



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 3RD MARCH 2004 AT 17:00.

(RESERVE DATE : THURSDAY 4TH MARCH 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes (TO FOLLOW)
3. Public Question Time
4. COMBE FLOREY - 11/2004/003LB
ERECTION OF TWO STOREY AND SINGLE STOREY
EXTENSION, REPLACEMENT TIMBER
STORE/GARAGE, PARTIAL REMOVAL OF WALL TO
PROVIDE HARDSTANDING AND TURNING AREA,
TREBLES HOLFORD, SEVEN ASH, COMBE FLOREY
5. COMBE FLOREY - 11/2004/004
ERECTION OF TWO STOREY AND SINGLE STOREY
EXTENSION, REPLACEMENT TIMBER STOREY
GARAGE, PARTIAL REMOVAL OF WALL TO
PROVIDE HARDSTANDING AND TURNING AREA,
ERECTION OF STABLE, TREBLES HOLFORD,
SEVEN ASH, COMBE FLOREY.
6. TAUNTON - 38/2004/016
ERECTION OF TWO STOREY EXTENSION TO
NURSING HOME, SINGLE STOREY GLAZED LINK,
NEW PARKING AREA, AND HARD AND SOFT
LANDSCAPING, MURLEY HOUSE NURSING HOME,
WYVERN ROAD, TAUNTON AS AMENDED BY
LETTER DATED 19TH FEBRUARY, 2004 AND
DRAWING NO. 03/30/05 A
7. TAUNTON - 38/2004/029
ERECTION OF DWELLING WITH INTEGRAL
GARAGE AND ALSO A DETACHED GARAGE (TO BE
USED IN CONNECTION WITH NO. 44) ON LAND TO
NORTH OF 44 HAINES PARK, TAUNTON.
8. TRULL - 42/2004/002
ERECTION OF 2 STOREY SIDE EXTENSION AT
SWEETHAY COURT, SWEETHAY, TRULL.

- | | | |
|-----|---|---------------------------------|
| 9. | WEST HATCH - 47/2004/002
DEMOLITION OF COTTAGE AND ERECTION OF
REPLACEMENT DWELLING, POOLES COTTAGE,
MEARE GREEN, WRANTAGE. | |
| 10. | TEL/02/2004 - Installation of 15m monopole mast with 3
antennas, 1 x 300mm dish and 1 x 600mm dish with
radio equipment housing and ancillary development at
land at Thornwater Farm, Thornfalcon. | Telecommunications Notification |
| 11. | 25/2002/017 - Change of use to hotel/bed and breakfast
at Cornerwood House and Courtway, Norton Fitzwarren
(now known as Trenchard Park Gardens). | Miscellaneous item |
| 12. | E377/36/2003 - Erection of front boundary wall/fence
over 1m high adjacent to the highway at 2 Meare
Green, Stoke St. Gregory. | Enforcement item |
| 13. | E38/38/2004 - Continued provision of a temporary
covered walkway beyond permitted time limit at Taunton
School, Staplegrove Road, Taunton. | Enforcement item |

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

24 February 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.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 - 18 February 2004

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

Officers: Mr T Burton (Area Planning Officer (East)), Mr J Hamer (Area Planning
Officer (West)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review
Support Manager)

(The meeting commenced at 5.00 pm).

(Councillor Miss Cavill arrived at the meeting at 5.06 pm).

16. Apologies

The Mayor (Councillor Govier) and Councillors Bowrah and Wedderkopp.

17. Minutes

The minutes of the meeting held on 28 January 2004 were taken as read and were signed.

18. 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 the **detailed plans be approved** in respect of the undermentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

38/2004/003

Erection of two storey building to accommodate Oncology Centre with associated access and car parking at Musgrove Park Hospital, Taunton.

Conditions

- (a) Noise emissions including those with tonal characteristics such as hum, drone or whine, arising from any plant, generators or air conditioning units or from any premises to which this permission relates shall not exceed background levels at any time when measured at any point 1.5m from any residential or other noise sensitive boundary. For the purposes of this permission, "background levels" shall be those levels of noise which occur in the absence of noise from the development to

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

- (b) C201 - landscaping;
- (c) C918 - floodlighting;
- (d) C926B - remediation investigation/certificate;
- (e) C101 - materials;
- (f) Details of the means of obscuring glazing in the north and west elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The glazing shall be installed in accordance with the approved scheme and shall not be altered thereafter without the prior written consent of the Local Planning Authority;
- (g) Prior to the development hereby approved commencing, details of the proposed additional car parking referred to in the outline consent shall be submitted to, and approved in writing by, the Local Planning Authority. The building hereby approved shall not be occupied until the car parking becomes available for use.

(Notes to applicant:- (1) N021 - conditions; (2) N024 - development in accordance with approved plans; (3) N118A - disabled access; (4) N051B - health and safety; (5) Applicant was advised that 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 the Building Regulations stage; (6) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (7) 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).

Reason for approving detailed plans:-

The proposed building was of good quality design and would not detract from the character of the locality. The relationship with nearby dwellings was acceptable and would not cause harm to residential amenity. The proposal therefore complied with Taunton Deane Local Plan Revised Deposit Policy S2.

- (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:-

18/2003/020

Erection of 12 cattery pens in a single block to be used as a boarding cattery, single pen to be used as an isolation unit and improvement of vehicular access onto highway at 1 Buddle Oak, Halse.

Conditions

- (a) C001 - time limit;
- (b) C102 - materials;

- (c) Full details of the improved access including visibility splays and levels shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of any work on site, and the improved details shall be implemented prior to commencement of any use of the site for the boarding of cats, and thereafter shall be maintained;
- (d) C324 - parking;
- (e) There shall be no more than 12 cats housed in the development hereby approved;
- (f) C706 - restricted use - no retail sales;
- (g) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted five minute Leq at any time when measured at any point 1.5m from the façade of any residential or other noise sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission, "background levels" shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes;
- (h) Odours arising from the cattery pens or from any part of the land or from any premises to which this permission relates shall not be detectable at the façade of any residential or other odour sensitive premises;
- (i) The proposed development shall be served by a new access sited on the middle of the site frontage with the highway;
- (j) There shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of lines drawn 2m back from the carriageway edge of the centre line of the access, and extending to the extremities of the site frontage. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and thereafter shall be maintained at all times;
- (k) Full details of the unloading proposals shall be forwarded to the Local Planning Authority prior to commencement of the use and the approved details shall thereafter be implemented.
 (Notes to applicant:- (1) Applicant was advised to notify customers that a collection/delivery service for the cats is operated and that there is an appointment system in operation; (2) Applicant was advised to notify customers that if they make their own way to the premises, they should arrived via Halse; (3) Applicant was advised to ensure that the existing septic tank/cesspit is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary, its discharge will require the consent of the Environment Agency).

Reason for granting planning permission:-

The use was considered to be acceptable within the scope of employment related Policies EC1, EC4 and EC5 and Policy S1 of the Taunton Deane Local Plan Revised Deposit as neither the level of activity/potential nuisance to neighbours, nor the amount of traffic was considered to be sufficient to warrant refusal; the development would provide economic diversification within a rural area for an existing occupier and provide an amenity to residents.

24/2003/040

Conversion of bungalow to form two bungalows at The Meadows, 1 White Street, North Curry.

Conditions

- (a) C001 - time limit;
- (b) C104 - materials to match existing;
- (c) Notwithstanding the garages shown on the submitted plans, plans showing a parking area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (d) C327 - turning space;

Reason for granting planning permission:-

The proposal would be within the settlement limits of North Curry where additional dwellings were considered to be acceptable in accordance with Taunton Deane Local Plan Revised Deposit Policy S7. It was also considered that there would be no material harm to highway safety in accordance with the requirements of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1(A) of the Taunton Deane Local Plan Revised Deposit.

42/2004/001

Retention of flue to car spray oven to rear of Trull Garage, Honiton Road, Trull

Conditions

- (a) Odours arising from the car spray oven shall not be detectable at the boundary of the premises to which this permission relates. (This potential problem could be overcome by the fitting of a suitably filtered air extraction system and/or the use of low solvent based paint);
- (b) Noise from any air extraction system shall not exceed background noise levels by more than three decibels for a two minute Leq at any time when measured at the façade of any residential or other noise sensitive premises during the following times:- Monday to

Friday 0800-1800 hours; Saturdays 0800-1300 hours. At all other times, including public holidays, noise from any air extraction system shall not be audible.

(Note to applicant:- Applicant was reminded that a permit under the Pollution Prevention Control Regulations 2000 will be required if the usage of solvents (for example paint solvents) is likely to exceed one tonne per year).

Reason for granting planning permission:-

The flue was considered visually acceptable taking into account its location within a commercial premises. Conditions proposed would alleviate existing problems relating to noise and odour. The proposal therefore accorded with Taunton Deane Local Plan Revised Deposit Policies S1(D) and (E).

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

46/2003/046

Erection of single storey extension to link garage to house, The Old Piggery, Gerbestone Manor, Wellington.

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:-

The proposal was considered acceptable having regard to visual and residential amenity and in accordance with Taunton Deane Local Plan Revised Deposit Policy H19.

- (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:-

38/2003/627

Change of use and conversion of building to form nine flats and one maisonette, Hunts Court, Corporation Street, Taunton.

Reason

The proposal, by reason of the introduction of numerous partitions, will seriously compromise the original layout of the building (designed as an Arts College) and hence be detrimental to the character of this Grade II listed building, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit and guidance on such matters in Planning Policy Guidance Note No 15.

38/2003/628LB

Alterations to form nine flats and one maisonette at Hunts Court, Corporation Street, Taunton.

Reason

The proposal, by reason of the introduction of numerous partitions, will seriously compromise the original layout of the building (designed as an Arts College) and hence be detrimental to the character of this Grade II listed building, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit and guidance on such matters in Planning Policy Guidance Note No 15.

(The Chairman (Councillor Mrs Allgrove) declared a personal interest in the item covered by Minute No 19 below).

19. Enforcement action in respect of Foxmoor Nurseries, Haywards Lane, Wellington

Reference Minute No 6/2004, considered report previously circulated, concerning the apparent use of Foxmoor Nurseries, off Haywards Lane, Wellington, in breach of the planning permission and the Section 106 Agreement applicable to the site.

Planning permission was granted in 1996 for the relocation of Foxmoor Nurseries from a site at Rockwell Green to its present site at Haywards Lane, to the east of Wellington.

The permission for two large greenhouses was subject to a Section 106 Agreement which required various highway works, including a right hand turning lane off the Wellington Relief Road.

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.

Despite this application being refused, a further application was made a few months later for the same use but specifically for the production of "flower towers" by Foxmoor Nurseries themselves. Permission for this use was granted subject to a further Section 106 Agreement which sought to limit the B1 use to such uses carried out by Foxmoor Nurseries itself or associated companies.

Following the granting of this permission, a request was made in 2001 for the earlier Section 106 Agreement to be varied to remove the obligation to provide the right hand turning lane. On the basis of evidence stating that the second glasshouse was unlikely to be built and that traffic generation to the site was lower than had been predicted, the request, supported by the County Highway Authority, was approved.

Since that time regular complaints had been received that the "flower tower" permission and associated Section 106 Agreement were being breached. The complaints had mainly arisen due to the amount and nature of traffic now using Haywards Lane. As a result, meetings were held with the owners of the glasshouse

where it was made clear that only B1 uses carried out by Foxmoor Nurseries or an associated company were authorised.

Following further complaints, the Council's Enforcement Officer visited the site and found that over 4,000 sq m of the glasshouse was being used by a variety of companies for B8 uses (storage and distribution) instead of the 235 sq m allowed by virtue of permitted development rights.

Further discussions with Foxmoor Nurseries had taken place where it was claimed the occupants of the glasshouse were "associated" companies within the terms of the Section 106 Agreement.

Details of the arrangements put in place by the owners of the Nurseries were received and Taunton Deane had taken Counsel's opinion on this information. The advice received was that the arrangements in place were not sufficient to meet the definition of an associated company in accordance with the Section 106 Agreement.

Due to doubts surrounding the meaning of the term "associated company", the owners of the Nurseries and the Council had agreed to submit documentation to ascertain the intentions of the parties prior to the Agreement being signed.

The Council had already supplied evidence to the owner's 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. At the last meeting of the Committee, it was reported that documentation from the owners of the Nurseries was still awaited.

Most, if not all, of the B1 and B8 activities at the glasshouse appeared to be in contravention of either the Section 106 Agreement or the planning permission relating to the site. As such, it was considered expedient to take enforcement action even though such action would need to be reasonable and measured and took account of the fact that businesses located at Foxmoor Nurseries would need time to relocate.

On this latter issue, the Council's Economic Developments Manager had indicated that the glasshouse was at present providing flexible and low cost workspace, the demand for which would increase as the Taunton Trading Estate at Norton Fitzwarren was redeveloped. Whilst there might be a supply of good quality workspace in the medium term, it was believed this was not the case for low cost space, and the types of businesses using Foxmoor Nurseries were likely to be lost to neighbouring authorities as a result.

Noted that, in his recent report, the Taunton Deane Local Plan Inspector had not identified any shortfall in the allocation of B1 or B8 land. The Chief Planning Officer had also indicated that even if a further application to use the glasshouse for a general B1 or B8 use was submitted, there were other factors which made the site unsuitable for these uses.

When the matter was considered by the Committee on 28 January 2004, members agreed to defer the matter to allow:-

- (1) the submission of further information from the owners of Foxmoor Nurseries and their current tenants;
- (2) a further site visit to be undertaken by the Senior Solicitor and the Enforcement Officer;
- (3) detailed consideration of a report prepared by the Vehicle and Operator Services Agency; and
- (4) traffic levels and the suitability of the bridge from the access road leading to the site to be assessed.

Reported that the submissions on behalf of Foxmoor Nurseries had now been received. Although many of the submissions were not accepted, in particular to the interpretation of what constituted a B8 use, some new relevant information had been included.

There had been recent changes of directors and dealings in Foxmoor Nurseries' shares, a number of tenants not previously known to the Council had been identified and the further activity on site of "pallet checking" had been referred to. It was therefore possible that the existing Counsel's advice could alter in the light of these new arrangements.

The solicitors acting for the Nurseries were keen for no enforcement action to be taken without recourse first to mediation. This was considered to be an appropriate way forward in respect of the interpretation of the term "association" in the Section 106 Agreement.

Reported that a further site visit had taken place on 10 February 2004. A thorough inspection was carried out but it became clear during the visit that the Council and the owners of Foxmoor Nurseries were not interpreting planning legislation in the same way. Whilst the Nurseries alleged that virtually all the activity on the site was B1, it was the view of Taunton Deane that many of the uses were in fact B8.

In terms of the report from the Vehicle and Operator Services Agency, noted that a Traffic Examiner had visited the site in August 2003 in connection with an application by one of the businesses at the Nurseries for a licence to operate 14 vehicles.

The Traffic Examiner had concluded that Haywards Lane appeared unsuitable for even the current volume and type of traffic and any increase would not be beneficial to the safety of pedestrians or vehicles using the lane.

Although it was not possible to give accurate details of the level of traffic accessing the site without a full survey, details of some of the known vehicles using the site were submitted.

Reported that the Bridge Engineer at Somerset County Council had indicated that the bridge along Haywards Lane had a carrying capacity of up to 40 tonnes and was in a satisfactory condition the last time it had been inspected. If the bridge was now in

regular use by a higher number of vehicles, further inspections were likely to be necessary.

Having obtained the further information requested by the Committee, there were two issues to be considered. Firstly, whether the various occupants at Foxmoor Nurseries were "associated companies" within the meaning of the Section 106 Agreement and, secondly, even if they were associated companies, were the uses being carried out B1 uses rather than B8.

It was felt that further guidance was needed as to the interpretation of the Section 106 Agreement in the light of the most recent changes to the shareholdings and changes of directors referred to in the Foxmoor Nurseries submissions. The owners of the Nurseries had indicated a willingness to enter into mediation on this specific point within a limited timescale.

RESOLVED that:-

- (1) The Solicitor to the Council be authorised to enter into mediation with Foxmoor Nurseries through an appropriate mediation service in respect of the interpretation of the Section 106 Agreement only, with such mediation to take place by 19 March 2004; and
- (2) A further report be made to the Committee at its meeting on 31 March 2004.

20. Outline application for the residential development of land at Sidbrook Farm, Monkton Heathfield (48/2003/064)

Reported that outline planning permission for this development had been granted by the Committee at its last meeting subject to a number of conditions.

One of the conditions related to the need to restrict Greenway in width, through the use of white lines painted on the highway, to provide the required visibility distances for the access leading to the site.

Although it had initially been proposed to achieve this narrowing by the formation of an island built out into Greenway, the Committee had considered representations from local people and had agreed that the restriction in width could be provided through markings on the road.

Immediately following the last meeting, the County Highway Authority had stated that this would not be acceptable because the junction had to be constructed to full specification to enable the new access road and junction to be adopted as public highway.

In the circumstances, it was recommended that the added condition relating to white lining be deleted.

RESOLVED that condition (p) of outline planning permission 48/2003/064 be deleted.

21. Retention of canopy and change of use of garage to provide ancillary storage space at Rebmit House, Ladylawn, Trull

Reported that at the meeting of the Committee on 18 June 2003, a planning application to retain a canopy and change the use of the garage to provide ancillary storage space at Rebmit House, Ladylawn, Trull, had been refused. In addition, enforcement action had been authorised to reinstate the previously approved garage.

Further reported that the condition imposed on the original planning permission for the property relating to parking on the site, required sufficient space to be provided to park two vehicles.

Even though the approved garage had not been provided, it was clear that space for two vehicles was still available on the driveway to the property, effectively complying with the condition. As there was no condition restricting the use of the garage for other domestic purposes, it was considered that no action could be taken.

As far as the canopy was concerned, this had been considered acceptable by the Committee at the meeting last June even though it was part of the refused application. Despite the canopy not being authorised, it was not considered expedient to take any further action.

During the discussion of this item, members were of the opinion that as the provision of a garage was part of the approved plans, it ought to be provided.

RESOLVED that the previous decision of the Committee to authorise enforcement action to provide the previously approved garage, be endorsed.

(Councillor Henley left the meeting at 7.05 pm).

(The meeting ended at 7.35 pm).

11/2004/003LB

MR & MRS WATSON

**ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION, REPLACEMENT
TIMBER STORE/GARAGE, PARTIAL REMOVAL OF WALL TO PROVIDE
HARDSTANDING AND TURNING AREA, TREBLES HOLFORD, SEVEN ASH,
COMBE FLOREY**

14986/33016

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Erection of two-storey and single storey extension, replacement timber garage to side, partial removal of wall to provide hardstanding and turning area, and new stable. The two storey and single storey extension is to the side of the house attached by a small link. The extensions will provide space for a garage and games room with a study above. Materials for the extensions are to match existing. Materials for the garage will be timber with reclaimed clay tiles. The stable will be sited next to an existing stable. Materials for the stable will be timber, stone, and reclaimed clay tiles to match existing.

The application has come to the Planning Committee, as the applicant is a Borough Councillor.

A planning application has also been submitted (11/2004/004) and is later in this agenda.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER views awaited. RIGHTS OF WAY OFFICER development will not affect footpath

POLICY CONTEXT

Policy EN18 of the Taunton Deane Local Plan Revised Deposit allows extensions and alterations to Listed Buildings provided certain criteria are met, including: the design and materials must be sympathetic to the age, character and appearance of the building; extensions must not dominate the original building. Policies S1 (general requirements) and S2 (design) are also relevant to the application.

ASSESSMENT

The proposed timber garage replaces an existing garage and is set away from the house. The garage will also be screened by a group of existing trees. The proposed extension is set away from the main listed building by means of a small link. The new

access will be screened by existing trees within the orchard and is considered not to impact on the setting of the listed building. The proposal is therefore not likely to adversely impact on the character or setting of the listed building, and dependent upon the views of the Conservation Officer is considered acceptable.

RECOMMENDATION

Subject to the views of the Conservation Officer and no letters of representation being received by 19th March, 2004 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and consent be GRANTED subject to conditions of time limit, and materials. Notes re: compliance and planning permission.

REASON(S) FOR RECOMMENDATION: - The proposal is considered not to harm the character or appearance of the listed building and is sympathetic in design and materials to the original building, in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.

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:

11/2004/004

MR & MRS M WATSON

**ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION, REPLACEMENT
TIMBER STOREY GARAGE, PARTIAL REMOVAL OF WALL TO PROVIDE
HARDSTANDING AND TURNING AREA, ERECTION OF STABLE, TREBLES
HOLFORD, SEVEN ASH, COMBE FLOREY.**

14987/33015

FULL PERMISSION

PROPOSAL

Erection of two storey and single storey extension, replacement timber garage to side, partial removal of wall to provide hardstanding and turning area, and new stable. The two storey and single storey extension is to the side of the house attached by a small link. The extensions will provide space for a garage and games room with a study above. Materials for the extensions are to match existing. Materials for the garage will be timber with reclaimed clay tiles. The stable will be sited next to an existing stable. Materials for the stable will be timber, stone, and reclaimed clay tiles to match existing.

The application has come to the Planning Committee, as the applicant is a Borough Councillor.

A listed building application has also been submitted (11/2004/003LB).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

LANDSCAPE OFFICER views awaited. CONSERVATION OFFICER views awaited.
RIGHTS OF WAY OFFICER development will not affect footpath.

PARISH COUNCIL views awaited

POLICY CONTEXT

Policy H19 allows extensions to dwellings provided the proposal does not harm the residential amenity of other dwellings; the form and character of the dwelling and is subservient to it in scale and design. Policy EN18 of the Taunton Deane Local Plan Revised Deposit allows extensions and alterations to Listed Buildings provided certain criteria are met, including: the design and materials must be sympathetic to the age, character and appearance of the building; extensions must not dominate the original

building. Policies S1 (general requirements) and S2 (design) are also relevant to the application.

ASSESSMENT

The proposed timber garage replaces an existing garage and is set away from the house. The garage will also be screened by a group of existing trees. The proposed extension is set away from the main listed building by means of a small link. The new access will be screened by existing trees within the orchard and is considered not to impact on the setting of the listed building. The amenity of the neighbouring property will not be affected by this proposal. The stable is set into a slope adjoining an existing stable that will not have any visual impact on the area. The proposal is therefore not likely to adversely impact on the character or setting of the listed building, or upon the residential and visual amenity of the area and dependent upon the views of the Conservation Officer is considered acceptable.

RECOMMENDATION

Subject to the views of the County Highway Authority, Landscape Officer, Conservation Officer, Environmental Health Officer, no letters of representation received by 19th March, 2004, and any related conditions to be attached, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials. Notes re: compliance and listed building consent.

REASON(S) FOR RECOMMENDATION: - The proposal is considered not to harm the character or appearance of the Listed Building or harm the residential and visual amenity of the area, in accordance with Policies H19 and EN18 of the Taunton Deane Local Plan Revised Deposit.

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:

38/2004/016

RIDGMONT CARE HOMES LTD

ERECTION OF TWO STOREY EXTENSION TO NURSING HOME, SINGLE STOREY GLAZED LINK, NEW PARKING AREA, AND HARD AND SOFT LANDSCAPING, MURLEY HOUSE NURSING HOME, WYVERN ROAD, TAUNTON AS AMENDED BY LETTER DATED 19TH FEBRUARY, 2004 AND DRAWING NO. 03/30/05 A

22331/22750

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a significant extension to Murley House Nursing home of a maximum width of 31.8 m and a maximum depth of 26 m. Incorporated within the extension and additional to the existing 63 bedrooms would be 36 additional bedrooms and 2 dining rooms. Also proposed are internal alterations, a glazed porch, hard and soft landscaping, and re-designed parking arrangements. There are 41 existing car parking spaces and these would be reduced to 30 spaces. The design of the extension reflects the original design.

Vehicular access to the nursing home is via Wyvern Road, which is an unadopted road.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

LANDSCAPE OFFICER concerned regarding the rear access grasscrete where it requires excavations (because of possible root damage to mature trees). The existing hedge should be laid and thickened. The garden area is limited and needs careful consideration to provide more amenities.

14 LETTERS OF OBJECTION have been received on the grounds that:- increased traffic will result in increased road danger; the increased traffic would also occur during unsocial hours; no mention of additional development was made when the neighbouring residents bought their homes; Wyvern Road is non-adopted and no approach has been made with regard to road maintenance costs; building works will inevitably cause disruption which is not very considerate to the local residents; the number of proposed parking spaces is inadequate; a one-way system should be reinstated with road side parking for residents only; the extended development would not be in keeping with the residential area; loss of morning sunshine would result; and given that there has been an increased provision for elderly in the area, when will it all end.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan Revised Deposit seeks, inter alia, to ensure that additional road traffic would not lead to overloading of access roads, road safety problems, or environmental degradation. Policy S2 seeks to ensure good design. Policies M1 and M2 seek to ensure that a maximum number of car parking spaces is not exceeded, and Policy M3 seeks to resist development, which would, inter alia, create undesirable parking pressure in nearby residential streets.

ASSESSMENT

The design of the proposal and its impact on residential and visual amenity is not considered contentious and is considered acceptable. In addition, the concern of the landscape officer relating to the rear grasscrete area has been resolved in that the agent has now significantly reduced its overall area.

The remaining issue of concern as particularly expressed in the letters of objection is that relating to intensification in use of the road, and its impact on road safety, parking, and road maintenance costs.

With regard to the latter of these points, road maintenance of an unadopted highway is entirely the responsibility of the parties concerned. In respect of parking, these are no particular standards relating specifically to nursing homes, and indeed a fundamental principle of the Local Plan is to discourage motor car usage and encourage a more balanced public transport system. Accordingly, parking policies seek to limit car-parking provision. Finally, in respect of road safety, the County Highway Authority raise no objection in road safety terms.

The proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, hedgerow and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity, or road safety. Accordingly the proposal does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2, M1, M2 and M3.

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

CONTACT OFFICER: 356493 MR J DAVIES

NOTES:

38/2004/029

MRS A J OWENS

ERECTION OF DWELLING WITH INTEGRAL GARAGE AND ALSO A DETACHED GARAGE (TO BE USED IN CONNECTION WITH NO. 44) ON LAND TO NORTH OF 44 HAINES PARK, TAUNTON.

22133/23251

OUTLINE APPLICATION

PROPOSAL

The proposal is an outline application for the erection of a dwelling with an integral garage on land to the north of 44 Haines Park. It is also proposed to erect a garage to serve No. 44. The site is 14.5 m at its widest point and has a maximum depth of 28 m. The site is situated adjacent to an area of open space. Access details have been reserved for subsequent approval, however the applicant has confirmed that it is intended to gain access from Haines Park (as opposed to Pikes Crescent at the rear of the site). The applicant also confirms that it is the intention to demolish the existing garage which is adjacent to Pikes Crescent. An illustrative plan has been submitted to show how a dwelling could be accommodated on the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommend conditions covering sufficient off road parking, garage to be 6 m from highway, access, dropped kerbs, visibility, entrance gates to be 4.5 m back from carriageway, gradient, disposal of surface water, the Pikes Crescent access to be stopped up and note regarding Section 184 Permits. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER the development is located within a sewered area, with foul and surface water sewers available. There are also water mains within the vicinity. The developer should agree points of connection onto Wessex systems.

LANDSCAPE OFFICER subject to retaining the existing boundary hedge, with no construction works within 1 m of it, and the planting of a tree in the north east corner of the site, the proposals should not have a significant landscape impact.

4 LETTERS OF OBJECTION AND 1 LETTER OF REPRESENTATION have been received on the following grounds:- it will impact on the public open space; it is an unacceptable increase in housing density; overlooking, leading to a loss of privacy and amenity; there is a shortage of parking, which will be exacerbated; it contravenes the development plan; the original development excluded overdevelopment and planning limited density, which should still be valid; if objections are ignored conditions should be applied limiting the height; access should be from Haines Park only, restricting working hours of construction, restricting dust and mud nuisance, enforcing infringements; the development should be in keeping and the Eucalyptus tree protected; strongly object to access onto Haines Park; the only space available is the corner, which is an emergency service turning area, visitors will block this and the road which is unacceptable; access through Pikes Crescent would give rise to safety issues as it is a busy narrow road,

close to a junction with limited visibility; loss of views and outlook; loss of light; there must have been a good reason why the developers of Haines Park did not originally put up a further structure; would suspect it was deemed to impinge on the benefit of the open space; it will seriously detract from the open recreation area and reduce its environmental benefits by bringing the building line to the edge of the area; there are no other properties bounding this area, which is to the benefit of those using it; access onto Haines Park will lead to congestion and inconvenience to nearby residents; access to Haines Park will be detrimental because of the site levels, which make access awkward, causing owners to park on the narrow road leading to obstruction; the access will be steep; the proposal will restrict access to neighbouring drives; properties in the area have suffered subsidence and therefore foundations should be adequate.

POLICY CONTEXT

Policy S1 (general) of the Taunton Deane Local Plan Revised Deposit stipulates that development should not lead to road safety problems, nor harm the appearance of any affected street scene or significantly harm neighbouring amenity. Policy H1 (housing within classified limits) states that small scale schemes should not erode the character or residential amenity of existing residential areas. Policy M3a sets residential parking standards.

ASSESSMENT

The site is located within the settlement limits of Taunton as identified in the Taunton Deane Local Plan Revised Deposit. The plot is of sufficient size to accommodate a dwelling. The Highway Authority do not consider that the scheme will lead to the obstruction of the cul-de-sac's turning area, nor do they have any objections on highway safety grounds in general. Conditions are recommended to ensure that sufficient off road parking is provided and it is not considered that the proposal will lead to an unreasonable increase in pressure for on street parking, congestion or cause unreasonable nuisance for neighbours.

A condition is recommended to ensure that the hedgerows along the northern boundary of the site, adjacent to the area of open space, will be retained and that there be no construction works within 1 m of it. Therefore the building line of the dwelling will not sit directly on this boundary. It is not thought that the proposal will significantly impact on the use or enjoyment of the area of open space.

The proposed dwelling will not lead to an unacceptable increase in the housing density of the area, nor will it lead to the loss of an important public view.

Concerns raised regarding potential overlooking , loss of light, loss of privacy etc. will all be addressed at the Reserved Matters stage.

Concerns regarding the foundations will be dealt with at the Building Regulations stage. Many of the other matters raised are not planning considerations.

For these reasons the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of all details to be submitted, reserved matters time limit, commencement, site levels, materials, landscaping, trees to be retained, protection of trees, boundary treatment, hedge to be retained, no construction works within 1 m of hedgerow, sufficient parking, garage to be 6 m from highway, details of access, visibility, entrance gates, existing access from Pikes Crescent to be stopped up . Notes re surface water drainage, section 184 permit, dropped kerbs, disable persons act, energy conservation, meter boxes, water conservation, Part M of building regs, level access, works to be carried out in accordance with plans, connection onto Wessex Water systems, landscaping, care during construction.

REASON(S) FOR RECOMMENDATION:- The application site lies within the settlement limits of Taunton and it is considered that the proposal will not be prejudicial to highway safety or harm the character or appearance of the area. Therefore, the proposal is considered to accord with Taunton Deane Local Plan Revised Deposit Policy H1.

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:

42/2004/002

P & M HEDDERWICK

ERECTION OF 2 STOREY SIDE EXTENSION AT SWEETHAY COURT, SWEETHAY, TRULL.

20464/21339

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a two storey side extension measuring 9 m x 6.8 m in ground area, and a more modest front extension measuring a maximum of 3.2 m x 7 m in ground area.

Sweethay Court is an attractive, rendered, detached property with a slate roof.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL approves of this application in principle but suggest that the extension should be at least 0.5 m within the boundary wall. Thus to prevent any potential traffic hazards relating to guttering, windows and soffits.

POLICY CONTEXT

Policies S1, S2 and H19 of the Taunton Deane Local Plan Revised Deposit all seek, inter alia, to safeguard visual and residential amenity.

ASSESSMENT

The significant 2 storey side extension would impinge on neither visual nor residential amenity. The more modest front extension however would result in the demolition and loss of part of an attractive stone boundary wall, and this would adversely affect the street scene. Accordingly, the agent has been requested to set the extension back from the boundary wall to ensure its continued contribution to the street scene, and although he has only agreed to a 0.15 set back, this is considered acceptable.

At the time of agenda preparation, the amended drawings had not been submitted.

RECOMMENDATION

Subject to the receipt of satisfactory amended drawings the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, rebuilding of highway boundary wall.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect residential or visual amenity and accordingly does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H19.

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:

47/2004/002

MR B WEBBER

**DEMOLITION OF COTTAGE AND ERECTION OF REPLACEMENT DWELLING,
POOLES COTTAGE, MEARE GREEN, WRANTAGE.**

29646/22300

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a 5 bedroomed cottage with attached double garage on an L shaped plot with a frontage to the highway of some 21 m and a depth of some 50 m. The dwelling would replace a red brick cottage.

Planning permission was granted in September 2000 for a replacement dwelling with detached double garage (47/2000/008). The ground area permitted by this development is identical to that now proposed, but the current scheme differs insofar as, inter alia, additional first floor accommodation is proposed over the garage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY recommends notes WESSEX WATER recommends notes.

DRAINAGE OFFICER aware that localised flooding occurred here in 2000. The applicant is advised to design floor levels to take account of this

PARISH COUNCIL planning permission agreed for a 4 bedroomed dwelling. The request for a 5 bedroomed house will impose on other properties in Meare Green. However, if permission is granted we would request the dwelling be moved to a central position rather than against the boundary of Walnut Tree Cottage; the front facade should remain as granted; the exterior should match existing properties i.e. render and red tiles; a proposed septic tank is queried, but does the communal sewage unit have the capacity for an additional 5 bed house?

2 LETTERS OF OBJECTION have been received on the following grounds:- the submitted drawings do not detail Walnut Tree Cottage to the east of the application site; the proposed dwelling is larger than that permitted; the integration of the garage into the dwelling with first floor above the garage increases the bulk; the dwelling is sited closer to Walnut Tree Cottage; the dwelling is less in sympathy with adjacent dwelling; it is too dominating; it is out of scale; it would increase problems of flooding, sewerage and other drainage problems which would lay the Council open to possible civil action for redress; the proposal is less likely to meet best planning practice than the one for which approval has already been granted; loss of light to Walnut Tree Cottage would result; overlooking would also result; a larger house together with a larger surface of hardstanding and driveway would increase the amount of surface water run off and consequently increase flooding.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan Revised Deposit seek, inter alia, to safeguard residential and visual amenity. Policy H10 accepts replacement dwellings provided the scale, design and layout of the proposal is compatible with the rural character of the area and the replacement dwelling is not substantially larger than the existing dwelling.

ASSESSMENT

The principle for a replacement dwelling has already been established by permission 47/2000/008, and although the proposed design is somewhat different, I would reiterate that the footprint of the proposal is identical to that permitted, with a marginal increase in floor area at first floor level. The proposal is considered to satisfy the requirements of Policy H10 in terms of scale and design.

The issues to be assessed therefore are those relating solely to design, impact on neighbouring properties in terms of residential amenity, and drainage/flooding.

With regard to this latter point, the Environment Agency, the Drainage Officer and Wessex Water raise no objection. In terms of residential amenity, the concern is the impact on the property to the east, Walnut Tree Cottage. Although the new dwelling is proposed to be sited closer, it would still nevertheless be some 10 m distant with the garage of Walnut Tree Cottage in between the two. Furthermore there are no first floor windows proposed in the relevant north east gable elevation. Accordingly there would be no adverse impact on Walnut Tree Cottage in terms of either loss of light or privacy. Finally, with regard to design, I would advise that Meare Green comprises a variety of different styles and accordingly I do not consider that the proposal would be detrimental to the character of the hamlet.

The proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, hard and soft landscaping, levels, walls and fences, hedges to be retained, permitted development rights removed, drainage details to be submitted.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect either visual or residential amenity, and accordingly the proposal does not conflict with Taunton Deane Local Revised Deposit Policies S1, S2 and H10

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:

PLANNING COMMITTEE – 3 MARCH 2004

Report of Chief Planning Officer

TEL/02/2004 INSTALLATION OF 15 M MONOPOLE MAST WITH 3 ANTENNAS, 1 X 300 MM DISH AND 1 X 600 MM DISH WITH RADIO EQUIPMENT HOUSING AND ANCILLARY DEVELOPMENT AT LAND AT THORNWATER FARM, THORNFALCON

PROPOSAL

The proposal is for the erection of a monopole telecommunication mast 15 m in height. It would have 3 antennas around the pole, a 300 mm dish and a 600 mm dish with ancillary radio equipment housing and ancillary development at ground level. The antenna would be sited 165 m to the north of the A358, to the rear of Thornwater Farm. It would be adjacent to an existing hedgerow and take advantage of the existing tree cover to minimise the visual impact from the south, north and west. The telecommunications pole would be approximately 200 m to the south of Lower Farm, 109 m to the west of Harmans and 200 m to the east of Tarmac at Henlade.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER views awaited.

RUISHTON AND THORNFALCON PARISH COUNCIL the pole is unnecessary and we are concerned about the visual impact on the surrounding countryside.

1 LETTER OF OBJECTION has been received raising the following points: - the pole is too close to residential properties bearing in mind the uncertainty about the potential hazards to human health from microwave radiation; the site has been chosen for the convenience of access and consider that it should be sited near the already unsightly Industrial Tarmac premises; the view of the Quantock Hills is already blighted by Tarmac and it seems a shame to broaden this; Thornwater Farm is a strategically important green belt serving Ruishton and Thornfalcon where numerous unusual species of wildlife are present.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit the following policy applies:- S1 governing the general requirements of all development; criteria (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. S8 outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and (B) accords with a specific development plan policy. C13 permits telecommunication masts provided their siting and appearance would minimize harm to the landscape; there are no alternative sites with less environmental impact;

there is satisfactory evidence that existing masts or structures cannot be used.

ASSESSMENT

Government advice contained within Planning Policy Guidance note 8 states that it is Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Furthermore Local Planning Authorities are encouraged to respond positively to telecommunications development (whilst taking account of the rural and urban policy framework). This notification, contains evidence that there is a requirement to provide additional coverage in the area of the application site, to provide suitable continuous in-car use along the adjacent stretch of the A358 (from the M5 to Ash Cross) and part of the railway line. Alternative sites at Blackbrook Business Park, the roundabout junction of Ilminster Road and Blackbrook Way and the Telephone exchange at Henlade have been discounted for various reasons (i.e. visual impact, operational needs and the close proximity of dwellings). The current site is located to the north of the A358 adjacent to an existing hedgerow where trees will provide screening for the mast. Additional information is to be forwarded that would provide new hedge planting on the inside of the post and rail fencing around the ground station equipment. The nearest dwelling is approximately 190 m from the mast and although it would be visible from that curtilage I do not consider this to warrant the refusal of the notification. The mast would conform to the International Commission for Non-Ionising Radiation Protection (ICNIRP) and in such circumstances there would be no objection based on concerns for health. Information is awaited regarding the possibility of using the Industrial Site at Tarmac as an alternative location and subject to this information the current site is considered to be acceptable.

RECOMMENDATION

Notification be APPROVED subject to satisfactory landscaping details.

REASON(S) FOR RECOMMENDATION:- The proposed mast is required to facilitate the growth of new and existing telecommunications systems and the impact on the visual amenity of the surrounding area is not considered to be detrimental, in accordance with the requirements of Taunton Deane Local Plan Revised Deposit Policies S1 and C13.

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

CONTACT OFFICER: Mrs J Moore Tel: 356467

PLANNING COMMITTEE – 3 MARCH 2004

Report of the Chief Planning Officer

MISCELLANEOUS ITEM

25/2002/017 CHANGE OF USE TO HOTEL/BED AND BREAKFAST AT CORNERWOOD HOUSE AND COURTWAY, NORTON FITZWARREN. (NOW KNOWN AS TRENCHARD PARK GARDENS)

The purpose of this report is to address the concerns that have been raised that the use of the above property may be in breach of the planning approval that was granted for the change of use to hotel/bed and breakfast accommodation on 19 August, 2002.

Whilst the application was being determined it became evident that discussions had taken place between the owner and other departments within the Authority. An e-mail was received from Housing Standards dated 17 June, 2002 confirming that the intended use of the building was to provide accommodation for homeless persons. This use was also raised with Building Control who confirmed that an application would be required should the building be put to this use. Following the approval of the planning application a Building Regulation application was submitted for internal works including fire precaution works.

The Housing Section has been referring homeless persons to the existing hotel/bed and breakfast accommodation for some time. The Council's solicitor is of the opinion that the existing use may be exempt from planning enforcement action because the intended occupation by homeless persons was 'known' at the time planning permission was granted for the hotel/bed and breakfast use.

In conclusion it would appear that there is corporate support for Mr Eaton's current operation, at least in terms of the Council's housing strategy and that no further action from a planning viewpoint should be taken at the present time.

RECOMMENDATION

That the report be noted.

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 – 3 MARCH 2004

Report of Chief Planning Office

ENFORCEMENT ITEM

Parish: Stoke St Gregory

- 1. File/Complainant Number** E377/36/2003
- 2. Location of Site** 2 Meare Green , Stoke St Gregory,
Taunton, TA3 6HX
- 3. Names of Owners** Mrs H Miles, 2 Meare Green , Stoke St
Gregory, Taunton, TA3 6HX
- 4. Names of Occupiers** Mrs H Miles, 2 Meare Green , Stoke St
Gregory, Taunton, TA3 6HX

5. Nature of Contravention

Erection of front boundary wall/fence over 1 m high.

6. Planning History

A complaint was received on 7 October 2003 that a wall and fence was being constructed adjacent to the highway at the above. A letter was sent to the owner of the property explaining that as the wall/fence is over 1m in height adjacent to the highway an application for planning permission is required. Following a meeting with the owner an application was received on 10 November 2003. The application was subsequently refused under delegated powers on 29 December 2003.

7. Reasons for Taking Action

It is considered that the fence/wall, by virtue of its height, design and setting, constitutes an intrusive feature within the street scene to the detriment of the visual amenities of the area and out of keeping with the character of its rural surroundings. Therefore, the wall/fence is considered to be contrary to Policies S1 (D) and S2 (A) of the Taunton Deane Local Plan Revised Deposit. Also the wall/fence blocks visibility and leaves the access without the necessary visibility splays. As such the wall/fence is prejudicial to highway safety and is therefore contrary to Policy S1 of the Taunton Deane Local Plan Revised Deposit and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice and 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: Mr J A W Hardy Tel. 356479

PLANNING COMMITTEE - 3 MARCH 2004

Report of Chief Planning Officer

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complainant Number** E38/38/2004
2. **Location of Site** Taunton School, Taunton, TA2 6AD
3. **Names of Owners** Taunton School (c/o The Bursar)
4. **Names of Occupiers** Taunton School
5. **Nature of Contravention**

Continued provision of a temporary covered walkway, beyond permitted time limit.
6. **Planning History**
 - (a) In 1993 applications 38/1993/405 & 38/1993/406LB were granted conditional permission for the alteration and extension of the memorial hall and library to form an arts centre. The approved scheme included conversion of the memorial hall to a theatre (which has been implemented) and the erection of a glazed covered link between the theatre and library to provide a foyer.
 - (b) Application 38/1995/243LB for provision of a temporary covered walkway (in lieu of the approved glazed foyer) was granted consent subject to its removal by 15 August, 1998.
 - (c) Due to a slippage in the expected time frame for completion of the approved, permanent, extension/foyer, application 38/1998/058LB was again granted for the temporary covered walkway (and other alterations for means of escape), with its removal required by 31 March, 2001.
 - (d) Application 38/2001/083LB for retention of the covered walkway was again approved for a temporary period with its removal required by 31 May, 2003.
 - (e) In August 2001, the Conservation Officer had what was considered to be a productive meeting with the school, regarding a revised design for the

approved foyer, but to date no such amended scheme has been submitted.

7. Reasons for Taking Action

This “temporary” structure has now been in situ for 9 years and is constructed of materials commensurate with its temporary function, which in turn are inferior to the character and qualities of the Grade II listed building.

8. Recommendation

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice and commence prosecution proceedings for the unauthorised development.

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