



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 18TH AUGUST 2004 AT 17:00.

(RESERVE DATE : THURSDAY 19TH AUGUST 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. CHURCHSTANTON - 10/2004/018
CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO FORM DWELLING AT FORD FARM, MOOR LANE, CHURCHINFORD
5. COMBE FLOREY - 11/2004/012
ERECTION OF A CONSERVATORY AT COMBE END, COMBE FLOREY.
6. CORFE - 12/2004/004
ERECTION OF HOUSE AND GARAGE, FORMATION OF ACCESS TOGETHER WITH NEW GARAGE AND ACCESS TO EXISTING HOUSE AT MEADOWS EDGE, CORFE AS AMENDED BY DRAWINGS 0341/10 REV B AND 11 REV B ATTACHED TO AGENTS LETTER DATED 27TH JULY,2004
7. KINGSTON ST. MARY - 20/2004/017
ERECTION OF TWO STOREY EXTENSION AT EPWORTH, KINGSTON ST MARY.
8. OAKE - 27/2004/015
ERECTION OF SINGLE STOREY EXTENSION AT 1 PONTISPOOL COTTAGE, NORTON FITZWARREN, AS AMENDED BY LETTER AND DRAWINGS RECEIVED 12TH JULY 2004.
9. 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 AND PLAN NO. POL646 REV C RECEIVED 5TH AUGUST, 2004

- 10. TAUNTON - 38/2004/243
ERECTION OF 61 FLATS AND ANCILLARY WORKS ON
LAND AT THE FORMER SWEB SITE, PRIORSWOOD ROAD,
TAUNTON.
- 11. TAUNTON - 38/2004/244
ERECTION OF 37 DWELLINGS ON SITE OF FORMER
SOUTH WEST EGG PACKERS FACTORY, ROMAN ROAD,
TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO
AGENTS LETTER DATED 8TH JULY, 2004 AND AS
AMPLIFIED BY AGENTS LETTER DATED 27TH JULY, 2004
- 12. TAUNTON - 38/2004/260
ERECTION OF TWO STOREY COMMUNITY BUILDING WITH
ASSOCIATED PARKING ON LAND TO REAR OF ST
PETERS CLOSE, LYNDFORD PARK, TAUNTON (AMENDED
PROPOSAL) AS AMENDED BY LETTER DATED 19TH JULY,
2004 WITH ATTACHED DRAWINGS
- 13. TAUNTON - 38/2004/267
ERECTION OF TWO THREE STOREY BUILDINGS
ACCOMMODATING 11 FLATS ON LAND OFF EASTLEIGH
ROAD, TAUNTON
- 14. TAUNTON - 38/2004/277
DEMOLITION OF GARAGE AND ERECTION OF TWO
STOREY BUILDING TO FORM OFFICE AND
GARAGE/STORE ON LAND TO EAST OF 3 NORTHFIELD
ROAD, TAUNTON
- 15. TRULL - 42/2004/026
ERECTION OF CONSERVATORY AT THE BARN,
SWEETHAY, TRULL.
- 16. 27/2003/007 - ERECTION OF SINGLE STOREY
EXTENSIONS TO THE SIDE OF CHURCH COTTAGE,
HILLFARRANCE - REQUEST FOR A MINOR AMENDMENT MISCELLANEOUS ITEM
- 17. DISCHARGE OF SECTION 52 (S.52) AGREEMENTS
RELATING TO HELE MANOR FARM, HELE. MISCELLANEOUS ITEM
- 18. E27/48/2004 - ERECTION OF BUILDING FOR CAR SALES
AND REPAIRS AND DISPLAY OF FLAGS, RIVERSIDE CAR
SALES, BATHPOOL, TAUNTON. ENFORCEMENT ITEM
- 19. PLANNING APPEALS - APPEALS RECEIVED/DECISIONS APPEALS

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON

Somerset

TA1 1HE

11 August 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 - 28 July 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Miss Cavill, Denington, Floyd, Henley, Hindley, House, Phillips,
Mrs Smith, Stuart-Thorne and Vail

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 Miss M Rumsey (Review Support Officer)

(The meeting commenced at 5.00 pm).

(Councillor Mrs Smith arrived at the meeting at 5.05 pm)

75. Apologies

Councillors Beaven, Bowrah, Croad and Wedderkopp

76. Minutes

The minutes of the meeting held on 7 July 2004 were taken as read and were signed.

77. 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:-

36/2004/011

Removal of Condition 04 (36/2002/030) restricting the use of garage ancillary to the farmhouse at Lovells Farm, Stoke St Gregory.

Reason for granting planning permission:-

The proposal was considered to be in accordance with the Taunton Deane Local Plan Revised Deposit Policies M2 and M3(a).

36/2004/012

Change of use of holiday unit to form private dwelling at Lovells Farm, Dark Lane, Stoke St Gregory.

Conditions

- (a) C001 – time limit;

- (b) C324 – parking;
- (c) P001A – no extensions;
- (d) P003 – no ancillary buildings;
- (e) P006 – no fencing.

Reason for granting planning permission:-

The proposal resulted in the re-use of a building in the countryside in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

46/2004/022

Erection of single storey extension to link garage to house (amended scheme) and erection of porch, The Old Piggery, Gerbestone Manor, Wellington.

Conditions

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

Reason for granting planning permission:-

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

78. Demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings into 25 self-contained dwellings, restoration of parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard (06/2004/013)

Reported this application.

RESOLVED that subject to:-

- (i) the views of the First Secretary of State under the Departure Procedures;
- (ii) the receipt of no further representations raising new issues on the amended plans by the 13 August 2004; and
- (iii) the applicants entering into a Section 106 Agreement to provide for the following:-
 - (1) Bonds – 2 No bonds to be provided by Gradeclear Limited:-
 - (a) A “repair bond” to cover the cost of the repair of the external fabric, including the roof and remedying damage caused to the interior by damp penetration, dry rot and timber infestation treatment to the Mansion House including the Orangery but not the walled gardens or other existing outbuildings (called “the Mansion House”) in the sum of £750,000.
 - (b) A “conversion bond” as a contribution to cover the cost of the conversion of the Mansion House in the sum of £1,000,000.

- (c) The bonds to be exclusive of each other, that is with no overlap.
 - (d) Both bonds to be reducing term bonds, the trigger point for reduction in bond value to be agreed with the Council, for example the certified completion of works to the roof would be one trigger point for the “repair bond”; the certified completion of first fix works would be one trigger point for the “conversion bond”.
 - (e) Certification of staged practical completion of works to be undertaken by an appointed supervisor (at Gradeclear Limited’s cost) and would be subject to a standard disputes procedure.
 - (f) The “repair bond” to be put in place upon commencement of works of repair. The “conversion bond” would be put in place upon commencement of works for conversion or new build, whichever was the sooner.
 - (g) Both bonds would run for a period of 5 years from commencement of works (repair and conversion) to the Mansion House unless the works were completed beforehand. If the works of repair and conversion were not completed within the 5 years, then the Council would be able to utilise the balance of the bond monies to complete the works.
 - (h) Not more than 7 No (plots 26–33) new build housing units to be occupied before the approved works of repair/conversion to the Mansion House have commenced.
- (2) Contractor – (Mansion House) – Gradeclear Limited to agree to consult the Council about the choice of contractor (main contractor) to be appointed to carry out the works of repair and conversion to the Mansion House – the Council’s Agreement not to be unreasonably withheld.

The Management Agreement (Mansion House and converted outbuildings) – Gradeclear Limited to prepare and enter into a Management Agreement relating to the Mansion House, converted outbuildings, the immediate curtilage of both and the two walled gardens (including the walls), such Agreement to be agreed by the Council, in consultation with English Heritage, both acting reasonably. The management and maintenance works contained within the Management Agreement to be financed by contributions from occupiers of the Mansion House and converted outbuildings and the apartments (but not the new build housing). The Management Agreement to prescribe an appropriate financing structure and scope of management responsibilities, particularly for communal areas and communal facilities; specify a quality standard of materials to be used reasonably consistent with the Heritage Asset and set the frequency of maintenance and repairs.

The Management Agreement (Mansion House and converted outbuildings) to be agreed with the Council, in consultation with English Heritage, both acting

reasonably before the first unit within the Mansion House or converted outbuildings is occupied.

The Management Agreement (Mansion House and converted outbuildings) to enure in perpetuity, that is for 80 years.

- (3) The Management Agreement (new build) – Gradeclear Limited to prepare and enter into a Management Agreement for the maintenance of the immediate surrounds of the new build housing (that is, that part north of the northernmost walled garden). The content of the Agreement to be similar to the Management Agreement (Mansion House, etc) but would not involve any heritage assets and would refer mainly to the maintenance of trees and incidental open space and the access drive between the existing drive (south-east of the Mansion House) and the new build houses.
- (4) The Management Agreement (new build) to be financed from contributions from the occupiers of all the new build houses.
- (5) The Management Agreement (new build) to be agreed with the Council before the first new build unit was occupied, such Agreement not to be unnecessarily withheld.
- (6) The Management Agreement (new build) to enure in perpetuity, that is for 80 years.
- (7) Restoration of “rest of parkland” (including pleasure grounds) – this area was defined as all that part of the parkland outside the immediate curtilage of the Mansion House, converted outbuildings and new build housing.
- (8) Gradeclear Limited to undertake to complete the works for the restoration of the pleasure grounds, as approved, within two years of the first occupation of any apartment or new build dwelling.
- (9) Gradeclear Limited to undertake to complete the works for the restoration of the remainder of the parkland, as approved, within three years of the first occupation of any apartment or new build dwelling.
- (10) Management Agreement for “rest of parkland” (including pleasure grounds) – Gradeclear Limited to prepare and enter into a Management Agreement for the long-term maintenance of the rest of the parkland (including the pleasure grounds) including annual works, cleaning, upkeep of driveway and footpaths, upkeep of lakes, etc and the Agreement to contain the scope of annual works together with a quality standard of materials to be used reasonably consistent with the heritage asset.
- (11) These works of maintenance to be financed by:-
 - (i) annual contributions from occupiers of the Mansion House/converted buildings and the new build units (say £150 pa at current values);

- (ii) it was explicitly acknowledged that within this Management Agreement, the outer parkland would include appropriate animal grazing and woodland management regimes the net income from which would be applied by Gradeclear Limited (together with the annual contribution by residents) to the future maintenance of the rest of parkland including the pleasure grounds;
 - (iii) Gradeclear Limited to undertake to use its reasonable endeavours to obtain appropriate Government or other grants (subject to there being a net gain of income) for the upkeep/management/husbandry of the rest of parkland and to apply such income to its maintenance in accordance with the Management Agreement.
- (12) Both the annual contribution by residents and the grazing rental income to be linked to an appropriate cost index.
 - (13) Gradeclear Limited to provide the Council with a copy of the Annual Report and Accounts of the Management Company each year.
 - (14) The Management Agreement for the rest of parkland including the pleasure grounds to be agreed with the Council, in consultation with English Heritage, before the first new build unit was occupied, such Agreement not to be unreasonably withheld.
 - (15) The Management Agreement to enure in perpetuity, that is for 80 years.
 - (16) Any changes to the Management Agreement for the rest of the parkland (including the pleasure grounds) (other than index linking of charges) to be agreed by the Council beforehand, in consultation with English Heritage, such agreement not to be unreasonably withheld.
 - (17) Removal of hospital buildings – Gradeclear Limited to undertake to demolish, remove the material arising and make good the site of the existing hospital buildings to the west of the Mansion House, in accordance with details to be submitted to, and approved by the Council, and those works to be implemented before any apartment or new build dwelling was occupied.
 - (18) Prior to the commencement of works, detailed specifications including the extent and standard of the retention, conversion and landscape restoration shall be submitted for approval by the Local Planning Authority, and these specifications shall be adhered to throughout the development;

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) 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 before any work hereby permitted is commenced. Such schemes shall

- be implemented in accordance with an approved programme and details;
- (c) Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (d) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval;
 - (e) The external surfaces of the buildings shall be retained as existing and, where necessary, repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Planning Authority is obtained to any variation;
 - (f) C112 – details of guttering, downpipes and disposal of rainwater;
 - (g) C113 – details of structure and colour of mortar;
 - (h) C241 – landscaping;
 - (i) C205 – hard landscaping;
 - (j) C207 – existing trees to be retained;
 - (k) C208A – protection of trees to be retained;
 - (l) C208B – protection of trees – service trenches;
 - (m) C210 – no felling or lopping;
 - (n) C215 – walls and fences;
 - (o) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (p) Prior to the commencement of development, a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to, and approved in writing by, the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme;
 - (q) None of the dwellings hereby permitted shall be occupied until a footway has been provided between the site access and the entrance to the Greenway Estate in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of said Authority;

- (r) There shall be no vehicular access to the site other than from South Drive and Station Road;
- (s) The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (t) C416 – details of size, position and materials of meter boxes;
- (u) The new doors and windows 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;
- (v) C917 – services – underground;
- (w) Detailed drawings indicating height, design, intensity of light and manufacturer’s specification of any external lighting in non-private areas shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (x) C926B – remediation investigation/certificate;
- (y) P001A – no extensions;
- (z) P003 – no ancillary buildings;
- (aa) P006 – no fencing;
- (bb) P010 – no further windows;
- (cc) Details of the appearance of any substations for utility provision shall be submitted to, and approved in writing by, the Local Planning Authority;
- (dd) C924 – building materials compounds;
- (ee) The mitigation measures for protected species and other wildlife, set out in the submitted “Report on Ecological Survey”, shall be carried out as part of the development;
- (ff) C664 – windows recessed;
- (gg) Prior to commissioning, specific details of windows and external doors, including finished treatment shall be submitted to, and approved in writing by, the Local Planning Authority;
- (hh) C666 – no bell casts;
- (ii) C911 – aerials – combined system.
 (Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N048A – remediation strategy; (6) NO51B – health and safety; (7) NO66 – listed buildings; (8) Applicant was advised that the dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a listed building; (9) N075 – Section 106 Agreement; (10) With regard to condition (b), applicant was advised to use the principles of sustainable drainage methods (SUDs) as set out in the attached notes; (11) Applicant was advised that a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in respect of the protected species on the site; (12) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours

if nuisance is likely at neighbouring premises:- Monday to Friday, 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including Public Holidays, no noisy working. Applicant was further advised to ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition; (13) Applicant was advised of the following from the Somerset Fire Brigade:-

- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage;
- (ii) Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000;
- (iii) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards;

(14) Applicant was advised of the following from the Environment Agency:-

- (i) The Environment Agency recommends that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, the applicant should provide undertakings to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes.
- (ii) The Environment Agency must be notified immediately of any incident likely to cause pollution;

(15) Applicant was advised to contact Wessex Water with regard to connection to their infrastructure).

Reason for planning permission, if granted:-

The proposed development would bring significant benefit to the area in terms of securing the conservation of the Grade II* listed Mansion and its associated outbuildings and parkland. The new development proposed represented the minimum enabling development and was therefore considered to meet the exception criteria set out in Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S8 of the Taunton Deane Local Plan Revised Deposit.

79. Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard (06/2004/014LB)

Reported this application.

RESOLVED that subject to the views of the First Secretary of State, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed building;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) Prior to the works of demolition and conversion, for which consent is hereby granted are commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C107 – second-hand materials – for repairs to parts of listed buildings retained after partial demolition;
- (e) Prior to the works for which consent is hereby granted are commenced, specific details of the means of venting recovered roofs and enclosed bathrooms/en-suites shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced, a schedule of repairs on a room by room basis shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced a schedule of existing doors/linings/architraves which are to be relocated shall be submitted to, and approved in writing by, the Local Planning Authority;
- (i) All additional doors, linings and architraves required as part of the approved conversion works to the Mansion shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority;
- (j) No damp proofing methods shall be installed in the Mansion complex unless prior written approval is first given by the Local Planning Authority;
- (k) C658 – partitions;
- (l) C659 – cornices, skirtings and other features;
- (m) C660 – cornices, skirtings and other features;
- (n) Prior to the commissioning, specific details of new staircases, the en-suites to units 6, kitchen fitments to units 5 and 6, the rear glazed making-good (including fire surrounds) to reopened fireplaces in the mansion shall be submitted to, and approved in writing by, the Local Planning Authority;
- (o) Prior to the commissioning, specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings shall be submitted to, and approved in writing by, the Local Planning Authority;
- (p) Rooflights shall be flush fitting;
- (q) C676 – listed building – schedule of proposed structural works;
- (r) C679 – listed building – new works – damp proofing – heating, lighting and plumbing.

Reason for listed building consent, if granted:-

The proposed development would bring significant benefit to the area in terms of securing the conservation of the Grade II* listed Mansion and its associated outbuildings and parkland. The new development proposed represented the minimum enabling development and was therefore considered to meet the exception criteria set out in Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S8 of the Taunton Deane Local Plan Revised Deposit.

(Councillor Miss Cavill declared a prejudicial interest and left the meeting during consideration of Minute No 80 below. Councillor Mrs Smith declared a personal interest.)

80. Redevelopment comprising employment and residential development, part construction of Norton Fitzwarren Relief Road, provision of other infrastructure and services, structural landscaping and open space provision, Taunton Trading Estate, Norton Fitzwarren (25/2002/018)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 28 October 2004 to include the following:-

(1) Affordable Housing

Within each phase of residential development, 20% of the proposed dwellings should be affordable housing provided at nil public subsidy, provided for and maintained by a Registered Social Landlord (RSL). If the relevant land within each phase is not sold to an RSL (or another provider where it can be adequately demonstrated that appropriate housing needs are being met) within 3 years of commencement of development of the relevant phase, the land shall pass to the Borough Council at no cost, together with a sum equivalent to the subsidy lost in respect of such land, to be linked to the building cost index. 80% of the affordable housing to be rented and 20% shared ownership, the mix of types to be initially as indicated in "Proposals for Affordable Housing Provision" (dated the 18 June 2004). Provision to be made for the tenure split and mix of dwelling types to be reviewed over time to reflect changing circumstances and dwelling numbers.

(2) Employment land

The provision of 7.5 hectares gross (5.2 hectares net) of employment land to allow for a mix of employment uses, including small start-up units and larger units for manufacturing, warehousing and storage. B1 office development would not be acceptable.

(3) Flood alleviation

- (i) No development shall commence on land below the 22.7m AOD level until such time as the agreed on-site flood scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. This area to be retained as private undeveloped land and

managed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before any development commences in such areas. This area shall not be within the employment areas.

- (ii) No development shall take place on the land proposed for on-site flood storage, as indicated on the Flood Risk Assessment Addendum A issued May 2004, until such time as off-site flood alleviation of the site has been provided to the satisfaction of the Local Planning Authority.
- (iii) The agreed flood storage area at the eastern end of the site shall be provided prior to the commencement of the proposed relief road.
- (iv) In the event of the area, the subject of item (3)(ii) above being released for development, the developer shall make a contribution towards off-site flood alleviation equivalent to the following formula:-

Amount of land within flood plain on Taunton Trading Estate (TTE) released for employment development times (x) 25% (to reflect relative land values), divided by (+) total land (weighted to reflect relative land values) released for development within the flood plain on the Major Development Site (comprising TTE, caravan site and cider works).

This would give a percentage contribution from the TTE Development.

The said contribution to be paid to the Borough Council within 14 days of a notice from the Council to the developer that the Council has let the contract for the work.

(4) Transport

- (i) Prior to the submission of any future reserved matters applications, a Transport Strategy will be submitted to, and approved in writing by, the Local Planning Authority. The Strategy will be prepared in consultation with the local bus operators and shall include provision for the phased introduction of a bus service to the development and for the payment, where necessary by the developer, of contributions towards initial operating costs (such sums and time period to be agreed) together with provision for walking and cycling. The provision and timing of the Strategy to be strictly adhered to as the development proceeds.
- (ii) A contribution equating to 65% of total costs to be provided towards delivery of a traffic calming scheme on Blackdown View, outside Norton Fitzwarren Community School.
- (iii) No dwellings to be occupied prior to a link to, and provision of, the relief road link to Silk Mills Lane via a signal controlled junction. The design of the relief road shall be in accordance with details to be

submitted to, and approved by, the Local Planning Authority as reserved matters and be to a standard to allow the road to be adopted as maintainable at public expense. The vertical and horizontal alignment shall allow for the future extension of the road onto adjoining land to the west. The road to be constructed to the limit required to provide access to the development hereby approved and land reserved for the future extension of the road to the site boundary. The road shall be extended to the site boundary within 6 months of the issue of outline planning permission for development of land to the west of the site which required vehicular access to the road.

- (iv) The relief road to be linked to the B3227 prior to the occupation of the 300th dwelling.
- (v) A Code of Practice for Construction Traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such Code to provide for any access for construction traffic from the B3227 to be via the existing entrance to the TTE only and to provide for an approved “best endeavours” approach route for vehicles. The approved Code shall be adhered to throughout the construction period.

(5) Recreation

(i) Playing field

The developer shall acquire and donate to the Borough Council 2.25 hectares of land, at a location to be agreed by the Local Planning Authority and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years’ maintenance. These figures to be subject to review in the event of the number of dwellings exceeding 500 and to allow for inflation. 5% of the contribution shall be paid by the developer to the Local Planning Authority prior to the commencement of any of the dwellings, a further 50% on occupation of the 125th dwelling and the remaining 45% on occupation of the 250th dwelling. Provision shall also be made for any necessary diversion of overhead lines and provision of access to other potential areas for further playing fields. The dimensions must be a minimum of 120m x 180m.

(ii) Children’s Play

- (a) A Neighbourhood Equipped Area for Play (NEAP) level play facility of 1,000 sq m shall be provided within the eastern part of the housing area. This should be located to be highly visible, but a minimum of 30m from the nearest dwelling.
- (b) A Local Equipped Area for Play (LEAP) shall be provided in accordance with current standards within the western part of the housing area. A commuted sum shall be provided for future maintenance associated with these areas.

- (c) Prior to the occupation of any of the dwellings, a prominent sign shall be provided on the sites for the NEAP and LEAP. Both sites shall be shown on all plans displayed for potential purchasers. The LEAP and NEAP shall be fully provided prior to the occupation of the 125th dwelling.
- (d) Provision shall be made for an artist/designer to consult with local children and young people to agree the design of the two play areas on the site.
- (iii) An area of land adjacent to the Back Stream shall be made available for informal recreation and be the subject of a Management Agreement to be submitted to, and approved in writing by, the Local Planning Authority.
- (iv) A contribution from the developer towards improvements to the Village Hall shall be made in the sum of £20,000. Payment shall be made prior to the occupation of the first dwelling.
- (v) A site of approximately 1 hectare shall be identified on the Master Plan for possible community uses, (as set out in Policy T13 of the emerging Taunton Deane Local Plan Revised Deposit and its supporting text) and reserved for such uses, pending adoption of the Taunton Deane Local Plan Revised Deposit. If the Adopted Plan includes a Community Use site elsewhere on the Major Development Site, then the reserved site may be released for residential use. If the Adopted Plan does not include such a site elsewhere, the developer shall deliver proposals for the Community Uses site which provides facilities for Norton Fitzwarren which will be implemented to an agreed programme.

(6) Education

A contribution shall be made by the developer of £1,433 per dwelling towards primary and secondary school accommodation (figure to be reviewed at end of September 2004). Contributions to be made on market dwellings only (that is, not affordable units). Phased payment shall be on the basis of 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied. Any change to the approved number of dwellings beyond that time shall require an appropriate adjustment to the contribution.

(7) Master Plan

Prior to, or along with the submission of the first reserved matters application, a Master Plan which shall be approved by the Local Planning Authority, shall be submitted to the Local Planning Authority. The Master Plan shall indicate the location of the following:-

- (i) residential development (private and affordable), to include a full cross-section of housing requirements, including provision for the elderly;
- (ii) employment development;
- (iii) full and comprehensive indication of the highway, cycleway and footpath networks and bus routes to and through the proposed development;
- (iv) on-site equipped LEAP's and NEAP's (areas to be indicated);
- (v) area for community facilities;
- (vi) on-site flood storage areas.

The reserved matters applications shall adhere to the principles of the Master Plan unless otherwise agreed in writing.

(8) Phasing

Prior to, or along with the submission of the first reserved matters application, a phasing scheme shall be submitted to, and approved in writing by, the Local Planning Authority for:-

- (i) the release of residential and employment land (to allow for the early delivery of a Phase 1 employment site and the remainder to be delivered before the final housing phase);
- (ii) the affordable housing provision (including tenures and sizes);
- (iii) on-site flood storage areas;
- (iv) demolition of existing buildings;
- (v) construction of the highways, cycleways and footways (to have regard to the timing of the provision of the proposed Silk Mills Bridge);
- (vi) community facilities.

The development shall proceed strictly in accordance with the approved phasing scheme, or any variation thereto as may have been agreed in writing by the Local Planning Authority.

(9) Design Brief

Prior to, or along with the submission of the first reserved matters application, a Design Brief for the development shall be submitted to, and approved in writing by, the Local Planning Authority.

(10) Inflation

All financial contributions to be index-linked to cover inflation.

(11) Increased Dwelling Numbers

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All the above sections (where applicable) to make allowance for any increase in dwelling numbers over 500;

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

- (a) C005 – outline – reserved matters;
- (b) C007 – outline – reserved matters;
- (c) C009 – outline – time limit;
- (d) C010 – drainage;
- (e) C013 – site levels;
- (f) C014 – time limit;
- (g) C101 – materials;
- (h) C241 – landscaping;
- (i) C207 – existing trees to be retained;
- (j) C208A – protection of trees to be retained;
- (k) C208B – protection of trees – service trenches;
- (l) C209 – protection of hedges to be retained;
- (m) C210 – no felling or lopping;
- (n) C215 – walls and fences;
- (o) C219 – screening during demolition;
- (p) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (q) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (r) The proposed roads, turning spaces and parking areas shall be constructed in such a manner as to ensure that each industrial building before it is occupied shall be served by a properly consolidated carriageway, turning space and parking area;
- (s) C314 – visibility splays;
- (t) C324 – parking;
- (u) Before any of the industrial buildings hereby permitted are occupied, provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority, and the

- areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles;
- (v) Provision shall be made for the parking of bicycles at the industrial buildings in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development/use hereby permitted is occupied/begun.
 - (w) Details of the design and appearance of the abutments to the proposed road bridge over the Back Stream shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (x) C416 – details of size, position and materials of meter boxes;
 - (y) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the industrial buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority.
 - (z) C712 – restricted use – no burning on site;
 - (aa) C924 – building materials compounds;
 - (bb) C926B – remediation investigation/certificate;
 - (cc) P005 – no garages;
 - (dd) P007 – no fencing in front of dwellings;
 - (ee) No development hereby approved shall be commenced until such time as a scheme for the provision and implementation of compensatory on-site flood storage works and its future maintenance has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be implemented in accordance with the approved programme and details;
 - (ff) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
 - (gg) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order revoking or re-enacting that Order), no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwellinghouse unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The discharge system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected where possible from accidental damage;
 - (hh) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development. The consultants shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with

- any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works;
- (ii) The mitigation measures for protected species set out in the submitted Environmental Statement shall be carried out as part of the development;
 - (jj) A survey for water voles shall be carried out prior to the commencement of development. If water voles are to be affected, mitigation measures shall be submitted and carried out as part of the development;
 - (kk) Parking provision in respect of the development shall be made in accordance with the Council's approved standards and such parking shall be constructed or hard-surfaced before the relevant part of the development is occupied.

(Notes to applicant:- (1) N118 – disabled access; (2) N024 – development in accordance with approved plans; (3) N104 – public art; (4) Applicant was advised that the submitted Master Plan is for illustrative purposes only; (5) N111 – disabled access; (6) N112 – energy conservation; (7) N113 – street names; (8) N114 – meter boxes; (9) N041B – drainage/water; (10) N115 – water conservation; (11) N048A – remediation strategy; (12) N051B – health and safety; (13) N075 – Section 106 Agreement; (14) Applicant was advised that the layout of the site should take into account trees which are the subject of a Tree Preservation Order; (15) N091 – trees; (16) N119 – Design Guide; (17) Applicant was requested to consider the inclusion of some sheltered accommodation for the elderly in the mix of proposed dwellings; (18) With regard to condition (d), applicant was advised to use the principles of sustainable drainage methods (SUDs) including the use of swales and water recycling. The proposed details must avoid positive discharge to the Back Stream; (19) Applicant was requested to communicate the dates of commencement of construction to Transco. Care should be exercised when working in the vicinity of gas mains (see plan attached). A schedule prepared by Transco, which indicates the minimum requirements for the protection of their underground plant is also enclosed; (20) Applicant was advised that there are a number of high and low voltage cables and sub-stations within the site which will require diversion. You are advised to contact Western Power in this regard; (21) With regard to condition (ii), although no bat roosts were found, bats can use buildings as hibernation sites during the winter months. Care should therefore be taken during demolition of the buildings – any soffits and barge boards being removed by hand with extreme caution. If possible, it would be best to do the work in April or October so that if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats etc) Regulations 1994 and it is an offence to damage or destroy a breeding site or nesting place of any wild animal of a European protected species. For that reason, if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA). Otters are known to

use the Back Stream. The contractors need to ensure that no damage is done to the banks by machinery and to ensure that debris is not allowed to end up in water. To avoid disturbing the otters that travel along the watercourse, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats etc) Regulations 1994, which states that it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from DEFRA to do so lawfully. Slow worms are protected under Section 9 of the Wildlife and Countryside Act 1981. To avoid possible offences under the Act, English Nature guidelines should be followed; (22) With regard to condition (jj), although water voles were not found in the 2002 survey, it is possible that they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use for shelter or protection; (23) Applicant was advised of the following from the Environment Agency:- (i) The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system; (ii) All foul drainage including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse. During construction:- (a) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed. (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. In addition, the Environment Agency further comments:- (d) Summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination, the Environment Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. The Environment Agency note that while the Risk Assessment considers groundwater as a potential receptor, it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken. (e) If off-site waste disposal is

utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. (24) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 – 1800 hours; Saturday 0800 – 1300 hours. At all other times, including Public Holidays, no noisy working. Applicant was further advised to ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition. (25) Applicant was advised of the following by Railtrack (now Network Rail):- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from Network Rail. Where children's play areas, open spaces, amenity areas, garage blocks or parking areas are to be sited adjacent to any railway line as in the current proposal, a 3m high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided. (b) The Department of Transport has recommended provision of a safety barrier adjacent to the line side fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of development and, in the interests of safety, this should be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and Network Rail is able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated. (c) Additional or increased flows of drainage or surface water should not be discharged onto Network Rail's property nor into Network Rail's culverts or drains except by prior agreement with them. In the interests of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10m of Network Rail's boundary. In certain circumstances, this distance may be varied and the developer is advised to provide Network Rail with full details of all drainage proposals likely to effect Network Rail's property. (d) No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Network Rail's property. (e) No overall lowering of existing ground levels is to be carried out near Network Rail's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures. In any event, alterations in levels must not reduce the effective height of Network Rail's fencing nor undermine its stability. (f) Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro compaction of the use of driven piles will not be permitted in the vicinity of Network Rail's structures including tunnels, embankments and cutting slopes. (g) It is recommended that all buildings be situated at least 2m from

Network Rail's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Network Rail's land. Where trees exist on Network Rail's land, the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Network Rail accept no liability for any damage to new buildings arising from root penetration. (h) The design and siting of buildings within the site should take into account possible effects of noise and vibration and the generation of airborne dust resulting from the operation of a railway under statutory powers. The developer should undertake their own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly. (i) If external lighting schemes or illuminated signs are proposed, these may conflict with Network Rail's signalling system and may require additional screening to the railway boundary. In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to them for prior approval, bearing in mind that certain trees such as poplars and other broad-leaved deciduous varieties near railway land may be unacceptable. In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Network Rail's boundary fence should, when fully grown, neither prevent maintenance being carried out or provide a means of scaling the fence or reduce its effective height.)

Reason for outline planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encourage sustainable, mixed use development on previously developed land and, in particular, the proposal met the requirements contained in Taunton Deane Local Plan Revised Deposit Policies T10-T13.

In the event that the Section 106 Agreement was not concluded by the 28 October 2004, outline planning permission be refused for the reason that the proposal did not make adequate provision for the delivery of the key elements set out in Taunton Deane Local Plan Revised Deposit Policy T10 which, in the opinion of the Local Planning Authority, were necessary to ensure the provision of a satisfactory overall development.

81. Appeals

- (1) Reported that the following appeals have been lodged:-
 - (a) Demolition of existing dwelling and erection of two dwellings on site of The Jays, Stoke Road, North Curry (**24/2003/008**).
 - (b) Erection of single-storey extension towards the road at Buttles Lodge, Hatch Beauchamp (**19/2002/027** and **028LB**).

- (c) Call-in by the First Secretary of State – Erection of industrial units, land adjacent to Chelston Manor, Chelston, Wellington **(46/2002/032 and 46/2003/016)**.
- (d) Erection of single-storey extensions and two-storey extension to the rear of Ridge House, Parsonage Lane, Milverton **(23/2003/018)**.
- (e) Erection of Health Centre with car parking, 42-46 High Street together with rear land between High Street and Scotts Lane, Wellington **(43/2000/134)**.
- (f) (i) Erection of 45 dwellings/apartments for the elderly and disabled, conversion of part existing house to provide support accommodation, together with rear extension accommodating health facilities at Gatchell House, Honiton Road, Trull **(42/2002/057)** and (ii) Demolition of former Squash Club buildings, outbuildings within walled gardens, together with other walls and enclosures, Gatchell House, Honiton Road, Trull **(42/2002/058CA)**.

(Both Gatchell appeals since withdrawn.)
- (g) Replacement of existing entrance door and additional window to the shop front, HSBC Bank, 17 North Street, Taunton **(38/2003/207 and 208LB)**.
- (h) Erection of eleven houses and three flats on site of former Whites Garage, South Street, Taunton **(38/2003/420)**.
- (i) Formation of vehicular access at 10 Crown Hill, West Buckland **(46/2003/024)**.
- (j) Erection of extension to form granny annex and conservatory at 10 Lodwells Orchard, North Curry **(24/2003/014)**.
- (k) Change of use of former Veterinary Clinic to Class B1 industrial/office use at Acorn Veterinary Clinic, Pool Farm, Mountfields Road, Taunton **(38/2003/230)**. (Appeal since withdrawn.)
- (l) Retention of bay window at ground floor level, 3 Park Street, Taunton **(38/2003/215LB)**.
- (m) Change of use of part of ground floor living accommodation to hairdressing salon, 15 Greenway Crescent, Taunton **(38/2003/176)**.
- (n) Erection of a free-standing 48 sheet advertisement board, 3.39m (h) x 6.45m (l) at Lidl Car Park, off Wood Street, Taunton **(38/2003/497A)**.
- (o) Erection of replacement dwelling and detached garage with converted loft, Church Drive, West Buckland **(46/2003/019)**.

- (p) Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton **(38/2003/515)**.
- (q) Erection of two-storey rear extension, single-storey side extension, rear conservatory and detached store building, 5 Ilminster Road, Taunton **(38/2003/448)**.
- (r) Use of land for siting of agricultural worker's mobile home at Triangle Farm, Churchstanton **(10/2003/022)**.
- (s) New vehicle entrance at 37 Holford Road, Taunton **(38/2003/390)**.
- (t) Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton **(38/2003/525A)**.
- (u) Conversion of barn to dwelling at Yalway Farm, Broomfield, West Monkton **(48/2003/057)**. (Appeal since withdrawn.)
- (v) Demolition of existing double garage and erection of bungalow and two double garages on land at 18 Homefield Close, Creech St Michael **(14/2003/046)**.
- (w) Replacement windows at 1 Heathfield Farmhouse, Creech Heathfield **(14/2003/045LB)**.
- (x) Application of paint to exterior render of east and west wings at North Lodge, Sandhill Park, Bishops Lydeard **(06/2003/046LB)**.
- (y) Appeal against enforcement notice – Unauthorised garage/shed on land at Fordbridge, Dairy House Lane, Bickenhall **(04/2002/004)**.
- (z) Erection of new dwelling adjoining Allerford Cottages, Allerford, Oake **(25/2003/026)**.
- (aa) Erection of two-storey extension at 9 Rosebery Street, Taunton **(38/2003/447)**.
- (bb) Erection of two-storey rear extension at 8 Rosebery Street, Taunton **(38/2003/446)**.
- (cc) Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St Luke **(06/2003/052)**.
- (dd) Erection of two dwellings and two garages at the former car park of The Crown Inn, Creech Heathfield **(14/2003/043)**. (Appeal since withdrawn.)
- (ee) Retention of graphics/vinyl applied to first-floor windows at Virgin Megastore, 27-27A Fore Street, Taunton **(38/2003/640A)**.

- (ff) Change of use from ancillary accommodation to separate dwelling unit, Bussells Farm, Blackmoor, West Buckland **(46/2003/035)**.
- (gg) Siting of two mobile homes and two touring caravans for single gypsy family, 2 Acres, Ford Street, Wellington **(44/2003/019)**.
- (hh) Erection of two-storey rear extension at 9 Willey Road, Stoke St Gregory **(36/2004/002)**.
- (ii) Display of internally illuminated signs at Carpetright, Priory Fields, Taunton **(38/2004/065A)**.
- (jj) Erection of dwelling for use as a unit of multiple occupation (6 bedrooms) at land adjacent to 14 Greenway Road, Taunton **(38/2003/650)**.
- (kk) Erection of two-storey side extension at 2 Hine Road, Taunton **(52/2003/062)**.
- (ll) Erection of new dwelling in the rear garden of 2 Clifford Avenue, Taunton **(38/2004/051)**.
- (mm) Change of use and conversion of building to form nine flats and one maisonette, Hunts Court, Corporation Street, Taunton **(38/2003/627 and 628LB)**.
- (nn) Erection of triple garage at Seaforde Grange, Dairy House Lane, Bickenhall **(04/2004/002)**.
- (oo) Call-in by the First Secretary of State – Extension to retail store, cladding of existing building and revision to parking layout at ASDA Store, Creechbarrow Road, Taunton **(38/2003/505)**.
- (pp) Erection of house and garage and formation of access together with provision of new access and garage to existing dwelling at Meadows Edge, Corfe **(12/2004/001)**.
- (qq) Conversion of barn to dwelling and change of use of land to form residential curtilage at barn to east of Higher Chapel Leigh Farm, north of Sandings Lane, Chapel Leigh, Lydeard St Lawrence **(22/2004/001)**.
- (rr) Demolition of bungalow and erection of two dwellings, Sundown, Curvalion Road, Creech St Michael **(14/2004/011)**.
- (ss) Formation of hardstanding and vehicular access at the front of 79 Queensway, Galmington, Taunton **(52/2004/005)**.
- (tt) Retention of first floor windows, 4 Highland Place, High Street, Wellington **(43/2004/034)**.

- (uu) Relocation and extension of boundary wall to enclose side access to property, 36 Venn Close, Cotford St Luke **(06/2004/011)**.
 - (vv) Erection of part two, part three, and part four-storey building accommodating 24 flats and provision of garages at County Garage, Priory Avenue, Taunton **(38/2004/139)**.
- (2) Reported that the following appeal decisions had been received:-
- (a) Erection of 2 non-illuminated signs, 23-29 Silver Street, Taunton (38/2002/201A).

Decision

The Inspector felt that the proposed signs would be out of scale with the buildings which would create a cluttered appearance to the street scene. He concluded that the signs would be unsympathetic to the character of the listed building and would dominate the side elevations to the detriment of the visual amenity of the host building and the street scene. The appeal was dismissed.

- (b) Call-in by the First Secretary of State – Extension to existing five-screen multiplex cinema to provide eight screens with associated highway works and parking, land at the Odeon Cinema, Heron Gate, Riverside Retail Park, Taunton (48/2001/028).

Decision

Due to the complexity of the First Secretary of State's Decision Letter, a full copy was submitted for the information of Members of the Committee. The First Secretary of State granted planning permission for the development subject to conditions.

- (c) Erection of dwelling on land adjacent to 8 Crimthorne Cottages, Hatch Beauchamp (19/2003/002).

Decision

It was clear to the Inspector that the proposed dwelling would appear out of scale and character with that part of the village as the house would occupy almost the full width of the plot. She noted that outline permission had already been granted for the erection of a dwelling on the plot. However this new proposal was sufficiently different to make the outline permission of no direct relevance to the decision in this case.

The Inspector concluded that the proposed dwelling would represent insensitive development on the edge of this attractive village. The appeal was dismissed.

- (d) Erection of a two-storey dwelling, 9 Willey Road, Stoke St Gregory (36/2003/004).

Decision

The Inspector felt that although the proposed dwelling would be contained within the curtilage of the existing dwelling, she was concerned that contrary to the development plan policies for the area and Government guidance, the proposal would result in the erection of an additional dwelling in open countryside outside the defined limits of Stoke St Gregory.

She was also concerned that if the proposal was allowed, it would set a precedent for further developments in similar countryside locations, which the Council would have difficulty in resisting, to the detriment of the rural character of the area. The appeal was therefore dismissed.

- (e) Retention of 2 projecting banners, Nightingale House, East Reach, Taunton (38/2003/082A)

Decision

The Inspector felt that because of the size, form and projection at high level, the banners were obtrusive on the building. They also detracted from the architectural integrity of the building and appeared as incongruous afterthoughts. The appeal was dismissed.

- (f) Demolition of existing building and redevelopment of land for residential use at The Jays, Stoke Road, North Curry (24/2003/008)

Decision

The Inspector noted the relative spaciousness of the site and the neighbouring property to the east which helped to maintain the transition from the built-up character of the village to the open countryside.

She felt that replacing the existing small bungalow with the two 2-storey houses would markedly change the character of the area and lead to a greater sense of urbanisation in the locality. The Inspector also noted that the proposed shared access would necessitate the removal of the existing mature hedgerow which would have a harmful impact on the appearance of the rural area.

It was concluded that there was no justification for allowing an additional house on the site. The appeal was therefore dismissed.

- (g) Erection of a bungalow at Eldon, Silver Street, Wiveliscombe (49/2003/008)

Decision

The Inspector noted that the appeal site lay at the end of a lengthy and winding private drive leading off Silver Street. He felt that a suitably designed bungalow on the open end of the site would not adversely impact upon the trees and would have an acceptable relationship with neighbouring development.

However, the Inspector was of the view that the connection of the private access drive with Silver Street was the material factor. The junction was inherently sub-standard and presented a risk to persons walking and driving along it. He acknowledged that a new dwelling would lead to an increase in traffic movements and that this greater usage would be prejudicial to safety to a degree which militated against the grant of permission. The appeal was dismissed.

- (h) Erection of a single-storey extension – Buttles Lodge, Village Road, Hatch Beauchamp (19/2003/027 and 028LB)

Decision

The Inspector considered that the extension would harm the balanced composition of the listed building and would make it appear as a sprawling, incoherent built form. She also felt that the extension would appear as an incongruous addition that would undermine the building's elegant, simple form and would harm its distinctive, compact appearance which was characteristic of its original use as a lodge.

It was concluded that the proposal would harm the special architectural and historic interest of the listed building and its setting. The appeals were therefore dismissed.

- (i) Demolition of an outbuilding and erection of a private dwelling at Lodge Barton, Wood Street, Milverton (23/2003/037)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was allowed and planning permission granted subject to conditions.

- (j) Appeal against enforcement notice – Erection of a 15m high telecommunications mast with 4 No antennae and equipment including a generator, in a fenced compound on land at the rear of Hele Manor Farm, Hele

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed and the enforcement notice was upheld.

- (k) Extension to form a granny annex and conservatory at 10 Lodwells Orchard, North Curry (24/2003/014)

Decision

The Inspector considered that the two structures which were the subject of the appeal proposal were both modest in scale and had very limited visibility from any public place. He noted that concerns had been expressed that further accommodation at the property would result in parking problems in the vicinity. However as the property would retain a garage, a car port and two

hard-surfaced, off-street parking places, as well as a gravel area in front of the house, he considered that the proposal would not result in any additional hazard or inconvenience to drivers or pedestrians.

The appeal was allowed and planning permission granted subject to conditions.

- (l) Development of a new vehicular access at 10 Crown Hill, West Buckland (46/2003/024)

Decision

The Inspector considered that the banks on either side of the proposed access and any retaining wall would constitute a significant obstruction to visibility for vehicles manoeuvring out from the access. He also felt that the dimensions of the proposed development would not appear to be adequate to accommodate a suitable off-street turning area for vehicles.

In the Inspector's view, the restricted visibility and proximity of the brow of the hill would make reversing in or out of the appeal site a hazardous manoeuvre and would jeopardise highway safety. The appeal was dismissed.

- (m) Development of Health Centre with associated car parking 42-46 High Street, together with land at rear between High Street and Scotts Lane, Wellington (43/2003/134)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed.

- (n) Erection of a 48 sheet panel advertisement in the car park, Lidl Store, off Wood Street, Taunton (38/2003/497A)

Decision

Although the proposed position of the panel would have very little visual impact on Goodlands Gardens, in an area generally devoid of signs and obvious commercial features, its display in isolation would be particularly prominent. The Inspector considered that the promotional display panel would be unduly obtrusive and would be counter to the improvements to the amenity of the Wood Street area.

He also noted that planning permission had also been given to develop the area opposite the road entrance to the store with residential flats. If these were built they would be overlooked by the proposed panel, further increasing the objections to its display. For these reasons, he felt the size and exposed siting of the panel would not respect the setting and outlook of the neighbouring residential area. The appeal was therefore dismissed.

- (3) Reported that the following informal hearings had been arranged:-

- (a) Two Acres, Ford Street, Wellington – Committee Room No 1 – 19 January 2005; and
 - (b) Bussells Farm, Blackmoor, West Buckland – Committee Room No 1 – 20 January 2005.
- (4) Reported that the following Public Inquiries had been arranged:-
- (a) ASDA Call-in – Principal Committee Room – 1 March 2005 (for three days); and
 - (b) Hunts Court, Corporation Street, Taunton – Principal Committee Room – 8 March 2005 (one day).

(The meeting ended at 6.53 pm).

10/2004/018

MR PETER KIRBY

CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO FORM DWELLING AT FORD FARM, MOOR LANE, CHURCHINFORD

21618/12381

FULL PERMISSION

PROPOSAL

The building is located on the southern side of Moor lane to the east of the village of Churchinford and within the Blackdown Hills AONB. The building is set back from the road and currently accessed by a field gate. There is evidence of a traditional stone building on site, but it has been much altered and a modern extension added. The proposal seeks to remove the more modern extensions and raises the eaves level, replacing the existing monopitched roof with a tiled roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the recognised boundary limits for Churchinford and it must therefore remain matter for the planning authority to determine the suitability of this building for conversion to a dwelling. Should this proposal be acceptable from a planning view point suggests conditions. SOUTH WEST WATER no objection. ENGLISH NATURE have records of bats roosting in the surrounding area, therefore, protected species such as bats and barn owls may be present in the barns and both species are protected under the Wildlife and Countryside Act 1981 (as amended). Under the Act barn owls are protected such that it is illegal to intentionally or recklessly disturb them whilst they are nest building or if eggs or dependent young are present in the nest. It is illegal to intentionally or recklessly kill, injure or otherwise disturb bats, or damage or destroy their roosts. Bats and their roosts are also given similar protection under European Law - The Conservation (Natural Habitats, &c.) Regulations 1994. English Nature would advise that a wildlife survey should be undertaken by an appropriate qualified surveyor. We would wish to see the results of that survey before we can make any further comment.

WILDLIFE SPECIES CO-ORDINATOR whilst the wildlife survey did not show evidence of roosting bats and owls I believe there is a case to condition access for bats to the roof space to prevent loss of potential habitat. ENVIRONMENTAL HEALTH OFFICER no observations.

PARISH COUNCIL this proposal was discussed by my Council at its Meeting yesterday and, after a great deal of debate, it was decided that the application should be supported. In the main, the contentious points were provoked by your "Policy Guidance on Rural Building Conversions" e.g. (a) the barn in question is within "open countryside", not in a "yard"; (b) it is outside the existing "settlement limits"; (c) an "enclosed plot" will result; (d) the building, "even if was to fall into worse disrepair", would not blend into the rural scene as "blocks" constitute a large proportion of the existing structure. As stated my Council is in favour of the proposals but it would like to

see:- (i) the removal of the Velux rooflight to be replaced with something more in keeping with the style of the structure - perhaps more like the second drawing on page 7 of your "Guidelines"; (ii) provision be made to encourage "protected species" as described in Appendix E of your "Guidelines".

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; (A) the building proposed to be converted is of permanent and substantial construction and: (1) is in keeping with its surroundings; (2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (3) is unlikely to attract a suitable business re-use; and (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality. Policy EN10 Priority will be given to preserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs). Development which would adversely affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs, major industrial or commercial developments will not be permitted unless they meet the following additional criteria: (A) the development would meet a proven national need; and (B) the development cannot be located elsewhere. The protection of views to and from Areas of Outstanding Natural Beauty will be an important consideration.

ASSESSMENT

The site lies in open countryside where planning permission for new housing will not generally be granted in line with Policies S8 and H1. In order to overcome this objection, a building needs to be suitable for conversion without major rebuilding or significant alteration. Whilst there are remnants of a traditional building here, much alteration will be required, including the raising of the walls and the creation of an entirely new roof structure. The proposal therefore fails to meet the requirements of Policy H9.

RECOMMENDATION

Permission be REFUSED for reason that building cannot be converted without major rebuilding or significant alteration and that the proposal is contrary to Taunton Deane Local Plan Revised Deposit Policies H9 and EN10.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

11/2004/012

FRANCIS DARLOW

ERECTION OF A CONSERVATORY AT COMBE END, COMBE FLOREY.

14574/31321

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a conservatory, measuring 5.4 m x 3.3 m x 3.1 m to the ridge on the front elevation of a bungalow.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no comments received.

POLICY CONTEXT

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

ASSESSMENT

Despite the conservatory being proposed on the front elevation of the property, considering the existing character of the bungalow and that it is set back from the highway by some 20 m and is well screened by hedges and trees on the roadside boundary the proposal is considered acceptable.

RECOMMENDATION

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

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

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:

12/2004/004

QUANTIC PROPERTIES (AXMINSTER) LTD

ERECTION OF HOUSE AND GARAGE, FORMATION OF ACCESS TOGETHER WITH NEW GARAGE AND ACCESS TO EXISTING HOUSE AT MEADOWS EDGE, CORFE AS AMENDED BY DRAWINGS 0341/10 REV B AND 11 REV B ATTACHED TO AGENTS LETTER DATED 27TH JULY,2004

23175/19532

FULL PERMISSION

PROPOSAL

An outline application for the erection of a dwelling on the site was refused under delegated powers in January 2003 for the following reasons:- "The Local Planning Authority is not satisfied on the basis of the information submitted that a dwelling could be located on the site without causing demonstrable harm to the character of the Corfe Conservation Area. The proposal is therefore contrary to Policy EN15 of the Taunton Deane Local Plan Revised Deposit."

Two subsequent full applications have also been refused for similar reasons, the latter is currently the subject of a written representations appeal. This current application has been submitted following protracted negotiations with the applicants and their agent. It comprises a dwelling of simple design using traditional buildings with a catslide roof with a dormer to the rear. Two copper beech trees on the site frontage have recently been felled. However, the proposal does not impact upon the oak tree to the rear of the site which is the subject of a Tree Preservation Order.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY my comments dated 17 February 2004 on planning application no 4/12/2004/001 equally apply. You will be aware from previous applications that refusal was recommended on highway grounds for the following reason:- The proposed development would be located where it would be remote for adequate services, employment, education, public transport, etc., and will therefore increase the need for the journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and RPG10 and the provisions of Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. 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 'mains'. There are no public surface water sewers in the vicinity. No surface water should be discharged to the public foul sewers. Alternative arrangements for surface water drainage should be investigated. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. According to our records, there is a public water main close to the site boundary. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre

easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing 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 development should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

LANDSCAPE OFFICER the proposed dwelling is a good distance from the Tree Preservation Order oak in the rear garden and unlikely to affect it although some of its amenity from the main road will be lost. However it may need tree management to maintain its health longer term. In order to maintain the character of the Conservation Area I think the front road boundary treatment will be very important. I suggest a chert wall with shrub and small tree planting behind it. The two beech trees felled will need to be replaced with more appropriate tree species. I recommend the services pole is undergrounded. CONSERVATION OFFICER the current scheme is much improved on the former and encompasses design elements appropriate to the character of the Conservation Area which were lacking in the earlier design. There are however four main issues which, in my opinion, still let the proposal down in terms of the building making a positive contribution to the character of the Conservation Area. The orientation of properties within the Conservation Area is strongly north to south or east to west, i.e. the properties directly face or are at right angles to the street. In this proposal, whilst essentially north to south orientated, it is in fact set at an angle, thus belying one of the essential characteristics of the Conservation Area. Whilst dormers are not a common characteristic, they do exist in the Conservation Area but, where they do, the outer face is in the same plane as the main wall and does not project forward as in this design or on that identified at Photo 6 of the submission. Whilst the applicant's agent has been advised to consider the approach of a traditional building which has evolved (hence the dropped windows to provide doors and the catslide to the rear), the dormer position and its use in the overall design is clearly a giveaway. In addition, because of its position in the roof, it is viewed as a dominant feature particularly on side elevations. Whilst the garage can be viewed as an addition from the street, this is clearly not the perception from the side or rear elevations. Given the cottage design approach advocated, the ridge height should be no higher than Meadows Edge. In summary, whilst this scheme is much improved (and better justified) in terms of its appropriateness to the character of the Corfe Conservation Area, the above issues in my opinion require addressing. I therefore cannot support the application proposals as they stand.

PARISH COUNCIL the Councillors looked at many aspects of this application and in particular, addressed the basic questions (1) Does the proposed dwelling preserve or enhance the character of the conservation area?; (2) Does the proposal overcome the reasons given for the refusal of the previous applications? The Councillors were unanimous in that they strongly objected to this plan for the following reasons:- (A) Effect on the Conservation area. Whilst the exterior appearance of the house design has been somewhat improved from the previous applications, the proposed house

remains far too large, too tall and dominating over the surrounding buildings, and much too close to the Old Forge. Further the proposal to set it at an angle creates an added difference to the existing houses. The proposed house is thus far too large for this site. Further, concern continues to be expressed that the conservation area would lose another of its gaps between houses. These gaps have been identified as one of the positive points of the Corfe Conservation Area, which should be preserved. Thus it is in no way considered as enhancing the character of the conservation area. (B) Risks to road safety in the village, considerable concern was expressed over the intention to have an additional access onto B 3170. The road is very narrow at this point, and traffic flow is fast even though there is a 40 mph limit, so that an additional access would be dangerous. (C) Effect on street scene. The unfortunate felling of 2 medium sized copper beech trees, and other works by the builder has already affected the street scene in the Conservation Area, and this Council opposes the plans by the builder to make cuts to the ancient oak so that he can fit an overlarge house onto this small plot. Indeed the proposed work on the tree and on the site could endanger the amenity and the survival of this ancient oak tree. (D) Other effects. Concerns have been expressed that the plan to install access drives to the new and existing houses, plus proposals for terraces would result in a significant increase in surface water run-off from the site. This would then run onto the road and create a risk of flooding further down the road and increase risk to road users. Further, the existing ancient sewerage system may not be able to accommodate the increased loading from such a large new house. Based on these concerns the Councillors came to the conclusion that this plan neither preserves nor enhances the character of the) conservation area, and therefore it does not overcome the reasons given for refusal of the previous applications. The Councillors unanimously supported the proposal that this planning application should be refused.

36 LETTERS OF OBJECTION have been received on the following grounds:- highway danger; will detract from existing house; loss of copper beech trees makes site open to road; trees should be replaced; building should be brought forward; site not large enough; building will dominate; garaging should be shared; will detract from Conservation Area due to scale; location and design; design is hybrid of many examples of local vernacular; impact on drainage; no need; flood risk; inadequate visibility; overdevelopment; new housing should be restricted to affordable houses only.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B), (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density

of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. Policy 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 Highway Authority has not raised any technical reasons why the proposal should not be allowed and it will not cause demonstrable harm to the amenities of any nearby residents. The site is large enough to accommodate a dwelling in principle. The key issue therefore is whether the proposal preserves or enhances the character and appearance of the Corfe Conservation Area in line with Policy EN15. Any such judgement is inevitably to a degree a subjective one. A number of the concerns of the Conservation Officer have been met. However, the suitability of the rear dormer remains a concern. In light of the fact that it is tucked away at the back of the building it is concluded that a recommendation of refusal on these grounds alone could not be justified. The proposal is therefore considered acceptable in terms of Policy EN15.

RECOMMENDATION

Subject to further observations of the Landscape Officer and Conservation Officer the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, drive materials, mortar, landscaping, tree protection, walls and fences, service trenches, access, surfacing, access gradient, gates, visibility splays, garage use only, meter boxes, timber windows, no extensions, surface water details. Notes re drainage, highway water, compliance and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposal is acceptable in highway safety and neighbour amenity terms and therefore accords with Taunton Deane Local Plan Revised Deposit Policy H1. In the opinion of the Local Planning Authority the proposal presumes the character of the Corfe Conservation Area and therefore accords with the requirements of Taunton Deane Local Plan Revised Deposit Policy EN15.

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:

20/2004/017

MR & MRS WILCOX

ERECTION OF TWO STOREY EXTENSION AT EPWORTH, KINGSTON ST MARY.

21989/29528

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a two storey extension to a bungalow, without increasing the overall height of the property due to sloping levels. This detached bungalow is accessed along a private drive serving 4 properties of which the applicants is the last. From this northern access point, the only view of the property, the proposed extension would increase the width of this elevation from 7.3 m to 12 m. A pitched dormer and balcony are incorporated on the south side of the extension that would not be seen from the northern access point.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no comments received

ONE LETTER OF OBJECTION has been received raising the following:- the proposed velux windows will affect privacy in my garden, however no objection to the overall plan.

POLICY CONTEXT

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

ASSESSMENT

The application related to a two storey extension to the east elevation of the property. First floor windows are proposed in the east and south elevation and the latter direction also incorporates a balcony. The representation received raises concern that the two velux windows in the north elevation will overlook the neighbouring property to the north. However, the velux windows will be above head height, only offering skyward views and are located sufficient distance away not to cause a detrimental loss of residential amenity. Furthermore the boundary between the neighbouring property is screened by trees. Other first floor windows and the proposed balcony all face adjoining fields and in particular trees heavily screen the east boundary of the property. It is therefore considered that the proposal would not cause a detrimental affect to the residential amenity of the area.

The design of the extension would appear appropriate considering the existing style of the property. Although a two storey extension is proposed to this single storey bungalow, sloping land levels facilitate the proposal without raising the overall roof height of the dwelling. The roof of the proposed gable matches the pitch of the existing gable on the east elevation and matching materials to the existing house are proposed. The proposed gable is however deeper than the existing but is considered in proportion and in-keeping with the existing character of the property. The proposal is therefore considered acceptable in design terms and would not detrimentally affect the visual amenity of the area.

RECOMMENDATION

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

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

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:

27/2004/015

R W MOORE

**ERECTION OF SINGLE STOREY EXTENSION AT 1 PONTISPOOL COTTAGE,
NORTON FITZWARREN, AS AMENDED BY LETTER AND DRAWINGS RECEIVED
12TH JULY 2004.**

17587/25495

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a modest single storey extension to the rear of this extended stone cottage. The extension takes the form of a projecting gable on the north corner of the property measuring 5 m x 3.9 m x 3 m to the ridge. Also incorporated is a mono-pitched link to the gable extension measuring 4 m x 1.75 m x 3 m to the ridge. The proposal could normally be constructed under permitted development rights, without the need for formal consent, however the property has previously been extended by a two storey extension to which the proposed would be attached.

The proposal has also been amended so that the extension does not extend beyond the gable end of the property and removes an undesirable low pitched mono-pitched roof section with the proposed gable.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL (Comments on originally submitted plans) the Parish Council rejected this application they said it was an abomination and not aesthetically pleasing. It projects beyond the gable and the pitch of the roof looks all wrong. (Comments on amended plans) the Parish still do not agree with this application, notwithstanding the changes that have been made it is still felt that this is aesthetically wrong and totally unacceptable.

POLICY CONTEXT

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

ASSESSMENT

The originally submitted drawings were amended in line with officer and Parish Council concerns to that now proposed on this semi detached property. The Parish Council still however maintains objections on aesthetic grounds. The proposal relates to a modest extension in terms of bulk that is stepped in from the north east gable/building line and is considered to offer an appropriate level of subservience. The simple roof form comprising a gable and mono-pitch would also appear to comply with the Taunton Deane Design Guide and is considered an appropriate and common form of

development, suitable for use on buildings of this character. The proposal is therefore considered acceptable in design terms.

In terms of the impact the proposal would have upon the amenity of the area, due to high roadside hedges the proposed extension would not be particularly visible from the road and is therefore not prominent within the street scene. Even if the proposal were not screened, its modest form and acceptable design would appear to ensure that the development would not be detrimental to the visual amenity of the area. Furthermore the proposal would not be detrimental to the residential amenity of the adjoining property as it is positioned away from the adjoining boundary, has no windows facing the neighbouring property and would not result in any detrimental loss of light. Looking at the rear of these properties, there are two rear extensions on the neighbouring houses that are constructed of materials of far less quality than that proposed, i.e. asbestos and polycarbonate roof, erected under permitted development rights. Also a flat roof dormer has been constructed and therefore given that the rear of the properties has been so altered the proposed extension would be a considerable improvement.

RECOMMENDATION

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

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

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:

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 AND PLAN NO. POL646 REV C RECEIVED 5TH AUGUST, 2004

23480/26843

FULL PERMISSION

PROPOSAL

This application was presented to Committee on 7th July, 2004 with a recommendation that permission be granted members resolved to defer for further investigations to take place concerns having been raised as to whether or not access into the proposed garage could be achieved.

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 received setting the garage 500 mm back from the front of the property and widening it by 400 mm.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raised concerns to proposal as originally submitted on grounds that the owner does not own sufficient land to form an access to the garage in the position shown and the adjoining neighbour (No. 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 H19 extensions to dwellings state:- Extension to dwellings will be permitted provided they do not harm: A. The residential amenity of other dwelling; B. The future amenities, parking, turning space and other

services of the dwelling to be extended: and C. The form and character of the dwelling and are subservient to it in scale and design.

ASSESSMENT

A site meeting has been undertaken to ascertain if a car could be driven into the proposed garage space without encroaching onto the neighbour's garden. The applicant was observed gaining access to the proposed garage with no encroachment. Having spoken with the applicant's builder it is now proposed to enlarge the garage by a further 400 mm. It will measure 3800 and a garage door measuring 3.048 m will be installed. It is proposed to site the garage 500 mm back from the front of the dwelling.

Whilst the observations from the neighbour and Highway Authority have been taken into account I am now satisfied that the garage can be satisfactorily accessed. 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

Subject to no new issues being raised on the amended plans by 19th August, 2004, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit and materials.

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

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

CONTACT OFFICER: 356462 MRS S MELHUIH

NOTES:

38/2004/243

CREST NICHOLSON (SW) LTD

ERECTION OF 61 FLATS AND ANCILLARY WORKS ON LAND AT THE FORMER SWEB SITE, PRIORSWOOD ROAD, TAUNTON.

23624/25731

FULL PERMISSION

PROPOSAL

Outline permission was granted in October 2002 for the redevelopment of the former SWEB site for mixed uses. Detailed permissions have now been granted for 135 dwellings, a Travel Lodge and Inn. The current application is for the construction of 8 two, three and four storey blocks of flats on a strip of land (0.55 ha) adjacent to the Obridge viaduct. There would be a mix of 14 one bed roomed flats and 47 two bed roomed flats. The design and materials of the units would be in keeping with the remainder of the site. The access would be off existing internal access roads that would be extended along the line of the viaduct with a turning area to the south of the site. The proposal would provide one parking space per unit with additional cycle parking facilities for each flat. The land immediately adjacent to the canal would be landscaped in keeping with the details already approved, providing additional public open space. The proposed flats back onto the existing housing/flat development. Care has been taken to avoid any un-neighbourly positioning of the flats with window to window distances of 19 - 20 m. Landscaping has been indicated including additional landscaping at the base of the viaduct on County Highway Authority land within the site to soften the impact of the development.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY (1) It is assumed that the thick line along the east boundary of the site ties in with the boundary of Somerset County Council owned land, however, I cannot confirm this from the plan which I have as it appears to have been reduced from the original 1:500th scale plan. This land was acquired at the time of the construction of the Obridge Viaduct to enable a second carriageway and bridge to be constructed along side the existing. The date the second bridge and carriageway have not yet been implemented and whilst there are no immediate plans to undertake these works a dualling of this section of carriageway may well appear in the forthcoming Structure Plan Review. It is therefore important that the land required for these works is retained and the proposed development does not compromise the deliverability of dualling of this section of highway in the future. (2) Construction of an abutment for a second bridge alongside of the existing will necessitate access by heavy plant and machinery. It is noted that the severity of the bend at the northern end of the access road is such that an articulated vehicle would not be able to negotiate the bend without over-running the footpath. Efforts should be made to get the land of the development adjusted to ensure that heavy plant machinery which will be required for the construction of any second bridge. There is an agreement and Deed of Variation between Somerset County Council and Dowlas Development and Crest Nicholson residential dated 23 October 2002. This Legal Agreement relates to the construction of

the access road for the maintenance of the existing Obridge Viaduct and a future second carriageway and Viaduct, it is shown on the enclosed plan Drawing No. 01 Rev G (Plan No. 2 included in the Deed of Variation) between points A, B and C. The access road is to be 5.5m wide along its entire length the bend at point 'B' on the plan is to have a radius of 10m on the inside and 4.5m on the outside as indicated. The road needs to be constructed a minimum distance of 450 mm from the County Council land. This is to provide a buffer strip between the road and any walls that would be required during the construction of the second carriageway and bridge. The alignment and the dimensions of the road shown on the submitted plan prepared by Crest Nicholson Drawing No. SW857/LA/01 should be amended to conform with the above requirements. (3) The proposals include landscaping which is within the area owned by Somerset County Council on land which would be required for any future dualling, this is not acceptable and any landscaping required for the development should be provided within the area of the development itself. (4) It is noted that the development consists of blocks of flats up to 4 storeys high, which are in close proximity to the existing carriageway and will be even closer to any second carriageway that may be provided in the future. It will be very difficult to provide mitigation measures against visual/noise intrusion to these properties. Measures should be taken within the construction detailing of the flats to provide mitigation measures such as a requirement for noise insulation to be provided on any windows, which face Obridge Viaduct. (5) The turning zone indicated on the submitted plan is on Somerset County Council land. This land is subject to a Legal Agreement for bridge maintenance and must be kept clear. I look forward to receiving details as to how the developer intends to ensure the area for bridge maintenance is kept clear. I enclose a copy of the comments from the Estate Road Section on the highway details shown on the submitted plan. The items detailed are to be included in a Section 38 Agreement. WESSEX WATER there is a public foul/surface water sewer crossing the south of the site, a diversion of the sewer has been proposed and there is no objection to this. Surface water should be discharged to the public surface water system wherever possible and should only be discharged into the combined sewer if there is no alternative. New foul and surface water sewers will need to be agreed, the water supply serving the site has sufficient capacity. CHIEF FIRE OFFICER the properties should be designed to comply with the Fire Precautions Act 1971 and the relevant building regulations

LANDSCAPE OFFICER subject to appropriate landscape details and open space provision I have no objection. HOUSING OFFICER whilst it would be ideal for all of these flats to be for social housing I would accept the additional 8 units at nil subsidy as discussed with the applicant. ENVIRONMENTAL HEALTH OFFICER the noise report suggests that acceptable noise levels can be attained. Details of the ventilation systems will be required. The previous contaminated land condition should be attached again. Additional views awaited. LEISURE AND RECREATION OFFICER views awaited.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant Policy 49 requires proposals for development to be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a

particular development would warrant an exception, not derive access directly from a National Primary or County Route; Taunton Deane Local Plan Revised Deposit the following policies are considered especially relevant :- S1 Proposals for development should ensure that (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; Policy S2 requires development to be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements should (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; policy T24 A site of 3.3 hectares at Priorswood Road SWEB west depot as shown on the proposals map is allocated for a mixed residential and commercial development, provided that: (A) approximately 25% of the site area is developed for business or leisure uses compatible with the adjoining and proposed residential areas, and in the case of leisure, limited to small scale facilities with a local catchment; (B) the frontage to the canal is designed to respect the character and environment of the canal, incorporating a landscaped linear public open space with a minimum depth of 20 metres; (C) new dwellings are sited and designed to avoid noise nuisance from the Obridge Viaduct. In association with the development, the following will be sought: (D) cycle links to the A3259 and Obridge Lane; (E) education contributions if necessary in accordance with policy C1; and (F) affordable housing provision in accordance with policy H12.

M3a In order to promote sustainable travel, and to reduce the amount of land taken for development, the Borough Council will consider the need for residential car parking against the following criteria:- Impact upon urban design; The location of the development, and its accessibility to employment opportunities and services; The type and mix of proposed dwellings. The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres. The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows:- 1 space for all residential units with between 1 and 3 bedrooms; 2 spaces for residential units with four bedrooms or more

The outline permission has established the conformity with the Local Plan allocated site policy. Details of the noise attenuation measures have been submitted showing that acceptable noise levels can be achieved.

ASSESSMENT

The proposed scheme is in keeping with the high-density development elsewhere on the site. The blocks are of a similar design and will incorporate sound attenuation measures to ensure acceptable noise levels. To take account of the additional dwellings in this area of the site the developers have proposed (in addition to the social housing requirements of the outline permission), an extra 8 social housing units. A reduced level of car parking (1 space per unit) with the provision of cycle parking for each unit is considered acceptable in this location. A Unilateral undertaking for the social housing units and amended plans that will ensure a 20 m gap between the development and the canal, provide cycle parking, realign the access road in accordance with the County Highway Authority requirements are awaited. An additional contaminated land condition is not required as it remains on the outline but it will be necessary for additional details to be requested as a note attached to this permission.

RECOMMENDATION

Subject to the receipt of a unilateral undertaking for the provision of 8 social housing units at nil subsidy and acceptable amended plans the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and details be APPROVED. Notes re compliance with all of the outstanding conditions, and contaminated land.

REASON(S) FOR THE RECOMMENDATION:- The proposal is in accordance with the Taunton Deane Local Plan Revised Deposit allocated site T24.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2004/244

STRONG VOX

ERECTION OF 37 DWELLINGS ON SITE OF FORMER SOUTH WEST EGG PACKERS FACTORY, ROMAN ROAD, TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO AGENTS LETTER DATED 8TH JULY, 2004 AND AS AMPLIFIED BY AGENTS LETTER DATED 27TH JULY, 2004

24108/25006

OUTLINE APPLICATION

PROPOSAL

The site is located at the junction of Roman Road and Creechbarrow Road, adjacent to the Lidl food store. The site area covers 0.33 ha upon which there are currently buildings with a floorspace of 992 sq. m. Outline permission for residential development was refused in June 2002 for the following reason: "The proposal results in the loss of an important employment site. In light of a shortage of other available employment sites it is concluded that this loss outweighs any benefits resulting from a residential use. The proposal is therefore contrary to Policy EC6 of the Taunton Deane Local Plan Revised Deposit Draft". The current application is a full proposal for a high density residential scheme with terraces of dwelling around the site frontage, with a courtyard to the rear. Along the boundary with the Lidl store a three-storey apartment block is shown. This has been reduced from four-storey as originally submitted. Parking space is shown at a level of one space per dwelling. The applicant has submitted information from the selling agent suggesting a lack of sales interest for employment uses in the period leading up to the site's sale in March 2004.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHEOLOGIST no objection. WESSEX WATER the development is located within a sewered area, with both foul and surface water sewers available. The developer has proposed to dispose of surface water to an existing surface water sewer. In order to ascertain if there is sufficient capacity in the sewerage system, detailed flow calculations/discharge rates will need to be supplied by the developer. Attenuation of surface water flows may be required subject to flow calculations. Surface water should not be discharged to the foul sewers. It will be necessary for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. Turning to water supply, there are water mains in the vicinity of the proposal. Again, connection points can be agreed at the design stage to accommodate an arrangement for the satisfactory supply of water. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. POLICE ARCHITECTURAL LIAISON OFFICER I have studied the above planning application and would raise the following concerns:- I appreciate the reasons for the proposed gated entrance. However, unless the gates are electrically operated and controlled either remotely or by coded/swipe card operation I have concerns over personal safety of those persons using the entrance. In reality, I believe that if it is necessary to get out of the vehicle to

open and close the gates, they will remain open at all times. The proposed planting within the development should be completed giving consideration to not preventing natural surveillance of the parking areas, entrances and footpaths. I also have some concerns regarding the rear parking area. There appears to be very limited opportunity for natural surveillance from plots 9,10 or the end elevation of the apartment block.

LANDSCAPE OFFICER the proposals provide little or no landscape amenity to their surroundings and would be very stark especially with the brick boundary wall. There is scope for landscape softening but it would be difficult to have any significant effect without reducing the number of units. PLANNING POLICY the site is a former employment use in a primarily residential area. Policy EC6 would apply, resisting the loss of employment land, unless the proposals outweigh the disadvantages. On the basis that viability of employment retention on this site has been thoroughly tested and unlikely to be secured, a residential use would be sustainable in this location, being in proximity to local shops and bus routes into the nearby town centre and local employment opportunities. The scale of the proposal would warrant the provision of affordable housing (under policy HI 2) and play provision (policy C4). ENVIRONMENTAL HEALTH no objection. HOUSING OFFICER would support a residential development on this site. We would require 30% of total numbers. This is a prime site on the edge of a local authority housing estate and close to local amenities and bus route. LEISURE DEVELOPMENT OFFICER whilst we would normally expect on site provision with a development of this size, we will agree to an off site contribution for local improvements to recreational facilities. Our recent green spaces investigation has shown Hamilton Gault Park to require much need improvement. We would therefore request a contribution of £806.00 per each of the 22 x 1 bed dwellings and £2,056.00 per each of the 22 x 2 bed dwellings, giving a total off site contribution of £62,964.00 in line with Local Plan Policy.

A letter has been received from the Manager of the adjacent Six Acres Resource Centre raising the following concerns: height of apartment block, density, impact on road safety, inadequate parking. (These comment were received before submission of the drawings reducing the height of the apartment block). A letter has been received from Exmoor Plastics Ltd objecting to the proposal on the grounds that they wished to purchase the site in October 2003 but were thwarted in their attempts by the selling agent who advised that it was already under offer and attach evidence to that effect. The claim that they have been seeking land for employment use, which they could purchase throughout Taunton Deane since September 2003. There is none suitable other than this site.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1 - Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give

priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. Policy EC6 - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

ASSESSMENT

The site is located within the urban area, where in accordance with Policy H1 of the Taunton Deane Local Plan there is normally a presumption in favour of the principle residential development. The scheme proposed is a high density urban scheme and whilst the opportunities for landscaping are limited, the urban design approach chosen comprising terraces wrapping around the site frontage is considered an appropriate one. Three-storey development is also considered acceptable away from the road frontage. The applicant has confirmed that the gated access will be electronically controlled which overcomes concerns raised by the Police Architectural Liaison Officer. The determining factor in this case is therefore the application of Policy EC6. The applicants claim that they marketed the site over an extended period and did not receive a viable offer for employment uses. However, this conflicts directly with the representations received from the local company who state that they wished to purchase the site, but their efforts were thwarted. In refusing the earlier application one decision notice contained a note suggesting that if the applicant could provide convincing evidence of lack of interest, the local planning authority may be willing to reconsider its decision. The evidence now available clearly demonstrated that the site was effectively taken off the market in October 2003 before being sold to a residential developer in March 2004. The only evidence as to whether there is potential interest in the site for employment use at the present time is therefore that provided by Exmoor Plastics. Their evidence supports the Council's view that there is a desperate shortage of this type of employment land in Taunton and that this site should remain available for employment use. The conclusion must therefore be that the overall benefits of the proposal do not outweigh the disadvantages of the loss of potential employment on the site. and that permission should therefore be refused in accordance with Policy EC6.

RECOMMENDATION

Permission be REFUSED for the reason that the proposal results in the loss of an important employment site. In light of a shortage of other available employment sites it is concluded that this loss outweighs any benefits resulting from a residential use. The Local Planning Authority is not satisfied on the basis of the information submitted that the site could not now be a successfully marketed for employment use. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy EC6.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

38/2004/260

SOMERSET COUNTY COUNCIL

ERECTION OF TWO STOREY COMMUNITY BUILDING WITH ASSOCIATED PARKING ON LAND TO REAR OF ST PETERS CLOSE, LYNGFORD PARK, TAUNTON (AMENDED PROPOSAL) AS AMENDED BY LETTER DATED 19TH JULY, 2004 WITH ATTACHED DRAWINGS

23431/26411

FULL PERMISSION

PROPOSAL

Planning permission was granted in last year for the erection of a building for Surestart adjacent to the library within Lyngford Park. The building made use of the sloping land to provide an 'under-storey' to allow for any future expansion needs of the unit. The proposal included a widening of St Peters Close to provide an adequate access to the site for servicing and staff. The current application proposes the erection of the same building but it has been relocated 1 m to the southeast (nearer to the footpath from St Peters Close into the park). In addition the building would now utilise the 'under-storey' to provide an additional full day care nursery. The additional facility has necessitated the provision of a larger outdoor play area and this would result in a larger area of land that would need to be fenced off from the main park for security reasons. The current proposal also alters the proposed access. It is now proposed to access the parking area from Eastwick Road, via the existing vehicular access to the library. The proposal would provide 10 replacement parking spaces for the library and 8 parking spaces for the Surestart staff. The Surestart site would have gates that could be closed preventing any misuse should the general public attempt to park there.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited

LANDSCAPE OFFICER no objection subject to the submission of a detailed landscape scheme. LEISURE AND RECREATION OFFICER it is considered that the community benefits of the proposal will be greater than the loss of public open space as the lease of the land requires a contribution towards new toilet facilities in a safer location and the use of the facilities but local clubs outside of the Surestart or County Council operating hours.

4 LETTERS OF OBJECTION has been received raising the following points:- the proposal does not include details of the siting of the replacement toilets; the use of the existing library car park and access would disrupt the use of the library and cause an unacceptable hazard to pedestrians and Traffic on Eastwick Road; 30-50 daily movements to and from the site are expected and the narrow entrance with only 8 parking spaces will create a significant traffic and safety hazard; 8 staff parking spaces will be insufficient; library users will have to park on the opposite side of the road and cross the busy road to use the facility; one disabled space is inadequate; there are no proposals to restrict on site parking to staff only and there is no provision for on site

parking for users leading to congestion; the proposal will exacerbate existing parking problems associated with the local shops and library; the Church's open plan parking area is likely to be used by Surestart customers leading to restrictions for parking at the church and reducing the availability of the church to its parishioners and local community; additional parking pressure would result in a safety hazard for users of the church; mains drain for 60 and 62 Eastwick Road cross the site; the only reason for the amended proposal is the delay in the legal transfer of land from the church; it was only after the church approached the applicants that terms of agreement were agreed earlier this year; if work does not commence in this financial year then funding will be lost; an interim arrangement could be agreed prior to the final transfer of the land from the church; there has been inadequate publicity of the proposal locally and any decision may be illegal.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan Review Policies STR1

Development in Somerset and the Exmoor National Park should be of high quality, good design and reflect local distinctiveness; STR4 New development should be focused on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed-use development. Policy 49 Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for acceptable improvements. Taunton Deane Local Plan Revised Deposit the following policies are considered to be relevant:- S1 (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) 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; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; S2 Development must (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected. C3 Proposals involving the loss of recreational open space, including allotments, public, private and school/college playing fields, sports grounds and children's play areas will not be permitted unless: (A) there is an excess of good quality recreational open space of the type which would be lost, sufficient to meet local demand; or (B) the proposed development provides recreational or community benefit greater than the long term recreational value of the open space that would be lost; or (C) equivalent provision in a convenient location is made to at least an equal standard and with equal community benefit.

M1 Non-residential developments will be permitted provided that they cater safely for the expected number of trips generated or attracted by them and: (A) the on-site parking provision does not exceed the maxima set out in policy M2; (B) cycle, pedestrian and public transport facilities are provided sufficient to cater safely and conveniently for those trips with no car parking provision; and (C) provision is made for the movement needs of staff, customers and other visitors with impaired mobility or disabilities by

careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking.

M2 Outside the settlement limits of Taunton and Wellington, the maximum permitted level of car parking for new non - residential developments will be the standards contained in PPG13 and RPG10. Within the Taunton Central Area and elsewhere within the settlement limits of Taunton and Wellington, parking provision will be limited to the following percentages of the PPG13 maxima: (i) Taunton Central Area 80% Retailing (class A), leisure (class D2), Cinemas and conference facilities. 60% employment (class B), Higher and Further Education, Hospitals, Stadia. (ii) Taunton and Wellington settlement limits 80%. Retailing (class A), leisure (class D2), Cinemas and conference facilities. 60 - 80% Employment (class B), Higher and Further Education, Hospitals, Stadia.

Policy C3 Proposals involving the loss of recreational open space, including allotments, public, private and school/college playing fields, sports grounds and children's play areas will not be permitted unless:- (A) there is an excess of good quality recreational open space of the type which would be lost, sufficient to meet local demand; or (B) the proposed development provides recreational or community benefit greater than the long term recreational value of the open space that would be lost; or (C) equivalent provision in a convenient location is made to at least an equal standard and with equal community benefit; or (D) in the case of school or college playing fields only: the land is needed for development of school buildings and/or associated facilities, and adequate playing fields to meet statutory requirements would be retained or provided.

ASSESSMENT

The principle of the building has been established by the previous planning permission granted in December 2003. The use of the under-storey would increase the intensity of the use but the previous scheme allowed for such uses in the future. Due to the new day care nursery additional outdoor play area would be required. Part of this would be provided on land between the building and the library but the proposal also incorporates an additional play area to the south west of the building in an arch that links to the corner of the play area. The Leisure and Recreation Officer has commented that the community benefits outweigh the loss of the open space on this occasion. This application now proposes access from Eastwick Road via the Library car park. The County Highway Authority views are still awaited and their comments thereon will be forwarded on the update sheet. The proposal maintains the provision of 8 parking spaces for the use Surestart. The Taunton Deane Local Plan requires the provision of a maximum number of parking spaces equivalent to 60% of the anticipated need. In this case there would be a requirement for 9 spaces to serve the equivalent of 15 full time members of staff. In addition the staff would be able to park in the Priorswood Youth Centre car park in Selworthy Road, which is under used during the proposed opening hours. In the circumstances I consider the proposed level of parking to be acceptable.

RECOMMENDATION

Subject to the receipt of acceptable amended plans and no objections by the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, staff parking only, access, car parking and servicing prior to commencement of use, provision of replacement car parking for the library prior to useful details of car parking and servicing areas; details of replacement toilet facilities and timescale for provision prior to commencement; community use (D1) only; trees to be retained and their protection; boundary treatment; landscaping; removal of GDPO rights for fences/walls

REASON(S) FOR RECOMMENDATION:- The proposal will not cause demonstrable harm to the amenities of nearby properties. Levels of parking provision are considered acceptable and community benefits outweigh the loss of public open space. The proposal therefore accords with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 45 and Taunton Deane Local Plan Revised Deposit Policies S1, M1, M2 and C3.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2004/267

SUMMERFIELD DEVELOPMENTS (SW) LTD

**ERECTION OF TWO THREE STOREY BUILDINGS ACCOMMODATING 11 FLATS
ON LAND OFF EASTLEIGH ROAD, TAUNTON**

23767/24540

FULL PERMISSION

PROPOSAL

The proposal is for the erection of two residential blocks on land at the northern end of Eastleigh Road providing 11 self-contained flats with associated parking and amenity areas. The site is roughly wedge shaped, situated to the rear of the properties on Midford Road and Grays Road. The southern boundary of the site is adjacent to Eastleigh Road, with the neighbouring fish and chip shop (which does not form part of the application) within this wedge. The site is currently used for informal car parking 11 car parking spaces are shown in respect of this development. A proposal for buildings of similar position accommodating 8 flats was granted in October, 2002.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations received. COUNTY ARCHAEOLOGIST no observations. WESSEX WATER the development is located within a sewered area, with combined sewers available. The developer has proposed to dispose of surface water to the combined sewer. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. POLICE ARCHITECTURAL LIAISON OFFICER my concerns are simply that the entrance doors are not overlooked by any other properties, i.e. natural surveillance. I accept that there will be some surveillance from other residents of the proposed new build, but this will be limited. I am not suggesting that a CCTV system should be installed. Ideally, I would recommend that entrance doors are positioned so that they are overlooked by the living rooms' of neighbouring properties. I would support the intention to install an access control system to each entrance.

ENVIRONMENTAL HEALTH OFFICER no observations. LEISURE DEVELOPMENT OFFICER the proposed development does not make provision for childrens play and activity although it will generate additional needs. I would therefore request a contribution of £806.00 for sports facilities per each of the 1 bed dwellings together with £2,056.00 per each of the 2 bed dwellings for sport and play facilities giving a total of £16,366.00. The sports contribution from each of the 1 bed dwellings to be used at Hamilton Gault Park with the childrens play contribution from each of the 2 bed dwellings being used for improvement to facilities at the local play area.

10 LETTERS OF OBJECTION have been received on the following grounds:- will overshadow existing properties; increased use of lane will increase potential for crime and noise; traffic problems already in area; extra parkign; water pressure will be affected; type of occupant will encourage loud music; overlooking; should not allow changes to approved development; loss of light; design of building not in keeping; bedrooms smaller than prison cells; access inadequate; loss of value to surrounding proerpties; blocks vies of Blackdown Hills.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H1Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.

ASSESSMENT

This proposal needs to be assessed against the scheme already approved. Parking provision remains at one space per flat. Whilst the extent of three storey development to black A is increased it is not considered that the increase in impact on properties in Grays Road will be materially increased. A condition is proposed which will ensure that no direct overlooking will occur. The architect has been asked to reduce the string courses, but has declined to do so. Notwithstanding this, the design proposed is considered acceptable.

RECOMMENDATION

Subject to the agents response to the Police Architectural Liaison Officer's comments and a S.106 agreement relating to sport and recreation by 3rd September, 2004 the

Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, access treatment, landscaping, walls and fences, parking, completion of development, meter boxes, contamination, combined aerals, cycle store, windows in NW elevation to be fixed and obscured. Notes re Wessex Water, remediation strategy, construction noise, compliance, CDM Regs, disabled access.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

38/2004/277

MR G HILL

DEMOLITION OF GARAGE AND ERECTION OF TWO STOREY BUILDING TO FORM OFFICE AND GARAGE/STORE ON LAND TO EAST OF 3 NORTHFIELD ROAD, TAUNTON

22192/25002

FULL PERMISSION

PROPOSAL

The proposal is for the demolition of an unsightly double garage and for the erection of a 2 storey building with a similar footprint. The proposed building measures approximately 5.7 m x 4.5 m x 6.1 m to the ridge and is to provide a garage/store at ground floor level, with an office above. The proposal includes the provision of a half dormer on the front elevation and the materials are to be brick and tiles to match nearby premises.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

ENVIRONMENTAL HEALTH OFFICER no observations.

21 LETTERS OF OBJECTION have been received on the following grounds:- the description of the site is wrong; the extension extends beyond the boundary between our property and 3 Northfield Road; the existing boundary wall is a party wall and no request has been made to the joint owner of the wall for agreement to demolish and rebuild it; increase in traffic would contribute towards the deterioration of private access roads; access will be difficult for construction traffic on roads which already have parking problems; increased traffic will be detrimental to highway safety and pedestrian safety, loss of view.

POLICY CONTEXT

Policies S1 (general), S2 (design) and EC1 (employment development of the Taunton Deane Local Plan Revised Deposit are of most relevance as well as Policies M1 and M2 (parking).

ASSESSMENT

The description of the application has been amended and is now correct. Concerns regarding land ownership and the party wall are private legal matters and not planning considerations. The condition of the private access roads is also a private legal matter and not a planning consideration, nor is the access of construction vehicles a planning matter. The County Highway Authority have raised no concerns on highway safety.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, garage , GPDO windows. Notes re accordance with plans, Party Wall Act, permission of relevant landowner.

REASON(S) FOR RECOMMENDATION:- The design of the proposal is considered to be in keeping with the area and it is not thought that the scheme would significantly harm neighbouring amenity. The proposal is considered to accord with Taunton Deane Local Plan Revised Deposit Policies S1, S2, EC1, M1 and M2.

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:

42/2004/026

MR P PATTINSON

ERECTION OF CONSERVATORY AT THE BARN, SWEETHAY, TRULL.

20427/21380

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a conservatory to a barn which is currently being converted to a dwelling which was granted permission in October 1999. The building is of stone and timber construction.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL approve.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 and S2 seek, inter alia, to safeguard visual amenity. Policy EC3 accepts conversions of buildings to tourism uses, provided, inter alia, the building is of permanent and substantial construction; has a size and structure suitable for conversion without major rebuilding, or significant extension and alteration; has a form, bulk and general design in keeping with its surroundings; would not harm the historic heritage or surroundings of the building.

ASSESSMENT

Barn conversion policy accepts residential uses, but only provided that the building remains largely unaltered such that the traditional character and integrity of the building is retained. The proposed conservatory however, is domestic in appearance and would completely change the buildings agricultural feel.

The proposal is considered unacceptable.

RECOMMENDATION

Permission be REFUSED as being contrary to Taunton Deane Local Plan Revised Deposit Policies H9 and H19 as the conservatory will detract from the character and appearance of the building.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

PLANNING COMMITTEE – 18 AUGUST, 2004

Report of the Development Control Manager

MISCELLANEOUS ITEM

27/2003/007 ERECTION OF SINGLE STOREY EXTENSIONS TO THE SIDE OF CHURCH COTTAGE, HILLFARRANCE AS AMENDED BY AGENTS LETTER DATED 6TH MAY, 2003 WITH ACCOMPANYING DRAWINGS

The single storey extensions were granted permission by the Committee on 21 May, 2003.

The current proposal is for the insertion of a rooflight to the roof of a single storey extension to be treated as a minor amendment. The rooflight proposed is to be obscure glazed.

The Parish Council object as the application overlooks the neighbours property; original permission was granted on the grounds that the neighbouring property would not be overlooked.

Two letters of objection have been received raising the following:- roof space being used for bathroom and dressing room not storage; cherry tree that obscures view will be coming down once building work is completed; the other tree will also be cut back; extension and window visible above my 10 ft hedge; original approval granted as scheme would not overlook property to rear, if approval granted for roof window it would be a reversal of original decision.

One letter of support and two further letters raising no objection.

Taunton Deane Local Plan Revised Deposit Policy S1 (general requirements), S2 (design) and H19 (extensions to dwellings) are relevant to this application. These policies seek to ensure that extensions to dwelling do not harm residential amenity of other dwellings, nor the form and character of the property to be extended, and the extension is subservient in scale and design to the existing dwelling.

The dwelling to the rear is approximately 22 m distant and given the height and position of the rooflight, it is considered that there will be no significant overlooking. The rooflight is also proposed to be obscure glazed.

Permission is required to amend the application as the extension is not complete. As permitted development rights were not removed for further windows, once the extension is occupied the rooflight can be inserted as permitted development.

RECOMMENDATION

That the minor amendment be approved.

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

CONTACT OFFICER: Mr D Addicott Tel: 356463

PLANNING COMMITTEE – 18 AUGUST 2004

Report of the Chief Solicitor

MISCELLANEOUS ITEM

DISCHARGE OF SECTION 52 (S.52) AGREEMENTS RELATING TO HELE MANOR FARM, HELE

BACKGROUND

On the 22 December 2003, planning permission was given under delegated powers as follows:-

07/2003/018 - Change of use of yard and buildings to use as workshops, stores for agricultural machinery repairs, base for mobile mechanic and display of machinery and sale of tractors at land at Hele Manor Farm, Hele.

The proposal was considered acceptable as farm diversification in accordance with Policy EC5 of the Taunton Deane Local Plan Revised Deposit.

However, it has now become apparent that in the past when policies were more restrictive, the use of the land was restricted in various ways which now conflict with the permission granted in December of last year. There are three S.52 agreements dated the 5 July 1978, 4 January 1979 and the 2 September 1982 respectively.

The owner has requested that the S.52 agreements therefore be discharged so there should be no doubt as to the authorised use.

ASSESSMENT

The permitted use was considered acceptable and in line with policy in December 2003. The requirements of the previous S.52 agreements which sought to restrict the uses on the land are no longer considered appropriate and are out of line with existing policy.

RECOMMENDATION

It is therefore RECOMMENDED that the three S.52 agreements restricting the uses at Hele Manor Farm and dated the 5 July 1978, 4 January 1979 and 2 September 1982 respectively and made in each case between Taunton Deane Borough Council (1) and P.R.Thomas and J.E.Kilford (2) be discharged.

Chief Solicitor

Contact Officer Judith Jackson 01823 356409 or
j.jackson@tauntondeane.gov.uk

PLANNING COMMITTEE – 18 AUGUST, 2004

Report of the Development Control Manager

1. **File/Complainant Number** E27/48/2004
2. **Location of Site** Riverside Car Sales, Bathpool,
Taunton
3. **Names of Owners** Mr M Stewart
4. **Names of Occupiers** Riverside Car Sales
5. **Nature of Contravention**

Erection of building for car sales and repairs and display of flags.

6. Planning History

A complaint was received on 5 February, 2004 that a building had been erected on the site. A site visit revealed that the structure was an open fronted building constructed of metal sheeting. A number of conifer trees had been reduced in height, which has made the building more visible from the public highway. On further investigation of the use of the site it appears that this particular site has been used for many years as a small car repair garage and sales compound, however since Riverside Car Sales have taken over the site the business seems to have expanded, hence the need for the new building. A row of domestic style garages adjoin the site and front onto the access road which serves the other business units on the site. Two of these units are being used to store spare parts, which in turn are sold to the public. The aforementioned access road is also being used to display cars for sale from Riverside Car Sales. This has caused numerous complaints about restricting the access to other units. One in particular has large mobile cranes entering and leaving the site and has found manoeuvring difficult which in turn has lead to vehicles having to wait on the main highway at Creech Castle. Of further concern is the number of flags of differing design that are being displayed on site without any consent together with large signs which may cause a distraction to road users. A request for a planning application has met with no response.

7. Reasons for Taking Action

In view of the congested nature of the premises and the surrounding site any increase in accommodation has a detrimental effect on the other businesses and their trading abilities. The display and sale of vehicles on the access road causes congestion spilling onto the public highway. The display of flags and signs has a detrimental effect on both the visual amenities of the area and may cause a distraction for other road users.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice and commence prosecution action subject to satisfactory evidence should the notice not be complied with. Authorisation is also requested to commence prosecution proceedings for the unauthorised flag advertisements.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 18 AUGUST 2004

1 The following appeals have been lodged:-

Appellant	Date Application Considered	Proposal
Swan Hill Homes Ltd (52/2004/018)	16/6/04	Erection of 12 dwellings and formation of access on site of New Barn, 41 Comeytrove Lane, Taunton.
Mr & Mrs S J Smith (38/2004/120)	DD	Erection of first floor extension to rear at 15 Raps Green, Taunton.
Mrs G Baker (14/2004/012)	DD	Change of use and conversion of barn to form dwelling on land to north east of Bedruthan, Bull Street, Creech St Michael.
Mrs H Miles (36/2003/030)	-	Appeal against enforcement notice - unauthorised erection of a front boundary wall/fence over 1m high, adjacent to highway at 2 Meare Green, Stoke St Gregory.
Vodafone Ltd (22/2004/004)	DD	21m lattice tower with associated telephone works land near Thistlewood Bridge, Walcombes Farm, Richs Holford.

2 The following appeal decisions have been received:-

(a) **Re-siting of a 1.9m high boundary wall at 45 Farm View, Taunton (38/2002/072)**

The Inspector felt that the main issue was the effect of the proposed brick wall on the character and appearance of the area.

She felt that a wall immediately adjoining the pavement opposite to the gardens in Blackthorn Gardens would present an unbalanced aspect to the street scene. The uncharacteristic sense of enclosure created would create an intrusive feature within the area.

In conclusion, the Inspector considered that the proposal would be harmful to the character and appearance of the area, in conflict with emerging Local Plan policy.

The appeal was dismissed.

(b) **Erection of dwelling at land between 'Hillcrest' and 'Highfield', Maundown, Wiveliscombe (49/2002/035)**

The Inspector felt that the site was remote from any settlement and a new dwelling would generate extra traffic. He also felt that if permission was granted it would set a very harmful precedent.

In conclusion, the Inspector felt that the benefits of utilising this land as an infill site and occupiers contributing to local community funds did not outweigh the very cogent objection. He acknowledged the difficulty of making the land useful and that it probably had accommodated a dwelling in the past. However, there was no existing right of residential use apparent.

The appeal was dismissed.

(c) **Replacement of existing entrance door and additional window to the shop front, HSBC bank, 17 North Street, Taunton (38/2003/207 and 208LB)**

The Inspector accepted that the works to the entrance door were needed mainly to improve access for disabled persons.

He understood the Council's concern about the effect of the proposed new window, bearing in mind that the appeal building was listed and was located within the town centre. However, the ground floor elevation was very different to that of the original building and was also different to what was in place at the time of the listing.

The Inspector acknowledged that the Council wanted the appellant to carry out changes to restore the traditional shop front appearance. However, he felt that a further window would counterbalance the projecting sign and night safe at the northern end. The Inspector felt that more significantly, the proposed window should be assessed with regard to its likely effect on the character and special interest of the listed building frontage as a whole.

The upper floors were visually separated from the ground floor and, in common with many frontages in the vicinity, the treatment of the ground floor was different to that of the upper floor, where the regular arrangement of windows was conspicuous in the street scene.

In this context, the Inspector took the view that the creation of a new window as proposed would be seen as adequately preserving the visual amenities of the locality and the character and special architectural and historic interest of the listed building.

The appeals were, therefore, allowed and planning permission and listed building consent were granted subject to conditions.

(d) Erection of house on land adjoining Little Garth, Dipford Road, Trull, Taunton (42/2003/015)

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix A.

The appeal was allowed and planning permission granted subject to conditions. An application by the appellant for an award of costs against the Council was refused.

(e) Erection of replacement dwelling and detached garage with converted loft at Church Drive, West Buckland (46/2003/019)

The Inspector felt that the main issue was whether the proposed development would preserve the setting of the listed St Mary's Church and character of the surroundings.

He noted that whilst the development would not be seen together with the Church as a whole, it would form an element within its setting. Although there were trees on the site, the proposed two-storey dwelling would be more apparent than the current single storey building. The position of the proposal had kept the visual impact to a minimum and the siting and general form of the building was considered to be acceptable on this substantial site.

The Inspector was concerned that this quite large building and garage might intrude into the setting of the listed building on the approach to the church from the village, and from the churchyard, unless some screening which

currently existed along the boundaries of the appeal site was either retained or reinstated. He was content though that this could be achieved by imposing a planning condition.

The appeal was allowed and planning permission granted subject to conditions.

(f) **Erection of two storey rear extension, single storey side extension, rear conservatory and detached store building at 5 Ilminster Road, Taunton (38/2003/448)**

The Inspector felt that the main issues were the effect of the proposal on the character and appearance of the surrounding residential area and the effect on the living conditions of adjoining neighbours, particularly loss of light and outlook.

The proposed design made no attempt to achieve subservience and, if permitted, would create a marked change in the scale of the existing dwelling, which already projected further to the rear than its immediate neighbours.

In the Inspector's opinion, the proposal would be out of scale and character with the existing dwelling and other houses in the area, and would cause serious damage to the pleasant character of the locality. He concluded that the proposal would cause material harm to the character and appearance of the area.

As far as the effect of the proposal on adjoining neighbours was concerned, the Inspector considered that the significant depth and height of the two-storey extension would result in material loss of sunlight and daylight to No.7 Ilminster Road.

The appeal was dismissed.

(g) **Demolition of existing double garage and erection of bungalow and two double garages on land at 18 Homefield Close, Creech St Michael (14/2004/046)**

The Inspector felt that the main issues were whether the proposal would result in development appropriate to the pattern of surrounding development and whether it eroded the amenities of the occupiers of any neighbouring residential properties.

He considered that the layout of the area was pleasant in its character and appearance, which gave a perception of relative spaciousness. In his view the proposed development would fail to reflect the overriding spacial character of development in the locality and would give the impression of

inappropriately constrained development, with the effect visible both from Homefield Close and neighbouring properties.

In addition, owing to its proportions, the unrelieved elevational treatment, the lack of articulation in certain elevations and its basic fenestration pattern, the Inspector found the dwelling totally lacking in design quality.

He therefore concluded that the proposed development was unacceptable.

Turning to the second issue, the Inspector noted that the appeal proposal would introduce vehicular movement immediately adjacent to the north boundary of 16 Homefield Close. He was of the opinion that vehicles moving adjacent to this boundary would severely erode the residential amenities that occupiers of this neighbouring dwelling might reasonably expect to enjoy.

The appeal was, therefore, dismissed.

(h) **Retention of graphics/vinyl applied to first floor windows at Virgin Megastore, 27-27a Fore Street, Taunton (38/2003/640A)**

The Inspector felt that the signs fitted neatly within the frame of the upper floor windows, and complemented the black glazing bars.

The siting of the advertisements also respected the symmetry of the frontage and their contemporary appearance was in keeping with the design of the façade. In the Inspector's view, the advertisements added visual interest to the building without detracting from the architecture.

He also felt that the trees in front of the building would reduce the visibility of the signs at most times of the year and that they had added vitality to the street scene without appearing too assertive or dominant. The Inspector felt that the signs would have no adverse impact on the character or appearance of the Hammet Street Conservation Area.

In conclusion the Inspector considered the signs were acceptable in relation to the site and its surroundings.

The appeal was allowed and consent granted for the display of the advertisements.

(i) **Display of internally illuminated signs at Carpetright – Site at Priory Fields Retail Park, Taunton (38/2004/065A)**

The Inspector felt that the main issue was the visual impact of the displays.

He felt that because there was a good deal of ambient light in the immediate foreground, the impact of the illuminated signage would be minimal and that the appeal signs would not be unduly conspicuous in the general street scene.

In conclusion, the Inspector felt that the appeal signs were acceptable in relation to the appeal site and its surroundings.

The appeal was, therefore, allowed and consent was granted for the display of the advertisements.

(j) **Use of land for siting of agricultural workers mobile home at Triangle Farm, Churchstanton, Taunton (10/2003/022)**

Due to the complexity of the Inspector's decision letter, a full copy is attached for the information of Members at Appendix B.

The appeal was allowed and temporary planning permission granted subject to conditions.

(k) **Erection of eleven houses and three flats on site of former Whites Repair Garage, South Street, Taunton (38/2003/402)**

The Inspector felt that the main issue was whether the proposed car free residential development was acceptable in this location.

He considered that there was strong policy support for car free housing schemes on sites that adjoined Taunton Town Centre. The question of whether the increased demand would cause significant parking or highway problems was considered, but the Inspector was happy that during the day, there was capacity for short term parking on local streets, with longer term parking available in Duke Street Car Park. In the evenings and overnight, parking would be available within 300m of the appeal site.

The Inspector could see no reason why the development would cause highway safety problems in the area. Vehicles parking in South Street for short periods of time, would be a common characteristic of sites in inner urban areas. The carriageway was sufficiently wide enough to allow traffic to flow safely and no concerns had been expressed by the Highway Authority.

Concerns had been expressed by residents in Alma Street but it was thought that the replacement of an unsightly building with new 2-storey dwellings would be a considerable visual improvement and would not have a significant effect on light or appear unduly oppressive.

The Inspector concluded that this car free residential development, which accorded with local and national planning policies, was acceptable in this location.

The appeal was allowed and planning permission granted subject to conditions.

An application by the appellants for an award of costs was successful.

(l) **Appeal against enforcement notice – Retention of garage/shed on land at Fordbridge, Dairy House Lane, Bickenhall (04/2002/04)**

The Inspector considered the main issue to be the effect of the structure on the character and appearance of the surrounding rural area and the Special Landscape Area.

The storage building had been erected in open countryside, outside any town, rural centre or village and without any claimed agricultural justification. Although the requirement of a workshop/store to serve the needs of a wildlife sanctuary were well intentioned, planning permission was required.

The siting of the store was of concern, as it has been sited in an exposed area and was very apparent from the lane and public right of way. Rather than a store, the structure which was sited next to the driveway, seemed more like an ancillary residential building – an impression not assisted by its domestic scale and appearance.

In conclusion, the Inspector thought that whilst it was not unreasonable to require a workshop/store in connection with the proposed wildlife sanctuary on the land the structure, in such a prominent position, had an adverse effect on the character and appearance of the surrounding rural area and the Special Landscape Area.

The appeal was dismissed and the enforcement notice upheld

(m) **Erection of a new dwelling on land adjoining Allerford Cottages, Allerford, Oake (25/2003/026)**

The Inspector considered that disused railway tracks did not fall into the category of previously developed land and doubted whether the proposed dwelling in its raised position could be successfully screened.

In his opinion, the increased use of the narrow and unlit access road and the sub-standard junction with the B3227 would create an additional hazard to road safety. He also noted that the visibility at the access to the site was only about half of the normal requirement.

The Inspector concluded that the appeal proposal would be in harmful conflict with national and local policies for the protection of the countryside and the prevention of development in unsustainable locations.

The appeal was dismissed.

(n) **Replacement windows at 1 Heathfield Farmhouse, Creech Heathfield (14/2003/045LB)**

The Inspector considered the main issue was the effect the proposal would have on the character and appearance of the listed building.

The Inspector felt that the replacement windows would create an appearance materially different from the existing, particularly the difference in the dimensions and proportions of the glazing bars. He felt that the delicacy of details in the original windows would be lost.

It was also thought that secondary windows would be more effective than double-glazed units at reducing sound transmission and could, if properly designed and installed, provide a level of security equivalent to that of double-glazed windows.

The Inspector concluded that replacement of the existing windows with new double glazed windows would materially detract from the character and appearance of the listed building.

The appeal was dismissed.

(o) **Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St Luke, Taunton (06/2003/052)**

The Inspector considered that the main issue was the effect of the fence on the appearance of the immediate area.

He felt that the fence that had been erected alongside the footpath had eroded the openness within this part of the development and, should the opposite open space be similarly enclosed, the path would be turned into a short but narrow alley.

The Inspector concluded that the fence was an intrusive feature, the retention of which would significantly harm the attractive and open appearance of the immediate area.

The appeal was dismissed.



Appeal Decision **APPENDIX A**

Hearing held on 13 January 2004
Site visit made on 13 January 2004

by **Stephen Roscoe** BEng MSc CEng MICE

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Date

06 FEB 2004

Appeal Ref: APP/D3315/A/03/1118558
Little Garth, Dipford Road, Trull, Taunton, TA3 7NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs T Spurway against the decision of Taunton Deane Borough Council.
- The application (Ref.42/2003/015), dated 19 February 2003, was refused by notice dated 29 April 2003.
- The development proposed is a two storey dwelling with a new driveway.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

- 1 An application for costs was made by Mr and Mrs T Spurway against Taunton Deane Borough Council. This application is the subject of a separate Decision.

Main Issue

- 2 I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the surrounding area.

Planning Policy

3. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan adopted in 2000. Whilst I have been referred to various policies within this plan, the most relevant is Policy STR4. This policy seeks to ensure that new development is focussed on the towns identified in the plan, which includes Taunton, and that development is in accordance with the town's role and function, and individual characteristics and constraints. It also records that priority should be given to the re-use of previously developed land.
4. The development plan also includes the Taunton Local Plan First Alteration adopted in 1990. Within this plan, criterion 1 of Policy H/4 requires that the scale of new housing development, including infill sites within the recognised limit of Taunton, should conform to the level of change indicated for the sub-area. I have not been provided with any such information relating to the sub area in which the appeal site is located, and I cannot therefore take this policy into account in my decision.
5. The development plan is in the process of being replaced and I have been referred to the Taunton Deane Local Plan – Approved for Revised Deposit – 3 October 2000. Criterion (D) of Policy S1 requires that proposals for development do not harm the appearance and character of any affected landscape, settlement, building or street scene.

Policy H1 is permissive towards housing development within the defined limits of settlements and criterion (G) of this policy requires that small scale schemes in existing residential areas, which increase development density, do not either individually or cumulatively erode the area's character or residential amenity. The emerging plan has been the subject of an Inquiry, and the Inspector's report has been received by the Council. I understand that the Inspector has not recommended any changes to the elements of the policies to which I have referred, and I can therefore give them significant weight

6. In considering this appeal I have also taken into account relevant government advice, including that contained in Planning Policy Guidance Note 3 (PPG3): Housing. Paragraph 54 of PPG3 supports the more efficient use of land, although paragraph 56 encourages local authorities to focus on the quality of living environments being created.

Reasons

7. The appeal site is part of the garden of a detached house, Little Garth, which is situated within the settlement of Trull on the outskirts of Taunton. The garden boundary is coincident with that of the settlement. The appeal proposal comprises a 4 bedroomed house.
8. Little Garth is one of 4 adjacent houses which are set in spacious plots and form a finger of the settlement which projects into the open countryside. These spacious plots on Dipford Road are however a relatively small proportion of housing in the surrounding area. Other development in this part of the village includes a recently built area of detached housing at Barton Green, which lies adjacent to a field, and houses on Comeytrowe Road, which back onto open countryside. The proposed plots for the appeal house and Little Garth would have a similar width and front garden length to some of the properties on Comeytrowe Road and those at Barton Green. The appeal house and Little Garth would therefore appear to have a similar density and built form to these properties when seen from public areas, and would therefore not be out of character with the density of the surrounding area. The proposed rear gardens would be some 11m in length, which is shorter than those on Comeytrowe Road, but in my view adequate for the size of the properties. I do not consider that the smaller rear gardens would be apparent from the nearby public footpath or other areas of the open countryside, and they would therefore not increase the apparent density of the area.
9. The side elevation of the proposed house would be between 2 and 4m from the side elevation of Little Garth. While this spacing would be less than currently exists between each of the 4 adjacent houses, it would be similar to some of the houses in Barton Green, which is approximately 200m from the appeal site, and some of the houses on Comeytrowe Road. At my site visit I also saw that an extension is being constructed at Greystone on Comeytrowe Road, approximately 100m from the appeal site. This will almost fill a gap with the adjacent house, Springfield. In my opinion therefore, the gap between the proposed house and Little Garth would not be unusual for the area and I do not consider that the proposal would be out of character with the spacing of properties in the surrounding area.
10. The boundary between the appeal site and the open countryside comprises a 1.8m high close boarded fence. In my opinion this forms a distinctive boundary and I did not see any merging of settlement and countryside as suggested by the Council. Although there is a decrease in density moving away from the village core, I did not generally find that the

lowest densities were at the boundary of the settlement. My attention has been drawn to recent development at Bradbeers, The Thatches, Wyverne Road and Manor Farm, which I viewed on my visit. At these locations higher densities exist at the edge of the settlement. I also understand that there are no specific policies relating to the density or the nature of development in any transitional areas between the settlements and the countryside. I therefore do not consider that the proposal would have a harmful effect on the settlement boundary or conflict with the development plan in relation to the boundary. I have also been referred to a development under construction on Comeytrove Road which I saw on my site visit. This development comprises a new dwelling in the side garden of Roseacre. I consider that this adds weight to my opinion that higher densities are present towards the edge of the settlement. I have also taken into account that the side elevation of the proposed house would be 1.5m from the settlement boundary.

11. Near to the appeal site, Dipford Road has a generally enclosed appearance due to elevated properties, high hedges and an elevated footway. The 4 spacious plots are therefore not easily seen from the road. The roofs of the 4 properties however can be seen, but when viewed from any distance the spaces between them are not generally visible, and these spaces are therefore not a significant feature of the road. I understand that the Council has also recently permitted a 2 storey side extension to Little Garth. I therefore consider that the reduced spacing between the proposed house and Little Garth would not appear cramped or out of character with the remaining 4 houses and the built up frontage. In my opinion the development would therefore accord with advice in PPG3 in relation to the more efficient use of land, and the advice on the quality of living environments
12. The proposed house and Little Garth would have a similar height, scale and form when viewed from the road. Although the proposed house would be set forward by some 3m from the front façade of Little Garth, this projection would only comprise the ground floor. I therefore do not consider that the proposed house would dominate Little Garth.
13. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the surrounding area. I further conclude that it would thus accord with Structure Plan Policy STR4 and not conflict with criterion (D) of Local Plan Policy S1 or criterion (G) of Local Plan Policy H1.

Other Matters

14. The existing house, Little Garth, has 2 first floor windows in the side elevation which would face the proposed house. I consider that these windows could result in a loss of privacy to the occupiers of the proposed house through the proposed ground floor dining room, study and utility room windows. The first floor windows on Little Garth provide light and ventilation to 2 bedrooms. Each bedroom however has another window, and I consider that the harm I have identified could be overcome by the use of an appropriate condition. The proposed house would have 2 first floor windows facing Little Garth, which could result in a loss of privacy to the occupiers of Little Garth. These windows in the proposed house would provide light and ventilation to a bathroom and an ensuite. Although the appellants have stated that these windows would be obscure glazed this is not detailed in the application. Should the appeal be allowed, a condition would therefore be necessary to ensure that obscure glazing was fitted and maintained. I do not consider that the ground floor openings on the side elevations of Little Garth and the proposed house which face

each other would result in any material loss of privacy when a reasonable level of boundary treatment is taken into account.

15. At the hearing I was referred to various documents relating to the open countryside to the west of the appeal site, and its potential use for housing development. I understand that these documents are not part of the development plan or supplementary planning guidance, and I have therefore given limited weight to the representations made at the hearing in relation to this matter.
16. The proposed access would incorporate part of a nearby field access. I do not however consider that the proposal would materially affect the field access.

Conditions

17. I have considered the conditions suggested by the Council in the event of the appeal succeeding in the light of Circular 11/95: The Use of Conditions in Planning Permissions. I consider that conditions in relation to the approval of external samples, a landscaping scheme, boundary hedge and fence details, and the retention of the southern boundary hedge are necessary in the interests of visual amenity. In my view however, it would be reasonable to undertake the proposed planting following completion of the development, and a condition to require the replacement of failed trees or plants within a 5 year period is necessary. I also consider that the southern boundary hedge should be retained at its current height for a period of 5 years until the garden planting is established, and that should it fail, it should be replaced. In my opinion conditions relating to the provision of a parking area and appropriate drainage are also necessary, in the interests of highway safety.
18. I have already identified the possibility of harm in relation to loss of privacy. I consider that this could be overcome by requiring the first floor windows which face each other on Little Garth and the proposed house, to be fitted with obscure glazing and thereafter maintained. The application shows that these windows on the proposed house would be hinged in such a manner that in the open position they would still protect the privacy of the occupiers of Little Garth. I do not therefore consider that they would need to be non opening. The existing bedroom windows on Little Garth however would not provide such protection, and in my opinion these should be non opening, with the exception of top lights which would not reduce privacy. The windows on Little Garth are under the control of the appellant, and therefore any condition would be enforceable in accordance with paragraph 14 of Circular 11/95.
19. At my site visit I saw that the appropriate visibility splay would be accommodated on a grass verge outside the property, which I understand is part of the adopted highway. I do not therefore consider that a condition is necessary to protect the visibility splay. The Council has suggested a restriction on permitted development rights in relation to walls and fences. At the hearing, the Council explained that the purpose of the condition was to prevent unacceptable boundary fences, and both parties agreed that this condition was unnecessary in view of the boundary fence condition which I have already considered. I concur with the view that this condition is unnecessary.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
-

Formal Decision

21. I allow the appeal and grant planning permission for a two storey dwelling with a new driveway at Little Garth, Dipford Road, Trull, Taunton, TA3 7NN in accordance with the terms of the application [Ref.42/2003/015] dated 19 February 2003, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The first floor windows on the elevation facing Little Garth shall be fitted with obscure glazing and thereafter maintained as such.
 - 4) The first floor windows of Little Garth on the elevation facing the permitted development shall be fitted with obscure glass and thereafter maintained. The windows, apart from top lights, shall be non opening and thereafter maintained as such.
 - 5) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include planting plans and schedules of plants, noting species and proposed numbers.
 - 6) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
 - 7) The existing hedge on the southern boundary of the site shall be retained to at least its current height, except at the point of the proposed access. If this hedge is removed, uprooted or destroyed or dies, another hedge shall be planted at the same place and that hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. This condition shall have effect until the expiration of 5 years from the date of the occupation of the building or the completion of the development, whichever is the sooner.
 - 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before development takes place. Development shall be carried out in accordance with the approved details.
 - 9) The building shall not be occupied until the parking, turning space and access areas shown on drawing No 0243/05 have been drained and surfaced in accordance with details to be submitted to, and approved by, the local planning authority, and these areas shall not thereafter be used for any other purpose.

Information

22. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
23. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
24. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

Stephen Rane

INSPECTOR



Appeal Decision

Hearing held on 15 June 2004

Site visit made on 15 June 2004

by **David Grace** BSc DipTP MRTPI

an Inspector appointed by the First Secretary of State

APPENDIX B.

The Planning Inspectorate
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Date **28 JUN 2004**

Appeal Ref: APP/D3315/A/03/1136649

Triangle Farm, Churchstanton, Taunton, Somerset, TA3 7QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A A Burrow against the decision of Taunton Deane Borough Council.
- The application (Ref. 10/2003/022), dated 22 July 2003, was refused by notice dated 1 October 2003.
- The development proposed is siting of mobile home to be used as an agricultural workers dwelling.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The copy of the application form that I have been provided with is neither signed nor dated. However, the Council confirmed during the Hearing that the application that was determined was dated 22 July 2003. The appellant agreed with this. Also, following discussions with the Council in respect of siting of the mobile home, the appellant submitted revised application plans (dated 20 August 2003). These are the plans that were determined by the Council. I have dealt with the appeal on that basis.
2. The appellant says his intention has been to seek temporary permission for the siting of a mobile home for a period of three years, although the application form does not clearly indicate this to be the case. During the Hearing the Council were content that the submission should be treated as a temporary proposal and suggested a condition in that respect. There are no written objections to the scheme from other interested parties. In my view the interests of other parties would not be affected and I have dealt with the appeal on the basis of the proposal being for temporary siting of a mobile home to be used as an agricultural worker's dwelling for a period of three years.

Planning Policy

3. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review of 2000. Structure Plan Policy STR1 promotes sustainable development and includes a requirement that the pattern of land use and transport should minimise the length of journeys and the need to travel. Structure Plan Policy STR6 states that development outside of 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.
4. I have also been referred to the emerging Taunton Deane Local Plan (Revised Deposit). This is at an advanced stage of preparation and is a material consideration of substantial weight. Emerging plan Policy S8 states that outside defined settlement limits development will not be permitted unless, amongst other things, it is for the purposes of agriculture. Emerging plan Policy H14 states that dwellings for agricultural workers will be permitted outside limits of settlements provided there is a proven functional need for the dwelling there and the farm unit

for which it is sought is proven to be financially viable. Emerging plan Policy H15 indicates that where agricultural dwellings are permitted in accordance with Policy H14 appropriate conditions will be used to retain the dwelling for agricultural occupation.

5. The appeal site is situated in the Blackdown Hills Area of Outstanding Natural Beauty (AONB) where Planning Policy Guidance 7: The Countryside - Environmental Quality and Economic and Social Development (PPG7) advises that the primary objective is conservation of the natural beauty of the landscape. Emerging plan Policy EN10 accords with this advice.

Main Issue

6. I consider the main issue in this appeal is whether there is an agricultural need for the proposed mobile home sufficient to justify an exception to policies designed to control residential development in the countryside.

Reasons

7. The appeal site is located at Triangle Farm, which is approximately one mile from the village of Churchingfield. It is not contested that the site is in the countryside outside of defined settlement limits at a location that would be heavily reliant on the use of a car and where residential development would normally be strictly controlled. However, the proposal is for a temporary agricultural dwelling and the emerging plan policies and PPG7 make provision for such exceptional development in appropriate circumstances.
8. The appellant operates a contract calf-rearing unit in a large portal-framed agricultural building at Triangle Farm. 2-week old calves are brought to the unit and reared for approximately 10 weeks until they are weaned. After this the calves are moved on to other holdings. The calves are then replaced and stock numbers at the unit are maintained. At the time of the Hearing there were in excess of 240 calves in the unit. Due to the turnover associated with the operation the number of calves at the unit varies between 100 and 300 but currently averages out at around 240. The premises have the potential to accommodate an average of some 280 calves. The stock is supplied by a dealer and is not owned by the appellant.
9. The business was commenced in its present form in March 2003 following a trial period of approximately two years involving smaller stock numbers. The unit is subject of a Farm Business Tenancy Agreement for 5 years running from March 2003. From the information before me, I consider it constitutes a separate agricultural holding from the remainder of Triangle Farm, which is mainly used for grass keep. The appellant is the sole full-time worker in the business.
10. The appeal proposal is for a temporary agricultural dwelling to serve a relatively new enterprise. Paragraph I14 of Annex 1 PPG7 provides criteria for considering such proposals. The first criterion requires clear evidence of a firm intention and ability to develop the enterprise. The appellant has committed to a 5-year tenancy agreement and substantial investment has been made in fitting out the building with the necessary stalls and equipment. The business has operated for more than a year, and the working pattern associated with it demonstrates a substantial commitment by the appellant to the business. The operation requires specific abilities and knowledge which are possessed by the appellant who has considerable experience of calf rearing. Whilst it has not been necessary for the appellant to make a significant investment in new farm buildings because the unit makes use of an existing building, I am satisfied that the requirements of the first criterion are met.

11. The second criterion requires a functional need for the dwelling to be demonstrated. The business requires the care of a large number of very young animals that are susceptible to a number of diseases. The appellant says that typically one in four calves would suffer from one of the common diseases in the first 7-8 weeks of life. Pneumonia and scour are particular problems. Unless treated within hours of symptoms being displayed animals may die and the sickness may spread to other animals. Early recognition of symptoms, which can quickly be displayed, is essential in order that early treatment can be provided. Stock mortality of 5% at the unit is currently higher than the 2% allowed for in the contract with the dealer. The appellant says this could be reduced if someone were constantly on hand to deal with problems and emergencies that arise.
12. Calf rearing is an intensive activity. The current working pattern involves a period from 5.30am to 9.30am for the provision of the main feed, presence at the unit between 12 and 3pm, a second feed between 5.30pm and 9pm and bed down of the stock at around 11pm. Extra attendance may be required subject to weather conditions, as ventilation and temperature control are important environmental factors. In my view, at the indicated stock levels, there is clear evidence of a need for someone to be readily available at the unit at most times both for routine activities and in case animals require essential care at short notice. As the appellant currently lives some 8 miles from the unit I consider there is a functional need for a dwelling to serve the unit.
13. The third criterion requires the enterprise to be planned on a sound financial basis. The agricultural appraisal submitted by the appellant indicates that, other than rent, the costs associated with the business are not great. Feed and medicines are supplied by the owners of the stock and the appellant is the sole source of labour. The appraisal suggests that with an average of 200 calves reared for 10 weeks (960 pa) net profit would be in excess of £11,000. The intention is that in year 2 stock levels would average 240 (1152pa). This could generate a net profit of almost £14,500. The enterprise is now in its second year, and at the time of the Hearing there were more than 240 calves in the unit. In year 3 an average of 280 calves is anticipated (1344pa). If this were to be achieved there could be a net profit of over £17,000.
14. There is no long term contract or commitment to such levels of stock supply by dealers and the Council says the stock levels could reduce rather than grow. However, the appellant contends, and I have no reason to disagree, that because the calves are a by-product of dairy herds the source is very large and constant. The market is therefore relatively stable unless there are unexpected shifts such as would result from a major occurrence such as foot and mouth disease. Furthermore, the demand for calf-rearing units, such as the appeal business, is high. Whilst, in general terms, there are many large buildings in the countryside that could be used for calf-rearing, the necessary skills are not available to the same extent and therefore are in demand. Overall, I am satisfied that the business has been planned on a sound financial basis.
15. The fourth test is whether another dwelling on the unit or other suitable accommodation in the area could fulfil the functional need. There is no existing dwelling associated with the appeal holding. There is an agricultural dwelling at Triangle Farm. It is the subject of an agricultural occupation condition. The Council says this is at an ideal location to serve the functional requirements of the calf-rearing unit. I agree. However, it is currently occupied, in accordance with the occupancy condition, by the widow of a person solely or mainly employed locally in agriculture. It is not therefore currently available to meet the needs of the appeal business. No

evidence has been drawn to my attention that alternative suitable accommodation is currently available elsewhere in the locality.

16. The Council are concerned that if the appeal proposal were approved it could subsequently become a permanent dwelling. This would result in there being two permanent agricultural dwellings at Triangle Farm. The Council consider that the calf-rearing unit is now the main agricultural business at Triangle Farm and that consequently a functional need for an agricultural dwelling to serve the remainder of the farm may no longer exist and that if the current occupation of the dwelling in accordance with the occupancy condition were to cease, it would be likely that there would be an oversupply of agricultural dwellings at the farm.
17. The Council is also concerned that if the appeal business were successful, it could grow beyond the currently anticipated average stock level of 280 calves. The Council says the tenancy area has no space for additional buildings and there is no guarantee that additional land would be made available. This could result in the business moving elsewhere in the longer term. The proposed dwelling would then no longer be needed. If, in the meantime, a permanent dwelling has been permitted at the appeal site, this would also lead to an oversupply. The Council considers that in these circumstances there could be pressure to remove the agricultural occupancy condition from one of the dwellings at Triangle Farm.
18. However, paragraph I18 of Annex I PPG7 advises that an agricultural occupancy condition can ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer required for the original business. Furthermore, as the use of the existing bungalow is in accordance with the occupancy condition, and as it is my view that there is a functional need for residential accommodation to serve the appeal business, I consider, at this point in time, that two dwellings on separate holdings at Triangle Farm, would not represent an over supply. In any event, it falls to me to consider the appeal proposal on its own planning merits, which is how I have dealt with the appeal. From the information before me, I consider there is currently no suitable alternative dwelling to the appeal proposal to meet the functional need of the calf-rearing unit. Moreover, the proposed development is for a temporary period of three years. After which time the availability of an alternative agricultural dwelling in the locality, including Triangle Farm, could be reviewed.
19. The fifth requirement is that the scheme satisfies other normal planning requirements. The amended plans show the proposed mobile home to be sited to the north-west of the existing bungalow immediately adjacent to the calf-rearing building and to the south of an existing hedge. It would be set well back from the road. In my view, this siting would minimise the visual impact of the development on the natural beauty of the landscape of the AONB.
20. The application drawings do not show details of the access and parking arrangements. However, it was agreed during the hearing that a satisfactory scheme could be provided on land in the control of the appellant and that this could be dealt with by condition.
21. Overall, I consider the proposed temporary siting of a mobile home satisfies the requirements of PPG7 and emerging plan Policy H14 in respect of a dwelling to support an agricultural unit. Therefore, in my view, the development would not conflict with emerging plan Policy S8 which would otherwise control residential development in the countryside. I consider this outweighs the proposal's lack of accord with Structure Plan Policies STR1 and STR6. The proposed siting of the development would minimise its adverse effect on the natural beauty of the landscape of the AONB. In my judgement, the impact would not be so great as to outweigh the

development's accord with the other policies in respect of development in service of agriculture. I conclude on the main issue that the agricultural need for the proposed mobile home is sufficient to justify an exception to the policies designed to control residential development in the countryside.

Conditions

22. The period of the temporary permission should form a condition. I modify the council's proposed wording to reflect the date of this decision. An agricultural occupation condition accords with the requirement of emerging plan Policy H15 and is essential. I modify the proposed wording to more closely reflect the model condition suggested in PPG7.
23. The Council proposes a condition in respect of car parking. It was agreed during the Hearing that the condition should also refer to turning arrangements. It was also agreed that there should be a condition in respect of access arrangements. In the interests of highway safety I agree it is necessary to deal with these matters and consider they can be included in a single condition.

Conclusions

24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Formal Decision

25. I allow the appeal and grant planning permission for temporary siting of a mobile home to be used as an agricultural worker's dwelling for a period of three years at Triangle Farm, Churchstanton, Taunton, Somerset, TA3 7QW in accordance with the terms of the application [Ref. 10/2003/022] dated 22 July 2003, as subsequently amended by the plans dated 20 August 2003, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) The mobile home hereby permitted shall be removed and the land restored to its former condition no later than three years from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
 - 3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.
 - 4) No development shall take place until a scheme for access into the site and for the parking and manoeuvring of two vehicles has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the consolidation, surfacing and drainage of the access and the parking and manoeuvring area and shall be implemented in full before the mobile home hereby permitted is first occupied.



INSPECTOR