minimise the impact on the environment, (H) make full and effective use of the site. H1 governs development within settlement boundaries criteria (G) requires development to respect the character of the area and criteria (I) requires existing dwellings to retain existing levels of privacy and sunlight. Policy H46 refers to the conversion of houses to bedsits, hostels or other types of non self-contained accommodation, which will be permitted provided (A) safe and convenient access to the town centre, (B) the proposed intensity will not erode the character or amenity of the area the privacy and amenity of the neighbouring dwellings would not be harmed by increased noise, activity and disturbance likely to result from the higher density of occupation, (D) residents will have adequate ventilation and natural light, (E) external changes will not harm the street scene, (F) adequate refuse storage is provided, (G) car parking will be required only where it can be provided without harming the character and amenity of the area. Where possible cycle parking should be provided. M3a within the Taunton central area 0-2 spaces are required for parking and 2 or more spaces for cycle parking. This proposal is not a conversion but new built. However the policy and its criteria are considered to provide a context for consideration of the application.

ASSESSMENT

The site is located within the settlement limits of Taunton where the principle of infill development is acceptable. It is in a sustainable location within walking distance of the town's shops and has good bus links along Greenway Road. The proposed development is located within the central area of Taunton where the provision of cycle parking is required but off-street car parking is not and the current proposal conforms to these requirements. Planning Policy Guidance Note 3 requires high -density development in such areas (up to 50 dwellings to the hectare) and this proposal reflects this aim. Greenway Road is characterised by a mix of development. To the East of the site are 3 groups of semi-detached dwellings (of which 14 Greenway Road is one) and to the west of the site are terraced dwellings. The proposed dwelling is designed in keeping with the semi-detached dwellings and this is considered appropriate for this site. To the rear of the proposed building is the rear garden area of the Knightstone properties referred to in the petition against the application. The proposed dwelling has a minimum of 1 m and maximum of 5.6 m to its northern boundary. As a consequence the window to window distance to the Knightstone properties is less than the usual 21 m (i.e. 18 m - 20 m). The applicant has been asked to re-site the bedroom window to the side and agree to obscure glazed, fixed opening windows to the kitchen to avoid overlooking and amended plans are awaited. Taunton Local Plan Policies H1 (E) and H4b states that proposed nuisance resulting from development should not harm public health or safety, the amenity of dwellings or a residential area. A detached dwelling, the impact on the amenity of adjacent dwellings due to noise, activity and disturbance would be minimal. In terms of the anti social behaviour experienced with the adjacent property I do not consider that this effects the acceptability of the proposal in planning terms as it is a result of the management of the accommodation rather than its built form. The views of the Police are awaited in respect of Section 17 of the Crime and Disorder Act. Whilst there have been some delays in the notification of properties over the Christmas period the appropriate site notices and neighbour notification has now been undertaken and the required 21 day period will expire on 6th February 2004. Proposal considered acceptable.

RECOMMENDATION

Subject to the receipt of acceptable amended plans and no adverse comments from the Police and no further letters of objection raising new issues by 6th February, 2004 the Chief Planning Officer in consultation with the Chair/Vice Char be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, cycle parking. Notes re works to comply with building standards, must comply with sections 352 and 372 of the Housing Act, external storage of bins and refuse, contact Environment Health (housing Standards) before works commence, disabled persons, energy conservation, meter boxes, secure by design, infrastructure charges.

REASON(S) FOR RECOMMENDATION:- The site is located in a sustainable location within the central area of Taunton where the principle of infill development is acceptable and is considered to be in accordance in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR4 and Taunton Deane Local Plan Revised Deposit Policies S1 and H1. The proposed development is located within the central area of Taunton and cycle parking is proposed in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.

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:

43/2003/136

MR & MRS B BARTRAM

RETENTION OF WOODEN FENCE AND USE OF LAND AS DOMESTIC CURTILAGE TO REAR AND FORMATION OF PEDESTIRAN ACCESS ONTO CHAMPFORD LANE, 26 CHAMPFORD LANE, WELLINGTON

13596/20184

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is for the retention of the use of land as domestic curtilage and for a 1.8 m high wooden fence enclosing the land, and for the formation of a new pedestrian access onto Champford Lane. The fence encloses a car parking space and a small area of land that was once outside of the private garden of the dwelling as part of the open plan layout of the estate. Gates have been incorporated to the front of the parking space.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection to fence. The gates open outwards across a footway causing an obstruction of the highway. The gates should be altered to open inwards or the fence should be re-sited around the parking space and the gates removed.

TOWN COUNCIL in favour of application.

ONE LETTER OF OBJECTION has been received on the following grounds:- original plan of estate had aesthetic view of the housing until boundary extended; fence is opposite my front door and is too close, being overbearing and prevents light entering my hall; if trellis and planting were added to the fence my loss of light would be worse; the fence sets a precedent as the estate is small with all front gardens open plan; what will stop others from erecting fences or walls.

ONE LETTER OF CONCERN has been received regarding confirmation that the pedestrian access will be for the use of No 26 only, and not as a public through way into Walkers Gate.

POLICY CONTEXT

Policies S1 (general) and S2 (design) stipulate that development should not harm the appearance of any affected setting or street scene.

ASSESSMENT

The fencing to the rear of the property is harmful to the appearance of the street scene and detrimental to the visual amenities of the area. The detrimental impact is exacerbated by the open plan nature of the estate. The gates attached to the fence to the rear of the property will open outwards onto the footway causing an obstruction. The plans for the pedestrian access show that a solid gate would be proposed. Such a gate would also have a detrimental impact to the street scene and visual amenity of the area. For these reasons the proposal is not considered acceptable.

RECOMMENDATION

Permission be REFUSED for the following reasons:- (i) It is considered that the proposed fencing, by virtue of its height and location, would constitute an intrusive feature in the street scene detrimental to the visual amenities of the area. This effect is further accentuated due to the open plan nature of the estate. Therefore the proposal is contrary to Policies S1(D) and S2(A) of the Taunton Deane Local Plan Revised Deposit. (ii) The proposed pedestrian access and gate onto Champford Lane, by reason of its design and appearance would be an intrusive feature in the street scene detrimental impact to the visual amenity of the area contrary to policies S1(D) and S2(A) of the Taunton Deane Local Plan Revised Deposit.

Chief Solicitor be authorised to commence enforcement action to remove the fence.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

48/2003/064

MR K F DARCH

**RESIDENTIAL DEVELOPMENT OF LAND AT SIDBROOK FARM, WEST MONKTON
AS AMENDED BY APPLICANTS LETTER DATED 23RD DECEMBER, 2003 AND
ATTACHED PLAN NO. SF.01 REV A**

25334/27449

OUTLINE APPLICATION

PROPOSAL

This is an outline application for the residential development of 0.43 hectares of agricultural land at Sidbrook Farm Monkton Heathfield. The site lies within the settlement limits of Monkton Heathfield, an associated settlement of Taunton. The site contains a range of old dis-used agricultural buildings in the north west corner with compacted access and yard areas around. This land slopes down towards the west. To the west, of the site are agricultural fields used for growing cereals. To the south and east of the site are the rear and side gardens of existing residential dwellings and to the north of the site there is a complex of residential barn conversions with one barn converted to office use. The residential development would use the existing access serving the barn conversions, that lies to the north east of the site. The proposal would create a turning area within the site boundaries, for use by all residents along the lane. The existing access is surfaced with crushed stone. The existing junction with Greenway Road would be adapted to cater for an additional 6 dwellings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle subject to road and junction improvements shown on drawing number SF.01 rev A and the incorporation of standard conditions. ENVIRONMENT AGENCY views awaited. WESSEX WATER the proposal is not within a Wessex Water sewered area and details of foul and surface water disposal will need to be agreed by the Local Planning Authority.

LANDSCAPE OFFICER the site is clearly visible from the north and west and it would be difficult to landscape the site to avoid any impact. A landscape impact assessment should be submitted before the application is determined. In its favour, the existing farm buildings are of poor quality and, given substantial landscaping of the site it may be possible to demonstrate advantages to the area from the development of the site. LOCAL PLANS the site lies within the settlement limit as defined under policy T1 of the emerging Taunton Deane Local Plan and the principle of development is acceptable. I am concerned that a suggested 6 units on 0.43 hectare would be below the level of development suggested by PPG3 (requiring approximately 30-40 per hectare). The site would fall below the requirement for social housing (25 units), as this is an associated settlement rather than a village site. A landscaped and equipped recreational open

space would be required. HOUSING OFFICER we would be interested in discussing the implications of social housing on this site. LEISURE AND RECREATION OFFICER no comments have been received.

5 LETTERS OF OBJECTION have been received raising the following points: - Greenway is a very busy road with traffic visiting Hestercombe and using it to bypass the busy main road through the village, regardless of how the access would be improved, would be dangerous and inappropriate; there is only 30 m from the access position to the nearest bend and with traffic moving fast this is dangerous; the existing access track has a poor surface generating significant noise and dust when in use; it would be more appropriate to use the alternative access to the site from Gotton, this could be used by the refuge lorry to avoid the noise and dust currently generated and give a greater level of peace back to surrounding residents; the applicant does not have the legal right to dig up, resurface or lay services under the existing access track; the Local Plan allocated a significant amount of development in the Monkton Heathfield area and should preclude further infill housing; Greenway runs the risk of becoming another example of ribbon development; the Parish Council have advised that the land is not within the Local Plan; the applicant has a planning permission for 3 dwellings in the vicinity of the site which have not been built; in recent years the barn complex has been converted into 5 dwellings and an office block, a further 6 dwellings represents a significant change to the environment of the area; there are bats and collared doves using the existing barns; Greenway is narrow and the visibility from existing accesses is poor; our existing property was located in a semi-rural setting with open fields, wildlife and farm animals, development is destroying this and there is little apparent wildlife; and pollution from dust and noise. The existing surface of the drive to the barn conversions and the speed of traffic using it causes unacceptable levels of noise effecting my daughters ability to sleep in her bedroom and any increase in the volume of traffic using the track will affect her health; there is an embankment bordering the track owned by a neighbour and this will be eroded with additional use of the track, who will undertake any repairs?

All neighbours have been notified of amended highway plans on the 13th January 2004 and any views received within the statutory 14 day period will be reported to the committee on the update sheet.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies apply:- STR1 requiring proposals to be a sustainable development of high quality, good design and locally distinctive; STR4 development should be focused in towns where provision should be made in character with their role and functions, individual characteristics and constraints; Policy 49 requires development proposals to be compatible with the road network or, if not, to provide an acceptable improvement.

Taunton Deane Local Plan Revised Deposit the following policies apply:- S1 governing the general requirements of all development; criteria (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the accessibility of the site for public transport, walking, cycling and pedestrians would minimise the need to

use the car; (D) requires that the appearance and character of the street scene would not be harmed as a result of the development; (E) potential air pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; H1 governs development within settlement boundaries criteria (G) requires development to respect the character of the area and criteria (I) requires existing dwellings to retain existing levels of privacy and sunlight; C4 requires the provision of children's open space; public playing fields; formal parks, gardens and linear open spaces as appropriate in conjunction with residential development; M3a requires, adequate parking for residential. T1 defines Monkton Heathfield as an 'associated settlement of Taunton'. This implies that the village is part of the urban fabric of Taunton.

ASSESSMENT

The site lies within the settlement limits of Monkton Heathfield as indicated, within the Taunton Local Plan (revised deposit), and as such the principle of residential development is acceptable. The existing site can be seen from the north and west across agricultural land and its development will have an impact on the visual character of the area. At present the views are dominated by a collection of dis-used, modern farm buildings that lie adjacent to the western boundary of the site. I consider that a well designed scheme, incorporating substantial landscaping along the western boundary of the site would improve the landscape of the area. Plans have been submitted to show that the existing access off Greenway could be adapted to provide an access that would be acceptable to the Highway Authority. In planning terms I consider it more appropriate to upgrade this existing access rather than provide a longer improved access and drive cutting across farmland to link with the substandard lanes around Gotton. The County Highway Officer has asked for a condition requiring the first 15 m of the existing access to be properly consolidated and surfaced and I consider that this may result in an improvement in noise and dust levels adjacent to the properties along Greenway Road, generated by traffic using the access track.

RECOMMENDATION

Subject to the views of the Environment Agency by the 6th February, 2004 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, reserved matters, drainage, materials, maximum 6 dwellings, landscaping (Grampian condition), existing and proposed levels, details of any walls and fences, recreational open space, access improvements prior to commencement of development, the first 15 m of the access to be hard surfaced, the access shall have a maximum gradient of 1 in 10, surface water, car parking and turning area. Notes re disabled persons, lifetime homes, secure by

design, meter boxes, bats and nesting birds, high standard of design, energy conservation, section 184 permit.

REASON(S) FOR RECOMMENDATION:- The proposal is located within the settlement limits of Monkton Heathfield where residential development is considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4 and Taunton Deane Local Plan Revised Deposit Policies S1, H1 and T1. The access improvements would have an acceptable impact on the highway network as required by Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. Landscaping will be required in accordance with Policy S1(D).

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:

48/2003/067

MR R BATES

CHANGE OF USE OF EXISTING OFFICE TO RESIDENTIAL USE AS PART OF CHERRY GROVE COTTAGE AND CHANGE OF USE OF OUTBUILDING TO OFFICE USE AT WINSFORD, WEST MONKTON AS AMENDED BY AGENTS LETTER DATED 5TH DECEMBER, 2003 AND DRAWINGS ATTACHED THERETO TOGETHER WITH TJS (ARCHITECT'S) LETTER DATED 12TH JANUARY, 2004 AND DRAWING 0240/03 ATTACHED

25333/28717

FULL PERMISSION

PROPOSAL

The applicant currently operates a small office business from Cherry Grove Cottage which is located immediately to the south of Winsford. The business currently employs 3 staff. The applicant is a prospective purchaser of Winsford and wishes to continue to operate his business from an existing timber outbuilding within the garden.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the confines of any major settlement, where it is remote from adequate services, facilities, housing, and there is no public transport available. As a result the staff at the proposed development would be solely dependant on private vehicles for their daily needs. Accordingly, I consider the development would be contrary to advice contained within RPG10, PPG12 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. No information has been submitted regarding access, parking nor turning facilities for the proposed development. The visibility from the existing access is substandard. The approach road is single track with substandard visibility at the junction with the side road at Cherry Grove Cottage. Refusal of the application is recommended for the following reasons:- 1. The existing access, by reason of its severely restricted visibility in both directions and lack of adequate radii, is considered unsuitable for use in connection with the development proposed. 2. Inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved.

Following receipt of additional information, COUNTY HIGHWAY AUTHORITY have commented further:- I refer to the above planning application, my letter dated 6th January, 2004, the letter from Trevor J Spurway (Architect) Ltd dated 12th January, 2004 and the enclosed drawing no. 0340/03. My letter, referred to the unsustainability of the proposed office development. This situation has not changed and as it was commented on previously it should have been included in the reasons for refusal. Whilst the amended plan shows acceptable parking, the visibility splays are unacceptable. The access road is de-restricted and applying the recommendations of Places Streets and Movement we should be looking for 2 m x 215 m. Should this development be acceptable despite the unsustainability concerns, we may consider visibility splays of 2 m x 33 m given the observed speed of passing vehicles. The visibility would affect the

existing trees and I would question the status of the trees. I still feel that this application is unacceptable from a highway view point and would still recommend refusal of this application on highway grounds.

POLICY CONTEXT

Policy EC3 of the Taunton Deane Local Plan Revised Deposit relates to conversion of rural buildings to business use. Outside the defined limits of settlements, the conversion of buildings to small scale business, industrial, warehousing, tourism, recreation, community, commercial or other employment - generating use will be permitted, provided that: (A) the building proposed to be converted is of permanent and substantial construction, and: (1) has a size and structure suitable for conversion without major rebuilding, or significant extension and alteration or extension; and (2) has a form, bulk and general design in keeping with its surroundings; and (3) is sited near a public road; (B) and the proposal would: (1) not harm the appearance, nature conservation and historic heritage or surroundings of the building; (2) be compatible with the rural character and landscape quality of the area, taking account of any visual improvements proposed; and (3) not harm the residential amenity of neighbouring properties or highway safety and adequate arrangements can be made for the provision of services; and (4) not lead to a dispersal of activity on such a scale as to prejudice town and village vitality.

ASSESSMENT

This is not a traditional building that Policy EC3 is generally aimed at. However, the building has a self-effacing quality and blends well into the landscape. The County Highway Authority's views on the quality of the approach roads and the nature of the access are not questioned. However, this fails to take into account that the business currently operates from an adjoining site and can continue to do so. In an attempt to overcome the highway concerns, revised proposals have been submitted showing a new access and formalised parking area to the north of the building. However, I feel that this option would only increase the visual impact of the proposals and taking into account that the existing use nearby could continue if permission were to be refused, I feel it unnecessary. However, it is essential that suitable conditions are proposed, which not only restrict the scale of the use, but also ensure cessation of the use from Cherry Grove Cottage.

RECOMMENDATION

Subject to deletion of drawing 0340/03, 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, personal permission, cessation of existing use, no hard surface.

REASON(S) FOR RECOMMENDATION:- In light of the condition requiring the cessation of the office use at Cherry Grove Cottage, it is concluded that no demonstrable harm will be caused in terms of either sustainability or highway safety. The proposal is therefore considered not to conflict with Taunton Deane Local Plan Revised Deposit Policy EC3 which relates to the conversion of rural buildings to business use.

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:

PLANNING COMMITTEE – 28 JANUARY, 2004

Report of the Chief Planning Officer

MISCELLANEOUS ITEM

43/2002/159 ERECTION OF NEW DWELLING ON LAND TO THE REAR OF 2 HIGHLAND PLACE, HIGH STREET, WELLINGTON

Permission was granted on 16 January, 2003 for a new dwelling. An amended plan has been received, reducing the height of a wall from 1800 mm to 1630 mm, and replacing one obscure first floor window and inserting two new windows on the north-west elevation. The windows on this elevation will serve a bathroom, landing, and bedroom. The bathroom and landing windows are proposed to be obscure glazing.

TOWN COUNCIL in favour of amendments providing the windows do not cause any undue overlooking or loss of privacy.

THREE LETTERS OF OBJECTION (only one letter referring to the new windows) raising the following:- wall is an old feature, should not be reduced, partially blocks unsightly view of new building; object to being overlooked by three windows; objection to height reduction of Eucalyptus tree; request that a boundary fence be replaced with a wall.

The wall in question is only being reduced by a further 170 mm and there is no objection from the Conservation Officer. The Local Authority's Landscape Technician has visited the site and has no control over the reduction in the height of the tree. The boundary fence in question does not require any planning consent. The existing height of the fence is 1.8 m and the agent has agreed to increase the height to 2 m, to reduce the impact of the development.

The north-west elevation is proposed to have three new windows at the first floor level. The dwelling is approximately 8.3 m to the boundary of the neighbouring properties, and 20 m to the neighbouring dwelling. The new dwelling is set down 780 mm from the ground level of the neighbouring properties to the rear.

Given that two of these windows are to be of obscure glazing, the distance from the dwelling to the nearest neighbouring property and the difference in ground levels, it is considered that any overlooking or loss of privacy would be kept to a minimal and helped by the increase in height of the boundary fence. The amendments are considered acceptable.

RECOMMENDATION

The amended plans be APPROVED under the minor amendment procedure subject to the boundary fence being increased to 2 m in height.

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

CONTACT OFFICER: Mr D Addicott Tel. 356463

REPORT TO THE PLANNING COMMITTEE –28 JANUARY 2004

Joint Report of the Chief Solicitor and the Chief Planning Officer

Miscellaneous Item

Enforcement Action in respect of Foxmoor Nurseries, Haywards Lane, Wellington

Background

In 1996 planning permission was granted for the relocation of Foxmoor Nurseries from its existing site at Rockwell Green to a site in the open countryside at Haywards Lane, to the east of Wellington. The permission was for the erection of two large glasshouses, but there were concerns that the site was accessed by a narrow lane off the A38.

The permission was therefore subject to a S106 agreement requiring highway works. These were the widening of Haywards Lane itself prior to commencement of use of the glasshouses and the construction of a right hand turning lane from the A38, to be constructed prior to the commencement of the use of the second glasshouse, or within a year of commencement of use of the first glasshouse.

Whilst the first glasshouse was under construction in 2000, an application was received to change the use of 50% of this glasshouse to B1 use (light industrial) for the design, production, assembly and distribution of small garden products (Application No 46/2000/022). This was refused on the 18 September 2000 on the grounds of industrial intrusion into the open countryside and the possibility of precedent.

Subsequently, a further application was made (Application No 46/2000/0340) for the same use, but on that occasion it was explained by the applicant that the permission was being sought to permit the production of “Flower Towers” by Foxmoor Nurseries themselves. A written statement to this effect was submitted. Accordingly, permission was granted but subject to a S106 agreement which sought to limit the B1 use to such uses carried out by Foxmoor Nurseries itself or associated companies. The intention was to ensure that only horticultural type B1 uses were carried out.

Following the conclusion of the S106 agreement, an application was made to vary the earlier S106 agreement such that the right hand turning lane would not be required. Evidence was submitted on behalf of the nurseries stating that the second glasshouse was unlikely to be built and that traffic generation was significantly lower than had been predicted. The application, supported by the County Highway Authority, was granted. This variation was completed in October 2001.

The Current Position

Since that time there have been ongoing complaints that the terms of the planning permission and the S106 agreement have been breached. This has caused particular concern because of the amount and nature of traffic generated along Haywards Lane by the unauthorised uses.

As a consequence of these complaints a site meeting was held in May 2002 with the nursery owners and their solicitor at which it appeared that a level of agreement had been reached. The Council's understanding of that position was set out in a letter of the 11 July 2002. The basis of the Council's position was that only B1 uses carried out by Foxmoor Nurseries or an associated company were authorised. The Council also accepted that by virtue of permitted development rights Foxmoor Nurseries were entitled to use up to 235 sq m for B8 use (storage and distribution).

However, complaints continued to be received and a visit by the Enforcement Officer in November found that over 4000 sq m of the area was being used for B8 use. There was also evidence that the premises were being used by several individual companies and further enquiries were made during the early part of 2003, including the service of Planning Contravention Notices on the various occupants.

This led to a further meeting with the owner at which it was acknowledged that the property was occupied by different companies. However, it was claimed that all such companies were "associated" companies within the terms of the S106 agreement and therefore their activities were lawful within the terms of the existing planning permission and S106 agreement. Details of these arrangements were subsequently provided.

The Council has taken Counsel's Opinion in respect of the "association" of the companies and Counsel's advice is very firmly that the arrangements in place are not sufficient to meet the definition of an associated company within the terms of the S106 agreement. Additionally, it appears that the level of B8 use at the property far exceeds the level allowed under permitted development rights. It would therefore appear that all the companies trading at Foxmoor Nurseries other than the nurseries themselves, are unauthorised.

The Economic Development Position

However, it is acknowledged by the Economic Development Manager that the property at present is providing flexible and low cost workspace. He believes that there is clearly a demand for the type of space at Foxmoor Nurseries and that such demand will increase particularly as Taunton Trading Estate is gradually redeveloped.

He believes that currently some of these types of businesses are being lost to neighbouring authorities and that that problem needs to be addressed. Furthermore, his view is that Taunton Deane needs to maintain a diverse/balanced economy and the types of businesses located at Foxmoor should

have a place in the Taunton economy. Whilst there may be a supply of good quality workspace in the medium term, he does not believe this is the case for low cost space.

The Owners Position

The owners were advised of the outcome of the Counsel's Opinion and the fact that the situation at Foxmoor was to be reported to the Planning Committee to consider enforcement action. As a result, a meeting was held with the owners and their solicitor to try and establish any common ground.

The meeting concentrated on the interpretation of the S106 agreement and the meaning of "associated company" within that document. Since there is no definition of associated company within the document, it was agreed that the parties would need to look to extraneous material to ascertain the intentions of the parties. There was a suggestion by the owners that at the time the Council entered into the S106 agreement it was aware of "non conforming" uses at the property and that the S106 agreement was entered into in full knowledge of these.

The Council's position was that it had entered into the agreement on the basis that B1 uses by associated companies would be those related to the production of Flower Towers and similar products. Each side was to submit to the other evidence in support of their viewpoint, and if the position was still unclear it was agreed that mediation as to the interpretation of the agreement could be sought.

Since that meeting the Council has supplied evidence to the owners' solicitor indicating that the proposed B1 use was to be the production of Flower Towers by Foxmoor Nurseries, or one of its associated companies, or similar garden products.

The owners have not been able to supply any evidence to the contrary as they have not yet obtained files held by former solicitors. They have been advised that the matter was going to be reported to the Planning Committee at its meeting on the 28 January and asked for the submission of any evidence prior to the drafting of this report.

Assessment

Most, if not all, of the B1 activities at Foxmoor Nurseries would appear to be in contravention of the S106 agreement relating to the site, and the bulk of the B8 uses also in contravention of the planning permission. Whilst the views of the Economic Development Manager are acknowledged, the Local Plan Inspector, who reported in September 2003, has not identified any shortfall in the allocation of B1 or B8 land.

In addition, the Chief Planning Officer considers there are other factors which make this site unsuitable for a general B1 or B8 use and that it is unlikely that planning permission would be granted for such use, even with the imposition

of conditions. It is therefore considered expedient to take enforcement action in respect of the unauthorised uses at Foxmoor Nurseries.

However, any enforcement action must be reasonable and measured and take account of the fact that businesses located at Foxmoor will need time to re-locate. The Council would normally also allow a planning application to be made in respect of an unauthorised use prior to the commencement of enforcement action.

In this case, the recommendation to Members allows both a reasonable period of time for companies to re-locate prior to expiry of the enforcement notices, and also time for the owner of the nurseries to make a planning application to seek to regularise the position within the time for compliance, albeit that the indication is that such application is unlikely to be successful.

In this respect Members should note that although the site currently provides low cost units, in the event that permission were to be granted it is likely that rents would rise given the site's close proximity to the motorway junction.

Recommendation

It is therefore RECOMMENDED that:-

- (1) the Solicitor to the Council be authorised to serve enforcement notices on the occupiers of each of the unauthorised uses currently trading at Foxmoor Nurseries requiring the uses to cease within a period of 12 months from service of the notices;
- (2) the owner of Foxmoor Nurseries be advised that any application seeking to regularise the position should be submitted expeditiously; and
- (3) the owner of Foxmoor Nurseries be advised against any further lettings at the Nurseries without prior confirmation that the Council considers such proposed letting to be for an authorised use.

Chief Solicitor

Chief Planning Officer

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PLANNING COMMITTEE – 28 JANUARY, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Bishops Lydeard

- 1. File/Complainant Number** E367/06/2003
- 2. Location of Site** 99 Burge Crescent, Cotford St Luke,
TAUNTON, Somerset
- 3. Names of Owners** Mrs P Bailey
- 4. Names of Occupiers** Mrs P Bailey
- 5. Nature of Contravention**

Retention of 1.85m fence to rear and side of 99 Burge Crescent

6. Planning History

A complaint was received on 30 September, 2003 that a fence had been erected at the above. The existing wall constructed when the dwelling was built had been removed and the fence was erected on what was a planting area to the side of the property. This effectively increased the curtilage of the dwelling. A retrospective application was received on 28 October, 2003 and was subsequently refused under delegated powers on 17 December, 2003.

7. Reasons for Taking Action

It is considered that the fence, by reason of its siting, height and design constitutes an intrusive feature within the street scene to the detriment of the visual amenities of the area. The development is considered contrary to Policies S1 and S2 of the Taunton Deane Local Plan Revised Deposit.

8. Recommendation

The Solicitor to the Council be authorised to commence enforcement action and take prosecution proceedings subject to satisfactory evidence should the notice not be 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

PLANNING COMMITTEE – 28 JANUARY, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Bishops Lydeard

- 1. File/Complainant Number** E450/06/2003
- 2. Location of Site** The Cothelstone, Lydeard Mead, Bishops Lydeard, TAUNTON
- 3. Names of Owners** Mr & Mrs Staples
- 4. Names of Occupiers** Mr & Mrs Staples
- 5. Nature of Contravention**

Planting of hedge and provision of timber protection

- 6. Planning History**

It was brought to the Council's attention in December 2003 that the owner of 'The Cothelstone' had planted a hedge at the front of his property and erected a small fence to protect the hedging plants whilst they become established. When this small development of two houses was granted planning permission in May 1995 a condition was attached which states that:- no gate, fence, wall, hedge or other means of enclosure shall be erected on the site. In view of this condition the planting of the hedge along with the timber protection would require planning permission. However, soon after the granting of this permission the standard condition was amended and the word hedge was deleted. This was due to an appeal decision where it was deemed that this condition was not enforceable, as the planting of a hedge is not classed as development. In view of this it would not be expedient to request that an application be submitted for the planting of this hedge.

- 7. Reasons for Taking Action**

It is considered that the planting of a hedge is not development and therefore the original condition attached to the planning approval cannot be enforced. Also as the timber protection to the hedging plants is likely to be removed once the hedge is established it would not be expedient to take action over this matter.

- 8. Recommendation**

The Committee resolve not to take any further action over the planting of the hedge.

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

CONTACT OFFICER: Mrs A Dunford Tel. 356479

PLANNING COMMITTEE – 28 JANUARY, 2004

Report of Chief Planning Officer

ENFORCEMENT ITEM

Parish: Kingston St Mary

- 1. File/Complainant Number** E13/20/2004
- 2. Location of Site** Hopper Lodge, The Kingfisher Centre, (formerly known as Nailsbourne Nursery), Nailsbourne, TAUNTON, TA2 8AQ
- 3. Names of Owners** Mrs Ellis
- 4. Names of Occupiers** -
- 5. Nature of Contravention**

Occupancy of dwelling in breach of Condition.

6. Planning History

Planning permission was granted on 15 March, 1989 for a dwelling for a horticultural worker at Nailsbourne Nursery, Nailsbourne, Kingston St Mary. The property was built and occupied by the proprietor of the nursery. The Nursery and dwelling was sold in December 2002 and purchased by Mrs Ellis. Her intention was to let out 2 rooms as bed and breakfast accommodation for people who are carers of terminally ill friends and relatives to be able to come and relax in country surroundings and be able to talk about their problems to a sympathetic ear. However this type of operation does not comply with Condition 06 which states:- The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry or a dependent of such a person residing with him or her or a widow or widower of such a person.

Mrs Ellis's son has written on her behalf explaining the situation and how their solicitor did not bring the condition to their attention when the property was purchased. All plans for the intended venture and any future developments at the property have been put on hold due to the situation and Mrs Ellis's state of health. Mr Ellis has requested that the Council be sympathetic to his mother's situation. A letter has been sent to Mr Ellis stating that in view of the potential hardship to his mother the Chief Planning Officer would not wish to instigate enforcement action to ensure immediate compliance with the condition and a period of time to enable the property to be sold would be appropriate. Mrs Ellis may decide to submit a planning application to lift the condition but this

would have to be considered on its merits and would normally require evidence of marketing the property for sale as an agricultural dwelling at an appropriate price.

7. Reasons for Taking Action

The property is in an area where it is the policy of the Local Planning Authority to restrict new residential development to that required to meet the needs of agriculture or forestry.

8. Recommendation

That a period of 18 months from the date of this Committee be allowed prior to serving a Breach of Condition Notice in order that the property can actively be marketed as an agricultural dwelling in compliance with the condition.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 28 JANUARY, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish:- Langford Budville

1. **File/Complainant Number** E300/21/2002
2. **Location of Site** Wellisford Manor, Lower Wellisford, Langford Budville, WELLINGTON
3. **Names of Owners** Mrs S Campos
4. **Names of Occupiers** Mrs S Campos
5. **Nature of Contravention**

Operation of a business (Traditional Toys)

6. **Planning History**

Authorisation was given at the Planning Committee meeting of the 21 May, 2003 to take Enforcement action for the unauthorised business being conducted at the above. Members agreed that action should be delayed for four months to enable the owner to find alternative premises. I am pleased to report that although it has taken longer than first envisaged Mrs Campos, the owner of the business signed on 5 December, 2003 to complete on the purchase of a unit on Phase 2 of the Chelston Industrial Estate. She informs me that the unit will be ready for occupation by March 2004.

7. **Reasons for Taking Action**

To inform members of the delay in relocating the business and the apparent successful outcome of this matter.

8. **Recommendation**

That the service of the Enforcement notice be delayed until the end of March 2004 to enable the business to relocate to the newly purchased premises.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 28 JANUARY, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: North Curry

- | | |
|-----------------------------------|---|
| 1. File/Complainant Number | E14/24/2004 |
| 2. Location of Site | Marlborough Cottage, Stoneyhead Hill,
Wrantage, North Curry, TAUNTON |
| 3. Names of Owners | Mr & Mrs Amadi |
| 4. Names of Occupiers | Mr & Mrs Amadi |

5. Nature of Contravention

Erection of 1.8 m high fence

6. Planning History

After carrying out a check on compliance with conditions relating to the works carried out at Marlborough Cottage it was noticed that a 1.8 m high timber fence had been erected adjacent to the highway. This fence was not indicated on any previous drawings submitted with an application therefore the fence is unauthorised. An application was submitted by Mr Amadi on 11 November, 2003 and was subsequently refused under delegated powers on 30 December, 2003.

7. Reasons for Taking Action

It is considered that the fence by virtue of its height, design and setting constitutes an over prominent, intrusive feature within the street scene to the detriment of the visual amenities of the area. The impact of the fence is accentuated due to the ground levels within the site. Therefore the development is considered to be contrary to Policies S1 and S2 of the Taunton Deane Local Plan Revised Deposit.

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement notice and to take prosecution action, subject to satisfactory evidence should the notice not be complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel. 356479