

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 7TH JULY 2004 AT 17:00.

(RESERVE DATE : MONDAY 12TH JULY 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes (TO FOLLOW)
3. Public Question Time
4. NORTON FITZWARREN REPORT ITEMS
25/2004/006 - ERECTION OF 1 BEDROOMED UNITS FOR SPECIAL NEED ACCOMMODATION IN SEVERAL ONE OR TWO STOREY BUILDINGS IN ASSOCIATION WITH TRENCHARD HOUSE, TRENCHARD PARK GARDENS, NORTON FITZWARREN;
25/2004/007 - ERECTION OF EXTENSIONS TO FORM ADDITIONAL SPECIAL NEEDS ACCOMMODATION AND CHANGE OF USE OF PROPERTY TO SPECIAL NEEDS AT TRENCHARD HOUSE (FORMERLY KNOWN AS COURTLANDS) AND MEADOW COURT, TRENCHARD PARK GARDENS, NORTON FITZWARREN AS AMENDED BY LETTER DATED 6 MAY 2004 WITH ACCOMPANYING DRAWING NO 4C AND AS AMPLIFIED BY DRAWING NO 2B RECEIVED ON 25 MAY 2004.
5. CHURCHSTANTON - 10/2004/008
REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 10/2000/022 TO ALLOW GARAGE TO BE USED FOR RESIDENTIAL ACCOMMODATION AT FORD BARTON, MOOR LANE, CHURCHINFORD
6. KINGSTON ST. MARY - 20/2004/011
ERECTION OF DETACHED DWELLING AND GARAGE AT LAND NORTH OF GRANGE LODGE, KINGSTON ST MARY
7. OTTERFORD - 29/2004/004
ERECTION OF TWO STOREY REAR EXTENSION AT LABURNUM COTTAGE, BISHOPSWOOD
8. STAPLEGROVE - 34/2004/025
ERECTION OF CONSERVATORY TO SIDE (EAST) ELEVATION OF 14A MALLORY CLOSE, TAUNTON
9. STAWLEY - 35/2004/007
REMOVAL OF CONDITION 03 ATTACHED TO PLANNING

PERMISSION 35/2001/005, BARN AT STAWLEY WOOD FARM,
STAWLEY AS AMPLIFIED BY E-MAIL DATED 23RD JUNE 2004.

10. TAUNTON - 38/2004/198
ERECTION OF SINGLE STOREY EXTENSION AND ERECTION OF GARAGE, 20 FEVERSHAM WAY, TAUNTON AS AMENDED BY REVISED PLANS NO. POL646 REV A DATED 24TH MAY 2004 AND NO. POL646 REV B RECEIVED 18TH JUNE 2004.
11. TAUNTON - 38/2004/214
EXTENSION OF KITCHEN EXTRACT DUCTWORK AT THE COAL ORCHARD, 30 BRIDGE STREET, TAUNTON
12. TRULL - 42/2004/019
ERECTION OF 10 DWELLINGS FOR THE ELDERLY AND DISABLED (IN LIEU OF THE 12 DWELLINGS APPROVED UNDER PLANNING PERMISSION NO. 42/1999/010) WITHIN THE WALLED GARDEN AT GATCHELL HOUSE, HONITON ROAD, TRULL.
13. WELLINGTON - 43/2004/052
ERECTION OF 2 NO. DETACHED DWELLINGS AND FORMATION OF VEHICULAR ACCESS THERETO, LAND TO EAST OF WINDYRIDGE, PAYTON ROAD, WESTFORD, WELLINGTON.
14. WIVELISCOMBE - 49/2004/022
ERECTION OF DWELLING AND GARAGE WITH ALTERATIONS TO DRIVE, LAND AT HARTSWELL HOUSE, WIVELISCOMBE.
15. WIVELISCOMBE - 49/2004/026
ERECTION OF BASEMENT ROOM WITHIN NEW TERRACE AND RETAINING WALL AND NEW PORCH, GREENWAY FARM, WIVELISCOMBE.
16. WIVELISCOMBE - 49/2004/027LB
EXTERNAL ALTERATIONS INCLUDING ERECTION OF NEW PORCH, RE-ROOFING TO EXISTING PORCH, NEW TERRACE AND RETAINING WALL WITH ROOM BELOW, EXTENSION TO EXISTING DRIVEWAY, GREENWAY FARM, WIVELISCOMBE (AMENDED SCHEME)
17. BURROWBRIDGE - 51/2004/004
CHANGE OF USE OF AGRICULTURAL BUILDINGS TO COMMERCIAL STORAGE (CLASS B8) AT WILLOWFIELDS, STATHE ROAD, BURROWBRIDGE AS AMPLIFIED BY AGENT'S LETTER DATED 19TH MAY 2004.
18. COMEYTROWE - 52/2004/017
ERECTION OF 1.8 M HIGH FENCE AT 3 STONE CLOSE, COMEYTROWE.

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

30 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 – 16 June 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Govier, Henley, Hindley, House, 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 M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillors Hindley, Stuart-Thorn, Govier, Denington and Croad arrived at the meeting at 5.07 pm, 5.19 pm, 5.33 pm, 5.38 pm and 6.34 pm respectively)

57. Minutes

The minutes of the meeting held on the 19 May 2004 were taken as read and were signed.

58. Applications for Planning Permission

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

- (1) That **planning permission** be granted for the 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:-

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.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
- (d) The building hereby approved shall act as an alternative to the two buildings coloured pink on drawing 1209/9F attached to the agent's letter dated the 20 April 2004. Upon commencement of the building hereby approved, permission for the alternative buildings shall lapse

and this permission shall lapse upon commencement of either of the two buildings coloured pink.

(Note to applicant:- NO24 – development in accordance with approved plans).

Reason for granting planning permission:-

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

42/2004/017

Erection of conservatory at 30 Killams Green, 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.

Reason for granting planning permission:-

The proposed extension would have no material effect on neighbours and complied with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

43/2004/040

Erection of dwelling adjacent to 2 The Waterpath, Westford, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C206A – existing and proposed levels;
- (e) C207 – existing trees to be retained;
- (f) C208A – protection of trees to be retained;
- (g) No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (h) C210 – no felling or lopping;
- (i) C215 – walls and fences;
- (j) C321B – parking;
- (k) C416 – details of size, position and materials of meter boxes.

(Notes to applicant:- (1) NO24 – development in accordance with the approved plans; (2) N118 – disabled access; (3) N115 – water conservation; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) N051B – health and safety; (7) N095A – owls and bats; (8) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 dated September 1991

or CIRIA Report 156 “Infiltration Drainage: Manual of Good Practice”; (9) Applicant was advised to agree points of connection with Wessex Water; (10) Applicant was advised that the Environment Agency recommends that finished floor levels of the proposed dwelling should be raised 600mm above existing ground levels; (11) Applicant was advised that built development should be set back a minimum of 8m from the watercourse bank top, in order to facilitate potential future maintenance/flood defence improvements to the watercourse.)

Reason for granting planning permission:-

The site was within the settlement limits and the proposed dwelling was not considered to have any adverse material impact on neighbouring properties or the street scene and was therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

43/2004/048

Erection of 2 No disabled persons bungalows and car ports, land adjacent to 32 Alexandra Road, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) The driveways to the property shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (f) There shall be no obstruction to visibility greater than 300mm above adjoining road level forward of a line drawn 2m back from and parallel to the nearside carriageway edge over the Alexandra Road frontage. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times;
- (g) There shall be no obstruction to visibility greater than 300mm above adjoining road level forward of a line drawn 4.5m back from and parallel to the nearside carriageway edge over the Victoria Street frontage. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times;
- (h) C324 – parking;
- (i) C416 – details of size, position and materials of meter boxes;
- (j) P007 – no fencing in front of dwellings;
- (k) C910A – archaeological access.

(Notes to applicant:- (1) NO61A – Section 184 permit; (2) Applicant was advised to contact Wessex Water with regard to connection to the combined sewer and the water mains; (3) Applicant was advised that there is a public combined sewer crossing the site. Wessex Water

normally requires a minimum 3m easement width on either side of the apparatus, for the purpose of maintenance or repair. Diversion or protection works may need to be agreed with Wessex Water; (4) N118 – disabled access; (5) N112 – energy conservation; (6) N114 – meter boxes; (7) N115 – water conservation; (8) N024 – development in accordance with approved plans; (9) N051B – health and safety; (10) With regard to condition (k), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists to undertake it).

Reason for granting planning permission:-

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

46/2004/010

Erection of replacement shed at field Grid Ref 164173 opposite Hunters Lodge Farm, Clayhidon.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping.

Reason for granting planning permission:-

It was considered that the proposal complied 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.

49/2004/016

Erection of agricultural building, land adjacent to Lower Nunnington Park Park Estate, Wiveliscombe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping.

Reason for granting planning permission:-

It was considered that the siting of the proposed building, on the edge of the field and adjacent to tree cover, would not have an adverse landscape impact and was reasonable for the purposes of agriculture. The proposal was therefore in compliance with Taunton Deane Local Plan Revised Deposit Policy S1 and West Deane Local Plan Policy WD/EC/33.

- (2) 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:-

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.

Reason

The proposed building by reason of its scale, height and massing will represent an over-development of the site and will detract from the established character and appearance of the locality contrary to Taunton Deane Local Plan Revised Deposit Policies H1 and S2.

52/2004/018

Erection of 12 dwellings and formation of access on site of New Barn, 41 Comeytrowe Lane, Taunton.

Reasons

- (a) 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 provisions of Taunton Deane Local Plan Revised Deposit Policies H1 and S2;
- (b) The proposed visibility splays to Plots 5 and 6 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.

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

34/2004/022

Erection of shed at rear of Lodge Farm, Staplegrove.

42/2004/014

Erection of first floor side extension, bay window and single storey extension at 1 Herswell Cottages, West Buckland.

46/2004/012

Change of use of agricultural land to form extension to garden, 4 Willowbrook Cottages, West Buckland.

59. Erection of two self-contained flats on land adjacent to 14 Greenway Road, Taunton (38/2004/172)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 17 June 2004, the Chief Planning Officer be authorised to determine the

application in consultation with the Chairman and, if planning permission was refused the following reason be stated:-

The proposal would result in a loss of vehicle parking facilities and would be likely to lead to an increased demand for roadside parking in the vicinity of the site where there is already a high pressure for such space and would, therefore, encourage parking on the highway with consequent risk of additional hazards to all other users of the road contrary to the requirements of the Somerset and Exmoor National Park Structure Plan Policy 49.

60. Demolition of 18-24 Kingston Road and erection of 13 x 1 bedroomed flats and ground floor shop at 18-24 Kingston Road, Taunton (38/2004/184)

Reported this application.

RESOLVED that subject to the receipt of acceptable layout plans showing the provision of 13 cycle parking spaces and 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) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) The windows shall be recessed within the walls and details of the amount of recess shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works on site;
- (e) C926B – remediation investigation/certificate;
- (f) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including public holidays, no noisy working;
- (g) P003 – no ancillary buildings;
- (h) P006 – no fencing;
- (i) C902 – alternate permissions on same site.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N116 – disabled access; (6) N117 – crime prevention; (7) N051 – environmental health; (8) N045 – encroachment).

Reason for planning permission, if granted:-

The proposal was considered to be in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR4 and Policy 49 and Taunton Deane Local Plan Revised Deposit Policies S1, H1 and M3a.

61. 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 (43/2004/042)

Reported this application.

RESOLVED that 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 planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The proposed new boundary fences, as indicated on the approved plan, shall be erected prior to the occupation of any of the houses hereby approved;
- (e) There shall be no obstruction to visibility greater than 600mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
- (f) The area allocated for parking on the submitted plan shall be provided prior to the occupation of any of the houses and 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;
- (g) C416 – details of size, position and materials of meter boxes;
- (h) 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 on the first floor of the south-west elevation;
- (i) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the site for slow worms, a species which is legally protected under the Wildlife and Countryside Act 1981. If slow worms are to be affected, mitigation measures shall be submitted and carried out as part of the development.

(Notes to applicant:- (1) N061A – Section 184 permit; (2) N118 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N024 – development in accordance with approved plans; (7) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365; (8) N051B – health and safety; (9) N075 – Section 106 Agreement; (10) Applicant was requested to seek to retain the silver birch tree on the site).

Reason for planning permission, if granted:-

The site was within the urban area and the proposed dwellings would not have any adverse material impact on neighbouring properties or the street scene and was therefore in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

62. Demolition of existing warehouse and erection of block of 14 flats, former Haymans Coal Yard, Westford, Wellington (43/2004/051)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement with the Council by the 23 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 planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) Prior to the commencement of development, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C203 – landscaping;
- (e) C205 – hard landscaping;
- (f) At the proposed points of access, there shall be no obstruction to visibility greater than 900mm above adjoining road level within the splays shown coloured green on the attached plan. Such visibility shall be provided before any of the flats hereby permitted are first occupied and shall thereafter be maintained at all times;
- (g) C324 – parking;
- (h) C416 – details of size, position and materials of meter boxes;
- (i) Prior to the commencement of development, a detailed record shall be taken of the building and its surroundings and a report of the findings submitted to the Local Planning Authority;
- (j) C926B – remediation investigation/certificate;
- (k) P006 – no fencing;
- (l) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (m) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (n) Floor levels shall be set at least 600mm above the 1:100 year (1% probability) flood level of 61.6m AOD, giving a finished floor level of not less than 62.2m AOD.
- (o) No buildings shall be constructed over the existing or any replacement culvert that runs along the south-east corner of the site.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N024 – development in accordance with approved plans; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) N095A – owls and bats; (9) Applicant was advised that the existing building contains asbestos panels which will need careful removal. (i) If the asbestos is contained within something like cement, that is roof or wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. If the sheeting is to be broken up for any reason a specialist contractor must be used. (ii) If the asbestos is in a more friable condition/material, for example lagging or water tank insulation, then a licensed specialist contractor must be used. Either way, materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip. You are advised to contact the Environmental Health Officer in this respect; (10) Applicant was advised of the need to contact Wessex Water with regard to connection onto their infrastructure; (11) Applicant was advised that with regard to condition (i), the Field Officer of the Somerset Industrial Archaeological Society would be pleased to advise; (12) NO48A – remediation strategy; (13) Given that this site is located on a major aquifer, applicant was advised that measures should be taken at the construction stage to prevent and minimise pollution. Such measures may include bunding for fuel storage and pumps and/or the use of oil absorbent materials (regularly replaced when contaminated) to control spillage and leakage. The Environment Agency must be notified immediately of any incident likely to cause pollution; (14) Applicant was advised that any oil storage facility of 200 litres or more must include a bund and comply with the oil storage regulations (“The Control of Pollution (Oil Storage) (England) Regulations 2001”), a copy of which has been forwarded to the applicant/agent; (15) Applicant was requested to have regard to the Environment Agency Publication “Sustainable Drainage Systems” with regard to the disposal of surface water run off from the development).

Reason for planning permission, if granted:-

The proposed development was in compliance with current and emerging development plan policies. The building was not worthy of listing and therefore its demolition could not be prevented by the Local Planning Authority. The site was a brownfield site within the settlement limits where residential development was acceptable in principle.

In the event that the Section 106 Agreement was not concluded by the 23 July 2004, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and permission be refused on the grounds that inadequate provision had been made for recreation facilities.

63. Erection of extension to form annexe, Warren House, Wiveliscombe (49/2004/020)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to ensure that the annexe was occupied at all times as accommodation ancillary to that of the main property, Warren House, and was not disposed of as a separate dwelling

unit, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) The windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (d) P001A – no extensions.
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (ii) N040A – drainage/water; (iii) NO75 – Section 106 Agreement).

Reason for planning permission if granted:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Revised Deposit Policies H19 and H20.

64. Conversion at Kibbear House, Trull: Variation of Section 52 (S52) Agreement (30/1981/001)

Reported that in 1981 planning permission was granted to convert stabling at Kibbear House, Trull into “granny flat accommodation”, subject to a S52 Agreement being negotiated.

The Agreement required the owner’s mother to occupy the annexe, and although she had since died, up to recently the property had been occupied by another elderly relative.

However, the property was no longer required as a “granny flat” and a request had been received from the owner for a variation of the S52 Agreement to allow the unit to be occupied as a separate unit of accommodation.

The Chief Planning Officer was of the view that the unit could be satisfactorily occupied as a separate unit provided an adequate curtilage and parking area was provided.

RESOLVED that the Section 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.

65. Enforcement of Condition 20 – planning permission 34/1998/009 – Taunton Vale Hockey Club, Gipsy Lane, Taunton

Reported that in June 2000, planning permission was granted for the erection of a Club House and associated pitches and facilities for the Taunton Vale Hockey Club at a site to the north of Gipsy Lane, Taunton.

At the time, to overcome concerns about the proposed floodlighting, a condition had been imposed to ensure that no light source was visible from adjacent residential properties.

Following installation of the floodlights, testing had taken place and the system was found to be satisfactory by the Chief Planning Officer and the Council's Electrical Engineer.

However, local residents had never been satisfied with the floodlighting and regular complaints had been received from individuals and the Wyndham Road Residents' Association. Over recent weeks, requests for a Breach of Condition Notice to be served on the Hockey Club had been received.

Although the Hockey Club had initially sought to deal with the complaints by reducing the level of lighting, as use of the club had expanded, it had become necessary to operate the lights fully on the regular occasions when the club was busy, for safety reasons.

It appeared that if the complaints from residents could be substantiated by the collection of evidence, Breach of Condition could be taken. However, the club had pointed out that the lights had been approved by the Council in accordance with the condition. The club therefore felt that any further alterations to the floodlights required of them would be unreasonable.

As the legal position was not clear-cut, further advice in this respect was needed.

RESOLVED that:-

- (1) Counsel's opinion be sought as to whether the Council, through its approval of the lighting system was estopped from taking Breach of Condition action;
- (2) Evidence be collected from the local residents to establish the extent to which the condition was being breached; and
- (3) the request from the local residents to serve a Breach of Condition Notice be deferred until Counsel's opinion had been received and the evidence collected.

66. Use of site for mobile crane business, Creech Mills, Mill Lane, Creech St Michael

Reported that complaints had been received over several months about an area of land at Creech Mills, Mill Lane, Creech St Michael being used, without planning permission, to operate a crane hire business.

The owner of the land had been requested to apply for planning permission to regularise the situation but, to date, no such application had been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the land at Creech Mills, Mill Lane, Creech St Michael being used to operate a crane hire business; 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.

67. Collapsed wall within grounds of listed building at Fitzhead Court, Fitzhead

Reported that concerns had been expressed over recent months about a partially collapsed wall on the northern side of the entrance drive leading to Fitzhead Court. The wall was listed by virtue of it being within the curtilage of Fitzhead Court, a Grade II Listed Building.

Although the wall had been partially rebuilt, the Council had continued to receive requests for action to be taken to provide full reinstatement. It was possible for the Council to issue a Repairs Notice, however, in such circumstances, the owner of the wall could require its compulsory purchase by the Council. As such, this course of action was only used where a principle or important curtilage building was being neglected and the Council had a third party ready to take the building on and ensure its appropriate restoration. The service of a Repairs Notice was therefore not deemed appropriate.

In the view of the Council's Conservation Officer, the partial reinstatement undertaken was such that the character of the former wall had largely been regained. No further action was recommended.

Further reported that there were additional concerns about the condition of the listed roadside boundary wall to the east of Fitzhead Court.

Recommended that an inspection of this wall be undertaken at the earliest opportunity.

RESOLVED that:-

- (1) With regard to the wall on the northern side of the entrance drive leading to Fitzhead Court, no further action be taken and
- (2) with regard to the roadside boundary wall to the east of Fitzhead Court, an inspection be carried out by the Council's Building Control Officer and the Conservation Officer and that appropriate action be taken if the wall was found to be a dangerous structure.

68. Unauthorised display of signs on the rear and side of The New Inn, Halse.

Reported that despite advertisement consent being refused on 14 May 2004 to retain two non-illuminated signs on the rear and side of The New Inn at Halse, no attempt to remove the signs had been made.

Authority to commence prosecution action in order to secure the removal of the signs had therefore been recommended.

During the discussion of this item, Members questioned the “unsuitable” nature of the signs and felt that action to remove them should not be taken.

RESOLVED that no further action in respect of the unauthorised non-illuminated signs at The New Inn, Halse be taken.

Reason for not taking action, contrary to the recommendation of the Chief Planning Officer:-

The Committee considered that the signs were not detrimental to the visual amenities of the Halse Conservation Area.

69. Change of use from domestic to part business use at 33 Alma Street, Taunton

Reported that a complaint had been received about the apparent multi-use of 33 Alma Street, Taunton as three letting bedrooms with an office on the ground floor.

The office had been used by one of the tenants to operate a property letting company with the owner of the premises which involved regular visits by tenants causing difficulties with regard to parking and disturbance to neighbouring properties.

A visit by the Council’s Enforcement Officer to 33 Alma Street, Taunton earlier in the year confirmed the situation reported. However, since the inspection the tenant who conducted the business with the owner of the property had relocated his operation to alternative premises. This had resulted in far fewer visits and less disruption to the neighbours. In addition, the owner no longer resided at the property and the vacant bedroom had been relet.

Although the owner of the property had been requested to seek planning permission to regularise the situation at 33 Alma Street, Taunton to date, no application had been forthcoming.

Further reported that if an application was submitted, it would be likely to be viewed favourably. In these circumstances, it was recommended that no further action be taken.

During the discussion of this item, Members were concerned that even though the use of the office currently had no adverse effects on neighbouring properties, without planning consent and appropriate conditions, there was the potential for a business to operate from the property, which could again be very disruptive. It was therefore felt

that if an application was unlikely to be forthcoming, enforcement action should be taken in connection with the office use.

RESOLVED that:-

- (1) Enforcement action be taken to stop the business use taking place from 33 Alma Street, Taunton; 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 Miss Cavill, Bowrah, Mrs Smith, Henley, Floyd and Croad left the meeting at 8.29 pm, 8.43 pm, 9.13 pm, 9.15 pm, 9.23 pm and 9.24 pm respectively).

(The meeting ended at 9.28 pm)

25/2004/006

JET-SET (EU) LTD

**ERECTION OF 1 BEDROOMED UNITS FOR SPECIAL NEED ACCOMMODATION
IN SEVERAL 1 OR 2 STOREY BUILDINGS IN ASSOCIATION WITH TRENCHARD
HOUSE, TRENCHARD PARK GARDENS, NORTON FITZWARREN**

20040/26699

1.0 RECOMMENDATION

Permission be REFUSED for the following reasons:-

- 01 The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policy S1(E)).
- 02 The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8).
- 03 The proposed development will be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and an overriding special need or benefit has not been substantiated for the proposed development on this specific site (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49).

25/2004/007

JET-SET (EU) LTD

ERECTION OF EXTENSIONS TO FORM ADDITIONAL SPECIAL NEEDS ACCOMMODATION AND CHANGE OF USE OF PROPERTY TO SPECIAL NEEDS AT TRENCHARD HOUSE (FORMERLY KNOWN AS COURTLANDS) AND MEADOW COURT, TRENCHARD PARK GARDENS, NORTON FITZWARREN AS AMENDED BY LETTER DATED 6TH MAY 2004 WITH ACCOMPANYING DRAWING NO 4C AND AS AMPLIFIED BY DRAWING NO 2B RECEIVED ON 25TH MAY 2004

20040/26699

1.0 **RECOMMENDATION**

A. Permission be REFUSED for the following reasons:-

01 The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Revised Deposit Policy S1(E)).

02 The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed extension (Taunton Deane Local Plan Revised Deposit Policy S8).

B. The Chief Solicitor be authorised to commence Enforcement Proceedings to ensure compliance with the permitted use, the period for compliance to be such as to minimise any hardship to existing residents.

2.0 **APPLICANT**

Jet-Set (EU) Ltd

3.0 **PROPOSALS**

(i) 25/2004/006 Erection of 1 bedroomed units for special needs accommodation in several 1 or 2 storey buildings in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren

This application is in outline only and the only plan submitted indicates the boundary of the site. The proposal is related to the additional units the subject of application 25/2004/007.

- (ii) 25/2004/007 Erection of extensions to form additional special needs accommodation and change of use of property to special needs at Trenchard House (formerly known as Courtlands) and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren.

Trenchard Park Gardens offers flexible accommodation for 'special needs' clients, which the applicants describe as clients who are vulnerable and in need of a secure environment.

The following are instances the applicants describe as being meant by special needs:- emergency housing, homelessness, leaving care (age range 16 - 18), physical disability, learning disability, mental health disability, moving from a poor quality environment, moving out of supported housing, moving out of supported lodgings, safety placements, hospital discharges and intended out of area placements.

In this circumstance they believe that this will enable individuals to live as independently as possible. Whilst not a care or supported housing project, the applicants' aim is to enable individuals to access comfortable surroundings and facilities in a quiet and quality environment, giving accommodation and facilities to enhance and improve their quality of life.

18 bedrooms are proposed in the existing buildings formed of Trenchard Park and Meadow Court, with 23 bedrooms proposed in the extensions. The proposal also provides for a 2 bedroom self-contained family living accommodation unit. Lounges, recreation room, laundry, office and kitchens are also incorporated in the scheme.

The materials for the proposed extensions are to be rendered walls with artificial slate to match the existing building.

4.0 **THE SITE**

The site is located on the A358 close to the Cross Keys roundabout. The Courtlands Industrial Estate lies to the south. The closest residential property is approximately 85 m distant. The site is accessed through an existing gateway at the eastern end of the property onto the A358. The property is located beyond the settlement limits of both Taunton and Norton Fitzwarren.

5.0 **RELEVANT PLANNING HISTORY**

25/1988021 Change of use of Courtlands to Guest House and dwelling and alterations to access, Norton Fitzwarren. Full permission granted August 1988.

25/1989/03 Change of use from guest house to hotel with 14 seat restaurant, Courtlands, Norton Fitzwarren. Full permission granted December 1989.

25/1990/003 Change of use of hotel/restaurant to long stay nursing home for the elderly, Courtlands Hotel, Norton Fitzwarren. Full permission granted February 1990.

25/1990/035 Erection of extension to form nursing accommodation, The Courtlands Unit, Norton Fitzwarren. Full permission refused January 1991.

25/1991/005 Erection of extension to psychiatric nursing home, Courtlands Nursing Home, Norton Fitzwarren. Full permission granted May 1991.

25/1991/009 Continued use of land to site caravan used as staff accommodation, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted April 1991.

25/1992/026 Siting of caravan for office use, The Courtlands Hotel Nursing Home, Norton Fitzwarren. Temporary (1 year) permission granted September 1992

25/1999/021 Change of use from dwelling to residential home, Courtway, Courtlands, Norton Fitzwarren. Full permission granted January 1990.

25/2001/021 Change of use of nursing home to dwelling at Cornerwood House (formerly known as Courtlands), Norton Fitzwarren. Full permission granted August 2001.

25/2001/022 Change of use of nursing home to offices at Cornerwood House and Courtway, Norton Fitzwarren. Application withdrawn prior to determination.

25/2002/017 Change of use to hotel/bed and breakfast at Cornerwood House and Courtway, Norton Fitzwarren. Full permission granted August 2002.

25/2003/014 Erection of two storey extension to form additional letting accommodation (19 bedrooms) and single storey extension to form manager's flat, Trenchard House, Trenchard Park Gardens (formerly Cornerwood House and Courtlands), Norton Fitzwarren. Application withdrawn prior to determination.

The property the subject of the current applications comprises what were formerly known as Courtlands, Courtway and Meadow Court. The latter was most recently used as dwelling and the former have the benefit of planning permission for hotel/bed and breakfast.

At the Planning Committee on 3rd March, 2004 a report was considered following concerns that had been raised that the property may be in breach of the planning permission that was granted for the change of use to hotel/bed and breakfast accommodation. Whilst that application was being determined, it became evident that discussions had taken place between the owner and other departments within the Authority. The Housing section has been

referring homeless persons to the existing hotel/bed and breakfast accommodation for some time. In the report to Committee in March it was reported that the Council's Solicitor was of the opinion that the existing use may be immune from planning enforcement action because the intended occupation by homeless persons was known at the time planning permission was granted for the hotel/bed and breakfast use. The Committee noted the report, which concluded that there appeared to be corporate support for the applicant's current operation, at least in terms of the Council's housing strategy and that no further action from a planning viewpoint should be taken at that time.

Since the meeting on 3rd March 2004, Counsel's opinion has been sought on the question of immunity from enforcement on the existing unauthorised use. Counsel's opinion is that the Council can take enforcement action in the event of planning permission being refused.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable development

Policy STR6 Development outside towns, rural centres and villages

Policy 49 Transport requirements of new development

West Deane Local Plan

Policy WD/SP/2 Development outside settlement limits

Taunton Deane Local Plan Revised Deposit

Policy S1 General Requirements

Policy S2 Design

Policy S8 Outside settlements

Policy H4b The conversion of houses to bedsits, hostels or other types of non self contained accommodation will be permitted, provided that:

- (A) there is safe and convenient access by bus or on foot to a town centre, local centre or rural centre;
- (B) the proposed intensity of use will not, individually or cumulatively with other existing conversions or non residential uses, erode the character or amenity of existing residential areas;

- (C) the privacy and amenity of neighbouring dwellings would not be harmed as a result of increased noise, activity and disturbance likely to be associated with the higher intensity of occupation;
- ~~(D) residents of the proposed units of accommodation will enjoy adequate ventilation and natural light;~~
- (E) external changes do not harm the character and appearance of the building or street scene;
- (F) adequate refuse storage facilities are provided; and
- (G) car parking will be permitted only where it can be provided without harming the character and amenity of the area. Where possible secure cycle parking will be required.

Policy M3a Residential parking requirements

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 'General Policy and Principles'

Paragraphs 4 - 7

Paragraph 28 A number of the previous themes come together in considering development in the countryside. Here, the planning system helps to integrate the development necessary to sustain economic activity in rural areas with protection of the countryside. Rural areas can accommodate many forms of development without detriment, if the location and design of development are handled with sensitivity. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas such as National Parks which are statutorily designated for their landscape, wildlife or historic qualities and in areas of best and most versatile agricultural land, policies give greater priority to restraint.

Paragraph 40

Paragraph 50

Paragraph 54 – 55

PPG3 'Housing'

Paragraph 1 The Government intends that everyone should have the opportunity of a decent home. They further intend that there should be greater choice of housing and that housing should not reinforce social distinctions. The housing needs of all in the community should be recognised, including those in need of affordable or special housing in both urban and rural areas. To promote more sustainable patterns of development and make better use of previously-developed land, the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life.

Paragraph 41 Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:

- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate, acquire properties under compulsory purchase procedures; and
- promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

PPG7 'The Countryside – Environmental Quality and Economic and Social Development'

Paragraph 2.3

8.0 **CONSULTATIONS**

25/2004/006

County Highway Authority

“The A358 is a National Primary Route. I would not wish to see a new development on this site nor the intensification of use of the access, which would generate additional traffic onto the A358. I would therefore recommend refusal of this application for the following reasons:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed

development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site.”

County Archaeologist

I repeat my advice on the earlier (withdrawn application 4/25/03/014) that the site is located very close to a nationally important monument and 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.

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.

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

Wessex Water

“The above proposal is not located within a Wessex Water sewered area.

The developer has proposed to dispose of surface water to 'soakaways'.

It is advised that your Council should be satisfied with any arrangement for disposal of foul and surface water flows generated by the development.

Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

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

Avon and Somerset Constabulary

“With reference to the above planning applications. The Avon and Somerset Constabulary have very serious concerns regarding the current situation at Trenchard House, Norton Fitzwarren, Taunton, and will object, in the strongest terms, to any proposed extension to this establishment.

Since 01/01/2003 there have been 23 Police Communication Centre reports/logs made relating to Trenchard House. Complaints/calls have included allegations of burglary, criminal damage, theft, assault and disorder.

During the same period there have been 27 crimes recorded relating to the premises. These crimes include allegations of theft, criminal damage, burglary, assault, sexual assault, and domestic incidents.

Police records would indicate that numerous Police officers have attended at the address, either in response to calls for the Police, or to make enquiries where arrests have been made.

It is quite apparent that this premises is a huge drain on Police resources and therefore we would request that our objections are given serious consideration.”

The following further response was received subsequent to the view of consultation and representation response (see next section of this report).

“From mid 2002 in excess of 35 arrests have been made of residents at the premises. I can obtain exact up to date numbers if required.

The Police Warrants Officer, Mr. Nicholls, regularly calls at the premises 3/4 times each week. These details may be available if required.

As the result of a recent request by Sergeant Whysall, 9 Police officers, from our Police district, confirmed that the premises had been visited 17 times whilst making crime enquiries.

Devon and Cornwall Police officers have attended the premises to make crime enquiries.”

The following further information has been received from the Avon & Somerset Constabulary:-

I can now inform you of the following:

Since 10-08-2003 Communication Centre logs show that the Police have been called to Trenchard Park Gardens 31 times. This figure includes; reports of burglary x 8, assault x 2, criminal damage x 1, and 20 others. Records show that a total of 44 arrests have been made at the premises. Since 01/04/2002 41 prosecution case files for court proceedings have been produced that relate to occupants of the premises.

I am not able to give you any details of Court results or convictions without looking into personal records, which is not possible.

I do hope that this will be sufficient information to evidence our objections.

Landscape Officer

“My main concern is the proximity of the proposed dwelling(s) on the existing sycamore and beech trees and the impact on the approach to Trenchard Park Gardens. However, I believe both the above could be mitigated by appropriate distances and landscape detail.”

Environment Health Officer

Trust any of the proposed developments will be subject to Building Regulation approval and any fire detection system, including the sprinkler system will be interlinked as appropriate with the existing building.

Drainage Officer

No observations to make.

Housing Officer

“There are enough B and B rooms in the existing house. I do not believe more rooms are required. I feel that a better option would be move-on accommodation taking the form of one bedroom flats let on assured shorthold tenancies at rents compatible with housing benefit payment levels. I support the existing level of B and B rooms.”

Parish Council

The Parish Council would like to emphasise the importance of the fact that no planning permission has been granted for the use of this property as a hostel despite it being used as such since 2002. Therefore this application must not be regarded merely as an extension of an existing legitimate operation. Had the change of use application submitted in 2002 been properly processed the Parish Council would have strongly objected then. However it was not given the opportunity.

The Parish Council would raise the strongest possible objections to the above applications. Due regard has been taken of the views expressed by local residents and police representatives. The Council feel there are very serious concerns in the following areas :-

1.0 Crime and Disorder (Section 17) and Anti-social behaviour

This is seen as a major issue. Confirmed reports have been received from the police and residents describing worrying incidents of crime and disorder arising from the use of Trenchard Park as a hostel. Surrounding properties have reported intrusions by residents of Trenchard Park and there is evidence of discarded hypodermic syringes found in the vicinity.

Clearly any increase in hostel usage would only add to an already serious situation. Furthermore there are the following additional concerns.

The proposed new playing fields for the primary school (situated behind Burnshill Drive off Taylor Close) will only be a field away from this property. In addition there is a well used footway from Trenchard Park running adjacent the proposed school playing fields.

There are fears that the supervision and control of residents when outside the site will be inadequate.

The site is very close to the St Martin's Rehabilitation Centre and there are serious concerns that the good work being done here could easily be undermined by the proximity of Trenchard Park residents.

There is high degree of worry amongst residents based upon a fear of what might happen, as well as actual events.

Valuable police resources are already being taken up with incidents connected with this property. Police report visiting the property at least three times a week sometimes with a riot van and regular arrests are made. The proposals would seriously escalate the problem.

2.0 Location in Open Countryside

The site is in open country and outside of the normal settlement area in existing planning terms. The proposals do not meet any known criteria as there would be no benefit economically or otherwise for the local area. Indeed quite the contrary as there would be a detrimental impact on the character of the area. Moreover the appearance and character of the existing building would be adversely affected by the proposed extensions.

3.0 Sustainability

There is no sustainability for the proposed use of the properties in this location. There are no immediate facilities for grocery or other shopping and no leisure or recreational areas.

4.0 Highway Issues

There are very real safety concerns. Residents are regularly seen walking along the busy main A358 Taunton/Minehead road, including at night whilst wearing dark clothing. Even with the provision of a footway, the safety of these residents and of passing motorists cannot be guaranteed.

The Council most strongly feel that these serious issues far outweigh any advantage that the Housing Officer may suggest arises from this proposal.”

25/2004/007

County Highway Authority

There are no objections in principle to this proposal for the change of use of the property to special needs. A residential care home with 30 bedrooms

requires 10 parking spaces. These spaces together with a turning space need to be provided.

The submitted plan shows the gate widened to 4.5 m. The drive should also be widened to 4.5 m for 10 m from the edge of the carriageway to allow vehicles to pass in the access and prevent vehicles backing or waiting on the carriageway.

In the event of permission being granted I would recommend that the following conditions are imposed:-

1. The development hereby approved shall not be occupied until 10 parking spaces have been provided within the curtilage of the site.
2. Before the development hereby permitted is commenced, the existing access shall be modified to have a minimum width of 4.5 m and incorporate radii of not less than 6 m. The access shall have a minimum width of 4.5 m for a distance of 10 m from the edge of the carriageway.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Road Opening Notice must be obtained from the Highways Service Manager Somerset County Council Taunton Deane Area at Burton Place, Taunton, Somerset, Ta1 4HE before access works commence.

County Archaeologist

As on previous application.

Wessex Water

As on previous application.

Avon & Somerset Constabulary

As on previous application.

Landscape Officer

“My main concern is the proximity of the western extension to the boundary trees, mainly sycamore, which are already quite large and in need of thinning if they are not to become a problem. Are the trees within the ownership of the applicant? Subject to the proposed management of the trees it may be possible to accommodate the proposals as they are or otherwise at least 12 – 14 m should be maintained between the proposed extension and boundary trees. The wellingtonia should be unaffected by development. A landscape scheme to soften the impact of the proposal should include tree planting in the parkland to provide more of a setting.”

Forward Planning Unit

This application has two elements which, in policy terms, raise different issues.

The first element is the change of use of the existing buildings. Although the site is outside the defined limits of any settlement, I consider that in view of the buildings' previous use for residential purposes the proposed use is, in general terms, acceptable. As the proposal appears to involve non self-contained accommodation Policy H4b of the Taunton Deane Local Plan is relevant and its criteria need to be satisfied. Most of these are of a detailed nature on which it would be inappropriate for me to comment. The exception to this is criterion (A) relating to accessibility where, in view of the bus service on the A358, I consider that on balance the proposal is just acceptable.

The second element of the proposal, which involves substantial extensions, is contrary to policy S8 relating to new building outside settlements. This aims to protect the countryside through the strict control of development unless there is a clear and justifiable need. I do not consider that such a need exists in this instance."

Environmental Health Officer

As on previous application.

Drainage Officer

"Foul drainage: I note that foul sewage is dealt with by an existing septic tank. Stand note to be included about sizing, possible pollution nuisance, etc

Surface Water: I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval."

Housing Officer

As on previous application.

Norton Fitzwarren Parish Council

Staplegrove Parish Council

Agreed to support Norton Fitzwarren Parish Council's concerns and objections to the planning application.

9.0 **REPRESENTATIONS**

7 individual letters of objection and one signed by the residents of 3 nearby dwellings have been received.

1. Effect on objector's son, who has special needs.
2. Private drive used by residents of both House of St Martin and Trenchard Park Gardens with associated bad language and discarded rubbish. Beer cans and cider bottles are thrown down in the driveway and hypodermic needles, drug taking equipment and syringes have been found.
3. Aware of a strong police presence in the area and have been told the police now consider the area to be a trouble hot-spot. If approved, the development will escalate the problems as this is a small community with no local facilities and cannot cater for the residents currently housed and therefore the crime rate is bound to rise.
4. Has already been an increase in crime in the area.
5. Although proposal is to offer care for special needs but suspect will simply be used as bed-sits for the homeless, which is what the present property is being used for.
6. People with special needs covers a wide spectrum and therefore a very varied staff with specialist skills would have to be employed to cater for the residents and it is doubtful that this is intended.
7. No guarantees that crime will not increase.
8. This previously quiet village will be turned into a no go area which has already started to happen.
9. To increase the traffic of both people and vehicles entering and exiting this busy road is extremely dangerous. Individuals will inevitably walk along the verge to and from the town, as there is no pavement. In the winter people walk on the road because the verge is so muddy, which is dangerous and a distraction to drivers.
10. Few facilities for residents, they are not in a community and they inevitably make their way into town, thus increasing the flow of activity on this road.
11. Also have concerns that residents will be those who need care, support and help, people with tremendous difficulties and problems.

12. There is a home of a similar nature at the top of Langford Lane and the mix and increased number of this type of people could create a very nasty situation.
13. The continued use of Trenchard House is in contravention of their present permission.
14. The proposed applications will increase the number of available beds to at least 55 and legalise an unsatisfactory position.
15. A proposed hostel on the edge of an employment area will increase the present residential/industrial conflicts.
16. Proposed extension will over-develop the site.
17. Noise from the industrial area will affect the property.
18. Current occupants play football in the entrance splay to the employment area.
19. Activities and perceived intimidation.
20. Proposal is incompatible and a health risk.
21. Development in the open countryside outside the area designated by the local plan.
22. The development is residential, and will not benefit from any facilities nearby, thus fostering the need to travel, and thus be unsustainable.
23. The development is not of such benefit to the area such as to justify an exception to policy.
24. Section 17 of the Crime and Disorder Act imposes a duty on local authorities to minimise crime, and also to minimise the perception of crime. Tenants of adjacent employment area are very concerned that crime, in particular robbery and violence, are likely to increase.
25. The only planning permission previously granted at the property was for hotel/bed and breakfast, but it is openly operating as a hotel.
26. Understood that a considerable number of offences have already been committed by residents and there are frequent visits by the police.
27. The term 'special needs' covers a very wide area. Special needs units are very expensive to run and query who will meet this funding. No details of staffing levels, specialities, care levels, qualifications etc. Query whether subject to the Care Standards Act. Query whether will home 'out-of-County' people who have been found 'difficult' by other authorities who find it easier to 'pass them on'.

28. Sense of fear amongst the nearby mainly elderly householders.
29. Evidence of discarded needles would suggest that cure and rehabilitation are either not the purpose or are at the very least not being effective.
30. Generally known that drug users are most often unable to control their addiction and resort to a variety of crimes to support their habit, which inevitably places the local community at risk.
31. Query what measures will be put in place to protect the local community and will residents have recourse to the Council if crimes to property or community members occurs as a result.
32. The only accessible form of recreation is a public house – which cannot be considered best practice in rehabilitating those who are mentally challenged.
33. Property should revert to its intended use – bed and breakfast for the tourist industry.
34. Facilities for special needs already exist at this site and at House of St Martin nearby.
35. The northern access is dangerous.

Letter of objection from Ward Member making the following points:-

1. Join and fully support the Parish Council and several owners and occupiers of neighbouring properties in strongly objecting to the applications.
2. Planning permission has been granted for hotel/bed and breakfast use. No planning permission has been granted for use of property as a hostel, despite it being used as such since 2002. Officers recognise that there is a difference between hotel/bed and breakfast and hostel/bed and breakfast. The existing use of the premises is not, in planning terms, a legitimate operation, so the application must be treated as a new use for the premises.
3. Crime and Disorder Act (Section 17) and Anti-social behaviour. Police report that they attend the premises at least 3 times a week. Incidents at the premises require anything from one officer to six officers in a riot van.
4. Have been informed of several neighbouring property intrusions by residents from Trenchard Park Gardens. On one occasion a neighbour observed some 'obviously stolen' goods being hidden in their garden hedge by persons he knew to be residents.

5. Residents have made regular court appearances for a variety of offences. Residents have also been observed to be abusive and intimidating on the local bus service. Several discarded syringes have been found in the verge next to the public pavement immediately outside the property.
6. Concerns over the possible detrimental effects some known drug addicts housed in Trenchard Park Gardens might have on residents at the nearby House of St Martins (ex-offenders, vulnerable people).
7. The Local Plan recognises the need to expand the village primary school and it is currently proposed to move the school playing field to behind Taylor Close, which is within one field of the property.
8. Would need assurances that the establishment is properly managed with staffing levels and management arrangements exceeding the minimum standards for special needs people.
9. The premises are outside the Local Plan settlement limits.
10. Norton Fitzwarren is a village with a community just beginning to pick itself up after the loss of 550 jobs at Taunton Cider. The area around Langford Lane and Pen Elm is a microcosm within the village, a small cluster of about 30 houses and bungalows, many of the occupants being retired. The provision of hostel accommodation for at least 55 'special needs' residents (essentially drug addicts) is not in keeping with this area.
11. Sustainability. Proposal will lead to a substantial increase in traffic to and from the site. There are no immediate shopping facilities for this number of residents, most of whom will not be drivers and will therefore have to either walk or rely on public transport. There are no leisure facilities or recreational areas close by.
12. There is no economic benefit to the application.
13. Concerns over the entrance to and exit from the site onto a busy main road.
14. There is no footpath between Cross Keys roundabout and Trenchard Park Gardens and residents, vulnerable people, have been observed on many occasions walking out on the road. At night, in the winter, this is particularly dangerous, and there is a significant risk of serious injury or even death.
15. Applicant has indicated that it would not be viable to continue operating at the current scale.

16. The building, whilst not listed, is of significant historic importance, being the former home of Lord Trenchard, founder of the RAF. This application is not in keeping with such an historic building.

Letter received from applicant responding to points raised in local press makes the following points:-

1. Only two references to a Trenchard Park Gardens client in court news in local paper in the last 20 weeks, both offences recurring prior to occupation.
2. 'Leaving Care' is a scheme run by Social Services to help and support 16-18 year olds after they leave care or they can have a greater chance of maturing and achieving independence after years of the absence of parental control, care and guidance. Difficult for them to adapt from childhood to adulthood within a stable environment. To regard these vulnerable young adults as 'tearaways' is inappropriate and offensive.
3. Denies that any residents found on property of nearby householders.
4. It is well known that villages have problems, as do towns and cities. The syringes are nothing to do with Trenchard Park Gardens and illustrate how juxtaposing issues can be used to create a negative impression that they were from Trenchard Park Gardens.
5. Use of terms such as 'police riot van' are inappropriate.
6. Police visit the property in the main for people who have committed offences prior to coming to Trenchard Park Gardens, and as a matter of procedure.
7. No parish councillor has ever directly contacted Trenchard Park Gardens to ask or to enquire about activities.
8. The project at Trenchard Park Gardens is a positive one and we work with a variety of agencies, all satisfied with the service offered.
9. Take safety and security seriously.
10. Wish to offer 'move on' accommodation for those whose needs take a little longer to define and find available. The planning application is part of a solution to house vulnerable people with special needs, which should be viewed positively in the light of the facts, not fiction.
11. Hope that those who needed to vent their feelings and anger have now done so and we can now go about our work quietly out of the limelight and for the benefit of vulnerable people of all ages, races and genders.
12. Considers the police must answer the following questions:-

- a) how many arrests were due to suspected criminal actions while at Trenchard Park Gardens;
- b) how many arrests of these people lead to convictions in the courts;
- c) how many arrests were there for suspected criminal actions prior to the person coming to Trenchard Park Gardens;
- d) how many arrests of these people lead to convictions in the courts.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? **POLICIES**
- B. Will the proposals result in an increase in crime and disorder in the area? **CRIME AND DISORDER**
- C. Is the access to the site suitable? **ACCESS**

A. Policy

Application 25/2004/006 is an outline planning application for new units for special needs accommodation within the grounds of Trenchard Park Gardens. Application 25/2004/007 provides for two elements. Firstly the change of use of the existing properties comprising Trenchard House and Meadow Court to special needs accommodation. Individual bedrooms would be provided, together with shared facilities. I consider this form of accommodation to be akin to a hotel use. The other part of this application provides for extension to provide additional bedrooms for the same special needs use, together with one unit of self contained family living accommodation.

The existing premises have had previous uses for residential purposes, both a single dwellings and as a nursing home. There is also a valid planning permission on the Trenchard House part of the building for hotel/bed and breakfast use. A residential use is consequently considered to be greatly acceptable. The proposal, the subject of application 25/2004/006, provides for some self-contained accommodation and therefore Policy H4b of the Taunton Deane Local Plan applies. This states that conversion of homes to bed sits, hotels or other types of use to self-contained accommodation will be permitted provided that certain criteria are met. The Local Plan recognises that Homes In Multiple Occupation are a difficult issue in some parts of Taunton in that the intensity of use associated with them can cause noise and nuisance problems in residential areas, particularly if they become concentrated in formerly settled residential areas of single family dwellings. However it is also accepted that bed sits, hotels and other forms of non self-contained accommodation are an increasingly common form of cheap rental housing and therefore provide a form of affordable housing, particularly for the homeless or young single people. The Local Plan Inspector considered that the Plan should refer to the benefits of arrangement of this type of accommodation by Registered Social Landlords. PPG3 advises that conversion of the existing stock to meet new requirements is welcome, subject to the protection of residential character and amenity.

To accord with this guidance, Policy H4b sets out a number of criteria against which proposals to convert housing to non self contained accommodation will be considered. These include the need for good walking or public transport access to a range of facilities and employment and criteria to protect the amenity and character of the surrounding area. The various criteria are set out in full earlier in this report at Section 6.

The premises are on the A358, along which there is a regular bus service. They are also within a reasonable walking distance of commercial and community facilities within Norton Fitzwarren. Two of the criteria refer to the subject of proposals on the character of amenity of existing residential areas and the potential impact on the privacy and amenity of neighbouring dwellings as a result of increased noise, activity and disturbance associated with the form of occupation. The premises are adjacent to an employment area and the nearest house is approximately 85 m distant. My conclusion is that the part of the proposal to convert the existing building to special needs accommodation will not unduly adversely affect the character and amenity of the nearby residential areas or the privacy and amenity of the occupants of the dwellings. However I do accept that there are overlaps with the aims related to Crime and Disorder covered in the next section of this report.

The second element of application 25/2004/007 refers to substantial extensions to the existing building to provide additional accommodation. As the site lies outside the recognised settlement limits, Policy STR 6 of the County Structure Plan and Policy S8 of the Taunton Deane Local Plan apply.

These policies provide for the strict control of development unless there is a clear and justifiable need and that the proposal would benefit economic activity, maintain and enhance the environment and does not foster growth in the need to travel. In the light of the views of the Housing Officer I do not consider that a need exists for this amount of non-self contained accommodation in this location. Although I accept that use of the existing buildings are acceptable as an alternative use in sustainability terms, the infrastructure and increase in the residential use of the premises will inevitably result in an increase in the need to travel, which I consider is inappropriate in this location.

B. Crime and Disorder

As indicated earlier in the report, there is a strong objection to the two proposals from the Avon and Somerset Constabulary and the objections from local residents and the adjacent employment area also raised concerns in this regard.

Section 17 of the Crime and Disorder Act recognises that increase in crime, disorder and anti-social activity or the public perception of such a risk in the area are material considerations. Although there appears to be no evidence that there has been an increase in crime in the area resulting from the current usage of the premises, there is a clear concern from the police that the

proposals run counter to the aims of the Crime and Disorder Act and there is a clear perception from the local residents and owner/occupiers of the adjacent employment units that the proposals will result in the rise of an increase in crime, disorder and anti-social behaviour. It has not been satisfactorily demonstrated by the applicant that adequate measures can be put in place to allay the fears of the local residents/ employment site occupiers and the concerns of the police. The Taunton Deane Local Plan Inspector recognises the benefits of the management of this type of accommodation by Registered Social Landlords, which is not the case in this instance. My conclusion therefore is that the proposal would be in conflict with the provision of Section 17 of the Crime and Disorder Act.

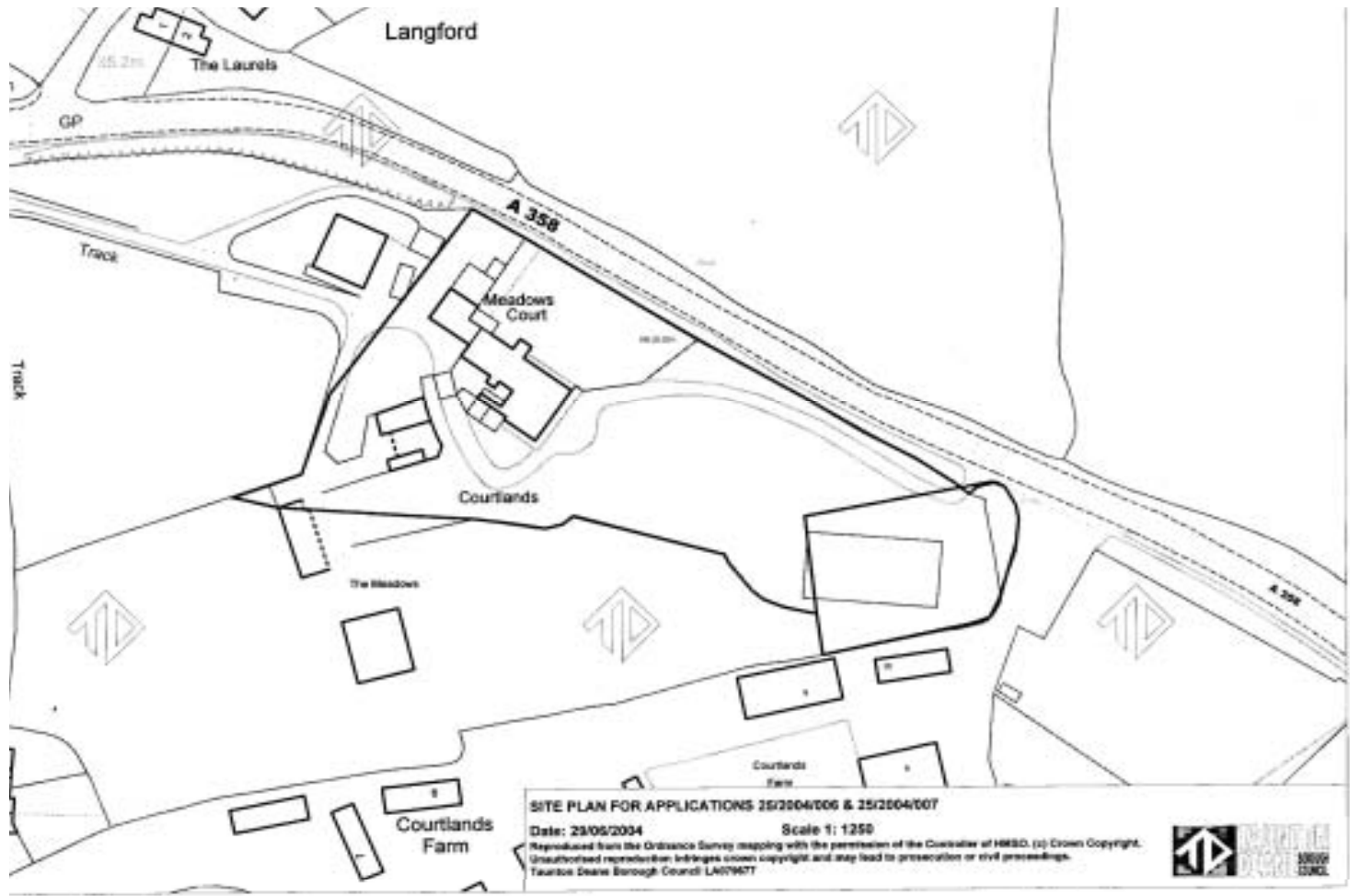
C. Access

The access to the site is in the existing entrance from the A358. The County Highway Authority does not wish to see any new development on the site or an intensification of the existing access which would generate substantial traffic onto the A358. This can include both vehicular and pedestrian traffic, and as noted earlier, several of the objections refer to the lack of footways along the A358 to Cross Keys Roundabout and the associated danger from pedestrian walking in the road. The County Highway Authority concludes that no overriding special need or benefit has been substantiated for the proposed development at the premises. I therefore consider that a highway reason for refusal is appropriate for application 25/2004/006.

11. **CONCLUSION**

The proposed developments have attracted a considerable level of objection from local residents and businesses, the Parish Council and the Avon and Somerset Constabulary. In my view, the concerns raised with regard to the compatibility of the proposals with Section 17 of the Crime and Disorder Act should be given considerable weight. Furthermore, in planning policy terms, the proposed additional accommodation in the form intended would be contrary to the Authority's policies for the open countryside. My recommendation is therefore one of refusal.

Application 25/2004/007 also seeks to change the use of the existing property from bed and breakfast accommodation to special needs accommodation. The current use of the property is considered to be akin to a hostel use for which permission has not been granted. The Planning Committee is therefore asked to consider the issue of enforcement action to secure compliance with the permitted use. It is recommended that enforcement action be taken to ensure compliance with the permitted use. Should this be agreed it is recommended that the period for compliance be such as to minimise any hardship to residents.



10/2004/008

MR H T METTRICK

REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 10/2000/022 TO ALLOW GARAGE TO BE USED FOR RESIDENTIAL ACCOMMODATION AT FORD BARTON, MOOR LANE, CHURCHINFORD

21458/12441

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Planning permission was granted in August 1999 for the erection of a garage as part of the conversion of Ford Barton to a dwelling. However, the garage was built larger than proposed and included first floor residential accommodation. Permission for its retention in its current form was granted on appeal in March 2001. However, the Inspector imposed a condition requiring the garaging to be kept available for the parking of cars at all times. This application seeks the removal of the condition to allow the ground floor to be used as further ancillary accommodation.

CONSULTATIONS AND REPRESENTATIONS

RIGHTS OF WAY OFFICER no observations.

PARISH COUNCIL This application was discussed by my Council at its meeting on Wednesday last and it was agreed that the Condition in question should be lifted subject to the following irrevocable provisos (a) that the building of additional garaging shall not be permitted and (b) that the garage block, the subject of this application, shall not be sold separately from the main house

2 LETTERS OF OBJECTION overturning the condition would set a precedent for further development of the site and this will allow the building to become a separate house.

POLICY CONTEXT

The site lies beyond the defined limits of the village of Churchinford and Policy S8 of the Taunton Deane Local Plan Revised Deposit is therefore relevant. S8 Outside defined settlement limits, development new building will not be permitted unless it protects maintains or enhances the environmental quality and landscape character of the area and (A) is for the purposes of agriculture or forestry; (B) accords with a specific Development Plan policy or proposal; (C) is necessary to meet a requirement of environmental or other legislation; or (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable: (E) avoid breaking the skyline; (F) make maximum use of existing screening; (G) relate well to existing buildings; and (H) use colours and materials which harmonise with the landscape. and (I) be of a reasonably necessary size to meet the need.

ASSESSMENT

Ford Barton is a substantial property of the size which would normally expect to include some garaging. The conversion of its only garage to living accommodation will almost inevitably lead to demand for further building for this purpose at some future time. To allow this proposal now would greatly weaken the Council's chances of restricting such building in a location where all such development should be strictly controlled. The appeal Inspector rightly considered that a condition to retain this garage was necessary and there has been no subsequent change of circumstances.

It is therefore concluded that the application should be refused.

RECOMMENDATION

Permission be REFUSED for reason that the proposal would lead to the loss of garaging and thus increase pressure to provide alternative provision elsewhere which would have a detrimental impact upon the character of the area contrary to Policy 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: 356464 MR T BURTON

NOTES:

20/2004/011

MR & MRS D J TAYLOR

**ERECTION OF DETACHED DWELLING AND GARAGE AT LAND NORTH OF
GRANGE LODGE, KINGSTON ST MARY**

22280/29500

FULL PERMISSION

PROPOSAL

The current proposal is for the erection of a three bedroomed house with attached garage to be sited in between Grange Lodge and the barn to St Mary's Cottage, on the east side of the village opposite The Grange. The land is currently part of the garden and is currently used for parking, with a single garage for Grange Lodge. There are currently two points of vehicular access to the site, with a road frontage marked by large beech trees and a number of mature trees in the garden area. Grange Cottage a dwelling to the south of Grange Lodge also uses the access point to the site. The proposed dwelling is designed with a mix of render and stone walling with a clay tiled roof. Plans indicate visibility splays which would result in the existing hedge to the north cut back, a 1200 mm high fence with replacement hedge to its rear to the south of the northern most existing access. In 2001 permission was refused for the erection of a 4 bed dwelling on this site together with a garage for Grange Cottage, on grounds of the building and the design including the bulk, height, and materials being out of character with the Conservation Area which has low density and loose-knit pattern of development, and the proposed access and visibility splay would result in the removal of approximately 30 m of boundary hedgerow. Conservation Area Consent was granted for the demolition of the existing garage to Grange Lodge in October 2001.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY - no objection. WESSEX WATER the site is within a foul sewer area and water mains are available, points of connection to be agreed. Note re connections. COUNTY ARCHAEOLOGIST archaeological monitoring condition needed.

LANDSCAPE OFFICER I still have concerns regarding the impact on the sitting of the Listed Building, the setting of conservation area and the proximity of the garage to the road frontage hedgerow. In considering the Deodar Cedar, the building would be outside the area specified in BS5837 which says no construction within half the height of the tree. CONSERVATION OFFICER whilst the application is less invasive in respect of loss of hedgerow, concerns re principal of development, as expressed previously still stand. (Previous comments:Grange Lodge is a substantial building within a large building plot. This part of the Conservation Area is characterised by such dwellings resulting in a loose knit pattern. The proposal would neither preserve nor enhance this character and would be contrary to national guidance and local policy.) DRAINAGE OFFICER note re soakaways.

PARISH COUNCIL supports the application in the absence of any views to the contrary.

3 LETTERS OF OBJECTION the exit onto the main road will increase the traffic on a very dangerous corner on what has become a very busy road; elderly drivers use the sheltered accommodation opposite the site; the proposal will create a small cul de sac providing access to three dwellings, the current owner of Grange Lodge has three cars and caravan, the other two dwellings are likely to have two cars each so with such a small turning area, there could be reversing onto the main road; with limited parking within the site vehicles may have to park elsewhere in the village; the application is within a Conservation Area and close to a Listed Building, so is this a sensible improvement or supplying necessary local improvement; the access is directly opposite the Grange, and this would be a difficult road access, detrimental to the environment of St Mary's Cottage, within a few feet of the boundary and would dominate the cottage; it would be very close to a magnificent Cedar, it would be a shame to see it go; Kingston St Mary has a setting enhanced by trees, a programme which threatens this could change the village.

10 LETTERS OF SUPPORT the proposed house would be an improvement, it has a low roof, appropriate spacing will be maintained; closing a vehicular entrance and planting will improve safety as there would be proper visibility; the current area is currently unfinished in appearance; provides residential accommodation; the design of the new house is in keeping with the village; the infill development is within the existing settlement limits; an improvement to this part of the village.

POLICY CONTEXT

Taunton Deane Local Plan S1 General Requirements relating to highway safety, accessibility, health and safety of users of the development, character of the landscape and building not to be harmed; S2 good design to reinforce the character; S7 developments in villages will be small scale which maintains or enhances the environmental quality; H1 Housing within Classified Settlements, gives guidance on the criteria for acceptability of housing; EN 5 Developments should not harm trees, hedgerows of value to the area's landscape, character or wildlife. EN 15 Conservation Areas. Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance of the Conservation Area.

West Deane Local Plan WD/HO/3 new housing within settlement limits normally acceptable subject to proposals reflecting the form, character and setting of the settlement and integrity of the street scene; WD/HO/4 infilling where density increase erodes the character will not normally be permitted; WD/EC/23 development in Conservation Areas, to follow specific guidelines including retaining trees and hedgerows, and the design should preserve and enhance each area; WD/KM/2 new housing will be restricted to infilling within the defined limits.

ASSESSMENT

The site is located within Kingston St Mary Conservation Area next to a Listed Building. The area is characterised by large dwellings with large curtilages. This produces a loose knit pattern of development with trees and landscaping contributing to the character of the area. In this context, the principle of infilling of land between St Mary's Cottages (Grade II Listed Building) and Grange Lodge is considered unacceptable. The current

plan differs from the previous plan only slightly in respect to the size of the upper floor, there is no longer a bedroom over the garage, and minor alterations to the ground floor, but it is basically the same footprint; there is no replacement garage and less hedge is proposed to be removed. However the representations received from the Conservation and Landscape Officers have not been overcome. Whilst the removal of less hedge is welcomed, the application as it stands is still not acceptable. The hedgerow to the north is shown only to be cut back, however the Landscape Officer is concerned that the attached garage is too close to this feature and that this may necessitate its removal which is not considered acceptable.

RECOMMENDATION

Permission be REFUSED on the grounds that the close proximity of the new dwelling to existing buildings would result in overdevelopment of the site and be detrimental to the character of the Kingston St Mary Conservation Area and thus is considered to be contrary to Structure Plan STR1 and Policy 9, West Deane Local Plan Policies WD/HO/3A and 4 and Taunton Deane Local Plan (revised deposit) Policies S1, S7 H1 and EN 15. The proposed dwelling is also considered to be out of keeping with the character of the area by virtue of its bulk and depth, and would be out of keeping with the existing properties and character of the Conservation Area contrary to Structure Plan Policies STR1, West Deane Local Plan Policy WD/EC/23 and Taunton Deane Local Plan (revised deposit) Policies S2 and EN 15. Furthermore the potential loss of the hedge with its mature beech hedge is not considered to be acceptable and contrary to Policies STR1 and Policy 9 of the Structure Plan, West Deane Local Plan WD/HO/3A and Taunton Deane Local Plan (revised deposit) Policies S1 and EN5.

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

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

NOTES:

29/2004/004

P GARFIELD

**ERECTION OF TWO STOREY REAR EXTENSION AT LABURNUM COTTAGE,
BISHOPSWOOD**

25812/12766

FULL PERMISSION

PROPOSAL

The proposal comprises a two storey extension to the rear of the property measuring 6.5 m x 6.4 m. The roof will be pitched with a gable end and there will be windows to the east, north and west elevations. There will be a side entrance on the east elevation with a 0.8 m walkway running along the side boundary.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL has no objection to the proposal.

TWO LETTERS OF OBJECTION received from nearby residents, objecting on grounds of loss of privacy; overdevelopment; out of keeping with cottage.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H19 only supports extensions to dwellings where they do not harm the residential amenities of surrounding properties or the site itself, the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

ASSESSMENT

The size of the proposed extension is considered to be excessive and will not be subservient to the existing dwelling. Although the adjoining property to the east, Cobblers, does not have windows in its rear elevation or a rear garden, it is felt that the extension would have an overbearing impact upon the gardens of other surrounding properties. A smaller extension would be more appropriate for the site.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposal represents overdevelopment of the site out of keeping with the general scale and character of existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would be unneighbourly by reason of its size and siting. Therefore the proposal is contrary to Policies S1 and H19 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: 356313 MRS F WADSLEY

NOTES:

34/2004/025

MR AND MRS A SMITH

ERECTION OF CONSERVATORY TO SIDE (EAST) ELEVATION OF 14A MALLORY CLOSE, TAUNTON

20998/25835

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a conservatory to the side of the property. The conservatory will be 3.8 m x 3.0 m and will have a dwarf brick wall and a mono-pitched roof. The intention is for the conservatory to extend over an existing footpath, which is the property of the applicants, to prevent other people from using it. An application for 1 m high fencing at the property was refused by Committee on 26th November 2003.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL - have no objection to the proposal.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy S1 sets out general requirements for development. Policy S2 seeks good design. Policy H19 does not support extension to dwellings which harm the amenities of the site or surrounding residents of if they have an adverse impact upon the character of the area.

ASSESSMENT

The main consideration in respect to this application is the visual impact that it would have upon the character and appearance of the street scene. Although the address of the property is Mallory Close, the site is one of a group of 4 houses that face onto Bindon Road. The front gardens of these houses do not have any fences around them and there is a clear view of the houses from Bindon Road. One of the houses (No. 8) has a small porch over its front door. It is felt that due to the size and design of the conservatory it will be very prominent and not blend into the design of the property. The detrimental impact is exacerbated by the position of the proposed conservatory being in line with the front (south) building line of the property. The ownership of the land is not in question and it is not considered that the applicants desire to block the path justifies the proposal.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposed conservatory by reason of its size design and siting would be undesirable intrusive in the street scene and would detract from the visual amenities of the area. Therefore the proposal is considered to be contrary to Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A) and H19 and West Deane Local Plan Polices WD/HO/12 (A).

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:

35/2004/007

JAMES LUARD

**REMOVAL OF CONDITION 03 ATTACHED TO PLANNING PERMISSION
35/2001/005, BARN AT STAWLEY WOOD FARM, STAWLEY AS AMPLIFIED BY E-
MAIL DATED 23RD JUNE 2004.**

06480/23051

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Planning permission was granted in September 2001 for the conversion of a redundant barn to amenity centre for guests staying at 3 adjacent barn conversions used as holiday lets. The relevant condition stated that the building should be used as an amenity centre for the sole use of the occupants of the holiday lets or by the occupants of Stawley Wood Farm for purely domestic or agricultural purposes. The applicant wishes to use the barn as a pottery / gallery for the benefit of the occupiers of the holiday lets and of the local community.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited

PARISH COUNCIL if the planning condition is changed they query whether it will generate more vehicle movement on these very narrow country roads. Very little is explained about the pottery and although 'for the benefit of the inhabitants of the cottages' sounds fairly innocuous, 'for the benefit of the local community' could not only mean extra traffic problems, but if a tutor is used there could be payment involved and may even constitute a business. This would then make the scheme a different ball game and may need change of use permission.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policy 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. Policies WD/SP/3 and WD/SP/4 of the West Deane Local Plan are relevant. These policies indicate that change of use of buildings outside defined settlement limits will be allowed provided certain criteria are met. It is considered that these criteria are met with the current proposal.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. 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 EC3 of the same plan states that outside the defined limits of settlements, the conversion of buildings to small scale business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use will be permitted provided that certain criteria are met.

ASSESSMENT

The applicant accepts that it is difficult to assess additional traffic but since the potter can teach a maximum of six pupils at any one time he considers this should not lead to any dramatic increase in the number of vehicles using the roads. The supply of clay and other potting materials would be very infrequent and the transport of pots for sale would not add to the current traffic because the applicant already attends the shows at which he would sell them. The gallery could add to the traffic a couple of times a year since the applicant envisages a possible spring and autumn exhibition of the work of the associates of the Botanical Art Society. The applicant hopes that some of these artists would visit and hopefully they would bring a guest or two. However he does not consider that this would be more than say 20 cars a couple of times a year and this would be no different from the traffic resulting from a coffee morning at Stawley Wood. I consider that the limited change to the use of the building will not lead to any significant adverse impact on the amenities of the area or traffic conditions in the area. The proposal is considered acceptable subject to the recommended condition.

RECOMMENDATION

Permission be GRANTED subject to condition that the building be used as an amenity centre for the holiday lets or as a pottery / gallery only.

REASON(S) FOR RECOMMENDATION: The proposal is not considered to be likely to result in any unacceptable loss of amenity for neighbouring residential properties and is not likely to result in a significant increase in traffic generation and is therefore in compliance with Taunton Deane Local Plan Revised Deposit Policy S1.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

38/2004/198

MR POLLEY

ERECTION OF SINGLE STOREY EXTENSION AND ERECTION OF GARAGE, 20 FEVERSHAM WAY, TAUNTON AS AMENDED BY REVISED PLANS NO. POL646 REV A DATED 24TH MAY 2004 AND NO. POL646 REV B RECEIVED 18TH JUNE 2004.

23480/26843

FULL PERMISSION

PROPOSAL

Consent is sought to erect a single storey lean-to extension measuring 3.30 m x 2.39 m to the rear of the property and a garage measuring 6.3 m x 3.4 m with a pitched roof to the side. The garage will replace an existing conservatory. Materials will match the existing property. The original integral garage has been converted to an additional living room. In front of the property there is the provision of two parking spaces. Amended plans have been sought setting the garage 1 m back from the front of the property.

CONSULTATIONS AND REPRESENTATIONS

HIGHWAY AUTHORITY raised concerns regarding the fact that the owner does not own sufficient land to form an access to the garage in the position shown and the adjoining neighbour (number 22) could erect a low boundary fence which would restrict the drive width to approximately 2.5 m maximum. In order to gain access to a garage it would need to be erected on the side of the house the garage would need to be sited at the bottom on the garden and a turning head provided.

ONE LETTER OF OBJECTION has been received from the neighbour at 22 Feversham Way expressing concerns with regard to encroachment of the applicant onto his land whilst accessing the proposed garage.

POLICY CONTEXT

Taunton Dean Local Plan Revised Deposit Policy H/19 - 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

Whilst the observations from the neighbour and Highway Authority have been taken into account the encroachment issue is not a matter for consideration. Furthermore in addition to the garage, parking is available on site for two cars. Refusal would not therefore be justified on the grounds of inadequate off road parking.

RECOMMENDATION

Permission be GRANTED subject to the conditions regarding time and materials.

REASON(S) FOR RECOMMENDATION:- The proposed extension complies with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

NOTES: Encroachment. Vehicle access into garage,

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 MELHUIH

NOTES:

38/2004/214

J D WETHERSPOON PLC

**EXTENSION OF KITCHEN EXTRACT DUCTWORK AT THE COAL ORCHARD, 30
BRIDGE STREET, TAUNTON**

22621/24925

FULL PERMISSION

PROPOSAL

The proposal comprises extending the existing kitchen extract ductwork at the Coal Orchard Public House. The ductwork will run along a flat roof section of the building located to the rear of the site. The works are proposed in order to stop the ingress of cooking smells into the adjacent gym.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER has the following observations due to the possibility of odour and noise nuisance arising from the ductwork. Pervious complaints have been made to this department about both odour nuisance arising from the present extraction system. Odours arising from cooking should not be detectable at the facade of any residential or other odour sensitive premises. Noise from any air extraction system should not exceed background noise levels by more than 3 dB(A) for a 2 minute leg, at any time when measured at the facade of residential or other noise sensitive premises. Equipment shall be installed to effectively suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority. Such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The extraction equipment installed shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

HAMMETS WHARF LEASEHOLDERS ASSOCIATION our concerns are about noise nuisance and fumes. Vents should not face south or east. We would like you to set acceptable levels for noise and fumes, and our suggestion would be that they should be limited to waking hours and to a level that cannot be noticed on our site. There have been problems in the past due to noise and we hope you consult your Environment Department. This Association speaks for all 23 flats and there are other dwellings in the vicinity who will also have a view.

3 LETTERS OF OBJECTION have been received on the following grounds: we already experience noise and would object to further noise and possible odour problems; application is not detailed enough, unable to see from plan where extract discharge will be in relation to nearby dwellings; the original application for a licenses premises stated there would be no noise problems for nearby residents; what is the need to extend the

existing arrangement which already causes an environmental problem; Wetherspoons leads to an added hazard of rubbish, leading to a possible increase in rat population.

POLICY CONTEXT

Policy S1 (General Requirements) stipulates that developments should not cause nuisance to properties due to noise or odour, nor harm the visual amenities of any given area.

ASSESSMENT

There is sufficient information to determine the application. Conditions are suggested to ensure full working details of the proposal are submitted and approved prior to installation. Environmental Health recommend conditions which should ensure that the proposal will not cause nuisance to nearby residents due to noise or odour. Whilst the appearance of the scheme is not ideal, it is to the rear of the building, and it is not considered likely to harm the visual amenities of the area sufficiently to justify refusal. Other objections raised do not seem to relate directly to the current application. For these reasons the proposal is deemed to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, colour of ductwork to be agreed, odours not detectable to noise sensitive premises, noise level, full details of equipment to be submitted and equipment to be regularly maintained. Notes re: works to be carried out in accordance with approved plans.

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:

42/2004/019

SOMERSET REDSTONE TRUST

ERECTION OF 10 DWELLINGS FOR THE ELDERLY AND DISABLED (IN LIEU OF THE 12 DWELLINGS APPROVED UNDER PLANNING PERMISSION NO. 42/1999/010) WITHIN THE WALLED GARDEN AT GATCHELL HOUSE, HONITON ROAD, TRULL.

21187/22084

FULL PERMISSION

PROPOSAL

Gatchell House lies to the south of Taunton on the Honiton Road, just north of Staplehay. The entire site lies within the Trull Conservation Area and the trees along the road frontage are covered by a Tree Preservation Order. The site comprises Gatchell House, which is currently used as offices by the applicants, together with the adjacent former squash and fitness club, which comprises a mix of traditional and modern utilitarian buildings. Forward of the squash and fitness club buildings is a parking area and two outdoor tennis courts. To the rear lies a walled garden with arrangement of outbuildings along the northern boundary wall. The site lies within the settlement limits of Taunton. Permission was granted in January 2001 for extension of the Health Club Facilities and erection of 12 elderly persons dwelling within the walled gardens. This permission has not been implemented. In January 2004 permission was granted for the demolition of the Health and Fitness Club and its replacement with 28 dwellings for the elderly with associated support facilities. The current applicant seeks to replace the twelve dwellings previously proposed within the walled garden with ten dwellings of a design more compatible with the new buildings approved elsewhere on the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY none received. COUNTY ARCHAEOLOGY AUTHORITY no objections. 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. This can be agreed at the detailed design stage. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. ENGLISH HERITAGE - do not wish to make any representations on this occasion. FIRE OFFICER - Access for Fire Appliances - 1.1 Confirmation is required that the proposals meet the requirements of B5 17.2 in that there is access for pumping appliance to 15% of the perimeter or within 45m of the projected plan area. 1.2 Confirmation is required that the vehicle access routes meet the requirements listed in B5 Table 21 and diagram 50. Water Supplies 2.1 Further information is required on the type and location of fire hydrants within the development. Previous Planning Applications 3.1 On checking our premises file I can

find no information on the previous grant of planning permission for 12 dwellings within the walled garden (42/199/010), I have found reference to this in a 2002 version of BBA Architects submission, but I have no record of the Fire Service commenting on the suitability of fire appliance access to this area of the site. I do have subsequent planning submissions that refer to this area as an existing walled garden. Can you confirm the current situation as to what planning permissions have been granted on this site? 3.2 I have reservations about the provision of fire appliance and fire fighting equipment (ladders) access to the wall garden area, the submission indicates that access to this area will be via two entrance ways but the supporting information does not specify the nature and size of the openings. I am concerned that the height of the walls will prevent speedy hose and ladder access to these premises in the event of fire.

LANDSCAPE OFFICER subject to detailed proposals the scheme should be acceptable within the setting of the walled garden. CONSERVATION OFFICER the most obvious differences between this scheme and the previously approved is the height of the buildings and overall design. The existing approved scheme is essentially single storey and simple in scale and detailing thus sitting well with the modest/utilitarian nature of the walled garden. The proposed scheme of 2 storey development, clearly has a very different impact on the walled garden and this needs to be reduced by dropping the ridge line below that of the approved development to the east. This will of course necessitate reordering to the planned accommodation to facilitate reduction of the width of the blocks. Generally, the L plan layout is better than the approved scheme, as a more open area within the walled garden is achieved and is more meaningful in this context. It is to be regretted that the chimneys are false and not functional. If planning permission is granted, please include conditions covering the flooring:- 1 sample panel of brickwork to be erected on site for approval. 2 finished treatment/colour for all external timberwork to be approved. 3. specific details of all windows and doors to be agreed. 4. means of venting roofs to be agreed. 5. means of venting enclosed baths/wcs and terminals for these to be agreed.

PARISH COUNCIL supports the application.

2 LETTERS OF OBJECTION received objecting on the following grounds: increase from 12 to 18 bedrooms; taller than previously proposed and damage further the site which is in a Conservation Area; overdevelopment of the site; development of the site is purely to satisfy the financial gains of the Trust.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus, cycle or on foot to facilities and employment. In the case of proposals of a significant scale, non-car 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; (D) outside the Taunton Central Area, sufficient car parking is provided for the likely number of residents in convenient, visible locations; (E) the layout allows people provision is made for the needs of residents and visitors with impaired mobility or disabilities 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 and appropriate house types; (F) the proposal does not create or exacerbate ribbon development; (G) the character and amenity of existing residential areas will not be eroded by unacceptable increases in density 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 avoid a bland uniformity of design layout and house type and relate well to adjacent development create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. Taunton Deane Local Plan Revised Deposit Policy EN15 - Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

ASSESSMENT

The principle of residential development in the walled garden has been established by the earlier permission. The key issue here therefore is the impact of the proposal upon the character of the walled garden, the impact upon views of the Conservation Area and the impact upon the historic fabric of the wall. The submitted scheme has limited impact upon the fabric of the wall and the layout of buildings respects the character of the space. However, the previous scheme was single storey in height. Whilst it is not considered essential that any scheme be restricted to one storey only, it is located on rising ground when viewed from the north resulting in the buildings appearing taller than those proposed elsewhere on the site. The Conservation Officer's suggestion that the height be reduced has been forwarded to the applicant and revised proposals reducing the ridge height are awaited, as is a response to the Fire Officers concerns.

RECOMMENDATION

Subject to revised drawings reducing height of building and satisfactory resolution of concerns raised by the Fire Officer 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, rain water goods, mortar, landscaping, hard landscaping, site levels, access works. Notes re: CDM Regs, Wessex Water, Fire Safety, compliance, construction noise.

REASON(S) FOR RECOMMENDATION: The proposal respects the character and appearance of Gatchell House and its walled garden and will not have any adverse impact on the surrounding area. The proposal therefore accords with Policies EN15 and H1 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: 356464 MR T BURTON

NOTES:

43/2004/052

BEECHWOOD HOUSE DEVELOPMENT LTD

ERECTION OF 2 NO. DETACHED DWELLINGS AND FORMATION OF VEHICULAR ACCESS THERETO, LAND TO EAST OF WINDYRIDGE, PAYTON ROAD, WESTFORD, WELLINGTON.

12077/20382

RESERVED MATTERS

PROPOSAL

The site is within the settlement limits and forms part of the garden area of Windyridge. The site is surrounded on two sides by existing hedgerows / trees and is open to the remainder of the garden to the existing bungalow on the other side. The site is generally taken up by grass and orchard trees. Outline planning permission was granted in April 1998 and renewed in January 2001 by varying the time limit condition. The proposal provides for two 4 bedroomed detached dwellings with access provided from the lane leading to Rackfield off Payton Road. Materials are to be brick and render with some plain tile hanging with plain tiles to the roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection on the basis that there is a current outline permission for two dwellings on the site. Request that conditions with regard to visibility splays (2.0 m x 33 m) either side of the access point, parking and turning. ENVIRONMENT AGENCY activities previously undertaken at this site may have caused contamination of soil, subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development. Notwithstanding the above, the Agency has no objections in principle subject to conditions regarding land contamination, storage of fuel oils, floor levels to be at least 600 mm above the 1:100 flood level of 61.1 m Above Ordnance Datum giving a finished floor level of not less than 62.2 m Above Ordnance Datum. WESSEX WATER would be happy to comment if should have any implications on their infrastructure.

ENVIRONMENTAL HEALTH OFFICER due to the possibility of contamination arising from previous industrial use of the site recommends a contaminated land investigation and remediation report. DRAINAGE OFFICER the line of an existing culvert should be ascertained; soakaways should be constructed in accordance with Building Research Digest 365.

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

TWO LETTERS OF OBJECTION will be out of character with the area which belonged to the woollen mills and its history; will be a blot on the landscape; roads are unsuitable for the proposed development; the access roads to the site through Rockwell Green and along Payton Road are narrow tortuous and impeded by parked vehicles; danger to pedestrians because of lack of footpaths; traffic calming would not help the situation at

all but would exacerbate the situation; angle of the private road from Payton Road is at an acute angle; this and other adjacent sites should be served by a new road across the fields from the main road beyond Rockwell Green; area of the bridge over the Westford Stream is liable to flood and plans do not take account of the serious risk of flooding; inadequate number of trees to be planted; no play provision; Victorian letter box should be preserved.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant.

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 SI 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 HI 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 S2 of the same plan provides guidelines for the design of new developments.

ASSESSMENT

The site is within the settlement limits and there is an extant outline planning permission for two dwellings on the site. The principle of development for two dwellings is therefore already established. Furthermore, the County Highway Authority does not raise any objection to this proposal for the approval of the reserved matters following the outline permission. The design and materials of the proposed dwellings are considered to be acceptable in this location. The proposal is considered to be acceptable subject to the conditions on the outline planning permission and the additional ones set out in the recommendation.

RECOMMENDATION

Details be APPROVED subject to conditions of floor levels to be at least 600 mm above the 1:100 flood level of 61.1 m Above Ordnance Datum giving a finished floor level of not less than 62.2 m Above Ordnance Datum, a contaminated land investigation and remediation report and line of culvert to be determined and full details of surface water disposal submitted. Notes re disabled access, energy / water conservation, meter boxes, compliance, CDM Regulations, outline conditions, contaminated land and soakaways.

REASON(S) FOR RECOMMENDATION: The proposal is for two dwellings within the settlement limits of Westford where outline planning permission is still extant and where new development is permitted in accordance with Taunton Deane Local Plan Revised

Deposit Policy H1. The proposals are 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.

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:

49/2004/022

DR J L REES

ERECTION OF DWELLING AND GARAGE WITH ALTERATIONS TO DRIVE, LAND AT HARTSWELL HOUSE, WIVELISCOMBE.

08123/27296

OUTLINE APPLICATION

PROPOSAL

This outline proposal comprises the erection of a dwelling on land to the east of Hartswell House, a Grade II Listed Building. All matters are reserved for future consideration although alterations are shown to existing access.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY No objection, subject to conditions relating to visibility. WESSEX WATER No objections subject to informative notes relating to surface water. CONSERVATION OFFICER The setting of Hartswell House has already been compromised by the dwelling Orchard House, to the east. This substantial dwelling, allowed in 1988, occupies a former orchard (as the name suggests) and is of contemporary design. Whilst the application site is well screened from public views and the approach drive, any dwelling here would be viewed in the immediate foreground of the approach to Hartswell House itself. In addition, the site forms part of the historic walled kitchen garden to the main house, the character of which would disappear if developed for a dwelling. Objection raised due to detrimental impact on setting of Hartswell House, a Grade II LB. PARISH COUNCIL Approval. Concern raised with regard to the access. ONE LETTER OF OBJECTION has been received raising the following objections. No improvement to the access and increased danger due to the access being used by an additional dwelling. Overlooking. The proposal would devalue my property.

POLICY CONTEXT

Policy 9 (listed buildings) of the Somerset and Exmoor National Park Joint Structure Plan Review.

Policies WD/HO/3 (housing) and WD/EC/18 of the West Deane Local Plan

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), Policy H1 (housing), Policy M3a (access and parking standards), Policy EN17 (listed buildings).

ASSESSMENT

The site is located within the defined settlement limits of Wiveliscombe and therefore there is a presumption in favour of development unless material considerations indicate otherwise. The site is located in the garden of and east of Hartswell House, the west

boundary of which is 23 m from the rear of Hartswell House and the east boundary is located 17 m away from a modern dwelling known as Orchard House. The overall area of the existing garden to be assigned as residential curtilage for the new dwelling is 600 metres square. In planning terms it is considered that a dwelling could be comfortably accommodated on the site, affording an appropriate area of amenity/garden area for any future occupants and subject to positioning of windows, causing no loss of amenity to neighbouring properties. However objections have been raised from the Conservation Officer on the grounds that the setting of the listed building would be detrimentally affected and the proposal is therefore contrary to policy EN17 of the Taunton Deane Local Plan Revised Deposit. Policy EN17 states: Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. The letter of objection received makes reference to the potential affect to the value of the objector property, however this is not considered to be a relevant planning consideration. The improved highway access is considered acceptable to the Highway Authority.

RECOMMENDATION

Permission be REFUSED for reason that the development of this site, as proposed would adversely affect the setting of the adjacent property which is a Grade II Listed Building by reason of its siting and as such is contrary to Policy EN17 of the Taunton Deane Local Plan Revised Deposit, Policy WD/EC/18 of the West Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

49/2004/026

MR & MRS UNDERHILL

ERECTION OF BASEMENT ROOM WITHIN NEW TERRACE AND RETAINING WALL AND NEW PORCH, GREENWAY FARM, WIVELISCOMBE.

07725/28445

FULL PERMISSION

PROPOSAL

Erection of new terrace and retaining wall to front of dwelling, incorporating additional room within the terrace. New porch also to be constructed. Retaining wall of terrace will include glazed panels within recessed arches. Materials to be stone.

Application 49/2003/072LB for new porch and terrrace granted Listed Building Consent 3rd February 2004. New application differs by adding some glazed panels to arches.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER verbally objects to proposal as incorporation of glazed panels within retaining wall will detract from the visual appearance of the Listed Building. Written comments will be included as update sheet.

PARISH COUNCIL view awaited.

POLICY CONTEXT

Policies S1 (General Requirements), S2 (Design), EN17 and EN18 (Listed Buildings) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. Policy S1(D) seeks to ensure that the character and appearance of any affected building is not harmed as a result of development. Policy EN17 will not permit development which would harm a Listed Building or its setting. Policy EN18 will permit extensions provided the internal and external fabric of the building is preserved, and any extension is limited in scale so as not to dominate the original building or adversely affect its appearance.

ASSESSMENT

Large detached dwelling accessed by a single lane track, also leading to agricultural buildings behind the dwelling. Property at a higher level than the roadside. The proposed terrace to the front of the dwelling, incorporating glazing within the terrace is considered to detract from the setting and character of the Listed Building contrary to Local Plan policies.

RECOMMENDATION

Permission be REFUSED due to effect on setting of Listed Building and detracting from architectural and historic character.

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:

49/2004/027LB

MR & MRS UNDERHILL

EXTERNAL ALTERATIONS INCLUDING ERECTION OF NEW PORCH, RE-ROOFING TO EXISTING PORCH, NEW TERRACE AND RETAINING WALL WITH ROOM BELOW, EXTENSION TO EXISTING DRIVEWAY, GREENWAY FARM, WIVELISCOMBE (AMENDED SCHEME)

07725/28445

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The development of this site, as proposed, would adversely affect the setting of the Listed Building and detract from the architectural and historic character by reason of its siting, design and appearance.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER verbally objects to proposal as incorporation of glazed panels within retaining wall will detract from the visual appearance of the Listed Building. Written comments will be included as update sheet.

PARISH COUNCIL approves the application.

POLICY CONTEXT

Policies EN17 and EN18 (Listed Buildings) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. Policy EN17 does not permit development which would harm a Listed Building or its setting. Policy EN18 will permit extensions provided the internal and external fabric of the building is preserved, and any extension is limited in scale so as not to dominate the original building or adversely affect its appearance.

ASSESSMENT

Large detached dwelling accessed by a single lane track, also leading to agricultural buildings behind the dwelling. Property at a higher level than the roadside. The proposed terrace to the front of the dwelling, incorporating glazing within the terrace is considered to detract from the setting and character of the Listed Building, contrary to Local Plan policies.

RECOMMENDATION

Permission be REFUSED due to effect on setting of Listed Building and detracting from architectural and historic character.

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:

51/2004/004

GILLARDS FARM LTD

CHANGE OF USE OF AGRICULTURAL BUILDINGS TO COMMERCIAL STORAGE (CLASS B8) AT WILLOWFIELDS, STATHE ROAD, BURROWBRIDGE AS AMPLIFIED BY AGENT'S LETTER DATED 19TH MAY 2004.

35976/29942

FULL PERMISSION

PROPOSAL

These former agricultural buildings have a total floor area of 1610 square metres, (17,300 square feet) and are located on the southern side of Stathe Road. There are a number of residential properties immediately opposite the site. Permission was refused in October 1990 for an unrestricted B1, B2 and B8 use in one of the buildings on the grounds that the site was unsuitable being located in a predominantly residential/rural area and the resultant detrimental effect on the area from noise, smell, smoke, fumes, traffic and loss of privacy. It was also considered that additional traffic movement along Stathe Road and at the junction with the A361 would not be in the interests of highway safety. This proposal seeks a storage use (B8) only, and the applicant has agreed to a condition being imposed restricting the use to the two businesses specified in the application. The north western part of the buildings will be used by Kingsmoor Packaging Ltd whose main premises are on the Barcombe Road Industrial Estate at Somerton. The agent has indicated that this use would generate 3 to 4 deliveries per week. The remainder of the buildings will be let to NVA Group, who are based at neighbouring premises along Stathe Road. It is envisaged that this use will generate four deliveries per week, with a small van taking items to the adjoining site no more than once per day.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY from the information provided by the applicant the proposed vehicle movements will be less than the previous agricultural movements. Therefore there are no objections from a highways point of view. However, the planning permission should be personalised to this applicant. ENVIRONMENT AGENCY suggests the proposed development is situated within 250 metres of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site. The Agency would further comment as follows:- The site is protected from flooding from the River Parrett by embanked defences to the north. However, the moor sometimes floods in extreme circumstances, and there is a chance that these premises could flood during a particularly severe event, or if the embanked defence were to fail. It is suggested that any future users of the site should be informed of this flood risk. WESSEX WATER there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

ENVIRONMENTAL HEALTH - no observations. PROMOTION/TOURISM - no observations.

PARISH COUNCIL At the Parish Council meeting the following concerns were raised: 1. Road safety: Access from the A361 is hazardous and unsuitable for the proposed articulated lorries. (Recently a large lorry became stuck on the corner damaging the fence belonging to Walkeys Farm) The road from the A361 to the site is narrow, without a pavement and used by pedestrians, school children and cyclists. 2. Planning creep: The adjacent site currently used by the NVA group was granted 'sui generis' permission and it is they who wish to rent one half of the Willowfield barn. It is imperative that if this application is granted, further approval is sought before any other B8 or BI use is allowed owing to the sensitivity of the site. This particular section of Stathe Road, has, following the building of several new houses, become a residential area.

14 LETTERS OF OBJECTION road is unsuitable for articulated lorries, safety of pedestrians; no guarantee use will not intensify; agricultural use should continue as apparent shortage of buildings in the area has already been demonstrated; will set a precedent for development of gap to NVA site; problems of monitoring vehicle movements; impact of previous use limited because was seasonal.

ONE LETTER OF SUPPORT has been received.

POLICY CONTEXT

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

ASSESSMENT

Policy EC3 gives a general presumption in favour of the conversion of outbuildings to commercial uses provided that the proposal does not give rise to specific problems. This case therefore appears to rest upon two issues: residential amenity of nearby houses; and highway safety. Conditions are proposed relating to preventing outside storage, restricted working hours, amplified music and floodlighting. It is considered that these conditions together with the restricted nature of the use proposed should prevent demonstrable harm being caused to the occupiers of the nearby houses. Whilst the

approach road are clearly substandard the Highways Authority is satisfied that the amount of movements generated by this proposal will not result in a material increase in traffic when compared with the previous agricultural use and refusal could not therefore be justified on highway safety grounds.

RECOMMENDATION

Subject to no adverse response being received from the Parrett Consortium of drainage boards, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and planning permission be GRANTED subject to conditions of time limit, personal permission, floodlights, amplified music, no fencing, commercial storage only, no outside storage, restricted working hours. Notes re: water supply, landfill site, flooding.

REASON(S) FOR RECOMMENDATION: The proposed use on the restricted basis proposed will not harm residential amenity or prejudice highway safety. The development therefore accords with the requirements of Policy EC3 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: 356464 MR T BURTON

NOTES:

52/2004/017

MR M J COLLIER

ERECTION OF 1.8 M HIGH FENCE AT 3 STONE CLOSE, COMEYTROWE.

21065/22861

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a 1.8 m high wooden fence to the front of the dwelling. The proposed fence is at right angles to the road, running parallel to the neighbour's drive. The fence does not enclose the front garden.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL in line with their views over a number of years, the Council wishes to oppose the fence, which is in the front garden on an open plan estate. Although the view of the fence would be limited as you enter Stone Close, it would be obvious from other properties in Stone Close and when you leave the Close. It therefore has a detrimental effect on the Close and sets a dangerous precedent for the future.

POLICY CONTEXT

Policy S1 (General Requirements) of the Taunton Deane Local Plan Revised Deposit stipulates that development should not harm the appearance of any street scene or the character of any area.

ASSESSMENT

Whilst the proposed fence is located to the front of the property, it would not enclose the front garden. The fence would run parallel to the neighbouring garage, and would not project beyond it. The garage would obscure views of the fence when entering the Close, and even when viewed from within the Close would provide the backdrop against which the fence would be seen. For these reasons it is not thought that the fence would harm the visual amenities of the locality, nor the open plan character of the area. Any future applications for fencing in the area would be assessed on their own merits, as it is not considered that the current scheme would set a precedent. Therefore, the proposal is deemed to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and note re works to be carried out in accordance with approved plans.

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: