



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 16TH JUNE 2004 AT 17:00.

(RESERVE DATE : AT 17:00)

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. CHURCHSTANTON - 10/2004/005
ERECTION OF PRIVATE GARAGES AS AN ALTERNATIVE TO GARAGES APPROVED BY PERMISSIONS 10/2003/005 AND 10/2003/006, TRENTS FARM, MOOR LANE, CHURCHINFORD AS AMPLIFIED BY AGENTS LETTER DATED 20TH APRIL, 2004 AND DRAWING 1203/9F ATTACHED THERETO
5. STAPLEGROVE - 34/2004/022
ERECTION OF CONSERVATORY AND SHED AT REAR OF LODGE FARM, STAPLEGROVE.
6. TAUNTON - 38/2004/139
ERECTION OF PART 2, PART 3 AND PART 4 STOREY BUILDING ACCOMMODATING 24 FLATS AND PROVISION OF GARAGES AT COUNTY GARAGE, 2 PRIORY AVENUE, TAUNTON AS AMENDED BY PLANS ATTACHED TO AGENT'S LETTER DATED 17TH MAY 2004.
7. TAUNTON - 38/2004/172
ERECTION OF 2 SELF-CONTAINED FLATS ON LAND ADJACENT TO 14 GREENWAY ROAD, TAUNTON
8. TAUNTON - 38/2004/184
DEMOLITION OF 18-24 KINGSTON ROAD AND ERECTION OF 13 X 1 BEDROOMED FLATS AND GROUND FLOOR SHOP AT 18-24 KINGSTON ROAD, TAUNTON.
9. TRULL - 42/2004/014
ERECTION OF 2 FIRST FLOOR EXTENSIONS, BAY WINDOW AND SINGLE STOREY EXTENSION AT 1 HERSWELL COTTAGES, WEST BUCKLAND
10. TRULL - 42/2004/017
ERECTION OF CONSERVATORY AT 30 KILLAMS GREEN,

TAUNTON

11. WELLINGTON - 43/2004/040
ERECTION OF DWELLING ADJACENT TO 2 THE WATERPATH,
WESTFORD, WELLINGTON.
12. WELLINGTON - 43/2004/042
ERECTION OF 4 NO. ONE BEDROOMED HOUSES, LAND
BETWEEN 43 AND 45 HOWARD ROAD AND ASSOCIATED
PARKING (8 SPACES) FOR NEW AND EXISTING HOUSES ON
OPEN SPACE AREA ADJACENT TO HOWARD ROAD,
WELLINGTON AS AMENDED BY
13. WELLINGTON - 43/2004/048
ERECTION OF 2 NO. DISABLED PERSONS BUNGALOWS AND
CAR PORTS, LAND ADJACENT TO 32 ALEXANDRA ROAD,
WELLINGTON
14. WELLINGTON - 43/2004/051
DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF
BLOCK OF 14 FLATS, FORMER HAYMANS COAL YARD,
WESTFORD, WELLINGTON.
15. WEST BUCKLAND - 46/2004/010
ERECTION OF REPLACEMENT SHED AT FIELD GRID REF
164173 OPPOSITE HUNTERS LODGE FARM, CLAYHIDON AS
AMENDED BY PLAN RECEIVED
16. WEST BUCKLAND - 46/2004/012
CHANGE OF USE OF AGRICULTURAL LAND TO FORM
EXTENSION TO GARDEN, 4 WILLOWBROOK COTTAGES, WEST
BUCKLAND.
17. WIVELISCOMBE - 49/2004/016
ERECTION OF AGRICULTURAL BUILDING, LAND ADJACENT TO
LOWER NUNNINGTON PARK FARM ESTATE, WIVELISCOMBE.
18. WIVELISCOMBE - 49/2004/020
ERECTION OF EXTENSION TO FORM ANNEXE, WARREN
HOUSE, WIVELISCOMBE
19. COMEYTROWE - 52/2004/018
ERECTION OF 12 DWELLINGS AND FORMATION OF ACCESS
ON SITE OF NEW BARN, 41 COMEYTROWE LANE, TAUNTON.
20. 30/1981/001 - Conversion at Kibbear House, Trull. Variation of
Section 52 Agreement. Report of the Chief Solicitor (attached). Miscellaneous item
21. Enforcement of Condition 20 - Planning Permission 34/1998/009 -
Taunton Vale Hockey Club, Gipsy Lane, Taunton. Report of the
Chief Solicitor (attached). Enforcement item
22. E146/14/2003 - Use of land at Creech Mills, Mill Lane, Creech St.
Michael for the operation of a mobile crane business. Enforcement item

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| 23. | E252/17/2002 - Collapsed wall within grounds of listed building, Fitzhead Court, Fitzhead. | Enforcement item |
| 24. | E430/18/2003 & 18/2004/003A - Display of signs on the rear and side of the New Inn, Halse. | Enforcement item |
| 25. | E224/38/2003 - Possible change of use from domestic to part business use at 33 Alma Street, Taunton | Enforcement item |

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

09 June 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2

Planning Committee Members:-

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

Planning Committee - 19 May 2004

Present: Councillors Beaven, Bowrah, Miss Cavill, Denington, Floyd, Guerrier, Henley, Mrs Hill, Hindley, House, Miss Peppard, Phillips, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp.

Officers: Mr N T Noall (Head of Development), Mr T Burton (Area Planning Officer (East)), Mr J Hamer (Area Planning Officer (West)), Mrs J Moore (Principal Planning Officer (East)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager).

(The meeting commenced at 5.00 pm).

45. Appointment of Chairman

RESOLVED that Councillor Miss Peppard be appointed Chairman of the Committee for the remainder of the Municipal Year.

46. Appointment of Vice-Chairman

RESOLVED that Councillor Mrs Hill be appointed Vice-Chairman of the Committee for the remainder of the Municipal Year.

47. Apologies

Councillors Croad and Govier.

48. Minutes

The minutes of the meeting held on 21 April 2004 were taken as read and were signed.

49. Welcome

The Chairman welcomed Councillor Hindley to his first meeting of the Planning Committee.

50. 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 under mentioned 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:-

24/2004/007

Erection of detached dwelling at land to west of Yew Tree Cottage, Wrantage.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C013 - site levels;
- (e) C101 - materials;
- (f) C201 - landscaping;
- (g) C207 - existing trees to be retained;
- (h) C208A - protection of trees to be retained;
- (i) C215 - walls and fences;
- (j) C321B - parking;
- (k) Any entrance gates shall be hung to open inwards and set back a minimum distance of 4.5m from the carriageway edge;
- (l) C306 - access - gradient;
- (m) C327 - turning space;
- (n) P001A - no extensions;
- (o) P003 - no ancillary buildings;
- (p) P010 - no further windows;
- (q) C917 - services - underground;
- (r) P006 - no fencing.

(Notes to applicant:- (1) N111 - disabled access; (2) N112 - energy conservation; (3) N114 - meter boxes; (4) N115 - water conservation; (5) N118 - disabled access; (6) N118A - disabled access; (7) N024 - development in accordance with approved plans; (8) N034A - drainage/water; (9) N037 - drainage/water; (10) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (11) N119 - Design Guide).

Reason for granting outline planning permission:-

Notwithstanding that Wrantage was not identified as a settlement in the Taunton Deane Local Plan, it was considered that the proposed dwelling fitted in with the existing character and pattern of development and that the site constituted an infill plot between two existing properties. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Revised Deposit Policy S1.

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

The Committee considered that the proposed dwelling would fit in with the existing character and pattern of development in Wrantage and that the site also constituted an infill plot between two existing properties.

- (2) That **permission be granted** for the under mentioned 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:-

14/2004/013

Erection of two dwellings, garages and access drives at the former Crown Inn Car Park, Crown Lane, Creech Heathfield.

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) Notwithstanding the details contained within the application, prior to the commencement of works on site, full details of the surface water and foul drainage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C213 - hedge to be retained;
- (e) C209 - protection of hedge to be retained;
- (f) C241 - landscaping;
- (g) No development hereby approved shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority;
- (h) C324 - parking;
- (i) The 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;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed in the western elevation of the new dwellings;
- (k) The bathroom windows on the west elevations of both units 3 and 4 shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (l) P001A - no extensions;
- (m) The new access shall maintain a level connection with the existing access lane;
- (n) Noise emissions from the site during the construction phase shall be limited to the following hours:- Monday to Friday 0800 - 1800 hours; and Saturday 0800 - 1300 hours. At all other times, including public holidays, there shall be no noisy working;
- (o) There shall be no obstruction to visibility greater than 600mm above the adjoining road level, forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.

(Notes to applicant:- (1) Applicant was advised that Crown Lane adjacent to the application site is a public right of way and should not be obstructed in any way by vehicles. The access is maintained by local residents and any subsequent owners/occupiers of the dwellings hereby approved will be expected to contribute to its upkeep/maintenance; (2) Applicant was advised that a public footpath runs along Crown Lane. Any change to the surface of this footpath will require the County Highway Authority's permission. Any unauthorised alterations may result in the surface being removed/reinstated at the installer's costs. Any surface would not be maintained by the public unless the lane is adopted; (3) Applicant was advised that the drainage channel to the east of the site is in private ownership and the application site has no rights to drain into it; (4) N112 - energy conservation; (5) N114 - meter boxes; (6) N045 - encroachment; (7) Applicant was advised that level access is required to the dwellings; (8) Applicant was advised that private drainage ditches may cross the site. Matters relating to these ditches are private legal matters and the granting of this permission does not override the need to reach any other agreements; (9) With regard to condition (g), applicant was requested to contact the County Archaeologist for further advice; (10) Applicant was advised that a public sewer is shown to cross the site and you are advised to contact the Wessex Water Authority to determine the location of their underground apparatus).

Reason for granting planning permission:-

The proposal was for two new dwellings within the settlement limits of Creech St Michael where new development was permitted in accordance with Taunton Deane Local Plan Revised Deposit Policy S7. The proposals were considered to have an acceptable impact on the highway and neighbouring amenity in accordance with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49. The proposal was considered to have an acceptable impact on the character and setting of the adjacent listed building, the Crown Inn, in accordance with the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Revised Deposit Policy EN17.

30/2004/008

Extension, dormer windows, alterations and detached double garage at Fairview, Blagdon Hill.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials;
- (c) The existing garage shall be removed and replaced with the new garage, in accordance with the submitted drawings, prior to the commencement of the development of the two-storey side extension.

(Note to applicant:- Applicant was strongly advised to provide a turning area on site, in order that cars could leave the site in a forward direction, in the interests of road safety).

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and accordingly did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H19.

46/2004/008

Removal of condition 03 attached to planning permission 46/2003/015 to allow use of garage as domestic accommodation, The Old Piggery, Gerbestone Manor, Wellington.

(Note to applicant:- Applicant was advised that any future planning application for a garage will not be viewed favourably).

Reason for granting planning permission:-

It was considered that the proposal complied with Taunton Deane Local Plan Revised Deposit Policies H19, S1 and S2 in that neither residential nor visual amenity would be adversely affected.

52/2004/008

Erection of two storey side extension at 48 Newbarn Road, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C102A - materials.

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and accordingly did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

52/2004/010

Erection of conservatory at rear, 14 Ash Crescent, Taunton.

Conditions

- (a) C001 - time limit;
- (b) The external surfaces of the extension hereby permitted shall be of materials to match those of the existing building.
(Note to applicant:- N045 - encroachment).

Reason for granting planning permission:-

The proposed extension complied with Taunton Deane Local Plan Revised Deposit Policy H19 in that there was no harm to the residential amenity or other dwellings and no harm to the form and character of the dwelling.

- (3) That **planning permission be refused** for the under mentioned 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:-

21/2004/007

Erection of single storey Village Hall, associated car parking and access driveway, land at Ritherdons (OS Ref ST108228), Langford Budville.

Reasons

- (a) The site is beyond the settlement limits in open countryside in an elevated and prominent position, not well related to the existing settlement pattern and buildings and its development, as proposed, would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality. (Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Revised Deposit Policy S8);
- (b) The development of the site, as proposed, would adversely affect the setting of St Peter's Church, which is a Grade I listed building, and the setting and character of the Langford Budville Conservation Area when viewed from the public footpath leading from Langford Common to the village by reason of its size and siting. (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Revised Deposit Policy EN15);
- (c) The proposed development does not make adequate provision for a footpath link of an acceptable standard to the site from the village. (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policies S1(B) and M1).

(Note to applicant:- Applicant was advised that a site further down the slope towards the road, may be viewed favourably by the Local Planning Authority).

21/2004/011

Erection of Village Hall, formation of access driveway and car parking for Hall, Church and School and improvement of access, land to north and east of St Peter's Church, Langford Budville.

Reasons

- (a) The site is beyond the settlement limits in open countryside and the development, as proposed, would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality. (Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Revised Deposit Policy S8);
- (b) The development of the site, as proposed, would introduce alien features, including the access road, in the setting of the Church (which is a Grade I listed building) and Conservation Area and would therefore be detrimental to these by reason of their siting and appearance. Furthermore, the approach to the Conservation Area from

the north-east is characterised by the narrow road and hedges and the proposed development, by reason of the visibility splays, would devalue this approach. (Somerset and Exmoor National Park Joint Structure Plan Review Policy S9 and Taunton Deane Local Plan Revised Deposit Policy EN15);

- (c) The proposed access, with the loss of roadside bank and hedgerows and the provision of visibility splays, will have a detrimental impact on the rural character of the approach to the village and would therefore detract from the visual amenity of the area. (Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6, West Deane Local Plan Policies WD/SP/2 and WD/C/7 and Taunton Deane Local Plan Revised Deposit Policies S1(D), EN5 and EN13);
- (d) The proposed development does not make adequate provision for a footpath link of an acceptable standard to the site from the village. (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policies S1(B) and M1.

43/2004/034

Retention of first floor windows, 4 Highland Place, High Street, Wellington.

Reason

The first floor windows are considered to cause undue loss of privacy to neighbouring properties from potential overlooking, resulting in harm to the residential amenities of the area contrary to Taunton Deane Local Plan Revised Deposit Policy S1.

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

45/2004/004

Erection of nine stables and tack room to replace four stables and tack room, field adjoining Tally Ho Cottage, Triscombe.

51. Erection of dwelling, Old Hospital Site, Dene Road, Cotford St Luke (06/2004/020)

Reported this application.

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

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C215 - walls and fences;
- (e) C312B - parking;
- (f) C416 - details of size, position and materials of meter boxes;
- (g) P007 - no fencing in front of dwelling.

(Notes to applicant:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N115 - water conservation; (4) N114 - meter boxes; (5) N051B - health and safety).

Reason for planning permission, if granted:-

The site was within the development limits of Cotford St Luke and development of the site was considered to be acceptable without detriment to the adjoining development or the street scene and was in character with the area and thus the proposal was considered to be in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

52. Demolition of existing outbuilding and erection of dwelling with garage and replacement garage for Lodge Barton at land to rear of Lodge Barton, Wood Street, Milverton (23/2004/009)

Reported this application.

RESOLVED that subject to the receipt of an acceptable design statement and the views of the Conservation Officer on any amended plans that were forthcoming, 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) Full details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority, prior to commencement of any works on site and shall thereafter be implemented;
- (c) C102A - materials;
- (d) C201 - landscaping;
- (e) C205 - hard landscaping;
- (f) C215 - walls and fences;
- (g) The proposed access shall be constructed in accordance with details shown on Drawing No 11102/2A prior to occupation of the dwelling hereby approved;
- (h) 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;
- (i) The turning space shown on the submitted plans shall be kept free of obstruction at all times;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed;
- (k) C910B - archaeological investigation.

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water in respect of points of connection; (2) Applicant was advised to contact the County Archaeologist in respect of condition (k); (3) Applicant was advised that soakaways should be constructed in accordance with Building Research

Digest 365 (September 1991); (4) N118 - disabled access; (5) N114 - meter boxes).

Reason for planning permission if granted:-

The proposal was considered to be in accordance with Taunton Deane Local Plan Revised Deposit Policies S1, S2, S7 and H1 without any detriment to the amenities of the local residents.

53. Erection of 2 No. detached dwellings at land at Rosebank Road, Milverton (23/2004/011)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues on the amended plans by 25 May 2004, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C205 - hard landscaping;
- (e) C206A - existing and proposed levels;
- (f) C207 - existing trees to be retained;
- (g) C208A - protection of trees to be retained;
- (h) C215 - walls and fences;
- (i) C910B - archaeological investigation;
- (j) C320 - waiting bay, turning space and driveway to be hard surfaced;
- (k) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) The gradient of the proposed access shall not be steeper than 1 in 10.
- (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) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2m back from and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (o) A type "B" waiting bay for vehicles shall be formed at the point of access in accordance with the attached diagram and specifications. Such bay shall be completed before the dwellings hereby permitted are 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;
- (p) The 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;
- (q) C926B - remediation investigation/certificate;

- (r) P010 - no further windows;
- (s) Windows on the upper floor which face east and west shall be glazed with obscure glass and retained as such for so long as the development remains. Any changes to this situation must be agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that there are Wessex Water assets crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed; (2) Applicant was advised to agree with Wessex Water, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (3) Wessex Water has noted that the applicant proposes to dispose of surface water to the existing surface water drain. It will be necessary, if required, for the applicant to agree points of connection onto Wessex Water systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage; (4) Applicant was advised that there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (5) Applicant was advised to contact the County Archaeologist to discuss condition (i); (6) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Road Opening Notice must be obtained from the Highway Services Manager, Taunton Deane Area, before access works commence; (7) N111 - disabled access; (8) N048A - remediation strategy; (9) N114 - meter boxes; (10) Applicant was advised to contact the Council's Landscape Officer in respect of the best time to remove the hedge and any trees).

Reason for planning permission, if granted:-

The proposal was considered to be acceptable having regard to the location within the settlement limits and, as it would have no adverse affects on the amenities of neighbouring properties, it was considered to be in accord with Policies S1, S2, S7 and H1 of the Taunton Deane Local Plan Revised Deposit.

54. Expansion of business onto land to be used for covered and open storage of raw materials and finished products, together with access and landscaping, land adjoining Unit 2, Rylands Farm Industrial Estate, Bagley Road, Wellington (43/2004/038)

Reported this application.

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

- (a) C006 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014 - time limit;
- (d) C101 - materials;
- (e) C201 - landscaping;
- (f) C215 - walls and fences;

- (g) The use of the building and land shall be limited to storage use only;
- (h) Noise emissions from any part of the premises or land to which this permission refers, shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 5 minute Leq at any time during the days and times indicated below when measured at any point at the façade of any residential or other noise sensitive boundary:- Monday to Friday 0800 - 1800 hours and Saturdays 0800 - 1300 hours. At all other times, including public holidays, noise emissions shall not be audible when so measured. 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.
- (Notes to applicant:- (1) N111 - disabled access; (2) N112 - energy conservation; (3) N115 - water conservation; (4) Applicant was advised that the proposed soakaways should be constructed as follows:- (i) Northern soakaway 40 x 0.5 x 1 m wide; (ii) Western soakaway 40 by 0.5 x 0.8 m wide, together with French drain to the south of the proposed building, as generally shown on the plan submitted with the application).

55. Unauthorised provision of solar panels at The Cider House, Capland Court, Hatch Beauchamp

Reported that despite listed building consent being refused for the retention of solar panels on the roof of the converted barn known as The Cider House, Capland Lane, Hatch Beauchamp, no action had been taken to date to remove them.

During the discussion of this item, Members took the view that the solar panels were not out of keeping with the character and appearance of the barn which was listed because it was within in the curtilage of Capland Farm, a Grade II listed building.

RESOLVED that:-

- (1) No further enforcement action be taken; and
- (2) The owner of The Cider House, Capland Lane, Hatch Beauchamp be invited to resubmit an application for listed building consent to retain the solar panels.

Reason for deciding not to take enforcement action, contrary to the Chief Planning Officer's recommendation:-

The Committee considered that the visual impact of the solar panels did not have an adverse affect on the character of the listed building.

56. Unauthorised display of internally illuminated sign at Carpetright plc, Unit 2, Priory Fields Retail Park, Taunton

Reported that a large internally illuminated sign, advertising the company Carpetright, had been erected on the front elevation of their premises at Unit 2, Priory Fields Retail Park, Taunton, without advertisement consent.

Although an application had subsequently been submitted, this had been refused. An appeal was now in the process of being determined.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to secure removal of the unauthorised sign, if the current appeal was ultimately dismissed.

56. Unauthorised use of land to store scrap vehicles, 55-60 Mantle Street, Wellington

Reported that a number of complaints had been received concerning an area of land to the rear of Nos 55-60 Mantle Street, Wellington, which was currently being used without planning permission to store scrap vehicles.

The owner had been requested to submit a planning application to regularise the situation but, to date, this had not been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the land at the rear of 55-60 Mantle Street, Wellington being used to store scrap vehicles; 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.

(Councillors Hindley and Vail left the meeting at 7.10 pm. Councillors Henley and Bowrah left the meeting at 8.37 pm and 8.56 pm respectively).

(The meeting ended at 9.04 pm).

10/2004/005

CARDINAL DEVELOPMENTS LTD

**ERECTION OF PRIVATE GARAGES AS AN ALTERNATIVE TO GARAGES
APPROVED BY PERMISSIONS 10/2003/005 AND 10/2003/006, TRENTS FARM,
MOOR LANE, CHURCHINFORD AS AMPLIFIED BY AGENTS LETTER DATED 20TH
APRIL, 2004 AND DRAWING 1203/9F ATTACHED THERETO**

21433/12589

FULL PERMISSION

PROPOSAL

There have been a series of permission for the conversion of barns within the Trent's Farm complex. Conversion works are currently being carried out. This proposal seeks to incorporate two previous garage buildings into one.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL this site has been revisited by my Council and it feels that it must object to this application on the grounds that the proposed new site is much more obtrusive than the site originally agreed for these garages.

Additionally, my Council is also seriously annoyed by the persistent modifications to the original plans. The developers made a presentation to my Council at the outset and promised that the first application would be the last application. Having just carried out a very quick check, I think there have been somewhere in the region of eight separate applications with some nine or ten revisions and amendments in connection with this development.

It is felt that this latest request is simply a precursor to yet another application (probably for additional building) and my Council has come to the point where it feels that "enough is enough" and that it must object to the proposals.

POLICY CONTEXT

The site lies within the Blackdown Hills Area of Outstanding Natural Beauty where Policy EN10 of the Taunton Deane Local Plan Revised Deposit applies. This states that "development which would adversely affect the landscape, character and appearance of Areas of Outstanding Natural Beauty will not be permitted". Policy S1(D) is also appropriate which requires "the appearance and character of any affected landscape, settlement, building or street scheme would not be harmed as a result of the development".

ASSESSMENT

Whilst the Parish Council's annoyance at the number of amendments to the proposals at Trent's Farm is understood, this alone cannot be the basis of a reason for refusal. The key issue in this case is the comparative visual impact of the building now proposed

compared with that of the two buildings previously approved. The new building will not be visually intrusive when viewed from existing properties nearby, particularly as the more modern agricultural buildings in the vicinity of this site are to be demolished. The proposal will also have little or no visual impact when viewed from Royston Road. The determining factor is therefore an assessment of the impact from Moor Lane. Whilst the two previous buildings would have been clearly visible, that now proposed will be largely screened by Stable and Mill Cottages as has been demonstrated by the submitted cross section. The proposal is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, garage use, alternative permissions. Note re compliance.

REASON(S) FOR RECOMMENDATION:- The overall visual impact of this building will be less than that of the garages previously approved. The development will have no material impact upon the amenities of nearby properties. The proposal therefore accords with Taunton Deane Local Plan Revised Deposit Policies S1(D) and EN10.

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:

34/2004/022

MR & MRS C TUCKER

**ERECTION OF CONSERVATORY AND SHED AT REAR OF LODGE FARM,
STAPLEGROVE.**

20573/26562

FULL PERMISSION

PROPOSAL

Erection of conservatory on north side of dwelling which was formerly an agricultural barn. The structure would measure 5 m x 5 m x 3.3 m at the highest point. Materials to be oak coloured pvcu frame with polycarbonate roof. Erection of 6 m x 6 m x 2.75 m shed in north-west corner of curtilage.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL have not objected to this application.

POLICY CONTEXT

In the assessment of this application, the following Taunton Deane Local Plan Revised Deposit policies are relevant:- S1 (General Requirements), S2 (Design) and H19 (Extension to dwellings). These policies seek to ensure that extensions to dwellings do not harm the residential amenity of other dwellings, not the form and character of the property to be extended, and that the extension is subservient in scale and design to the existing dwelling.

ASSESSMENT

The property is a two storey stone barn conversion. There are no other extensions and the conservatory would be visible from the roadside. The design of the proposed structure which is a standard conservatory design would not be in keeping with the existing dwelling.

RECOMMENDATION

Permission be REFUSED as design is unsympathetic and out of character with existing barn conversion. (West Deane Local Plan Policy WD/HO/10 and 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: 356569 ISABELLE CAILLET

NOTES:

38/2004/139

GADD HOMES LTD

**ERECTION OF PART 2, PART 3 AND PART 4 STOREY BUILDING
ACCOMMODATING 24 FLATS AND PROVISION OF GARAGES AT COUNTY
GARAGE, 2 PRIORY AVENUE, TAUNTON AS AMENDED BY PLANS ATTACHED
TO AGENT'S LETTER DATED 17TH MAY 2004.**

23031/24881

FULL PERMISSION

PROPOSAL

The site comprises a vehicle repair garage located on the corner of Priory Avenue and Gyffarde Street and opposite the County Cricket Ground. Immediately to the west lies the large Malthouse building, whilst development to the east along Priory Avenue is more domestic in scale. Gyffarde Street comprises late 19th century terraced housing. The proposed building is predominantly three storeys along the Gyffarde Street elevations rising to four storeys to the corner, and is predominantly three storeys, with a smaller four-storey section when viewed from Priory Avenue. Vehicular access to garages and parking, together with maintenance of an access to the St. John Ambulance HQ is provided via and archway on to Priory Avenue.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection in principle to this proposal, however the visibility access to the proposed development and also Gyffarde Street are substandard. The footway on the Priory Avenue frontage of the site has substandard width, minimum 1.6 m. The building should be set back to maximise the visibility at the proposed access at the Gyffarde Street junction and provide a footway with a minimum width of 1.8 m. The on-site road layout will not be adopted. The bin store should be relocated adjacent to the public highway. In the event of permission being granted, I would recommend that the following conditions are imposed:- 1. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. 2. Before the dwellings hereby approved are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved by the Local Planning Authority. 3. The gradient of the proposed access shall not be steeper than 1-in-10. Note: Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Taunton. Application for such a Permit should be made at least three weeks before access works are intended to commence. COUNTY ARCHEOLOGIST The site lies within an Area of High Archaeological Potential as defined by the Local Plan Policy EN24. It is within the area

of the medieval priory and archaeological investigations have revealed that this is the lay cemetery. Indeed a skeleton was discovered recently (last week) on an adjacent site. It is very likely that further burials are located on this proposal site. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation. WESSEX WATER the development is located within a sewered area, with combined sewers available. According to our records, there is a public combined sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. The developer has proposed to dispose of surface water to the main sewer. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. POLICE ARCHITECTURAL LIAISON OFFICER my only concern was regarding the apparent solid structure of the gates at the entrance. The architect assures me that they will be of an open railing type construction which will allow visibility from both sides. Therefore I have no adverse comment to make.

ENVIRONMENTAL HEALTH suggests contaminated land condition. LEISURE DEVELOPMENT the proposed development does not make provision for children's play, although it will generate additional needs. In accordance with the Council's policy, a contribution towards improving/providing recreational facilities should be sought from each dwelling.

PRIORY COMMUNITY ASSOCIATION consider four-storey fronting Priory Avenue to be excessive terrace opposite two-storey housing. Majority of eaves to Oast House adjoining is at two-storey level - object to this item. Need to ensure landscaping at front is not substituted for pebbles set in concrete plus a selection of glass fibre service boxes to form litter trap - example see Priory Bridge Road/St. Augustine corner - service meters housing must be properly designed in to scheme. Bicycle storage needs to be larger and secure. Car parking barely adequate as this will put pressure on surrounding streets at saturation point overnight. Is this the right place to introduce a community car sharing scheme to limit number of vehicles to stored at premises and this is currently a commercial site and half a century ago the residential area had a variety of corner shops and small businesses perhaps some ground floor units could have been designed as small dual purpose units. The developers will be very keen to support local infrastructure and there is no play facility suggested by the external layout - there is a need for further funds to develop youth/park facilities in Victoria Park and the Cranmer Arts Centre at Archbishop Cranmer School

2 LETTERS OF OBJECTION received objecting to original submission on the following grounds: building on corner will be a highway danger; noise pollution; crime; loss of outlook; inappropriate to base design on scale of the Malthouse; will dominate and overpower surrounding houses; parking inadequate; fourth storey unacceptable; loss of light; will have adverse impact on nearby trees; residents will park in private road opposite.

1 FURTHER LETTER has been received in response to the amended proposals, suggesting that whilst the plans seek to marry the shape and bulk of the Malthouse with the external appearances of the local Victorian terraces, the resulting building would be disproportionate in scale with the neighbourhood. The fourth floor, high-pitched roof and the increased ground coverage would all serve to dominate and overshadow, dwarfing the surroundings.

POLICY CONTEXT

New residential development should be assessed against Policy H1 of the Taunton Deane Local Plan Revised Deposit 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); (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. Guidance on design matters can be found in Policy S2. Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (B) incorporate existing site features of environmental importance; (C) reinforce nature conservation interest; (D) minimise the creation of waste in construction and incorporate recycled and waste materials; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; (G) include facilities to encourage recycling; (H) make full and effective use of the site; and (I) subject to negotiation with developers, incorporate public art.

ASSESSMENT

The principle of the site for a residential use is not disputed and a terrace wrapping around the corner of Priory Avenue into Gyffarde Street is considered an appropriate solution. Car parking for 34 vehicles is shown which is above the Council's requirement for such a central location and the Highways Authority does not raise objection to the access proposed. The determining factor in this case is the appropriateness of the scheme in terms of its scale, height and massing. Following negotiations, much of the fourth storey has been removed from the Priory Avenue frontage, although there remains some accommodation at this level. Notwithstanding these amendments the ridge line is still generally equivalent to that of the adjacent Malthouse. However because the eaves line is might higher than the Malthouse the impact from the street will be much greater. Whilst examples of three-storey development can be found in the area, the predominant form of the nearby terraces is two-storey. Whilst government advice encourages densities to be increased to between 30 and 50 units per hectare, this development is in excess of 100 units per hectare. It is therefore concluded that the building proposed by reason of its height, scale and massing represents an overdevelopment of the site which will have an overbearing impact upon the surrounding area.

RECOMMENDATION

Permission be REFUSED for reason that the proposed building by reason of its scale height and massing represents an overdevelopment of the site and will detract from the established character and appearance of the locality.

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:

38/2004/172

J BAKER

**ERECTION OF 2 SELF-CONTAINED FLATS ON LAND ADJACENT TO 14
GREENWAY ROAD, TAUNTON**

22527/25832

FULL PERMISSION

PROPOSAL

In February 2004 the Planning Committee refused planning permission for the erection of a dwelling for use as a unit of multiple occupation (6 Bed sits) on land to the side of 14 Greenway Road, Taunton. The planning Committee were concerned about the potential nuisance and disturbance that was likely to arise from the occupation of the property, baring in mind the alleged problems in the vicinity resulting from the use of the existing dwelling as 5 units of multi-occupation. This application is for the erection of the same building, to be used as 2, 2 bed-roomed flats. The proposed building would be erected on land to the west of 14 Greenway Road and is currently tarmaced and used for the parking of cars for the existing dwelling. The site is to the north of Greenway Road on land elevated above the highway. The existing dwelling is used as a unit of multi-occupation providing 5 bed-sits. The proposal would not provide any off-street parking for either the existing or proposed units.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principal but parking is at a premium along this well used section of principal road and the removal of the existing parking spaces along with the absence of parking for the proposed flats will exacerbate these problems and I recommend refusal for that reason. COUNTY ARCHAEOLOGIST no comment. AVON AND SOMERSET POLICE in association with the previous applications the police made the following comments there have been no significant numbers of recorded incidents/crimes in this area over the last 12 months. I am unable to confirm the allegations regarding continuous crime or anti-social behaviour. Current application- I have some concerns regarding the doors being recessed into the sides of the building and would recommend they are relocated to the front of the building. In addition I would recommend security measures to restrict access to the rear of the building. WESSEX WATER the site is located adjacent to a combined sewer and there is water supply in the vicinity of the site.

ENVIRONMENTAL HEALTH OFFICER no comment.

2 LETTERS OF OBJECTION have been received raising the following objections: - the proposal is over-development of the site; block out hte light and overlook properties to the rear; the existing property (14 Greenway Road) has been a source of frequent mis-behaviour and disturbance with loud music played day and night, doors being broken down, fighting and swearing, police raids, windows being broken and 24 hour parties; loss of the existing parking and the additional demand for parking from the new dwelling would add to traffic congestion and be an increased risk to pedestrians.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant: - STR4 New development should be focused on the towns
Policy 49 requires proposals for development to be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route.

Taunton Deane Local Plan Revised Deposit the following policies are considered especially relevant:- S1 Proposals for development should ensure that (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; Policy S2 requires development to be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements should (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; Policy H1 allows housing development within Taunton subject to meeting various criteria including (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; (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. H4a The construction of new buildings or the conversion of houses to form flats or other types of self contained accommodation will be permitted provided they conform to policy H1. H21 The design of new housing developments should incorporate measures to reduce the likelihood of crime, which are compatible with the need to create an attractive and sustainable layout. M3a The Borough Council will not permit an average of more than 1.5 spaces per dwelling on any residential development ... car free developments will be sought in appropriate locations such as adjoining Taunton town centre. The Borough Council will require all residential developments to make provision for the parking of bicycles with a minimum of 1 space per 1-3 bed roomed units.

ASSESSMENT

The proposed building has been designed in keeping with the existing dwelling. The design ensures that new windows will not create un-acceptable overlooking of adjacent neighbours in spite of the high density of site coverage. The proposal would result in the loss of parking for the existing dwelling and does not propose any parking for the proposed units. The site is located in an accessible location where off-street parking may not be essential provided that cycle parking is provided. However, in this case the County Highway Authority have argued that allowing this development will be likely to exacerbate the existing on street parking problems of these properties. This view is accepted. The Police Liaison Officer has concerns about the designs of the dwelling.

RECOMMENDATION

Subject to the receipt of no further letters raising new issues by 17th June, 2004 the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for the following reason: - The proposal would result in the loss of vehicle parking facilities and would therefore encourage parking on the highway with consequent risk of additional hazards to all other users of the highway.

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:

38/2004/184

MARK ONE DEVELOPMENTS LTD

**DEMOLITION OF 18-24 KINGSTON ROAD AND ERECTION OF 13 X 1
BEDROOMED FLATS AND GROUND FLOOR SHOP AT 18-24 KINGSTON ROAD,
TAUNTON.**

22650/25752

FULL PERMISSION

PROPOSAL

Planning permission was granted in 2003 for the redevelopment of 26-28 Kingston Road into four, one bed roomed, flats. These buildings have now been demolished and the land now forms part of the current site area. This proposal also seeks the demolition of numbers 18-24 Kingston Road and redevelopment of the resultant 0.38 hec of land for the provision of 13 flats and a retail bakery. The proposed development comprises two elements. The first would be a two storey terrace fronting onto Kingston Road with accommodation within the roof (dormer windows in the roof at the rear), and the second comprises a corner block with its gable fronting Kingston Road with Kingston Mews to the rear. This block would have a recessed entrance way on the corner and shop display windows in the front and side elevations. Kingston Mews lies to the rear of the proposed flats. The distances between the windows of the two buildings ranges from 12-19 m but the elevations are at an angle and any direct overlooking is restricted. The corner building would have windows directly facing Kingston Mews but these would be 23 m away. There is a stretch of road side parking along Kingston Road that could continue to be used by customers of the bakers shop. The proposal does not include off-street parking, as it is located within the Central Area where such parking is not normally considered essential.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST no objection WESSEX WATER the site is within a combined sewer area and main water is available. AVON AND SOMERSET POLICE no comment.

ENVIRONMENTAL HEALTH OFFICER no objection subject to a contamination condition and note LEISURE AND RECREATION OFFICER a contribution should be obtained from the developer for off-site provision of open space for sport.

2 LETTERS OF OBJECTION have been received raising the following concerns: - the parking on site is for Kingston Mews only and further car free development will result in people using the on site parking without permission; there is no proposed car parking for the shop unit; will there be double yellow lines along Florence Road to keep the access clear?; the existing open refuse store fills up very quickly what arrangements are there for the storage of rubbish from the proposed development? ; are there any requirements for closed bin storage?; there should be provision for the parking of

visitors at Kingston Mews when the current development is built; remedial works have still not been completed by Mark One developments so what safeguards will there be in the future?

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review and the following policies are considered relevant: - STR1 All new development must be Sustainable, of high quality, good design and reflect local distinctiveness. STR4 New development should be focused on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed-use development. Policy 49 Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed.

Taunton Deane Local Plan Revised Deposit the following policies are considered especially relevant: - S1 Proposals for development should ensure that (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential pollution, will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; S2 requires development to be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements should (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; H1 allows housing development provided (A) there is safe and convenient access by bus or on foot to facilities and employment (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; (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. H4a the construction of new buildings or the conversion of houses to form flats or other types of self contained accommodation will be permitted provided they conform with policy H1; M3a The Borough Council will not permit an average of more than 1.5 spaces per dwelling on any residential development...car free developments will be sought in appropriate locations such as adjoining Taunton town centre. The Borough Council will require all residential developments to make provision for the parking of bicycles with a minimum of 1 space per 1-3 bed roomed units. C4 developers of new housing will provide landscaped and appropriately equipped recreational open space. EN34 development of contaminated land will not be permitted where harm to wildlife or the public would result. Any necessary remedial measures must be undertaken before any harmful effects can occur and the proposed development comes into use.

The site is located within Taunton where it is the Structure and Local Plan policy to allow new residential development provided it conforms to the detailed policies. As a redeveloped site it is important to ensure that there is no land contamination and a condition to ensure this is recommended below. The site is located within the central

area where off-street parking is not a requirement of the development. To compensate for the lack of car parking, cycle parking should be provided. In this case 13 spaces are required. The neighbour objections refer to existing off-street parking problems of the site but with the provision of cycle parking this should not be worsened by this proposal.

ASSESSMENT

The proposed redevelopment lies within Taunton's central area where new residential development is welcomed in accordance with the Structure and Local Plan policies. The existing dwellings are small, simple buildings. Kingston Mews and Court are recent developments that have also used a simple design to reflect the traditional character of the area whilst introducing higher development densities. The proposed development has also used traditional designs that will blend in with the adjacent buildings but also introduces a more complicated form of design that will create an interesting contrast to the recent developments. The proposed terrace element would lie at an angle to the existing Kingston Mews development and the 12-19 m between buildings would be acceptable in these circumstances. The site is located within Taunton's central area where off street parking is not normally considered essential provided there is cycle parking and good access (via walking, public transport and cycling) to the town centre. Proposal considered acceptable.

RECOMMENDATION

Subject to the receipt of acceptable layout plans showing the provision of 13 cycle parking spaces and receipt of the views of the County Highway Authority the Chief Planning Officer, in consultation with the Chair/Vice Chair, be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, details of guttering/down pipes, recessed windows, contaminated land, details of all walls/fences, construction noise, landscaping, cycle parking, refuse storage, removal of PD rights for ancillary buildings, removal of PD rights for gates/fences, alternative permission (38/2003/113), Notes re access for the disabled, energy and water conservation, meter boxes, secure by design, encroachment, compliance with shops act.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, Policy 49 and Taunton Deane Local Plan Revised Deposit Policies S1, H1 and 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:

42/2004/014

MR & MRS B MAUD

ERECTION OF 2 FIRST FLOOR EXTENSIONS, BAY WINDOW AND SINGLE STOREY EXTENSION AT 1 HERSWELL COTTAGES, WEST BUCKLAND

18655/21485

FULL PERMISSION

PROPOSAL

The dwelling, which is the subject of this application, is a traditional semi-detached cottage, with rendered walls and a slate roof. The cottage has had previous extensions to both the front and side. There are four elements to the current proposal: i) A first floor front extension, measuring 2.9 m x 4.6 m x 6.6 m to the ridge. ii) A first floor side extension (5.7 m x 4.25 m), with a ridge height that matches that of the existing dwelling. iii) A replacement porch to the front of the cottage. iv) A bay window to the rear of the house, with a depth of 1.1 m. The proposed materials are render and slate to match the existing property.

CONSULTATIONS AND REPRESENTATIONS

SOMERSET ENVIRONMENTAL RECORDS CENTRE the application site abuts the Lipe Hill Holloway County Geological site. One or more legally protected species have been found within 1 km of the site.

PARISH COUNCIL approve.

POLICY CONTEXT

Policies S1 (general) and S2 (design) of the Taunton Deane Local Plan Revised Deposit stipulate that development should not harm the character of any area or the appearance of any given street scene. Policy H19 (extensions) of the Taunton Deane Local Plan Revised Deposit requires extensions to be subservient to the main house, as well as respecting the character and form.

ASSESSMENT

Whilst there is no objection to the porch and bay window, there are concerns with regard to the 2 first floor extensions. The proposed first floor front extension involves the introduction of a gable to the front elevation, a feature which is out of character with a

traditional rural cottage. Furthermore, the front gable would imbalance the pair of semi-detached cottages, impacting on both the street scene and the visual amenities of the locality. The scale and design of the first floor side extension is not subservient to the main house, and if allowed, would harm the character and form of the dwelling, as well as disrupting the balance/symmetry of the pair of cottages. This would be to the detriment of the visual amenities of the area. The overall scale of the extensions, when considered alongside previous extensions, is disproportionate to the original cottage and likely to severely undermine its original form and character. For these reasons the proposal is considered to be unacceptable.

RECOMMENDATION

Permission be REFUSED on grounds it is considered that the proposed first floor extensions at the front and side of this traditional semi-detached cottage, would be out of keeping with the existing dwelling and the adjoining property, by reason of their size, siting, design and external appearance and, if allowed, the extensions would imbalance the appearance of the pair of cottages. Furthermore, it is also considered that the proposal would have a harmful impact on the appearance of the street scene and detract from the visual amenities of the locality. Therefore, the proposal is considered to be contrary to Policies S1, S2, and H19 of the Taunton Deane Local Plan Revised Deposit as well as the advice contained within the Council's approved Supplementary Planning guidance on design.

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

42/2004/017

MR JOEL CHAPMAN

ERECTION OF CONSERVATORY AT 30 KILLAMS GREEN, TAUNTON

23641/22484

FULL PERMISSION

PROPOSAL

The proposal is to construct a lean-to conservatory at the rear of the property measuring 3.9 m x 3.9 m. The conservatory is proposed to be constructed with materials to match the existing property. There is a 2 m fence on the boundary between the two properties.

This applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL support the application.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H19 Extensions to dwellings state:- Extension to dwellings will be permitted provided they do not harm:- A. The residential amenity of other dwelling; B. The future amenities, parking, turning space and other services of the dwelling to be extended; and C. The form and character of the dwelling and are subservient to it in scale and design.

ASSESSMENT

The proposed extension will have no material effect on neighbours and therefore complies with the requirements of Policy H19.

RECOMMENDATION

Permission be GRANTED subject to conditions of time and materials.

REASON(S) FOR RECOMMENDATION:- The proposed extension will have no material affect on neighbours and complies with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

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

CONTACT OFFICER: 356462 MRS S MELHUIISH

NOTES:

43/2004/040

MR P ST CLAIR MASON

ERECTION OF DWELLING ADJACENT TO 2 THE WATERPATH, WESTFORD, WELLINGTON.

12268/20481

FULL PERMISSION

PROPOSAL

The proposal provides for the demolition of an existing outbuilding at the property and the erection of a 4 bedroom dwelling with integral garage to the front. The site is part of the garden area to the existing dwelling and is accessed via the existing access serving No. 2 Waterpath, which is from Orchard Close and across the Westford Stream. First floor windows on the south elevation serve a bathroom, landing and bedroom. Planning permission was granted by Committee at its meeting on 9th July, 2003 for a similar proposal. The current proposal differs from the previous scheme in that the front face of the proposed dwelling is set slightly further back and there is a double garage proposed between the proposed dwelling and the stream, on the front of the proposed dwelling. The proposed materials are to be brick walls with a tiled roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies within the settlement limit for Rockwell Green/Westford and is accessed from a section of unclassified highway. There is no objection in principle to the development, but am concerned at the lack of visibility where the site access lane meets Orchard Close. The access lane is approximately 3 m in width and 35 m in length. Over this there is no room to pass two vehicles, and the lane has boundary fences to both sides. Visibility at the point of access is sub-standard and there is no pedestrian visibility available behind the footway. This is unlikely to be improved given that the land needed is outside the control of the applicant. Given the quiet nature of Orchard Close, and the limited use that the access will see, it may be unreasonable to raise a highway objection to the proposal. COUNTY ARCHAEOLOGIST limited or no archaeological implications, therefore no objections on archaeological grounds. ENVIRONMENT AGENCY no objection, but wishes to make the following comments. The proposed development lies within an indicative flood risk area. However, following previous discussions regarding this site, the Agency removed its objection, as the Council's Drainage Officer confirmed that he felt the site was at little or no risk from flooding up to and including the 1:100 year (1% probability) event. The Agency therefore accepts this engineering judgement, but as a precautionary measure requests that the following informatives and recommendations be included in the decision notice. Finished floor levels should be raised 600mm above existing ground levels. Built development should be set back a minimum of 8 metres from the watercourse bank top, in order to facilitate potential future maintenance / flood defence improvements to the watercourse. The surface water soakaways should be constructed in accordance with BRE Digest 365 dated September 1991 or CIRIA Report 156 'Infiltration Drainage, Manual of Good Practice'. WESSEX WATER the development is located within a foul sewered area. It will be necessary for the developer to agree a

point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. With respect to water supply, there are water mains within the vicinity of the proposal and connection can be agreed at the design stage.

RIGHTS OF WAY OFFICER the footpath will not be affected but the strength of the bridge must be determined. DRAINAGE OFFICER no observations to make.

TOWN COUNCIL opposed because it will cause overlooking and loss of privacy for neighbours and will worsen the already difficult traffic problems in Westford.

ONE LETTER OF OBJECTION application similar to that submitted in 2003 with no attempt to change the plans to take note of previous objections; the plans show a building directly overlooking from a position higher than nearby properties; a previous permission in 1993 was for a single storey dwelling with no windows allowed on the southern elevations to safeguard the privacy and amenities of the occupiers of adjacent properties; current proposal has many windows on the southern elevation and as such would be even more invasive; the elevation of the proposed dwelling will encroach on the Waterpath and will be intrusive when viewed from Orchard Close; greatly increased vehicular traffic in the narrow entrance to the site with consequential disturbance; occupiers of 3 other properties asked to be associated with views expressed.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Policy

WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. One of these criteria is that existing and proposed dwellings will enjoy adequate privacy and sunlight. It is considered that this criterion is met with the current proposal.

ASSESSMENT

The site is within the settlement limits where the principle of residential development is acceptable. Permission for a similar proposal was granted last year. The first floor windows on the southern elevation of the proposed dwelling will serve a bathroom, landing and bedroom. The distance from the latter window to the boundary of the

nearest property in Orchard Close would be approximately 15 m. The distance to the nearest window would be approximately 22.5 m. These distances are within normally accepted standards and are slightly more generous than those for the proposal granted last year. The County Highway Authority does not raise any in principle objection to the proposal.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials, landscaping, retention/protection of trees, no trenches beneath canopies of trees, no felling/lopping, boundary treatment, parking and meter boxes. Notes regarding compliance, disabled access, energy/water conservation, meter boxes, CDM Regulations, bats/owls, soakaways to be constructed in accordance with BRD365, contact Wessex Water, finished floor levels should be raised 600 mm above existing ground levels. Built development should be set back a minimum of 8 m from the watercourse bank top, in order to facilitate potential future maintenance/flood defence improvements to the watercourse.

REASON(S) FOR RECOMMENDATION:- The site is within the settlement limits and the proposed dwelling is not considered to have any adverse material impact on neighbouring properties or the street scene and is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

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:

43/2004/042

MAGNA HOUSING GROUP

ERECTION OF 4 NO. ONE BEDROOMED HOUSES, LAND BETWEEN 43 AND 45 HOWARD ROAD AND ASSOCIATED PARKING (8 SPACES) FOR NEW AND EXISTING HOUSES ON OPEN SPACE AREA ADJACENT TO HOWARD ROAD, WELLINGTON AS AMENDED BY

13834/21134

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of 4 one-bedroom houses with associated parking for the proposed and existing houses. The land for the proposed dwellings is unused former allotment garden area within the existing urban area. The proposed parking area is on the edge of the existing green open space area on Howard Road. The 8 proposed parking spaces envisages 4 spaces for the bungalows and a further 4 spaces to provide additional parking facilities to aid parking congestion for existing residents, although the spaces will not be dedicated to specific properties. The houses will be access by way of a footpath, with no off road parking within the individual curtilages. The materials for the proposed houses are to be rendered walls with stained timber windows and a double roman tiled roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY whilst there are no objections in principle to the proposal, there are concerns with regard to the forward visibility on the end of Howard Road adjacent to the end parking bay. In the event of planning permission being granted, recommend that conditions be imposed visibility at the end of Howard Road and parking, together with a note requiring the applicant to contact the Highway Service Manager. COUNTY ARCHAEOLOGIST there are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds. WESSEX WATER it will be necessary for the developer to agree a point of connection onto the combined sewer for the satisfactory disposal of foul flows generated by the proposal and for connection to the water mains.

LANDSCAPE OFFICER subject to some modification of the landscape proposals of the car parking area to allow access to the open space and avoid overhanging it should be possible to integrate the proposals into the local landscape; the silver birch tree is a nice tree but not of sufficient amenity to warrant a Tree Preservation Order. It should be possible to accommodate the tree given sufficient sensitivity by the developer. HOUSING OFFICER fully supports this application which will provide much needed one bedroom accommodation. LEISURE DEVELOPMENT MANAGER together with application 43/2004/041 would ask that seek to achieve the maximum contribution for leisure in view of the loss of public open space arising from the application. In the Greenspace Strategy, the north east section of Wellington has been found to be lacking in both play and young people's play opportunities. This is an opportunity to make the community more self sufficient and would be undertaken with the local community.

Would ask that £806 per dwelling (making a total of £3,224) be requested for sports provision. This sum is in addition to the monies requested in respect of application no 43/2004/041.

TOWN COUNCIL in favour.

FIVE LETTERS OF OBJECTION access is over ground that has been known to be unsafe for at least 30 years, there is a sewer going underneath it and with anything heavier than a wheelbarrow it will sink, the tarmac is only a top dressing over the drains; adjacent occupier has rights to maintain the land; silver birch tree planted in plot in memory of objector's mother, which will need to be felled; area has enough problem residents without putting in hostels; wood clad buildings will be burnt down within a short period of time, which will cause a fire hazard to those either side; site would be much better as a communal area as it is safe and undisturbed; should not have view from living room obscured by parked cars; the green is meant for children to play on; already have view of portakabin across the Green; not safe to build houses without the possibility of access for fire engines and ambulances; water pressure is bad in the area and proposal is bound to cause drop in pressure; would be a better idea to build houses on Longforth Farm, with or without the proposed bypass, as this proposal will not make a dent in the lack of housing in Wellington; no provision for street lighting and the area is very dark at night; if there is no vehicular access to the building site, question how the footings are to be dug and how building materials will be unloaded and moved onto site; at 15m too close to adjacent properties; will exacerbate drainage problems already experienced; danger to children from building site; lack of privacy; noise; loss of light; the fact that these properties are one bedroom means that the people put there are likely to be single males, creating and attracting anti-social behaviour by having groups of friends playing loud music and the ever increasing drug problem; more stress related problems from the proposed houses; site too small for 4 houses; houses will be too close to existing properties; single people should not be put amongst families;

ONE LETTER RAISING NO OBJECTION provided the houses are fenced off.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal.

ASSESSMENT

The site is under used land within the urban area. Although vehicular access is not proposed to the site itself, parking provision is made on the opposite side of Howard Road on part of the Green area. A contribution towards the improvement of leisure facilities in the area is sought by way of compensation for the loss of part of the public open space area. The proposed dwellings are to be brick clad. The site is considered to be large enough to accommodate the four dwellings as proposed and the distances and relationships with the adjoining residential properties are considered to be acceptable. The Landscape Officer does not consider that the silver birch tree on the site is of sufficient merit to justify a Tree Preservation Order. Neither Wessex Water nor the County Highway Authority raise any objection to the proposal. Many of the other issues raised by the letters of objection are not planning issues.

RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement or submitting a Unilateral Undertaking to provide a contribution of £806 per dwelling towards improvements to leisure facilities in the area in view of the loss of public open space arising from the planning application, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if permission is GRANTED be subject to conditions of materials, landscaping, provision of boundary fences, parking areas to be only used for the parking of vehicles, visibility, meter boxes and no further windows on the first floor of the south west elevations. Notes regarding contacting the Highway Service Manager, disabled access, energy/water conservation, meter boxes, compliance, soakaways, CDM Regulations, Section 106 Agreement and seek to retain the silver birch tree on the site.

REASON(S) FOR RECOMMENDATION:- The site is within the urban area and the proposed dwelling will not have any adverse material impact on neighbouring properties or the street scene and is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

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:

43/2004/048

MAGNA HOUSING GROUP

**ERECTION OF 2 NO. DISABLED PERSONS BUNGALOWS AND CAR PORTS,
LAND ADJACENT TO 32 ALEXANDRA ROAD, WELLINGTON**

13726/20886

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of two 2 bedroom disabled persons bungalows with integral car ports. The proposed materials are to be red brick walls with reconstructed slate for the roofs. The site is currently an open amenity area laid to lawn and shrub beds with a path crossing it. The scheme is part of a wider proposal to provide affordable homes on under-utilised land within Wellington and is a partnership between Magna Housing Association and TDBC. There was a planning application in 1988 covering both the current site and part of Roly Poly Green opposite, which included the provision of two dwellings on the current application site. The Resolution was that the development not be carried out for reasons that development on existing public open space or playing fields would not normally be permitted unless alternative land of equivalent size, suitability and convenience is provided and that the proposal would have constituted an undesirable erosion of the Roly Poly open space which would be detrimental to the visual and recreational amenities of the area.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies within a residential area of Wellington and there are no highway objections subject to conditions regarding surfacing of driveways and visibility splays along Victoria Street and Alexandra Road, and a note regarding contacting the Highway Service Manager. COUNTY ARCHAEOLOGIST a Bronze Age axe was discovered less than 20 m away (in the late 19th Century) and further artefacts may be disturbed by the proposal. Therefore recommends that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by the use of programme of archaeological work condition. WESSEX WATER it will be necessary for the developer to agree a point of connection onto the combined sewer for the satisfactory disposal of foul flows generated by the proposal and for connection to the water mains. There is a public combined sewer crossing the site; Wessex water normally requires a minimum 3 m easement width on either side of its apparatus for the purpose of maintenance and repair; diversion and protection works may have to be agreed.

LEISURE DEVELOPMENT MANAGER no observations to make. HOUSING OFFICER agreed development with Magna Housing Association.

TOWN COUNCIL opposed to this application because it will result in the loss of an open space area.

ONE LETTER OF OBJECTION the land has been a public open space for about 25 years, prior to that a lorry park and understand prior to that a children's play area; description of proposal does not refer to public open space; the land is opposite Roly Poly Green which is used by local children and dog walkers and which the Council has previously tried to build on; will discourage children and young people from taking exercise by building on open space; will make the parking situation worse; will restrict ability of young and old to use Roly Poly Green.

POLICY CONTEXT

Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings.

Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. Policy WD/RT/7 of the same plan states that development will not be permitted on public or private open space or recreational or amenity value unless its loss would be compensated for the long term by improved recreation provision or other community benefit.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy C3 states that proposals involving the loss of recreational open space 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.

ASSESSMENT

Although the proposal constitutes development on an area of public amenity land, the Leisure Development Manager does not raise any objection to the proposal. The Taunton Deane Local Plan includes a notation that Roly Poly Green opposite should remain undeveloped, this notation does not cover the current application site. In view of these considerations and the indication in Policy C3 of the Taunton Deane Local Plan that loss of recreational open space can be acceptable if the proposed development provides community benefit, I consider that the proposal, which provides public sector disabled housing, is acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of materials, landscaping, boundary treatment, surfacing of driveways, visibility along Alexandra Road and Victoria Street, parking, meter boxes, programme of archaeological work and removal of GPDO rights for walls and fences. Notes re contacting Highways Service Manager, contact Wessex Water, sewer crosses site, disabled access, energy/water conservation, meter boxes, compliance and CDM Regulations.

REASON(S) FOR RECOMMENDATION: The proposed dwellings will not have any adverse material impact on neighbouring properties or the street scene and is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2. Although the proposal will result in a loss of recreational open space, this is considered acceptable in view of the community benefit which provides public sector disabled housing.

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:

43/2004/051

BEECHWOOD HOUSE DEVELOPMENT LTD

DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF BLOCK OF 14 FLATS, FORMER HAYMANS COAL YARD, WESTFORD, WELLINGTON.

12032/20278

FULL PERMISSION

PROPOSAL

The proposal provides for the demolition of an existing warehouse and the erection of a new block of 14 flats. The existing building is constructed of natural stone with a slate roof. Some of the walling in the new building will utilise the stone salvaged from the demolition of the existing building, which is currently empty and last used as a coal merchant's warehouse and yard. The remainder of the walling will be block and render with the roof natural slate. The accommodation will provide 8 one bedroom flats, 5 two bedroom flats and 1 three bedroom flats. 23 parking spaces are proposed. A previous similar application was refused in December 2003 on grounds of submitted flood risk assessment being inappropriate and that the proposed development made inadequate provision for local play and leisure provision. There is an extant permission for conversion of the existing building into 14 flats, renewed in 2001.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site has a current permission for conversion to 14 flats. On the basis that the proposed building will be a replacement with the same number of flats, and therefore a similar level of traffic generation, it would be unreasonable to object to the proposal on highway grounds. In the event of permission being granted would request that condition be imposed re visibility splays at proposed points of access. COUNTY ARCHAEOLOGIST limited or no archaeological implications to the proposal, therefore have no objections on archaeological grounds. ENVIRONMENT AGENCY activities previously undertaken at the site may have caused contamination of soil, sub-soil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development. Notwithstanding this, the Agency has no objections in principle to the proposed development but recommends conditions regarding contaminated land study and investigation, fuel oil storage, bunding floor levels to be set at least 600 mm above the 1:100 year (1% probability) flood level of 61.6 m AOD and no building over culvert. The Agency will require the applicant to install additional pollution control measures when disposing of surface water run off from the development. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY object because it involves the unnecessary demolition of the warehouse which is historically significant and provides important landscape evidence of a major local industry. There is a valid planning permission for conversion of the warehouse in a sympathetic manner retaining its essential shape, size and features, together with provision for archaeological recording of the building. The building was part of a large integrated woollen factory operated by Elworthy Brothers & Co, which was a large factory which made a major contribution to the development of the area. Hayman's warehouse dates from the 1820's when the

firm's founder developed the Westford factory and is one of the oldest buildings on the site. In its early years this building was probably not a warehouse but part of the main mill and was powered by water taken from the main mill leat. It is possible given the date and circumstances that the building is an early local example of 'fireproof' construction. The building therefore has historical and architectural significance and a good case could be made for its listing. The Society believes it is important to retain some visible evidence of such a significant local development as the Elworthy mill. There should be a presumption against demolition of the warehouse if conversion is possible, and the previous permission should be implemented. Archaeological recording of the building should be a planning condition, irrespective of whether demolition or conversion is finally permitted. The recording should also include evidence associated with the site's more recent use as a coalyard since these are themselves now becoming rare features of the landscape. The recording should include a watching brief during construction works since some features such as underground watercourses may only become apparent as work progresses. In summary, the Society believes there is no compelling reason for the demolition of the warehouse and that the application should be refused and the previous permission, including the recording, be implemented. WESSEX WATER the development is located within a foul sewer area. Points of connection can be agreed for foul drainage and water supply at the detailed stage.

LANDSCAPE OFFICER it will be difficult to integrate the proposed new three storey flats into this edge of countryside location within the limited landscape enhancement potential of the site. Would recommend a 10 m belt of shrub and tree landscaping on the southern boundary of the site to soften the above impact. The revised scheme has more landscaping along the southern boundary but still not enough to properly integrate the proposals into this edge of countryside site. ENVIRONMENTAL HEALTH OFFICER due to the possibility of contamination arising from previous use of the site, recommends a contaminated land investigation and remediation condition. DRAINAGE OFFICER notes that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365. LEISURE DEVELOPMENT MANAGER this partial reapplication would generate a contribution for off-site facilities and would ask that seek to achieve the maximum contributions for play and sports provision. As usual the sums are £806 for sport per dwelling and £1,250 for play per two bed and above dwellings, which results in a contribution of £18,784. If there is an intention to submit applications for housing on the rest of the site (as with the original application), would prefer the play element to be dealt with on site and for there to be no off-site contribution for play.

TOWN COUNCIL opposed because it will worsen the already difficult traffic problems in Westford.

LETTER OF OBJECTION FROM ROCKWELL GREEN PRIMARY SCHOOL village school serves up to 200 children and their families, many of whom walk or cycle to school; increased volume of traffic gives concern as many of the children and families come to school from that direction along a route that has little or no pavement, a narrow dangerous road with numerous obstacles and hazards and already hazardous traffic conditions; should seriously consider upgrading provision for pedestrians and install traffic calming along the route through the village as part of the requirements should permission be granted.

TWO LETTERS OF OBJECTION roads unsuitable for the development; access roads through Rockwell Green are narrow, tortuous, and impeded by parked vehicles making it unsafe; danger to pedestrians due to lack of pavements; traffic calming would not help; if and when the larger development of this brown field area is submitted the only safe measure would be for a new road from the sites across fields to the main road beyond Rockwell Green; area of the bridge over the Westford Stream is liable to flood, together with the mill building, the road and the footpath along the stream; plans do not take account of the serious risk of flooding, with the situation now, climate change and the requirement to plan for the 1:100 year standard; plans do not show an adequate number of trees to be planted; no plan to provide a play area on the site, concern that the payment in lieu will not be used for the benefit of the local area; will destroy the character of the area by knocking down perfectly decent old buildings which would enhance the area by being developed sympathetically; already permission to convert to flats; if the area is going to be developed it should be done with sympathy; to build new is to disregard the surrounding houses and put a new estate up; developers should put money into ensuring that what they create fits in with the surroundings and the people who have to live with it.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. Policy WD/HO/7 of the same plan sets out guidelines for the design and layout of new housing developments. Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policies EN30 and EN31 provide policy guidance on land liable to flood and flooding due to development.

ASSESSMENT

English Heritage has inspected the building and considers that it does not meet the criteria for listing. The Local Planning Authority therefore cannot prevent the demolition of the warehouse building. The site is a brownfield site within the settlement limits. There is an existing firm boundary to the south of the site in the form of a 1.9 m high block wall. Whilst the new building will come closer to this boundary than the existing building, I consider that the revised landscaping proposals will provide some softening of the impact of the new building. The materials are largely render and natural slate, which relate well to other buildings in the area, and parts of the elevations are to

incorporate stone salvaged from the existing building. There is an extant permission for the conversion of the existing building to a similar number of flats and on this basis, the County Highway Authority do not object to the current application. The Environment Agency now no longer object to the proposal.

RECOMMENDATION

Subject to the applicants entering into a Section 106 Agreement with the Council by 23rd July 2004 to secure the provision of £18,784 towards off site play and leisure/sport facilities the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and if permission is GRANTED be subject to conditions of materials, foul and surface water drainage, landscaping (hard and soft), visibility splays, parking, meter boxes, detailed record to be taken and reported, contaminated land investigation and remediation, removal of GPDO rights for means of enclosure, fuel oil storage, bunding, floor levels to be set at least 600 mm above the 1:100 year (1% probability) flood level of 61.6 m AOD and no building over culvert Notes re disabled access, energy/water conservation, meter boxes, compliance note, CDM Regulations, S106, bats/owls, removal of asbestos, contact Wessex Water, advice of Somerset Industrial Archaeological Society, contaminated land remediation, protection of Major Aquifer, compliance with the Oil Storage Regulations and have regard to Sustainable Drainage Systems. In the event that the Section 106 Agreement has not been concluded by 23rd July 2004, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and permission be REFUSED on grounds that inadequate provision has been made for recreation facilities.

REASON(S) FOR RECOMMENDATION:- The proposed development is in compliance with current and emerging development plan policies. The building is not worthy of listing and therefore its demolition cannot be prevented by the Local Planning Authority. The site is a brownfield site within the settlement limits where residential development is acceptable in principle.

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:

46/2004/010

ANNE & SIMON HOLLINGTON

ERECTION OF REPLACEMENT SHED AT FIELD GRID REF 164173 OPPOSITE HUNTERS LODGE FARM, CLAYHIDON AS AMENDED BY PLAN RECEIVED

16347/17231

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a shed in the north east corner of a field (Grid Reference 164173) situated on the southern edge of Gortnell Common in the Blackdown Hills. The shed will comprise of a 10 ft x 8 ft store plus a 4 ft x 8 ft covered area and will be of timber construction with a pitched roof.

CONSULTATIONS AND REPRESENTATIONS

SOMERSET ENVIRONMENTAL RECORDS CENTRE 5 County wildlife sites recorded within 1 km of the application. SOMERSET WILDLIFE TRUST no comment

PARISH COUNCIL recommend refusal because they object to any building on the ridge.

ONE LETTER OF OBJECTION has been received from nearby residents (in Clayhiden), objecting on the grounds that there was no shed to replace; no other buildings on North side of road situated in AONB; dangerous access; parking; non-native tree planting; loss of agricultural use.

POLICY CONTEXT

West Deane Local Plan Policy WD/EC/13 Positive measures of management and enhancement should be used to safeguard the landscape quality of Areas of Outstanding Natural Beauty.

Taunton Deane Local Plan Revised Deposit Policy EN10 Development must not adversely affect the landscape, character and appearance of the Areas of Outstanding Natural Beauty. Policy EN13 Proposals must respect the character & appearance of the Blackdowns Landscape Character Area. Policy S1 Sets out general requirements for development. Policy S2 Seeks good design.

ASSESSMENT

The original plan sited the shed midway along the east boundary. Following discussions with the applicant, amended plans have been submitted, moving the shed to the north

east corner of the field. In this position it is felt that the existing hedge and woodland bordering the site would act as screening for the proposal. In addition to this the applicant has indicated that they will plant more trees around the shed to ensure that it does not detract from the quality of the landscape. A suitable condition will ensure that this is achieved and that the planting is native to the surrounding area.

The application is not a change of use for the field so the existing agricultural use would remain. It is not considered that there would be an increase in traffic to the site due to the proposed shed.

It is felt that the proposal complies with the relevant policies in the Local Plan and will not adversely affect the AONB with the suggested landscaping.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal complies with Taunton Deane Local Plan Revised Deposit Policies S1, S2, EN10 and EN13 in that the landscape, character and appearance of the area would not be adversely affected.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

46/2004/012

MR S BATTS & MRS P APPLETON

**CHANGE OF USE OF AGRICULTURAL LAND TO FORM EXTENSION TO GARDEN,
4 WILLOWBROOK COTTAGES, WEST BUCKLAND.**

16797/21526

FULL PERMISSION

PROPOSAL

The proposal comprises the change of use of agricultural land to form an extended garden to the east of the applicants existing garden adjacent to the A38. The area of land measures roughly 65 m x 25 m and culminates with the boundary of the neighbouring property know as Kinetta.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objections.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR 6 restricts development outside development limits

Taunton Deane Local Plan Revised Deposit Policies S1and S2 seek, inter alia, to safeguard visual amenity. Policy S8 restricts development outside development limits.

ASSESSMENT

Planning policy generally restricts the change of use of agricultural land to garden due to the subsequent detrimental visual impact on the land due to the siting of domestic structures, sheds etc and planting of domestic shrubs and trees. Furthermore this stretch of the A38 is characterised by open spaces between groups of dwellings that could potentially be eroded.

The Local Planning Authority would however consider this form of development favourable where extensions to garden areas would logically round off an existing garden, with minimal impact upon agricultural land and visual intrusion. The latter could be achieved with the applicants garden as presently the garden is triangular in shape. An acceptable solution would be to square off the garden so that the new eastern

boundary is perpendicular to the A38 from the existing frontage thus extending the point at the north boundary eastwards by approximately 10 m. This area could then be used to locate sheds etc and other associated domestic features without detrimentally affecting the visual amenity of the area and maintain the open spaces between groups of dwellings along the A38.

The remaining area of land to the east, although still considered agricultural land, could be used for domestic recreation purposes to a degree, as per a paddock for example, provided that no structures are placed on the land. This could involve "rough" grassing the area provided it would not form a domestic lawn and an allotment area could be formed as the applicants intend.

The applicants have been requested to amend the proposal as per that considered acceptable by the Local Planning Authority but no response has been received to the date of supplying this report.

RECOMMENDATION

Permission be REFUSED on the grounds that , due to the domestication of the land, the proposal would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality and would therefore be contrary to policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1, S2 and S8 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 R UPTON

NOTES:

49/2004/016

MR S A MEARS

ERECTION OF AGRICULTURAL BUILDING, LAND ADJACENT TO LOWER NUNNINGTON PARK FARM ESTATE, WIVELISCOMBE.

08622/26343

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a barn/cover for agricultural use for the storage of a tractor and equipment and animal uses on a periodic basis. The size of the proposed building is to be 12.2 m x 7.26 m with maximum height of 4.6 m. The materials proposed are blockwork up to 1.2 m height with either wood cladding or steel coated profile cladding with the roof the same. The proposed siting for the building is at the western edge of the field adjacent to a group of fir trees beyond the boundary.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL object for reasons of the site is near a watercourse and the building's close proximity to the watercourse could lead to contamination and environmental impact damage, believe the paddock is only used for ponies and question whether the development can be justified on agricultural grounds, the building will be situated in open countryside and feel it would have a detrimental impact.

ONE LETTER OF REPRESENTATION the site is small; the erection of an agricultural building hardly seems justified in view of the size; if consent is granted and the building no longer required, then there is likely to be an application to convert to an industrial building or even potentially residential; the location of the land and the access is already particularly dangerous for the off loading of animals, etc; question the ramifications of the continuous presence of a parked mobile caravan since the current occupier acquired the property.

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.

WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal. Policy WD/EC/33 of the same plan states that proposals for new farm buildings should ensure that they do not harm the amenity or appearance of the area and that proposals will be assessed against certain criteria. These include (i) that siting and design should minimise

landscape impact, avoid breaking the skyline, where possible setting the building into the ground, and making maximum use of existing screening, mounding and planting; (ii) locations well related to existing farm buildings are preferable to isolated locations in open countryside; (iii) the proposals are of sympathetic materials and design which minimise landscape impact, with the roof normally being darker than the walls; and (iv) the operational needs of agriculture and forestry. It is considered that the current proposal meets these criteria.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. 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.

ASSESSMENT

The proposal comprises a relatively modest building to serve a small field of approximately 1.13 ha . A building of the size proposed is considered reasonable and acceptable. It will be viewed against a backdrop of existing fir trees and a condition is recommended to provide additional planting. There were sheep in the field at the time of the case officer's site visit. There is no evidence to indicate that the touring caravan is being used for anything other than providing an on site toilet and tea brewing facility

RECOMMENDATION

Permission be GRANTED conditions of materials and landscaping.

REASON(S) FOR RECOMMENDATION:- It is considered that the siting of the proposed building, on the edge of the field and adjacent to tree cover, will not have an adverse landscape impact and is reasonable for the purposes of agriculture. The proposal is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policy S1 and West Deane Local Plan Policy WD/EC/33.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

49/2004/020

MR & MRS J A C BURNAND

**ERECTION OF EXTENSION TO FORM ANNEXE, WARREN HOUSE,
WIVELISCOMBE**

10631/26153

FULL PERMISSION

PROPOSAL

Erection of a two-storey and single-storey extension to form a two-bed annexe adjoining Warren House. The two-storey extension measures 11.2 m x 5.2m x 6.9 m to the ridge. The single storey extension measures 9.2 m x 5.6 m x 3.9m to the ridge. The accommodation on the ground floor comprises of two bedrooms (one with en-suite), kitchen, utility room, and bathroom. On the first floor there is a living room, study, and wc. Materials to be natural stone and slate to match the existing. The proposal will be built within the remaining sidewalls of a previous barn on the site.

The applicant has provided supporting information with the application indicating that the annexe would be ancillary to the existing dwelling. In the first instance the applicants' son would live in the annexe until the applicant felt it was time to move. The applicant has also indicated a willingness to enter into a Section 106 Agreement.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

DRAINAGE OFFICER note to be added regarding sizing, possible pollution etc of foul drainage to existing septic tank; soakaways to be built in accordance with Building Research Digest 365 (September 1991).

PARISH COUNCIL has no objection to the application.

POLICY CONTEXT

Policy S8 of the Taunton Deane Local Plan, Revised Deposit is relevant. This policy indicates that new buildings outside the defined settlement limits will only be acceptable when: the purpose is for agriculture or forestry; accords with a development plan policy or proposal; is necessary to meet requirements of environmental or other legislation; supports the vitality and viability of the rural economy that cannot be sited within the defined limits of a settlement. The proposal does not meet any of these criteria. Policy H20 of the Taunton Deane Local Plan is relevant. Certain criteria have to be met to allow new buildings, including: the building would be close enough to the main dwelling to maintain a functional relationship. Policy WD/HO/9 of the West Deane Local Plan will

only permit ancillary accommodation when certain criteria are met, including: the proposal is an extension to the main house with a door between to link the accommodation.

ASSESSMENT

The site is located at a lower level than the roadside with one neighbouring property close to the site. Sidewalls of the previous barns form the layout of the building and adjoin the existing dwelling. The proposal includes a two storey and single storey extension, and is considered excessive in size for the purposes of an annexe. The annexe has no link to the main house, and is separated by an existing carport and store. Due to the separation of the building it is considered that the annexe would not have any functional relationship with the main dwelling, and therefore contrary to Local Plan policy. Furthermore, the proposal would create a building of size tantamount to a new dwelling, and as the site lies outside any defined settlement limits the proposal is not considered acceptable.

RECOMMENDATION

Permission be REFUSED due to excessive in size for purpose of an annexe, not integrated with existing property taking on form of separate dwelling; proposal tantamount to new dwelling within open countryside, contrary to Taunton Deane Local Plan Revised Deposit Policies S8 and H20, and West Deane Local Plan Policies WD/SP/2 and WD/HO/9.

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:

52/2004/018

SWAN HILL HOMES LIMITED

ERECTION OF 12 DWELLINGS AND FORMATION OF ACCESS ON SITE OF NEW BARN, 41 COMEYTROWE LANE, TAUNTON.

20829/23565

FULL PERMISSION

PROPOSAL

The site comprises a substantial house set in almost half a hectare of garden. The site is currently largely screened from Comeytrowe Lane by a belt of trees. To the rear of the house is a very large beech tree, which is subject to a Tree Preservation Order. Outline permission for the demolition of the house and the principle of residential development of the site was granted in July 2003.

A detailed application for 12 dwellings was refused on 2nd April, 2004 for the following reasons:- (1) The layout of the proposed development and the proximity of a number of units close to the site boundaries will result in an overbearing nature and loss of privacy to adjoining residential properties contrary to the provision of Taunton Deane Local Plan Revised Deposit Policies H1 and S2. (2) The proposed visibility splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of traffic associated with the proposed development, contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Discussions have subsequently taken place with both planning and highway officers resulting in this revised submission. The amendments to the previous scheme are as follows:- Plots 5 and 6 have been moved back by approximately 1.5m to allow for cars to exit the plots in a forward gear. Plot 8 has been correspondingly been moved south to maintain the garden size to plot 5 and 6. The garages to plots 3 and 4 have been changed to allow entrance from the turning head. Plots 7 and 8 are handed to allow each to move back into the site from the boundary by approximately 1 m. i.e. they are further away from the dwellings outside of the site. The turning head will be constructed as a standard type C, and extended to allow plots 7 and 8 to move forward, maintaining parking space in front of the garage. The tree protection zone around the Tree Protection Ordered Beech Tree has been reduced to 9.5 m This allows plots 9, 10, 11 and 12 to move eastward and north away from the southern and eastern boundary. Accordingly there will be an improvement in the relationship between the proposed plots and the existing dwellings. This relationship is now greater than 22 m. The tree protection zone will be protected by the erection of chestnut pale fencing prior to any work commencing on site. Access: A number of alterations have been made to the plans in respect of access. These relate to: 1. Kerb line of Comeytrowe Lane provides 6 m carriageway to the east side, to align with the existing road edge on the west boundary (reducing the lane to approximately 5.4 m wide). 2. A 1.8 m footway will be provided across the width of the site. 3. Kerb access radii will be increased to 5 m. The internal roadway has been increased to 5 m in width.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER the development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to the main sewer. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. 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 point of connection onto Wessex systems.

LANDSCAPE OFFICER subject to detailed landscape proposals the proposed layout provides space for the retention of the beech (Tree Preservation Order) tree and space for new tree, hedge and shrub planting. Any level changes or servicing within the canopy spread of the tree should be subject to agreement with the Local Authority. WILDLIFE SPECIES CO-ORDINATOR because of the nature of the building and surrounding plot I recommend that a wildlife survey be carried out and submitted before application is determined.

5 LETTERS OF OBJECTION have been received on the following grounds:- three storeys inappropriate; will overpower and overlook neighbouring gardens; scale of development such that will increase highway danger on Comeytrove Lane; existing house on the site should be preserved, perimeter fencing will restrict light, three storey development still inappropriate.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1 provides guidance on new housing in settlements as follows. 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); (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.

Policy S2 gives guidance on design as follows: Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (B) incorporate existing site features of environmental importance; (C) reinforce nature conservation interest; (D) minimise the creation of waste in construction and incorporate recycled and waste materials; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; (G) include facilities to encourage recycling; (H) make full and effective use of the site; and (I) subject to negotiation with developers, incorporate public art.

Policy EN4 gives advice on protected species. Policy EN5 gives protection to trees that contribute to an area's landscape or wildlife character.

Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review gives advice in terms of highway safety. Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

ASSESSMENT

The principle of development has been established and it is not therefore now possible to insist upon the retention of the existing house.

Advice on the design proposed was sought in respect of the earlier application. The Council's Architectural Advisor's conclusion was that the houses will satisfactorily blend into the area.

The issues to be considered here therefore are whether the three earlier reasons for refusal have been overcome. The buildings on plots 9 - 12 (closest to the southern boundary) together with plot 8 (on the eastern side of the site) have been moved to improve their relationship with adjacent properties. The distances between buildings are greater than generally accepted minimums and it is therefore not considered that refusal could be sustained on the grounds of impact or overlooking.

Whilst the formal comments of the County Highway Authority are awaited it is understood that the highway layout is now to an adoptable standard and visibility to Comeytrove Lane has been significantly improved.

RECOMMENDATION

Subject to the views of the County Highway Authority and corrected annotation of plans and a Section 106 undertaking relating to recording of the building and sport and recreation contributions, 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, protection of trees, landscaping, walls and fences, service trenches, garages, meter boxes, levels, cycle parking, bat protection, maintenance of area surrounding TPO tree. Notes re surface water, street naming, meter boxes, S.106 agreement, bats, Part M, construction noise, compliance.

REASON(S) FOR RECOMMENDATION:- The proposal represents a suitable reuse of this previously developed site in accordance with Taunton Deane Local Plan Revised Deposit Policy H1. The design proposed is considered acceptable in accordance with Policy S2 whilst the amenities of nearby occupiers are maintained in accordance with Policy S1.

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 - 16 JUNE 2004

Report of the Chief Solicitor

MISCELLANEOUS ITEM

30/1981/001 - Conversion at Kibbear House, Trull Variation of Section 52 (S.52) Agreement

In 1981, the Council gave permission for the conversion of stabling at Kibbear House, Trull to form what was described as "Granny flat accommodation". The accommodation proposed was in fact a substantial two bedroomed unit with a garage and was originally recommended for refusal.

However, permission was granted subject to a S.52 Agreement requiring the owner's mother to occupy the property. She has since died and permission was granted for occupation of the property by another elderly relative. However, the property is no longer required either for occupation by an elderly relative, nor by other members of the family.

A request has now been received from the owner for a variation of the S.52 Agreement to allow the unit to be occupied as a separate unit of accommodation.

The Planning Officer has visited the site and is satisfied that the unit can be satisfactorily occupied as a separate unit provided an adequate curtilage and parking area is provided. The owner has submitted a plan showing how this can be achieved.

In view of this, and the fact that the original objective of re-integrating the unit into the main house was probably unrealistic, the Planning Officer is of the view that the S.52 Agreement should be varied as requested.

RECOMMENDATION

It is therefore RECOMMENDED that the S.52 Agreement of the 23 July 1981 made between Michael James Foden and the Council relating to the conversion at Kibbear House, Trull be amended to allow the unrestricted occupation of the conversion permitted under planning permission 30/1981/001, subject to a satisfactory curtilage and parking space being provided for occupation with the converted unit.

Chief Solicitor

Contact officer : Judith Jackson 01823 356409 or e mail
j.jackson@tauntondeane.gov.uk

PLANNING COMMITTEE – 16 JUNE 2004

Report of the Chief Solicitor

Enforcement of Condition 20 - Planning Permission 34/1998/009 - Taunton Vale Hockey Club, Gipsy Lane, Taunton

Background

In June 2000 permission was granted for the erection of a clubhouse and associated pitches and facilities for the Taunton Vale Hockey Club at a site to the north of Gipsy Lane, Taunton. Concern was expressed at the time that the proposed floodlights would cause a nuisance for local residents and to meet those concerns the following condition was imposed:-

“The proposed floodlights luminaire shall be installed in a manner which ensures that no light source is visible from the adjacent residential properties, in accordance with details to be submitted to and approved by the Local Planning Authority before the use hereby permitted is commenced. The floodlights shall not be commissioned until the expiration of 14 days following a notice given in writing to the Local Planning Authority. Within 4 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 the period the lights shall remain switched off”.

The reason given was to protect the visual amenity of the nearby residents and the surrounding area.

Testing of the lighting took place as required by the condition and was approved by the Planning Officer in conjunction with the Council's Electrical Engineer. They found the system to be satisfactory.

The current position

Local residents have however never been satisfied with the floodlighting. Complaints have been received from both individuals and the Wyndham Road Residents Association. Over the recent weeks, requests have been received from the Residents Association and from twelve individuals that a Breach of Condition notice be served.

The Hockey Club for its part has sought to deal with the complaints and initially reduced the level of lighting, but this has proved more difficult recently as the use of the Club expands and more young players are attracted to play. The Club feels that for safety reasons it needs to operate the lights fully on occasions when the Club is very busy.

On the face of it, provided the residents' complaints can be substantiated by the collection of evidence that the light sources are visible within their properties, a breach of condition notice could be served. However, the Club

has pointed out that the lights were approved by the Council in accordance with the condition and that to require further alterations at this stage, even if it would reduce or solve the problem, would be unreasonable.

The legal position is therefore not clear cut and further advice in this respect is needed. It is therefore suggested that Counsel's Opinion be sought as to whether it is appropriate for the Council to serve a breach of condition notice in view of its actions.

RECOMMENDATION

It is therefore RECOMMENDED that:-

1. Counsel's Opinion be sought as to whether the Council through its approval of the lighting system is estopped from taking breach of condition action;
2. Evidence be collected from the local residents to establish the extent to which the condition is being breached; and
3. That the request from the local resident's to serve a breach of condition notice be deferred until Counsel's Opinion has been received and the evidence collected.

Chief Solicitor

Contact officer : Judith Jackson 01823 356409 or e mail
j.jackson@tauntondeane.gov.uk

PLANNING COMMITTEE – 16 JUNE, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Creech St Michael

- 1. File/Complainant Number** E146/14/2003
- 2. Location of Site** Creech Mills, Mill Lane, Creech St Michael, Taunton
- 3. Names of Owners** Mr N Smyth, Managing Director
- 4. Names of Occupiers** Sparrow Crane Hire
- 5. Nature of Contravention**
Use of site for Mobile Crane business

6. Planning History

Complaints were received that an area of land was being used to operate a crane hire business. The land was used as an overnight storage facility for a crane hire company based in Bristol. Up to 4 cranes are stored on the site and often leave in the early hours of the morning. This has a detrimental effect on the residents living along the access road into Creech Mills as the cranes leave site at about 5 a.m. From investigating the planning history there is no planning permission on the site, which allows for the storage and operation of such a business therefore the use is unauthorised. Numerous letters have been sent to the owner requesting an application in order to regularise the situation but to date no application has been received.

7. Reasons for Taking Action

It is considered that the operation of the mobile crane business from the site has a detrimental effect on the neighbouring residential properties especially when the cranes leave site in the early hours of the morning. The use also increases the amount of traffic along an already heavily used and sub-standard access road

8. Recommendation

The Solicitor to the Council be authorised to serve an enforcement Notice and take prosecution proceedings, subject to satisfactory evidence in the event that the notice is not complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel. 356479

PLANNING COMMITTEE – 16 JUNE, 2004

Report of the Chief Planning Officer

ENFORCEMENT

Parish: Fitzhead

1. **File/Complainant Number** E252/17/2002
2. **Location of Site** Fitzhead Court, Fitzhead, Taunton.
3. **Names of Owners** Mr A M Cross
4. **Names of Occupiers** Mr & Mrs A M Cross
5. **Nature of Contravention**

Wall collapsed within grounds of listed building

6. **Planning History**

None relevant to contravention

7. **Background History**

(a) Fitzhead Court is a Grade II Listed Building. The boundary wall abutting the road to its east is also the subject of specific listing. By virtue of section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, all structures within the curtilage of the principal Listed Building, are also afforded the same protection.

(b) In 2002, concern was expressed about the condition of the boundary wall abutting the road and a collapsed section of walling on the northern side of the entrance drive to Fitzhead Court.

(c) Some repairs have subsequently been effected to the roadside wall and partial rebuilding of the wall abutting the entrance drive has been undertaken.

(d) Concern is still on going with regard to non-reinstatement of the wall abutting the entrance drive. Remedy is available under the provisions of the principal Act, by way of a Repairs Notice. Such a Notice can require the building to be reinstated to its condition at the time of listing and is rarely used. An option available to the owner on service of the Notice is to require Compulsory Purchase by the Council. (Typically such action is used where a principal or important curtilage building is being neglected (often deliberately) and the Council has a third party "signed up" to take the building on and ensure its appropriate restoration).

(e) The boundary wall to the North of the entrance to Fitzhead Court, is Listed by virtue of curtilage and this is indicative of its relative importance to the site as a whole. The wall has been partially reinstated, such that the character of the former wall has been largely regained. The service of a Repairs Notice is therefore not deemed appropriate in the particular circumstances. As the structural condition of the wall does not give rise for concern, the issue of a Dangerous Structure Notice, is negated.

8. Recommendation

No action is instigated.

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 – 16 JUNE, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Taunton

- 1. File/Complainant Number** E430/18/2003 – 18/2004/003A
- 2. Location of Site** New Inn, Halse, Taunton.
- 3. Names of Owners** Mr M Leadeham
- 4. Names of Occupiers** Mr M Leadeham
- 5. Nature of Contravention**

Display of signs on the rear and side of property

- 6. Planning History**

A complaint was received on 5 December, 2003. A visit was made to the premises and the owner was advised that advertisement consent was required to retain the signs. An application was eventually submitted on 22 March, 2004 for the retention of the signs. The application also proposed external illumination but at present the signs are non-illuminated. The application was dealt with under delegated powers and was subsequently refused on 14 May, 2004.

- 7. Reasons for Taking Action**

It is considered that the signs have an adverse effect on the appearance and character of this part of the Conservation Area by reason of their form and design.

- 8. Recommendation**

The Solicitor to the Council be authorised to commence prosecution action in order to secure the removal of the signs.

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 – 16 JUNE, 2004

Report of the Chief Planning Officer

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E224/38/2003
2. **Location of Site** 33 Alma Street, Taunton
3. **Names of Owners** Mr A S Leeming
4. **Names of Occupiers** Various
5. **Nature of Contravention**

Possible change of use from domestic to part business use

6. **Planning History**

A complaint was received on 29 May, 2003 about the apparent multi use of No 33 Alma Street. Details were given that the property was being used as three letting bedrooms and an office on the ground floor. One of the tenants was also operating his business from the ground floor office. The business being operated is a property letting company, which involves a number of tenants visiting No 33 Alma Street to pay rents etc. which has caused difficulties with regard to parking and disturbance to neighbouring properties. Further information was obtained from various sources including the internet to gather a more detailed picture of the type of business being conducted. A visit was made to the property on 11 March, 2004 when the owner allowed a detailed inspection of the premises to take place. From the inspection it was found there were three letting bedrooms although the owner stated he used the front bedroom. The front ground floor room was fitted out as an office. Since the inspection the tenant who operated his business with the owner from the ground floor office has relocated his operation to alternative premises but has retained tenancy of one of the bedrooms. Further evidence has been received indicating that the owner has let the front bedroom and no longer resides at the property. The owner has been asked to submit a planning application to regularise the situation. To date no application has been forthcoming.

7. **Reasons for taking Action**

It is considered that although the property is in multi use the office element of one ground floor room is acceptable. Now that the additional business has relocated the number of visits by tenants etc is fewer and therefore the use is less disruptive to the neighbouring properties. It is considered that the use of the property is acceptable and should a planning application be submitted it would be likely to be viewed favourably

8. **Recommendation**

In view of the above and in the absence of a planning application being submitted it is recommended that no further action be taken.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479