



## 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 8TH SEPTEMBER 2004 AT 17:00.

(RESERVE DATE : MONDAY 13TH SEPTEMBER 2004 AT 17:00)

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### **AGENDA**

1. Apologies
2. Minutes (TO FOLLOW).
3. Public Question Time
4. BISHOPS LYDEARD - 06/2004/025  
RESIDENTIAL DEVELOPMENT COMPRISING 7 NO.  
DWELLINGS, LAND TO WEST OF LYDEARD MEAD, BISHOPS  
LYDEARD REPORT ITEM
5. BISHOPS LYDEARD - 06/2004/039  
ERECTION OF 4.NO DWELLINGS WITH ASSOCIATED  
WORKS, LAND NORTH OF FORMER HOSPITAL BUILDINGS  
(SITE INCLUDED ON PREVIOUS PLANS AS PROPOSED SITE  
FOR PUBLIC HOUSE), COTFORD ST LUKE.
6. CREECH ST MICHAEL - 14/2004/023  
ERECTION OF SINGLE STOREY EXTENSION TO FORM  
GRANNY ANNEX AT THREE ACRES, ADSBOROUGH AS  
AMENDED BY PLANS RECEIVED 19TH JULY, 2004
7. CURLAND - 15/2004/004  
ERECTION OF CONSERVATORY AND INSTALLATION OF  
DORMER WINDOWS TO THE FRONT OF CHAPEL COTTAGE,  
CURLAND.
8. HATCH BEAUCHAMP - 19/2004/009  
ERECTION OF DWELLING (INCLUDING BALCONY TO REAR),  
CHANGE OF USE OF STRIP OF LAND ADJOINING FROM  
AGRICULTURAL TO DOMESTIC, ADJACENT TO 8  
CRIMTHORNE COTTAGES, HATCH BEAUCHAMP (AMENDED  
PROPOSAL).
9. NORTH CURRY - 24/2004/029  
DEMOLITION OF EXISTING SINGLE STOREY LEAN TO AND  
REPLACEMENT WITH 2 STOREY SIDE EXTENSION, 1  
GREENWAY, NORTH CURRY.
10. STOKE ST GREGORY - 36/2004/016

CONTINUED USE OF LAND AS RESIDENTIAL CURTILAGE  
AND SITING OF CONSERVATORY THEREON AT THE  
BARTON, WOODHILL, STOKE ST GREGORY

11. TAUNTON - 38/2004/261CA  
DEMOLITION OF FORMER GYMNASIUM TO REAR OF  
FORMER FOUR ALLS PUBLIC HOUSE, CORPORATION  
STREET, TAUNTON.
12. TAUNTON - 38/2004/287  
ALTERATION AND EXTENSION OF FORMER FOUR ALLS  
PUBLIC HOUSE TO ACCOMMODATE CLASS A3 (FOOD AND  
DRINK USE) TOGETHER WITH 19 FLATS AND PROVISION  
OF CAR PARKING AND CYCLE STORAGE AT FOUR ALLS,  
CORPORATION STREET, TAUNTON.
13. TAUNTON - 38/2004/328  
ERECTION OF AN ANCILLARY 42 BED RESIDENTIAL CARE  
HOME INCLUDING THE REMOVAL AND REPLACEMENT OF  
TREES INCLUDED IN TREE PRESERVATION ORDER TD 467,  
RED LODGE CARE HOME, HOPE CORNER LANE, TAUNTON.
14. TAUNTON - 38/2004/341  
ERECTION OF SINGLE STOREY EXTENSION AT  
GARDENERS ARMS, 36 PRIORSWOOD ROAD, TAUNTON.
15. WELLINGTON - 43/2004/088  
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6  
NO. HOUSES AND 6 NO. FLATS AND ALTERATION TO  
ACCESS AND PARKING, WARDLEWORTH HOUSE,  
WARDLEWORTH WAY, WELLINGTON AS AMPLIFIED BY
16. WEST BUCKLAND - 46/2004/026  
ERECTION OF STABLE BLOCK IN FIELD OS PLOT 9312,  
SAWYERS HILL, WEST BUCKLAND, WELLINGTON AS  
AMENDED BY PLAN RECEIVED 5TH AUGUST, 2004
17. WEST HATCH - 47/2004/007  
ERECTION OF SUMMERHOUSE NEXT TO POND AT ASH  
LODGE, WEST HATCH, TAUNTON.
18. WIVELISCOMBE - 49/2004/033  
ERECTION OF 16 NO. BUNGALOWS AND PROVISION OF  
COMMUNITY HALL CAR PARK, LAND TO NORTH OF  
WIVELISCOMBE PRIMARY SCHOOL, NORTH STREET,  
WIVELISCOMBE AS AMENDED BY LETTER DATED 11TH  
AUGUST, 2004 WITH ACCOMPANYING ANNOTATED O.S.  
SHEET AND DRAWING NO. 207/04/A AND AS AMPLIFIED BY  
LETTER DATED 13TH AUGUST, 2004 WITH ACCOMPANYING  
DRAWING NO. 207/05
19. WIVELISCOMBE - 49/2004/037  
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 2  
NO. HOLIDAY UNITS, BUILDERS YARD AT BLACKWATER  
LANE, LANGLEY MARSH, WIVELISCOMBE AS AMENDED BY

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|-----|--|------------------|
| 20. | E204/19/2002 - STORAGE OF PALLETS IN PARKING AREA, HATCH MEWS BUSINESS PARK, STATION ROAD, HATCH BEAUCHAMP.  | ENFORCEMENT ITEM |
| 21. | E27/48/2004 - USE OF LAND TO SELL AND DISMANTLE VEHICLES AND DISPLAY OF VARIOUS SIGNS AND FLAG ADVERTISEMENTS AT RIVERSIDE CAR SALES, BATHPOOL, TAUNTON. | ENFORCEMENT ITEM |
| 22. | E164/52/2004 & 52/2004/030 - ERECTION OF FENCE TO FRONT OF PROPERTY, 13 HINE ROAD, COMEYTROWE, TAUNTON.  | ENFORCEMENT ITEM |

G P DYKE  
Member Services Manager

The Deane House  
Belvedere Road  
TAUNTON  
Somerset

TA1 1HE

01 September 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 – 18 August 2004**

- Present: Councillor Miss Peppard (Chairman)  
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Henley, Hindley, House, Phillips, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp
- Officers: Mr T Burton (Development Control Manager), Ms K Marlow (Principal Planning Officer (West), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillor Miss Cavill arrived at the meeting at 5.39 pm)

### 82. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillor Guerrier.

### 83. Minutes

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

### 84. Public Question Time

Councillor Beaven, as a member of the public, submitted a number of questions on behalf of Mr S Robins. Most of the questions related to the Section 106 Agreement for the former Chapel at Cotford St Luke.

In response, the Senior Solicitor (Mrs Jackson) commented that many of the issues raised were currently the subject of arbitration proceedings. It would therefore be wrong to reply to those issues. Where it was appropriate to respond to any of the other remaining matters, a written reply would be sent to Mr Robins.

### 85. Applications for Planning Permission

The Committee received the report of the Development Control Manager 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:-

#### **11/2004/012**

Erection of a conservatory at Combe End, Combe Florey.

Conditions

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

Reason for granting planning permission:-

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

**20/2004/017**

Erection of two-storey extension at Epworth, Kingston St Mary.

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

Reason for granting planning permission:-

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

**27/2004/015**

Erection of single-storey extension at 1 Pontispool Cottage, Norton Fitzwarren.

Conditions

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

Reason for granting planning permission:-

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

**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.

Conditions

- (a) C001 – time limit;
  - (b) C101 – materials;
  - (c) The ground floor garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain in perpetuity for the parking of motor vehicles;
  - (d) P010 – no further windows;
- (Notes to applicant:- (1) NO24 – development in accordance with the approved plans; (2) Applicant was reminded of the need to comply with the provisions of the Party Wall Act 1996; (3) Applicant was reminded that should

the scheme involve land outside of the applicant's ownership, the permission of the relevant landowner would be required).

Reason for granting planning permission:-

The design of the proposal was considered to be in keeping with the area and it was not thought that the scheme would significantly harm neighbouring amenity. The proposal was considered to accord with Taunton Deane Local Plan Revised Deposit Policies S1, S2, EC1, M1 and M2.

**42/2004/026**

Erection of conservatory at The Barn, Sweethay, Trull.

Conditions

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

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building nor the visual amenity and therefore did not conflict with Taunton Deane Local Plan Revised Deposit Policy S1.

Reason for granting planning permission contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the conservatory would have no adverse impact on the character of the barn.

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

**10/2004/018**

Change of use and conversion of agricultural building to form dwelling at Ford Farm, Moor Lane, Churchinford.

Reason

The building cannot be converted without major rebuilding and significant alteration and the proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policies H9 and EN10.

**12/2004/004**

Erection of house and garage, formation of access together with new garage and access to existing house at Meadows Edge, Corfe.

Reason

The Local Planning Authority considers that a dwelling of this design, together with the siting proposed, fails to respect the established character and appearance of the Corfe Conservation Area. The proposal is therefore contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure

Plan Review, Policy EN15 of the Taunton Deane Local Plan Revised Deposit and relevant guidance in Planning Policy Guidance Note No 15.

Reason for refusing planning permission contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the proposed dwelling would not respect the character and appearance of the Conservation Area.

(Councillor Miss Cavill declared a prejudicial interest in the following application and left the room during its consideration).

**38/2004/244**

Erection of 37 dwellings on site of former South West Egg Packers Factory, Roman Road, Taunton.

Reason

The proposal results in the loss of an important employment site. In the 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 successfully marketed for employment use. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy EC6.

The Senior Solicitor (Mrs Jackson) reported that she was aware the applicants would lodge an appeal against a decision to refuse this application. She therefore requested approval to negotiate the terms of a draft Section 106 Agreement (affordable housing and a contribution towards sport and recreation), in accordance with current Taunton Deane Local Plan Revised Deposit Policies, which would come into effect should the appeal be successful.

RESOLVED that authority be granted for a draft Section 106 Agreement relating to this site at Roman Road, Taunton to be negotiated with the applicants.

86. Erection of single-storey extension and erection of garage, 20 Feversham Way, Taunton (38/2004/198)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues on the amended plans by the 19 August 2004, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

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

Reason for planning permission, if granted:-

The proposed extensions complied with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.



87. Erection of 61 flats and ancillary works on land at the former SWEB site, Priorswood Road, Taunton (38/2004/243)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No adverse views from the Leisure and Recreation Officer;
- (2) A unilateral undertaking for the provision of eight social housing units at nil subsidy; and
- (3) Acceptable amended highway plans,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the applicant be advised of the following note:-

In respect of the outline planning permission, applicant was reminded of the need to submit reserved matters in connection with outstanding condition numbers 01 and 07 (landscaping), 05 (site levels), 13 (public open space), 14 (children's play area), 15 (full highway details including street furniture), 19 (contaminated land) and 20 (noise details – technical specifications).

Reason for approval, if granted:-

The proposal was in accordance with the Taunton Deane Local Plan Revised Deposit Allocated Site T24.

(Councillor Mrs Smith declared a personal interest in the application covered by Minute No 88 below).

88. Erection of two-storey community building with associated parking on land to rear of St Peters Close, Lyngford Park, Taunton (amended proposal) (38/2004/260)

Reported this application.

RESOLVED that subject to further discussions with the Somerset County Council about the suitability of the “drop-off” arrangements, and the receipt of amended car parking and access plans, the Development Control Manager 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) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Notwithstanding the materials shown on the submitted plans;

- (c) The car park spaces to the north of the building hereby permitted shall be retained for the use of staff using the building or visitors to the local church only;
- (d) The car parking and servicing area shown on the submitted plan shall be fully constructed and available for use by cars prior to the commencement of the use within the building. Such areas shall thereafter be maintained and be kept free from obstruction;
- (e) Prior to its construction on site, full construction details for the proposed car parking areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the commencement of works on site, full details of the replacement toilet and youth shelter shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details must include a timetable for the construction of these facilities on site. Such facilities shall then be erected in accordance with the timetable unless otherwise agreed in writing by the Local Planning Authority;
- (g) The use hereby permitted shall be strictly limited to the use of the site as a Community Building and for no other purpose including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order;
- (h) C207 – existing trees to be retained;
- (i) C208A – protection of trees to be retained;
- (j) C215 – walls and fences;
- (k) C201 – landscaping;
- (l) Prior to the commencement of work on site, a tree survey shall be undertaken on the large poplar tree lying to the south of the site. Such a survey must include details of the existing health of the tree, the impact of the development on the tree, any tree works necessary to ensure the long-term retention of the tree in a safe condition and thereafter carrying out appropriate tree management works in consultation with the Local Authority's Parks Manager;
- (m) P006 – no fencing;
- (n) The replacement parking for the library shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (o) The proposed building shall be available for community use outside of the Surestart operating hours;
- (p) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:-

Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Road Opening Notice must be obtained from the Highway Services Manager, Taunton Deane Area before access works commence.)

Reason for planning permission, if granted:-

The proposal would not cause demonstrable harm to the amenities of nearby properties. Levels of parking provision were considered acceptable and community benefits outweighed the loss of public open space. The proposal therefore accorded 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.

89. Erection of two three-storey buildings accommodating 11 flats on land off Eastleigh Road, Taunton (38/2004/267)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) A satisfactory response from the applicants to the Police Architectural Liaison's comments; and
- (2) The applicants entering into a Section 106 Agreement relating to financial contributions towards sport and recreation by the 3 September 2004, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
  - (a) C001 – time limit;
  - (b) C101 – materials;
  - (c) Before the development hereby permitted is commenced, details of the surface treatment to the access and parking area shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (d) C201 – landscaping;
  - (e) C215 – walls and fences;
  - (f) C324 – parking;
  - (g) C408 – flats – completion of development;
  - (h) C416 – details of size, position and materials of meter boxes;
  - (i) C926B – remediation investigation/certificate;
  - (j) C911 – aerials – combined system;
  - (k) C331 – provision of cycle parking;
  - (l) The windows on the north-west elevation of Block A shall be fixed and obscured glazed and shall not be altered thereafter without the prior written approval of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water a point of connection onto Wessex Systems prior to the commencement of any works on site; (2) Applicant was reminded of the requirement to protect the integrity of Wessex Systems and agree, prior to the commencement of any works on site, any arrangements for the protection of infrastructure crossing the site; (3) N048A – remediation strategy; (4) 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 properties:- Monday to Friday, 0800 – 1800 hours; Saturdays, 0800 – 1300 hours. At all other times, including Bank Holidays, no noisy working; (5) N024 – development in accordance with the approved plans; (6) N051B – health and

safety; (7) N118A – disabled access; (8) Applicant was reminded of the need to prevent mud being spread onto the public highway during construction.

Reason for planning permission, if granted:-

The proposed flats were considered to be in accordance with the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and 4 and Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

90. Erection of single-storey extensions to the side of Church Cottage, Hillfarrance (27/2003/007)

Reported that planning permission for this development was granted during May 2003.

An application for a minor amendment had recently been received to insert a rooflight to the roof of one of the single-storey extensions. The rooflight was proposed to be obscure glazed.

Details of the proposal had been circulated and three letters of objection, one from Oake Parish Council, had been received, details of which were reported. One letter of support and two further letters raising no objection had also been received.

Further reported that the dwelling to the rear of Church Cottage was approximately 22m distant and, given the height and position of the rooflight, the Development Control Manager considered that there would be no significant overlooking.

Noted that permission to amend the application was required as the extensions were not yet complete. As permitted development rights had not been removed at the planning application stage, once the extension was occupied the rooflight could be inserted as permitted development.

RESOLVED that the minor amendment be approved.

91. Discharge of Section 52 Agreements relating to Hele Manor Farm

Reported that in December 2003, planning permission was granted for the change of use of the 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 had now become apparent that in the past when policies had been more restrictive, the use of the same land was restricted in various ways by three separate Section 52 Agreements which now conflicted with the above permission.

The owner had therefore requested that the Section 52 Agreements be discharged so there was no doubt as to the authorised use of the land.

RESOLVED that the three Section 52 Agreements restricting the uses at Hele Manor Farm and dated 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.

92. Unauthorised erection of building for car sales and repairs and display of flags at Riverside Car Sales, Bathpool

Reported that due to the recent receipt of an application for planning permission to regularise the situation at Riverside Car Sales, Bathpool, RESOLVED that the item be deferred.

93. Appeals

(1) Reported that the following appeals had been lodged:-

- (a) Erection of 12 dwellings and formation of access on site of New Barn, 41 Comeytrove Lane, Taunton **(52/2004/018)**.
- (b) Erection of first-floor extension to rear at 15 Raps Green, Taunton **(38/2004/120)**.
- (c) Change of use and conversion of barn to form dwelling on land to north-east of Bedruthan, Bull Street, Creech St Michael **(14/2004/012)**.
- (d) 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 **(36/2003/030)**.
- (e) Erection of 21m lattice tower with associated telephone works on land near Thistlewood Bridge, Walcombes Farm, Riches Holford **(22/2004/004)**.

(2) Reported that the following appeal decisions had been received:-

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

Decision

The Inspector felt that a wall immediately adjoining the pavement opposite the gardens in Blackthorn Gardens would present an unbalanced aspect to the street scene. The uncharacteristic sense of enclosure created would be an intrusive feature within the area. It was concluded 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 on land between “Hillcrest” and “Highfield”, Maundown, Wiveliscombe (49/2002/035)

Decision

The Inspector felt that the site was remote from any settlement and a new dwelling would generate extra traffic. If permission was granted, it was likely to set a very harmful precedent. The Inspector concluded that the benefits of utilising this land as an infill site with future occupiers contributing to local funds did not outweigh the very cogent objection. The appeal was dismissed.

- (c) Replacement of existing entrance door and additional window to the shopfront, HSBC Bank, 17 North Street, Taunton (38/2003/207 and 208LB)

Decision

The Inspector accepted that the works to the entrance door were needed mainly to improve access for disabled persons. He understood the Council’s concerns about the affect of the proposed new window, bearing in mind that the appeal building was listed and was located within the town centre.

However, the Inspector felt that a further window in the position proposed would counterbalance the projecting sign and night safe at the northern end. He concluded that the creation of the new window 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 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)

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. 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)

Decision

The Inspector noted that 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 St Mary's Church on the approach to it 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)

Decision

The Inspector considered that the 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 his 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 added 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)

Decision

The Inspector considered that the layout of the area gave a perception of relative spaciousness. In his view, the proposed development would fail to reflect the overriding special 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. He also found the dwelling totally lacking in design quality.

The Inspector was also of the opinion that with vehicles using a new access, immediately adjacent to the north boundary of No 16 Homefield Close, this would severely erode the residential amenities that occupiers of this neighbouring dwelling would reasonably expect to enjoy. The appeal was dismissed.

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

Decision

The Inspector felt 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 added vitality to the street scene without appearing too assertive or dominant. The appeal was allowed and consent granted for the display of the advertisements.

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

Decision

The Inspector 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. 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)

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 temporary planning permission granted subject to conditions.

- (k) Erection of 11 houses and 3 flats on site of former Whites Repair Garage, South Street, Taunton (38/2003/402)

Decision

The Inspector noted that there was strong policy support for car-free housing schemes on sites that adjoined Taunton Town Centre. He 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.

The Inspector acknowledged the views expressed by residents in Alma Street but was of the opinion that the replacement of an unsightly



building with new two-storey dwellings would be a considerable visual improvement and would not have a significant affect on light or appear unduly oppressive. He 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 (04/2002/004)

Decision

The Inspector noted that the storage building had been erected in open countryside outside any town, rural centre or village and without any claimed agricultural justification. 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. He concluded that the structure, in such a prominent position, had an adverse affect 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)

Decision

In the Inspector's opinion disused railway tracks did not fall into the category of previously developed land. He doubted whether the proposed dwelling, in its raised position, could be successfully screened. He added that 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.

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)

Decision

The Inspector felt that the replacement windows would create an appearance materially different from the existing, with the delicacy of details in the original windows being lost. He 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. He concluded that the proposal 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)

Decision

The Inspector 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. He 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.

(Councillor Miss Cavill left the meeting at 7.35 pm)

(The meeting ended at 8.59 pm)

06/2004/025

A J RAUCKI & SON

**RESIDENTIAL DEVELOPMENT COMPRISING 7 NO. DWELLINGS, LAND TO WEST OF LYDEARD MEAD, BISHOPS LYDEARD**

16777/29458

OUTLINE

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**1.0 RECOMMENDTION**

I recommend that permission be REFUSED for the following reasons:-

- 01 The site lies outside the settlement limits of Bishops Lydeard as defined in the adopted West Deane Local Plan in an area to be protected from development and is therefore contrary to Policies WD/SP/2 and WD/BL/7 of the plan; and outside the settlement limits of Bishops Lydeard as defined in the Taunton Deane Local Plan Revised Deposit Modifications.
- 02 The site lies within the Bishops Lydeard Conservation Area, wherein developments will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area, the proposed development including the proposed flood alleviation measures are considered to be detrimental and contrary to Taunton Deane Local Plan Revised Deposit Policy EN15 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.
- 03 The site lies within the Proposals Map as an area liable to flood within the Taunton Deane Local Plan Revised Deposit Modifications, and as such any residential development would be contrary to Taunton Deane Local Plan Policy EN30. The proposal comprises inappropriate development upon an area at high risk from flooding and does not provide sound flood defence measures in conflict both with national planning objectives as set out in PPG25 and Taunton Deane Local Plan Policy EN30.

**2.0 APPLICANT**

A J Raucki and Son

**3.0 PROPOSAL**

Residential development comprising 7 No. dwellings, land west of Lydeard Mead, Bishops Lydeard.

The application was accompanied by:-

- (i) location plan
- (ii) development brief with illustrative layout plan
- (iii) flooding study

The proposal is for residential development to the west of Lydeard Mead. The illustrative plan indicates 7 dwellings comprising 2 x 2 semi detached units and 1 terrace of three with associated garages or integral garages. The dwellings are arranged around a turning head, gardens are to the rear of each dwelling with amenity areas to their fronts. There is an existing ditch to the east of the site. New drainage channels are proposed to the north west and south west. A new shelter belt is located to the north west.

The agent has also included extracts from the Taunton Deane Local Plan Inquiry which, inter alia, states the site suffers from significant flooding problems, falls within Category 3a of PPG25 on flooding, a letter from the Environment Agency which indicated current proposals for flood protection achieve the required standard plus 20% and there would be no increase in third party risk and thus there is no in principle objection to the allocation on grounds of flood risk. The Local Plan Inquiry Inspector also concluded the allocation for housing would provide a defensible boundary against further development; there was no traffic objection; an overhead power line can be diverted; the modest scale of development is appropriate for the village which is a designated rural centre and will have no material impact on either traffic or the environment in Bishops Lydeard. New development would remove an existing eyesore and bring about environmental improvements, it would be screened from the High Street properties by dense hedges and its overall impact would be limited. He therefore concluded the site as suitable for residential development.

#### 4.0 **THE SITE**

The site is roughly rectangular in shape and located directly to the north west of the end of Lydeard Mead. The site currently forms the site of the builder's yard as covered by Certificates of Lawfulness for an Existing Use. There are no restrictions concerning the nature, height and extent of building materials and machinery that can be stored. On the north side of the site, there is a mixture of indigenous trees of varying sizes on the boundary, providing some screening. The existing properties to the north of the site have 100 m long back gardens between them and the site and are set at a higher level than the site. To the west are open fields, and on the southern boundary there are mature, indigenous trees, bordering a stream. The site is fairly flat.

#### 5.0 **RELEVANT PLANNING HISTORY**

**06/1996/009LE** Certificate of Lawfulness for existing use of land and premises at Lime Tree Farm for storage of builder's materials including plant (area A on plan Appendix A). Approved September, 1996.

**06/1996/026LE** Certificate of Lawfulness for an existing use of land and premises at Lime Tree Farm for storage of building materials and equipment and agricultural materials and equipment (area B on plan Appendix A). Approved September 1996.

**06/2000/044LE** Certificate of Lawfulness for an existing use of land and premises Lime Trees Farm for the storage of building materials and equipment and agricultural materials and equipment. (Area C on plan Appendix A). Approved October 2000.

**06/2000/027** Outline application for residential development of approximately 0.75 acres to north west of Lydeard Mead was refused by Committee on 2<sup>nd</sup> October, 2002 on grounds of the site being outside the settlement limits of Bishops Lydeard in West Deane Local Plan, Prematurity in respect of Taunton Deane Local Plan Revised Deposit and consideration of residential development in an area liable to flood needing to be considered by the Local Plan Inspector in light of EN30 and PPG25. A subsequent appeal was dismissed on grounds that the proposal does not provide sound flood defence measures and the effect of the proposal on the setting of Bishops Lydeard. The Inspector also commented that the proposed development, together with the flood alleviation works would neither preserve nor enhance the character or appearance of the Conservation Area due to incursion of built form into this rural setting. (Appendix B).

## 6.0 **RELEVANT PLANNING POLICY**

### **Somerset and Exmoor National Park Joint Structure Plan Review (Adopted 2000)**

STR 1 (Sustainable Development)

STR 6 (Development outside towns, rural centres and villages)

STR 7 (Planning Obligations)

Policy 8 (Outstanding Heritage Settlements) (includes Bishops Lydeard)

Policy 9 (Built Historic Environment)

Policy 35 (Affordable housing)

Policy 48 (Access and parking)

Policy 49 (Transport requirements of new development)

Policy 60

#### **FLOODPLAIN PROTECTION**

Areas vulnerable to flooding should continue to be protected from development which would cause a net loss of flood storage area or interrupt the free flow of water or adversely affect their environmental or ecological

value. In allocating land for development in local plans, consideration must be given to measures to mitigate the impact on the existing land drainage regime to avoid exacerbating flooding problems.

**Somerset and Exmoor National Park Joint Structure Plan Alteration  
Deposit Draft June 2004**

(New Policy) STR6A Rural Settlements.

Policy 8 is deleted (other policies still applicable)

**West Deane Local Plan**

WD/SP/2 (Development outside Settlement Limits)

WD/EC/23 (Conservation Areas)

WD/BL/ 7 THE OPEN AREAS WEST AND SOUTH OF BISHOPS  
LYDEARD WILL BE PROTECTED FROM DEVELOPMENT.

**Taunton Deane Local Revised Plan Deposit Draft**

Policy S1 (General Requirements)

Policy S2 (Design)

Policy S3 (Energy Conservation)

Policy S6 (Rural Centres)

Policy S8 (Outside settlements)

Policy H1 (Housing within Classified Settlements)

Policy H2 (Energy Efficient Dwellings)

Policy C4 (Standards of recreational provision)

Policy EN4a (Protected species)

Policy EN12 (Special Landscape Features)

Policy EN30 (Land liable to flood)

Policy EN31 (Flooding due to development)

Policy EN36 (Control of external lighting)

Policy BL2

A site of 0.25 hectares at Lime Tree Farm as shown on the Proposals Map is allocated for no less than 8 dwellings, provided that :-

- (A) the proposed scheme design respects the setting of the residential properties in Lydeard Mead;
- (B) adequate protection is given to the Important Tree Group adjacent to the Back Stream;
- (C) a substantial belt of landscaping is provided along the sites western boundary, where it backs on to open farm land; and
- (D) the overhead electricity supply line which passes through the site is removed, and either placed underground or diverted via an alternative overhead route.

In association with the development, the following will be sought:

- (E) appropriate works and measures to ensure adequate drainage and flood protection measures.

**Taunton Deane Local Plan Revised Deposit Inspector's Report published September 2003**

The inquiry into the local plan considered Policy BL2 – Lime Tree Farm; the Inspector heard objections, and supporting representations. He considered the main issues to be whether the site can be adequately protected against flooding in accordance with PPG25; whether the proposed development would unacceptably harm the environmental quality of The Lawns; whether the proposal would aggravate existing traffic problems in the village; whether Policy BL2 should require traffic calming on Lydeard Mead and sensitively designed street lamps and any development should not have an overhead electricity supply; whether the proposed allocation should be varied to coincide with the area covered by the Certificate of Lawfulness for an Existing Use issued on 25<sup>th</sup> September, 1996; whether the proposed scale of development should be more closely controlled; whether there is sufficient capacity in the village school to accommodate the additional pupils which would be generated; whether the development of the site would unacceptably alter the form and character of this part of the village. The Inspector's considerations and conclusions are in Appendix C.

The Local Plan Inspector concluded the site was Category 3a of PPG25 because of existing use as a builders yard; that the PPG advises that Category 3a areas may be suitable for residential development provided the appropriate minimum standard of flood defence can be maintained for the life time of the development. The Environment Agency has indicated that the current proposals achieve that standard plus 20%, and that there would be no increase in third party risk resulting from development. The Local Plan Inspector concludes there is no in principle objection to the allocation on flood grounds. In respect of the other issues outlined above, the Local Plan

Inspector also concluded that residential development was acceptable – see Appendix C. The recommendation (10/4) was to modify the Plan to amend the area for development to coincide with CLED and proposal map to be amended to now Area Liable to Flood.

### **Taunton Deane Local Plan Proposed Modifications Spring 2004**

The Strategic Planning and Transportation and Economic Development Review Panel 23<sup>rd</sup> March, 2004 considered item:-

Recommendation:- the Council does not intend to accept recommendation 10/4 - R/BL/2. This refers to the Inspector's recommendation above. Copy of this report at Appendix D. it sets out the Local Planning Authority's reason for not accepting the local plan Inspector's recommendation to be the Appeal Inspector's dismissal of the appeal against refusal of residential development. (06/2000/027).

Appendix D also includes the proposed amendment to the maps to delete the housing allocation, to amend the settlement limits and to modify the Proposals Plan to include land liable to flood.

### **Taunton Deane Local Plan Proposed Modifications Comments**

As part of the local plan adoption process, comments on proposed modifications following the Local Plan Inspector's report, have been made. The agent for the application has objected to proposed rejection of an Inspector's recommendation. At the present time these comments have yet to be reported to the Strategic Planning and Transportation and Economic Development Review Panel. Such report is due late September 2004.

The present situation in respect of Taunton Deane Local Plan is that the application site is no longer proposed to be allocated for residential development.

## **7.0 RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

### **PPG1 – General Policy and Principles**

Paragraphs 4 – 7 Sustainable Development

Paragraph 24 In preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision. For housing, the key objectives for the location of development and the allocation of land are:

-to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;



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

Paragraph 32 Conserving the historic environment

Paragraph 40 Section 54A

### **PPG 3 – Housing**

Paragraph 11 Creating mixed communities

Paragraphs 37 – 38 Determining planning applications

### **PPG25 – Development and Flood Risk**

The susceptibility of land to flooding is a material consideration. Planning decisions authorities should recognised the importance of flood plains where water flows, or is held at times of flood, and avoid inappropriate development on undeveloped and undefended flood plains.

Paragraph 9 Sustainable development and the precautionary principle

Paragraph 10 Flood risk involves both the statistical probability of a flood occurring and the scale of the potential consequences. The impacts vary in their nature, scale and extent. Development constructed without regard to flood risk can endanger life, damage property and require wasteful expenditure on remedial works. While flood defence works can reduce the risk of flooding, they cannot eliminate it. For example, a flood bank designed to contain a particular level of flood will be overtopped by one that is more severe. Flood risk is also expected to increase over time as a result of climate change. It is important that those who plan and occupy development in flood risk areas are aware of the remaining risk, despite

the presence of flood defences, and the steps that they should take in the event of a flood. Local authorities and owners and occupiers of premises in flood-risk areas should consult the Environment Agency, the emergency services and other relevant agencies in drawing up their emergency plans for dealing with flooding.

Paragraph 11 Continued construction of hard-engineered flood defences to protect development in areas exposed to frequent or extensive flooding may not be sustainable in the long term. Soft engineering techniques such as creating, preserving and enhancing natural flood meadows and washlands or salt marshes and mud flats can be of great value in attenuating flooding as well as contributing to biodiversity. A sustainable approach to flood risk will involve avoiding additional development in some areas. Where this is not possible, development needs to be of a design and with an appropriate level of protection to ensure that the risk of damage from flooding is minimised, while not increasing the risk of flooding elsewhere

Paragraph 13 The precautionary principle

Paragraphs 27 – 34 Risk-based approach and the sequential test

Table 1 Flood Zone 3 High Risk (a) Developed Areas, (b) Undeveloped & sparsely developed areas and (c) Functional flood plains

Paragraphs 35 – 36 Previously developed land

Paragraphs 57 – 60 Development Control general considerations

## 8.0 **CONSULTATIONS**

### **County Highway Authority**

“Whilst there is no objection in principle to the above proposal, the application is for outline planning permission with siting, design, external appearance, means of access and landscaping reserved for subsequent approval. Notwithstanding the above the nature of the application site is such that it is recommended the following conditions should be imposed at outline stage. The Highway Authority would however wish to reserve the right to add further conditions at any subsequent application for approval of reserved matters.

1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, embankments, 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.

2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

In respect of the above the Applicant is advised as follows:-

- (a) At the entrance to the site is an existing bridge. It is anticipated that this bridge is not to Highway Authority standards, both in construction and in dimensions, and would require replacing.
- (b) The access road is indicated as being immediately adjacent to a proposed new channel. There will need to be a minimum margin of 1.0 m between the edge of the carriageway and the top of the revetment. The revetment and carriageway will need to be designed such that the highway does not impose load on the adjacent revetment. A safety barrier will be required at the top of the revetment.
- (c) The footway to the east side of the access road must be a minimum of 1.8 m wide and be continuous from the existing footway on Lydeard Mead.
- (d) The access road appears to extend to the site boundary on the north west. Details of the reason for this along with the 5.0m wide access strip will be required.
- (e) It is acknowledged that the Applicant has submitted a flood alleviation study. In addition to this the Applicant should contact the Area Highways Manager to enquire as to any known drainage problems in Lydeard Mead.
- (f) It appears unlikely that soakaways would be suitable for highway drainage. No area has been set aside for such and it is likely that the water table in the area is too high."

**County Archaeologist**

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

### **Environment Agency**

“The Agency OBJECTS to the proposed development, as submitted, on the following grounds:-

The site lies within the flood plain of the Back Stream.

The site lies within an area at risk of flooding from the fluvial system. In accordance with the general aims of PPG 25 (Development and Flood Risk), local authorities should apply the sequential test in allocating or permitting sites for residential development, and use their planning powers to guide inappropriate development away from such areas.

In accordance with section 64 of PPG25, the Environment Agency advises that the current consultation documents do not contain sufficient information to enable a full and proper response from this Agency. We would ask that the application is held in abeyance until such time as the following information is provided by the applicant/agent, and further consultation with ourselves undertaken on this information:

In light of earlier correspondence between your Council, this Agency, and Turner Holden, we have yet to receive any formal notification from your Local Planning Authority as to the flood risk categorisation of the site. As you are aware from our last letter dated 16 April 2004 copied to Tom Noall at your offices, the categorisation of the site within table I, section 30 of PPG25 is a land-use matter that is absolutely fundamental to the advice of this Agency on the current application.

If the site is assessed as 3a, then this Agency would accept the principle of residential development of the land subject to appropriate flood mitigation measures, and would advise on a conditional response, including the requirement for submission of full engineering details of the flood mitigation works. However, should the site be either 3b or 3c, then notwithstanding the proposed flood mitigation works promoted by the developer, this Agency would maintain an objection in principle to the application. We are aware that your Mr M Leeman has expressed an initial opinion that the site may not be 3 a under the definitions contained within PPG25. Under the precautionary principle, we have no alternative but to object to this application until the matter is finally clarified by TDBC. The Agency is not obliged to comment on whether the existence of a Certificate of Lawful Use constitutes 'previously developed land'.

Advice should be sought from the Environment Agency's Flood Defence staff (contact Mr J Southwell - Development Control Engineer) who can be contacted on Tel No: 01278 457333

If your Authority wishes to approve the application despite the concerns which the Agency has expressed, the Agency would be grateful for a further opportunity to discuss the application. Further discussion needs to take place prior to any Planning Committee Meeting, to determine the application or, prior to any delegated decision being made. In the context of such discussions it would be useful to the Agency to be advised of all material considerations which are influencing the determination of the application. Such a request is made in accordance with PPG 25.

This letter only covers Flood Defence issues, should the Agency's objection subsequently be overcome, the Agency would seek the opportunity to request conditions covering conservation, ground and surface water protection interests.”

### **Landscape Officer**

“Given the Inspector’s comments regarding the setting of Bishops Lydeard and his considered view that “I do not consider that landscaping would be fully effective in mitigating such impact ...” I would like to see a landscape assessment of the site before commenting further. “

### **Conservation Officer**

“As with the previous application, I have concerns about the effect of the proposal on the character of the Conservation Area. In particular the effect of development impinging on the rural landscape to the west of village and the views to the village from the west. In my opinion, such extension of the village into the rural landscape, would cause harm to the character and setting of the Conservation Area. I also note the Inspector’s appeal comments in this respect.”

### **Environmental Health Officer**

“I have the following observations due to the possibility of contamination arising from previous uses of the site.

Contaminated Land Condition:-

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can

influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

Note to applicant:-

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.”

### **Drainage Officer**

“I believe you are awaiting the Environment Agency’s comments on this outline application and that they are awaiting a decision from yourselves

regarding the status of this site in relation to PPG25. As we liaise closely with the Environment Agency on sites that have flooding implications I wish to reserve comments on this application until this matter has been resolved.

The issues raised by this office in our response to the previous application by this applicant (06/2000/027) dated 27<sup>th</sup> June, 2002 have not been addressed especially with regard to maintenance of watercourses, banks and flow control devices.

Therefore until the above has been resolved no approval should be given.”

Further response dated 29<sup>th</sup> June, 2004.

“I refer to your e-mail dated 29<sup>th</sup> June and I note that you are now in possession of the Environment Agency’s comments dated 23<sup>rd</sup> June.

As previously stated in my earlier response dated 23<sup>rd</sup> June, we liaise closely with them on all sites that have major flooding implications.

I have to reiterate again that until the flood risk categorisation of this site has been agreed, in accordance with PPG25, I cannot make any specific comments.

Please note also my concerns regarding the lack of information regarding future maintenance of flood control devices and watercourse/flood route through and around this proposal.”

### **Housing Officer**

“This is a central village site which can provide much needed accommodation close to amenities. To satisfy need we would require 30% for social housing (2) of the total.”

### **Leisure Services**

“This small scale development should make an off site contribution from all dwellings of £806.00 per dwelling towards local sports facilities for which we know there to be a need at the local football club. In addition to this all 2 bed dwellings to contribute an additional £1,250.00 per dwelling towards off site play provision in the local area.”

### **Cllr J Lewin-Harris (Ward Member)**

“(1) FLOODING: This site at Lime Tree Farm, Bishops Lydeard is in the floodplain and, despite all the work that has been done in preparing a flood defence scheme to protect the site itself and properties downstream, there are still many uncertainties in terms of the effectiveness of the proposed scheme and its maintenance. It would be far too risky to proceed with development on the site, particularly in the knowledge that once the houses were built, the

developer would have no responsibility and any future flooding problems would result in calls to the Local Authority for solutions.

(2) The site falls in the protected area to the West of Bishops Lydeard known as The Lawns, an area that the village has always fought to keep open and undeveloped. Development on this site would destroy this open landscape area and provide a harmful visual impact in all the views to Bishops Lydeard from the West.”

## 9.0 **REPRESENTATIONS**

5 letters of objection have been received making the following points:-

1. Risk of flooding. As more houses are built, less area of open ground to absorb excess water.
2. Flooding will increase with global warming.
3. Cul-de-sac will become through road.
4. Traffic – cross roads situation with surgery and village hall car parks in close proximity constitute major hazard for pedestrians and cyclists.
5. Site is in Conservation Area. Previous application and appeal turned down – what has changed?
6. Too much traffic already in village – this should be relieved before any more house building.
7. Difficult for emergency vehicles to access Lydeard Mead.
8. The site has always been agricultural land, current users keep it in an untidy state, not appropriate for building.
9. The flood alleviation measures have been drawn up by the same group as drawn the original scheme which was designed to protect the existing houses, has failed on at least 2 occasions.
10. The level of flood protection to existing properties will be diminished from an already inadequate scheme.
11. Concern that the agent for the flood alleviation measures was unaware of the circumstances of the site and immediate surroundings so concerned about whole study.
12. Problems with maintenance of flood defences – no effective maintenance of existing defences.
13. Trees were felled by applicant just prior to last application reported to Committee.



14. Misleading statement in respect of height of building materials; permanent housing would have more of an impact than materials stacked in the open.
15. Inspector (in respect of previous application) stated the status quo would be less harmful to the setting of Bishops Lydeard than the proposed development which would conflict with Structure Plan Policy STR6 and Local Plan policies.
16. Applicant has stated he wishes to move his builder's yard further west into the designated farming land, this would start the process again and allow development to creep into the Lawns.

#### 10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposed development in compliance with Development Plan Policies? POLICY
- B. Would the development affect the flood plain? FLOODING
- C. Would the character of the Conservation Area be adversely affected? CONSERVATION
- D. Would additional housing cause additional traffic? TRAFFIC
- E. is the proposed development sustainable? SUSTAINABILITY

##### **A. Policy**

The policy situation is complex in respect of the allocation of the site inside or outside the settlement limit in the Taunton Deane Local Plan. The Taunton Deane Local Plan Revised Deposit Policy BL2 included the site specifically as a housing allocation. An application for residential development (06/2000/207) was made and permission refused by Committee 9<sup>th</sup> October, 2002. The subsequent appeal was dismissed (June 2003); the Inspector gave little weight to the Taunton Deane Local Plan Revised Deposit as it was subject to 10 objections from local residents and interested parties due to unresolved objections. The Inspector concluded the main issues were the adequacy of flood prevention scheme to control flood risk and the effect on the setting of Bishops Lydeard; he considered the area to be at high risk from flooding, that the proposal did not provide technically sound flood defence measures in conflict with national planning objectives set out in PPG25 and emerging Local Plan Policy EN30 and that the development "would introduce a harmful form of permanent development that would seriously erode the quality of the rural setting of Bishops Lydeard in conflict with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6, West Deane Local Plan Policies WD/SP/2, WD/BL/3, WD/BL/7 and WD/BL/8." (see Appendix B)

The Local Plan Inspector however concluded that the site is currently a builder's yard with considerable amounts of open storage of plant and materials, it would be located adjacent to the existing modern housing in Lydeard Mead and not be seen in direct relationship to the more established village housing. He also agreed that the area of the site to be modified to coincide with the Certificate of Lawfulness dated 26<sup>th</sup> September, 1996 and the proposals map be amended to show area liable to flood. (see Appendix C).

The Local Planning Authority however has considered this modification and has concluded that the Lime Tree Farm site should be deleted from the Local Plan (see Appendix D) .

The site is now considered to be outside settlement limits. The local plan process is still ongoing and objections have been made to the above modifications; these will be considered by the Strategic Planning and Transportation & Economic Development Review Panel, in late September 2004.

## **B. Flooding**

PPG25 advises local planning authorities to consider ways in which the planning system might be used positively to tackle the legacy of past development in unsustainable locations, such as flood plains. Because of the damage that can arise from flooding, the Government considers that the objectives of sustainable development require that action through the planning system to manage development and flood risk should be based on the precautionary principle. Paragraph 13 of PPG25 states that where there are threats of damage, a lack of scientific data should not be used as an excuse for not implementing cost effective measures to prevent environmental degradation. Accordingly, for proposals within areas liable to flooding, the implementation of the precautionary principle will require the applicant to demonstrate that a proposed scheme of flood protection of the required standard is both technically feasible and deliverable and that it will not adversely affect third parties by reason of increased risk of flooding. The PPG sets out an approach that directs authorities towards sites at lower risk of flooding from those at higher risk. Three categories of risk relating to flooding are identified, ranging from little or no risk, through low to medium risk, to high risk. The high risk category is split into three separate elements, namely developed areas (3a), undeveloped and sparsely developed areas (3b) and functional flood plain (3c).

The application site is considered to be within category 3a in the Local Plan Inspector's Report, given that the site has an existing use as a builder's yard. Paragraph 30 of PPG25 states that these areas may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defence can be maintained for the lifetime of the development, with preference being given to those areas already defended to that standard.

The Inspector considering the previous proposal for residential development (06/2000/027) concluded that given photographs of recent flooding events show that the site is part of the functional flood plan indicating categorisation with Zone 3C whereon built development should be wholly exceptional. However the presence of a building could categorise the site as Zone 3B as a sparsely developed area whereon general purpose housing should not normally be permitted. (see Appendix B). The Local Plan Inspector considered the site to fall within category 3a of PPG25 – see Appendix C. The inspector concluded this categorisation because of its existing use for storage of builders materials. Given these two very different conclusions, the Environment Agency has requested the Local Planning Authority give an opinion on such category. Over the history of the previous application and the Local Plan Inquiry, reference has been put forward by different planning officers that it is 3a or 3b.

There is therefore a difference of opinion with Planning Inspectors. A similar difference of opinion has also been noted from the previous application, and the varying views of officers into which category the site lies.

The Environment Agency, in a letter dated July, 2002 confirmed the site to be 3c as in its evidence to the Local Plan Inquiry.

This subject has been give much consideration, and after legal advice, the conclusion is that the Local Planning Authority should follow the views of the Inspector into the appeal (Appendix B) i.e. that the site should be categorised under Zone 3b as a sparsely developed area whereon general purpose housing would not normally be permitted. The site being categorised as Zone 3b which is not suitable for residential development; objection on this basis is therefore raised.

### **C. Conservation**

The Conservation Officer has concerns about the effect of the proposal on the Conservation Area, in particular the effect of the development impinging on the rural landscape to the west of the village, and concludes that the extension of the village into the rural landscape would cause harm to the character and setting of the Conservation Area. The Appeal Inspector had a similar view (Appendix B) however the Local Plan Inspector found 'no harm' (Appendix C). The site is on the edge of the village being in a position between open rural landscape and the built form of the village. Consideration of harm on the character of the Conservation Area is subjective, but it is considered the development of the site together with the engineered flood alleviation measure contained within the accompanying documentation would result in features generally alien to Conservation Areas and these would adversely affect the character of the Conservation Area by reason of visual intrusion.

### **D. Traffic**

The proposed development will be served by an extension to the existing public highway serving Lydeard Mead. The existing bridge into the site will have to be widened and strengthened to the County Highway Authority's requirements. The County Highway Authority consider that the additional traffic generated by the residential development would not be significantly greater than the builder's yard and would in any event consist mainly of light vehicles rather than heavy goods vehicles which could be associated with the builder's yard. They therefore raise no objection to the proposal subject to conditions and notes.

### **E. Sustainability**

National and Local Planning Policies support and encourage sustainable mixed use developments on brownfield or previously developed land. There is some disagreement whether this site is brownfield. It is considered that the existence of a Certificate of Lawfulness for a particular use does not necessarily mean that the site is "brownfield". Use of the site as a builders yard, even with a building, does not in the opinion of the Local Planning Authority constitute previously developed site within PPG25 Zone 3a (see above) and thus the site is not suitable for residential development.

The site is close to the village's facilities, however given that the site is within the area shown to be within the area liable to flood, such an allocation is contrary to PPG25 and Policy EN30 relating to flooding, and this is considered to be unsustainable.

## 11.0 **CONCLUSION**

The site is now outside the defined settlement limits and is not a site allocated for housing and in an area liable to flood in the Taunton Deane Local Plan – Modifications. This situation follows two recent decisions by Inspectors of the previous refusal and the Local Plan. Section 54A of the Planning Act requires that applications which are not in accordance with the relevant policies in the plan should not be allowed unless material considerations justify granting planning permission. Thus in accordance with the above, the recommendation is to refuse.

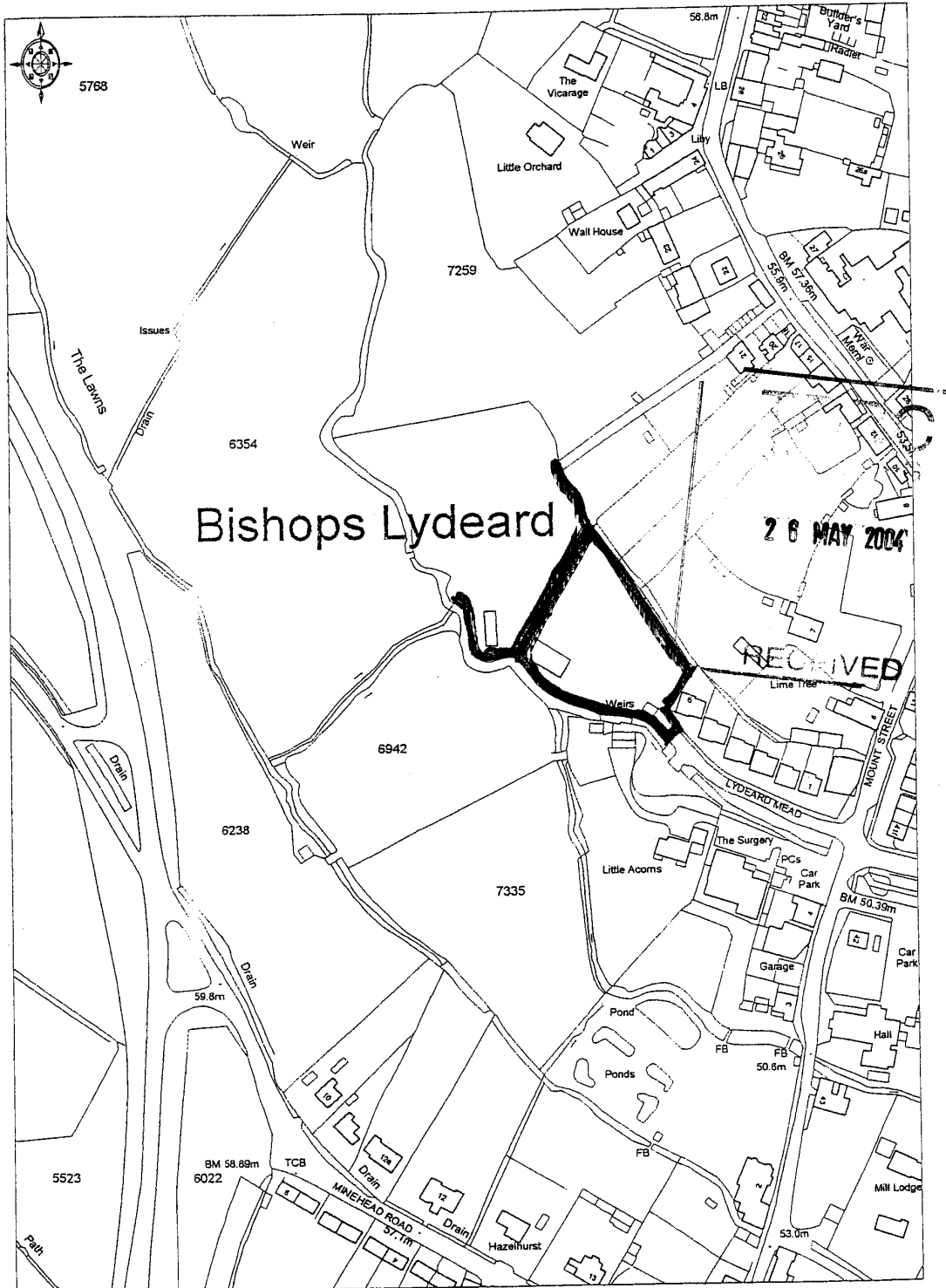
Furthermore in respect of the location within Bishops Lydeard Conservation Area, the proposal is considered to be detrimental to the character of the Conservation Area, particularly in respect of the engineered revetments to the drainage channels required for the flood alleviation measures. The proposal is therefore considered not to preserve or enhance the character of the Conservation Area, indeed it is considered to be detrimental to its character.

The flooding issue is complex, with differing views as to the categorisation. However given that the decision of the Appeal Inspector has been followed in the recommendations above, the Inspector's view that the site is 3b is being taken by the Local Planning Authority and is consistent with this appeal decision, and is included in the recommendation for refusal.

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

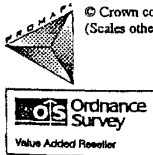
**CONTACT OFFICER: Ms K Marlow Tel: 356460**

# Site Plan

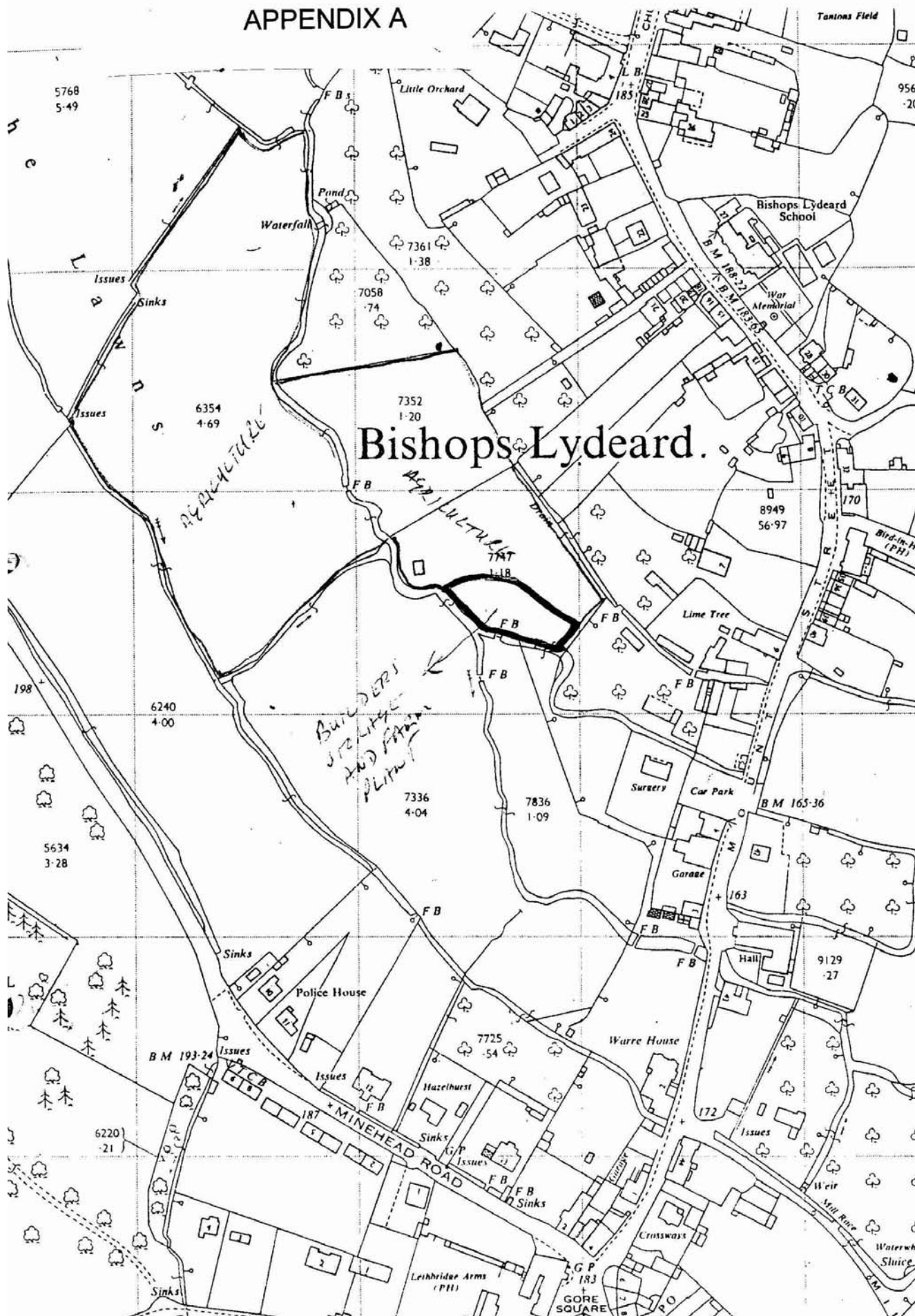


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(Scales other than at Survey Scale should not be used for accurate measurement). Business occupancy data ©2000 Thomson Directories Ltd.

## Wilkie Group Surveyors

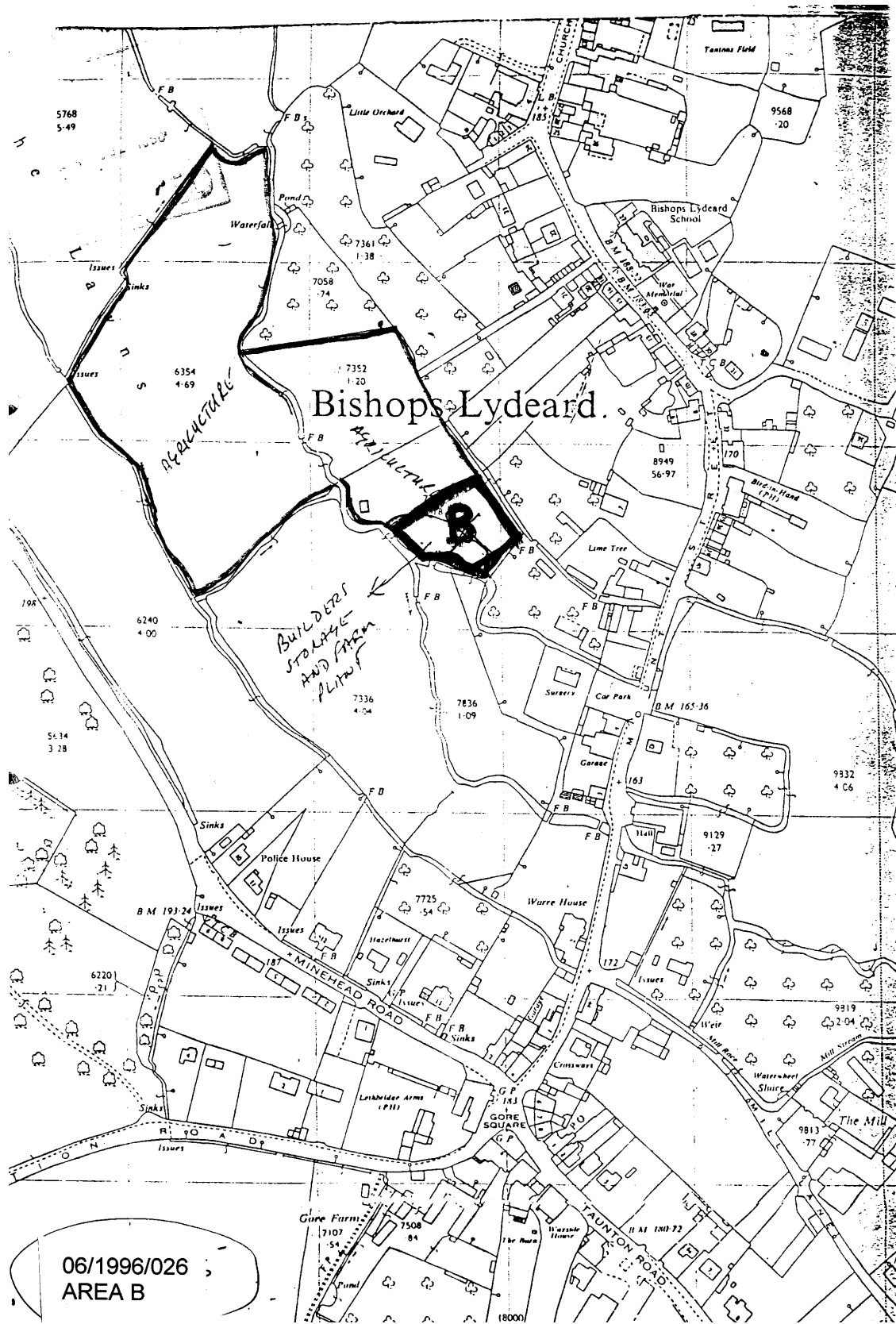


# APPENDIX A









Bishops Lydeard.

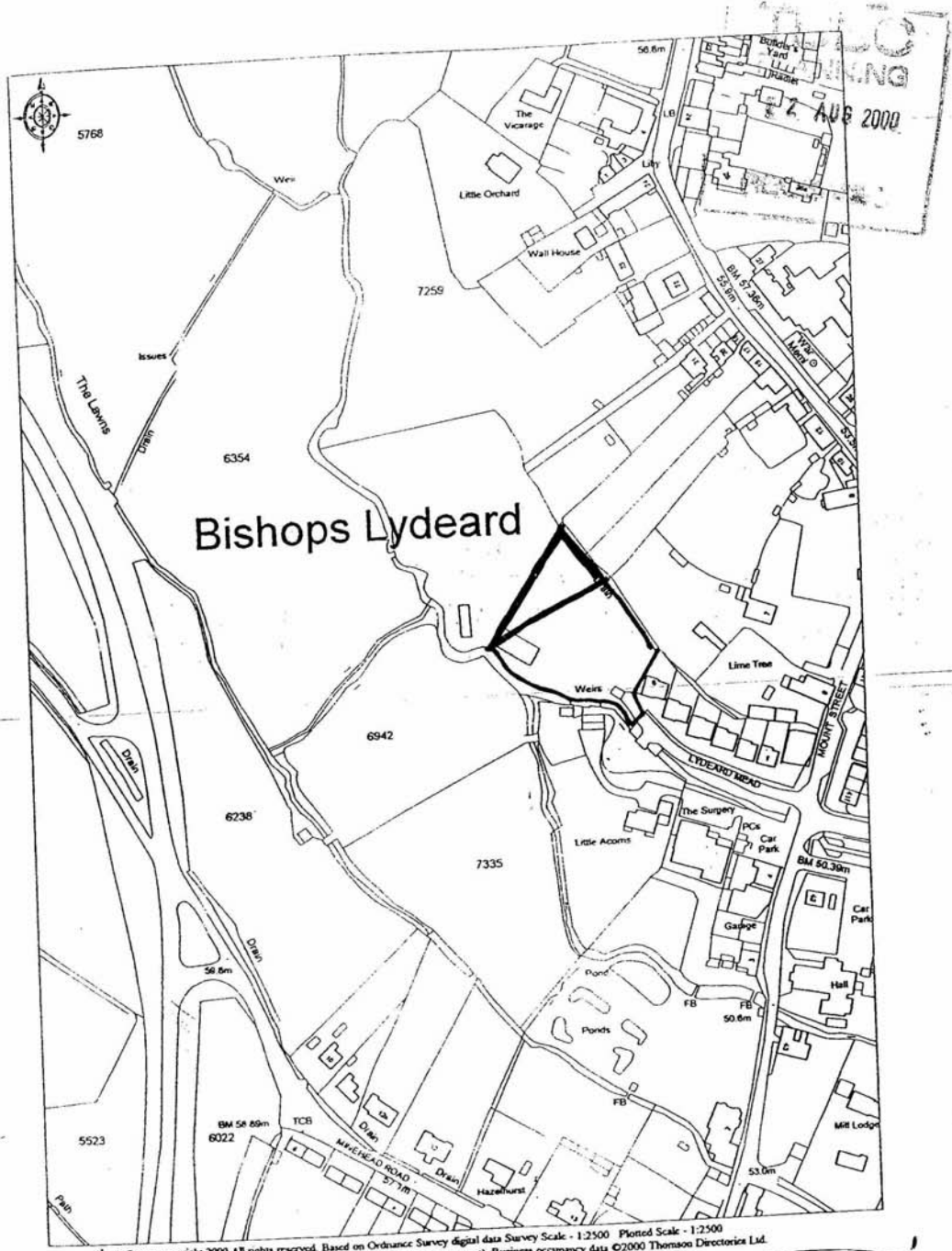
AGRICULTURE

MILITARY

BUILDERS STORAGE AND FARM ALIEN

06/1996/026  
AREA B

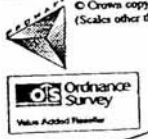
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 (Scales other than at Survey Scale should not be used for accurate measurement). Business occupancy data ©2000 Thomson Director Ltd.

Wilkie Group Surveyors

06/2000/044  
 AREA C



## APPENDIX B



## Appeal Decision

Site visit made on 23 April 2003

by **Robin Bradbeer BA (Hons) MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/05 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

17 JUN 2003

**Appeal Ref: APP/D3315/A/02/1106403**

**Land to the west of Lydeard Mead, Bishops Lydeard, near Taunton**

- 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 A.J. Raucki & Son against the decision of Taunton Deane Borough Council.
- The application (ref: 06/2000/027), dated 7 June 2000, was refused by notice dated 9 October 2002.
- The development proposed is residential development.

**Summary of Decision: The appeal is dismissed.**

### Procedural Matters

1. The application was in outline with all matters reserved for a subsequent application. The submitted plan comprises the ordnance survey based location plan on which the site is edged red. Further plans, which I shall treat as illustrative, include two layout drawings together with a drawing entitled "sketch proposals for channel improvement works" (drawing no. AB595-03B). The earlier layout drawing (no. 5869.2008) indicated 7 detached and semi-detached houses and the later drawing (no. 5869.2002.1) indicated 7 houses of semi-detached and terraced form together with a 6m wide tree planting shelter belt adjacent to the west boundary. I shall take these drawings into account in depicting a suggested flood alleviation scheme and possible housing layouts.
2. The appellant has provided a unilateral undertaking dated 14 April 2003 that deals with the provision of contributions towards off-site play and playing fields facilities, landscape and planting works and flood alleviation works. The Council has subsequently confirmed that the terms of this undertaking are considered satisfactory in relation to these matters with the exception that the Council would have sought a 20 year maintenance period for both the landscape and planting works and the flood alleviation works instead of the 12 year period stated in the undertaking.
3. Certificates of Lawfulness for an Existing Use (CLUE) were issued for different areas of the site in 1996 (ref: 06/96/026LE) and in 2000 (ref: 06/2000/044LE). The combined land and premises referred to in these certificates corresponds to the whole of the appeal site. Both certificates were for use of the land and premises for the storage of building materials and equipment and agricultural materials and equipment.

### Planning Policy

4. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review (2000) and West Deane Local Plan (1997). Structure Plan Policy STR1 aims to achieve a sustainable pattern of development in the selection of development sites and accords priority to the continued use of previously developed land. Policy STR6 states that development outside towns, rural centres and villages shall be strictly controlled and

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restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The explanatory text at paragraph 3.43 states that any local plan allocations for development in rural centres should be located within the settlement boundary.

5. Although the Local Plan became time expired in 2001 it remains part of the adopted development plan for s.54A purposes. The plan describes Bishops Lydeard as a rural centre and Inset Map No. 4 shows the site located outside the defined settlement limits and within both the Conservation Area and an Area of High Archaeological Potential. An area along the southern boundary of the site is defined as an Important Tree Group. Policy WD/SP/2 aims to prevent development outside defined settlement limits unless it is either for the purposes of agriculture or forestry or otherwise in accordance with a specific development plan policy or proposal. Policy WD/EC/23 sets out the general principles the Council will apply to development affecting Conservation Areas relating to character and appearance. There are several relevant policies that are specific to Bishops Lydeard. Policy WD/BL/3 confines new housing development to within the defined settlement limits. Policy WD/BL/7 seeks to directly protect from development the open areas of flood plain west and south of Bishops Lydeard because they provide an important setting for the village. Policy WD/BL/8 aims to resist development that would adversely affect important views that contribute to the character of the village.
6. Also relevant is the emerging Revised Deposit Taunton Deane Local Plan published in 2000. Objections to the plan have been considered at an inquiry upon which the Inspector's report is awaited. Policy S6 defines Bishops Lydeard as a rural centre appropriate for selective development. Policy BL2 proposes to allocate 0.25ha of the appeal site for not less than 8 dwellings. The allocation specified a range of criteria to be fulfilled including respect for the setting of houses in Lydeard Mead; adequate protection of the important tree group adjacent to the Back Stream; provision of a substantial belt of landscaping along the western boundary; appropriate works and measures to ensure adequate drainage and flood protection and removal of the overhead electricity supply. Policy BL4 protects from development open farmland to the west of this proposed allocation because of its contribution to the setting of the village. Policy EN30 states that development on land liable to flood will not be permitted unless the proposal would comply with a range of specified flooding criteria. The proposed allocation under Policy BL2 was the subject of objections to the Local Plan Inquiry from 10 local residents and interested parties who raised concerns which included the effect of the proposal both upon the setting of the village and flood risk. The weight I attach to this emerging plan is limited by reason of these unresolved objections to relevant policies.

### **Site and Surroundings**

7. The site is located in the flood plain on the west side of Bishops Lydeard. Notwithstanding the information supplied by the Council on the appeal questionnaire the site lies within the Conservation Area as defined in the adopted Local Plan. The premises have access from Lydeard Mead and comprise a relatively flat, open area of 0.3 hectares that includes a storage building in the western corner.

## Main Issues

8. I consider the main issues to be firstly, the adequacy of the proposed flood prevention scheme to control flood risk associated with the proposed development; and secondly, the effect of the proposal upon the setting of Bishops Lydeard.

## Reasons

### *Flood risk*

9. Planning Policy Guidance Note 25 (PPG25) "*Development and Flood Risk*" applies the precautionary principle to flooding by requiring the planning system to ensure that new development is safe and not exposed unnecessarily to flooding. The guidance acknowledges the lead role of the Environment Agency in providing advice on flood issues relating to planning applications. Table 1 of the guidance sets out the planning response to sequential characteristics of flood risk. Both main parties agree that the site is within Flood Zone 3 "high risk". Differences of opinion have arisen in attributing the site, or parts thereof, to sub-divisions of Zone 3. Photographs of recent flooding events show that the site is part of the functional flood plain indicating categorisation within Zone 3c whereon built development should be wholly exceptional. However, the presence of a building leads me to conclude that the site could be categorised under Zone 3b as a sparsely developed area whereon general purpose housing should not normally be permitted.
10. The appellant's engineering consultants have produced a Flood Alleviation Study following extensive dialogue with the Environment Agency. The study undertook hydraulic modelling of the adjacent watercourse to analyse flood frequency relating to the watercourse both as existing and following implementation of a range of channel modification works. I understand that those works are shown on drawing no. AB595-03B. The model predicted that the 1-in-100 year flood event, including an allowance for climate change, would pass through the modified watercourse without causing any increased flooding down stream of the proposed development. By comparison the model predicted that the 1-in-100 year flood event on the watercourse as existing would cause flooding in the vicinity of the properties located between the north and south channels. The study concluded that the proposed channel modifications would increase flood protection to those existing properties.
11. The Environment Agency informed the Council by letter dated 12 June 2002 that it was satisfied that the proposed flood alleviation works provided an acceptable solution to the flooding issue and on that basis withdrew its earlier objection. However, further to its preparation for and attendance at the Local Plan Inquiry the Environment Agency wrote to the Council by letter dated 4 July 2002 reviewing its stance and effectively objecting to the proposal. In explanation the letter stated that the Agency believed that a number of issues were raised which warrant further investigation. The letter also expressed the view that part of the application site falls within Flood Zone 3c in Table 1 of PPG25 representing "landtake" in the flood plain.
12. I have taken into account the possible benefits to the occupiers of properties in the vicinity by increased flood protection arising from the proposed flood alleviation works. In my opinion those possible benefits are outweighed by the uncertainties expressed by the Environment Agency in the letter dated 4 July 2002 relating to both the principle

and effectiveness of the proposed works. The fact that the maintenance period referred to in the unilateral undertaking is insufficient to be fully acceptable to the Council reinforces those uncertainties.

13. On this issue I conclude that the proposal comprises inappropriate development upon an area at high risk from flooding and does not provide technically sound flood defence measures in conflict both with national planning objectives set out in PPG25 and emerging Local Plan Policy EN30.

#### *The setting of Bishops Lydeard*

14. The west boundary of the site is open to an extensive area of farmland known as The Lawns that stretches north towards West Street and west towards the A358 by-pass. There are filtered public views across this farmland towards the appeal site from both roads in which the appeal site and nearby housing feature. Having regard to the illustrative layout drawing and relevant advice set out in Planning Policy Guidance Note 3 (PPG3) "Housing" which encourages efficient use of land released for development, I consider that the proposal would result in a significant increase in permanent building coverage on the site. Such development would in my opinion cause a harmful visual incursion of urban form into the sensitive rural landscape to the west of the village. The likely need to raise site levels by approximately 0.5 m as indicated on the sketch proposals for flood alleviation works would accentuate the prominence of the development in the wider landscape. I accept that substantial landscaping to the west boundary would help to reduce the visual impact of development on the site. However, I do not consider that landscaping would be fully effective in mitigating such impact having regard to seasonal loss of leaf cover and the considerable period required for newly planted trees to become established and reach sufficient bulk to screen residential development.
15. I turn now to consider the appellant's submissions regarding the fall-back position which rely upon the two CLUE's that cover the whole site and do not qualify the height of the authorised open storage use. Taking into account the practical limitations affecting the use which include considerations of safety and convenience relating to the stacking of materials in the open, together with the susceptibility of the site to flooding, I consider that there would not be a real likelihood that storage use would have as much impact in terms of massing, height and extent by comparison with permanent housing development on the site. Therefore I conclude that the fall-back position would be less harmful to the setting than the proposed development.
16. In relation to housing site allocation decisions PPG3 advises a systematic approach which includes assessment of potential and suitability against a range of criteria including constraints such as flood risk. I accept that this site has certain merits since it comprises previously developed land under the Annex C definition and is located on the edge of this rural centre. However, having regard to the objections raised to this proposed allocation in the emerging local plan, it would be wrong in my opinion to approve development here, which clearly conflicts with the adopted development plan, in advance of a systematic approach to assessing the development potential of this and other sites through the emerging district-wide plan. On this issue I conclude that the proposed development on this site, which lies outside the settlement boundary, would introduce a harmful form of permanent development that would seriously erode the quality of the rural setting of Bishops

Lydeard in conflict with Structure Plan Policy STR6 and Local Plan Policies WD/SP/2, WD/BL/3, WD/BL/7 and WD/BL/8.

#### **Other Considerations**

17. Although the effect of the proposal on the Conservation Area did not form part of the Council's reason for refusal this was a concern expressed by the Conservation Officer. I consider that the proposed development, together with associated flood alleviation works, would neither preserve nor enhance the character or appearance of the Conservation Area due to incursion of built form into this rural setting. This finding adds weight to my conclusions on the main issues.
18. Concerns have been expressed regarding the traffic, highway safety and on-street parking implications of the proposal. I note that the Council consulted the Highway Authority who raised no objection in principle to the proposed development. Further to my visit to the site I am satisfied that the traffic implications of the proposal could be reasonably accommodated without harm to highway safety. Further concerns regarding the possible presence of badgers expressed by English Nature and The Somerset Wildlife Trust could be addressed by appropriate planning conditions and would not be grounds to reject this appeal.

#### **Conclusion**

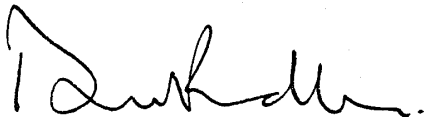
19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### **Formal Decision**

20. In exercise of the powers transferred to me, I dismiss the appeal.

#### **Information**

21. 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.



INSPECTOR



## APPENDIX C

concerned that the policy does not set a maximum figure. I note that the density indicated has increased over the previous proposal approved in the West Deane Local Plan, which provided for about 15 dwellings. However, the density proposed is in line with national guidance in PPG3, which suggest densities between 30 and 50 dwellings per hectare are appropriate, and the provision of smaller units would help in addressing the need for lower cost homes.

10.3.3.10. I recognise the concerns of the Parish Council that the number of dwellings could be higher than indicated in Policy BL1, since the policy sets no upper limit on the number of units on the site. However, I am satisfied that, with the limitations imposed by the size of the site and the need to retain the stone barns in any scheme, together with the constraints imposed on design by proximity to the Conservation Area, the eventual scale of the development would be commensurate with the levels indicated in the policy. I also note the view expressed by the Parish Council that no further development should take place in the village prior to the completion of Cotford St Luke, but given the modest scale of development proposed I take the view that it is appropriate for the village and will have no material impact on either traffic or the environment in Bishops Lydeard.

#### 10.3.4. Recommendations

**REC10/3: I recommend that no modifications be made to the Local Plan in respect of these objections.**

### 10.4. POLICY BL2 – Lime Tree Farm

#### 10.4.2. Objections

O/21/5041	Dickson
O/21/5042	Dickson
O/21/5043	Dickson
O/46/5108	Smith
O/95/6725	A&J Raucki & Son
O/269/5835	Bishops Lydeard and Cothelstone Parish Council
O/546/7009	Heron Land Developments Limited and Prowting Projects Plc
RO/95/10961	A&J Raucki & Son
RO/269/10047	Bishops Lydeard and Cothelstone Parish Council
RO/890/10004	Bush
RO/1018/11409	Spackman

#### 10.4.3. Supporting Representation

S/21/5040	Dickson
S/95/6724	A&J Raucki & Son

#### 10.4.4. Main Issues

- 10.4.4.1. Whether the site can be adequately protected against flooding in accordance with PPG25.
- 10.4.4.2. Whether the proposed development would unacceptably harm the environmental quality of The Lawns.
- 10.4.4.3. Whether the proposal would aggravate existing traffic problems in the village.
- 10.4.4.4. Whether Policy BL2 should require traffic calming on Lydeard Mead and sensitively designed street lamps, and any development should not have an overhead electricity supply.
- 10.4.4.5. Whether the proposed allocation should be varied to coincide with the area covered by the Certificate of Lawfulness for an Existing Use issued on 25 September 1996.
- 10.4.4.6. Whether the proposed scale of development should be more closely controlled.
- 10.4.4.7. Whether there is sufficient capacity in the village school to accommodate the additional pupils which would be generated.
- 10.4.4.8. Whether development of the site would unacceptably alter the form and character of this part of the village.

#### 10.4.5. Inspector's Considerations and Conclusions

##### Background

- 10.4.5.1. The site lies on the edge of Bishops Lydeard, and has a lawful use as a builders' yard. The site is included as a housing allocation in the Revised Deposit Local Plan for a minimum of 8 houses subject, among other things, to the removal of the existing overhead electricity supply line and appropriate works to ensure adequate drainage and flood protection.
- 10.4.5.2. The site suffers from significant flooding problems, and was inundated most recently in October 2000. Because of the existing use as a builders yard, the site falls within Category 3a of PPG25 on Flooding, where development can be permitted provided an appropriate minimum standard of flood defence can be provided. The Environment Agency initially objected to the allocation pending a full investigation of flood risk to the site, because it was not convinced that a satisfactory solution could be found to the flooding problems. The Council reconsidered its suitability in September 2001, following the publication of PPG25, and deferred

a decision on the site pending the receipt of further flood risk studies.

10.4.5.3. Proposals for flood protection were submitted in support of a planning application on the site, and the Environment Agency now considers that the site can be protected to a 1 in 100 years standard plus 20%. The Council has subsequently considered the site again, and now proposes that the allocation should remain in the Local Plan.

10.4.5.4. The Planning Committee considered a report on 2<sup>nd</sup> October 2002 recommending conditional approval of an application for residential development of the site, subject to the departure procedure, the provision and maintenance of flood alleviation works, and contribution to off-site leisure facilities. The application was refused on grounds of prematurity and development in the flood plain.

10.4.5.5. The Proposals Map does not show the extent of the area subject to flood risk in the vicinity, but additional data have been received from the Environment Agency, and the extent of risk is shown on the map in Appendix 4 of TD/284. The Council proposes to amend the Proposals Map for Bishops Lydeard to show the area at risk, and I concur with that amendment.

#### Flood Risk

10.4.5.6. The land has historically been subject to flooding, and the Environment Agency originally objected to the allocation. Objector 890/10004 also raised concerns on this matter.

10.4.5.7. The site is in a high risk flood area as defined in Table 1 of PPG3. Because of its existing use for the storage of builders' materials it falls within Category 3a of Table 1 in PPG25. Such areas have an annual probability of flooding greater than 1% (1 in 100 years). However, the PPG advises that they may be suitable for residential development provided the appropriate minimum standard of flood defence can be maintained for the lifetime of the development. The Environment Agency has indicated that the current proposals for flood protection achieve that standard plus 20%, and that there would be no increase in third party risk resulting from development. I therefore consider that there is no in principle objection to the allocation on the grounds of flood risk.

#### Protection of The Lawns

10.4.5.8. Objectors 21/5042, 46/5108, 269/5835, and 1018/11409 express concerns about the impact of development on The Lawns, an open area adjacent to the village. Whilst I consider that the area should continue to be protected in general terms, the allocation site

comprises an existing builders' yard, which makes no contribution to the open rural aspect of The Lawns, and has a detrimental visual impact. I therefore consider that the allocation proposed would provide a defensible boundary against further development.

#### Traffic Problems

10.4.5.9. Objectors 21/5041, 269/5835, 890/10004, and 1018/11409 raise concerns about the impact of the additional traffic which would be generated by the development. However, the highway authority advises that the level of traffic generation would not be significantly greater than the existing builders' yard, and would consist of light vehicles as opposed to the heavy goods vehicles associated with the current use. I concur with that view, and do not consider this to be an over-riding objection to the allocation. Issues of traffic calming are not matters for consideration as part of the Local Plan, and should be discussed with the Highway Authority.

#### Power Supply/Lighting

10.4.5.10. Objections 21/5042 and 21/5043 raised concerns about the design of street lighting and the diversion of the existing overhead power supply which crosses the site. The Council has amended paragraph 10.4 to make reference to these requirements, and has introduced an additional criterion in Policy BL2 requiring the diversion of the overhead power line. These objections are therefore met.

#### Site Boundaries

10.4.5.11. Objector 95/6725 proposes that the boundaries of the site should be expanded to coincide with the area covered by the Certificate of Lawfulness for an Existing Use issued on 25 September 1996. Since that area could be used for storage of builders' materials, I consider that the whole of the area would be improved environmentally if development were allowed. I therefore concur with the objector.

10.4.5.12. The objector also proposes that the site be expanded to the north-east to incorporate land designated in the Plan as an Area to Remain Undeveloped (ARU). That area encompasses the rear gardens of houses along High Street, and I have considered a proposal to delete the ARU designation in paragraph 7.42.4.15. I concluded on that issue that PPG17 provides amenity open space can include domestic gardens, and the designation is in line with that advice. In my view, the gardens are significant in providing a setting to the built-up area of the village, and for that reason I consider that the ARU designation should be maintained. As a consequence, I see no justification for extending the boundaries of the site at Lydeard Mead to incorporate this land.

### Scale of Development

10.4.5.13. The Parish Council is concerned that the policy sets no upper limit on the number of dwellings which could be built on the site. However, the density proposed is in line with national guidance in PPG3, which suggest densities between 30 and 50 dwellings per hectare are appropriate, and the provision of smaller units would help in addressing the need for lower cost homes.

10.4.5.14. I recognise the concerns of the Parish Council that the number of dwellings could be higher than indicated in Policy BL2, since the policy sets no upper limit on the number of units on the site. However, I am satisfied that, with the limitations imposed by the size of the site and the need to provide for significant flood protection works, the eventual scale of the development would be commensurate with the levels indicated in the policy. I also note the view expressed by the Parish Council that no further development should take place in the village prior to the completion of Cotford St Luke. However, given the modest scale of development proposed I take the view that it is appropriate for the village, which is a designated rural centre in the Plan, and will have no material impact on either traffic or the environment in Bishops Lydeard.

### School Capacity

10.4.5.15. Objector 1018/11409 indicates that the village school is at capacity. The Local Education Authority confirms that the school has a capacity of 237 pupils, and the forecast roll for September 2002 was 247 pupils. However, that number is forecast to fall to 198 pupils by 2006 because of reduced birth rates and the opening of the new school in Cotford St Luke. The proposed housing gain in Bishops Lydeard would be likely to generate an additional 6 pupils and, on that basis, the school would have sufficient capacity to accommodate the additional pupils.

### Impact on Form and Character of the Area

10.4.5.16. Objector 1018/11409 considers that the proposal would significantly alter the form and character of this part of the village.

10.4.5.17. The site is currently a builders yard with considerable amounts of open storage of plant and materials, and provides an unattractive foreground to the open land which forms the remainder of The Lawns. Whilst a new development would change that character it would, in my view, remove an existing eyesore which has a detrimental effect on the area and bring about environmental improvements to the area generally.

### Scale of Development

10.4.5.13. The Parish Council is concerned that the policy sets no upper limit on the number of dwellings which could be built on the site. However, the density proposed is in line with national guidance in PPG3, which suggest densities between 30 and 50 dwellings per hectare are appropriate, and the provision of smaller units would help in addressing the need for lower cost homes.

10.4.5.14. I recognise the concerns of the Parish Council that the number of dwellings could be higher than indicated in Policy BL2, since the policy sets no upper limit on the number of units on the site. However, I am satisfied that, with the limitations imposed by the size of the site and the need to provide for significant flood protection works, the eventual scale of the development would be commensurate with the levels indicated in the policy. I also note the view expressed by the Parish Council that no further development should take place in the village prior to the completion of Cotford St Luke. However, given the modest scale of development proposed I take the view that it is appropriate for the village, which is a designated rural centre in the Plan, and will have no material impact on either traffic or the environment in Bishops Lydeard.

### School Capacity

10.4.5.15. Objector 1018/11409 indicates that the village school is at capacity. The Local Education Authority confirms that the school has a capacity of 237 pupils, and the forecast roll for September 2002 was 247 pupils. However, that number is forecast to fall to 198 pupils by 2006 because of reduced birth rates and the opening of the new school in Cotford St Luke. The proposed housing gain in Bishops Lydeard would be likely to generate an additional 6 pupils and, on that basis, the school would have sufficient capacity to accommodate the additional pupils.

### Impact on Form and Character of the Area

10.4.5.16. Objector 1018/11409 considers that the proposal would significantly alter the form and character of this part of the village.

10.4.5.17. The site is currently a builders yard with considerable amounts of open storage of plant and materials, and provides an unattractive foreground to the open land which forms the remainder of The Lawns. Whilst a new development would change that character it would, in my view, remove an existing eyesore which has a detrimental effect on the area and bring about environmental improvements to the area generally.

implemented and maintained for the lifetime of the development, and it does not object in principle to the allocation.

10.5.5.2. Objections were received from several local residents (68/10052, 1031/11174, and 1018/10997). The latter submitted photographs showing the site flooded on 30 October 2000, which demonstrate that the existing flood protection works would not be sufficient to provide protection for the allocation site. At that stage the allocation site was inundated by flood-water, the existing channels were operating at capacity, and there was flooding of some garden areas. There were also photographs of other flood events in earlier years.

10.5.5.3. I have considered the issue of flood risk in paragraphs 10.4.5.2 to 10.4.5.6 above, and my conclusions on that matter are set out therein.

10.5.5.4. The Environment Agency objected to the wording of paragraph 10.4 in the Deposit Local Plan, and suggested a revised form of words. That wording was included in the revision at Revised Deposit stage, and the objection is therefore met.

10.5.5.5. Objector 68/10052 also suggested additional wording for paragraph 10.4, referring to the need for a drainage investigation to assess the flood attenuation measures needed. However, PPG25 has already introduced much more rigorous requirements for the consideration of sites which are at risk of flooding, and I do not consider it necessary to include specific reference to those matters in this paragraph.

#### 10.5.6. Recommendations

**REC10/5: I recommend no modification to the Plan.**

\*\*\*\*\*



## APPENDIX D

**Taunton Deane Local Plan  
Proposed Modifications – Spring 2004**

**RECOMMENDATION THE COUNCIL  
DOES NOT INTEND TO ACCEPT  
R/BL/1**

**Relevant Local Plan Policy / Paragraph:** Policy BL2, Paragraph 10.4

**Subject:** Lime Tree Farm

**Inspector's Recommendation(s):** REC10/4, 10/5

**Modification Reference:** M/BL/3, M/BL/3/MAP

**Summary Of The Inspector's Recommendation(s):**

REC10/4

- (i) The area of the site be amended to coincide with the Certificate of Lawfulness for an Existing Use dated 25 September 1996, and the Certificate of Lawfulness for an Existing Use dated 12 October 2000.
- (ii) The Proposals Map be amended to show the extent of the area liable to flood.

REC10/5

No modification to the Plan.

**Council Decision:**

Reject Inspector's Recommendation.

**Reasons For Not Accepting The Recommendation(s):**

The Inspector's Recommendation has been overtaken by events. The site should be removed from the Plan following refusal of planning permission for residential development at appeal during 2003.

Planning permission was refused for the following reasons:

- (i) The proposal comprised inappropriate development on an area at high risk of flooding and did not provide technically sound flood defence measures, contrary to national planning objectives set out in PPG25 and the emerging Local Plan policy EN30
- (ii) Development on the site, outside the settlement boundary, would seriously erode the rural setting of Bishops Lydeard, contrary to policies in the adopted Structure Plan and the West Deane Local Plan

Paragraph 10.4 needs to be deleted from the Plan following the deletion of Policy BL2 to which it refers. Consequential modifications will be required to other sections of the Plan.

**Taunton Deane Local Plan  
Proposed Modifications – Spring 2004**

**PROPOSED MODIFICATION  
M/BL/3, M/BL/3/MAP**

**Relevant Local Plan Policy / Paragraph:** Policy BL2, Paragraph 10.4, Proposals Map

**Subject:** Lime Tree Farm

**Inspector' Recommendation:** REC10/4, 10/5

**Summary Of The Inspector's Recommendation:**

REC10/4

- (i) The area of the site be amended to coincide with the Certificate of Lawfulness for an Existing Use dated 25 September 1996, and the Certificate of Lawfulness for an Existing Use dated 12 October 2000.
- (ii) The Proposals Map be amended to show the extent of the area liable to flood.

REC10/5

No modification to the Plan.

**TDBC Response:**

Disagree, because the Inspector's Recommendation has been overtaken by events. The site should be removed from the Plan following refusal of planning permission for residential development at appeal (April 2003). Planning permission was refused for the following reasons:

- (i) The proposal comprised inappropriate development on an area at high risk of flooding and did not provide technically sound flood defence measures, contrary to national planning objectives set out in PPG25 and the emerging Local Plan policy EN30.
- (ii) Development on the site, outside the settlement boundary, would seriously erode the rural setting of Bishops Lydeard, contrary to policies in the adopted Structure Plan and the West Deane Local Plan.

Consequential modifications will be required to other sections of the Plan.

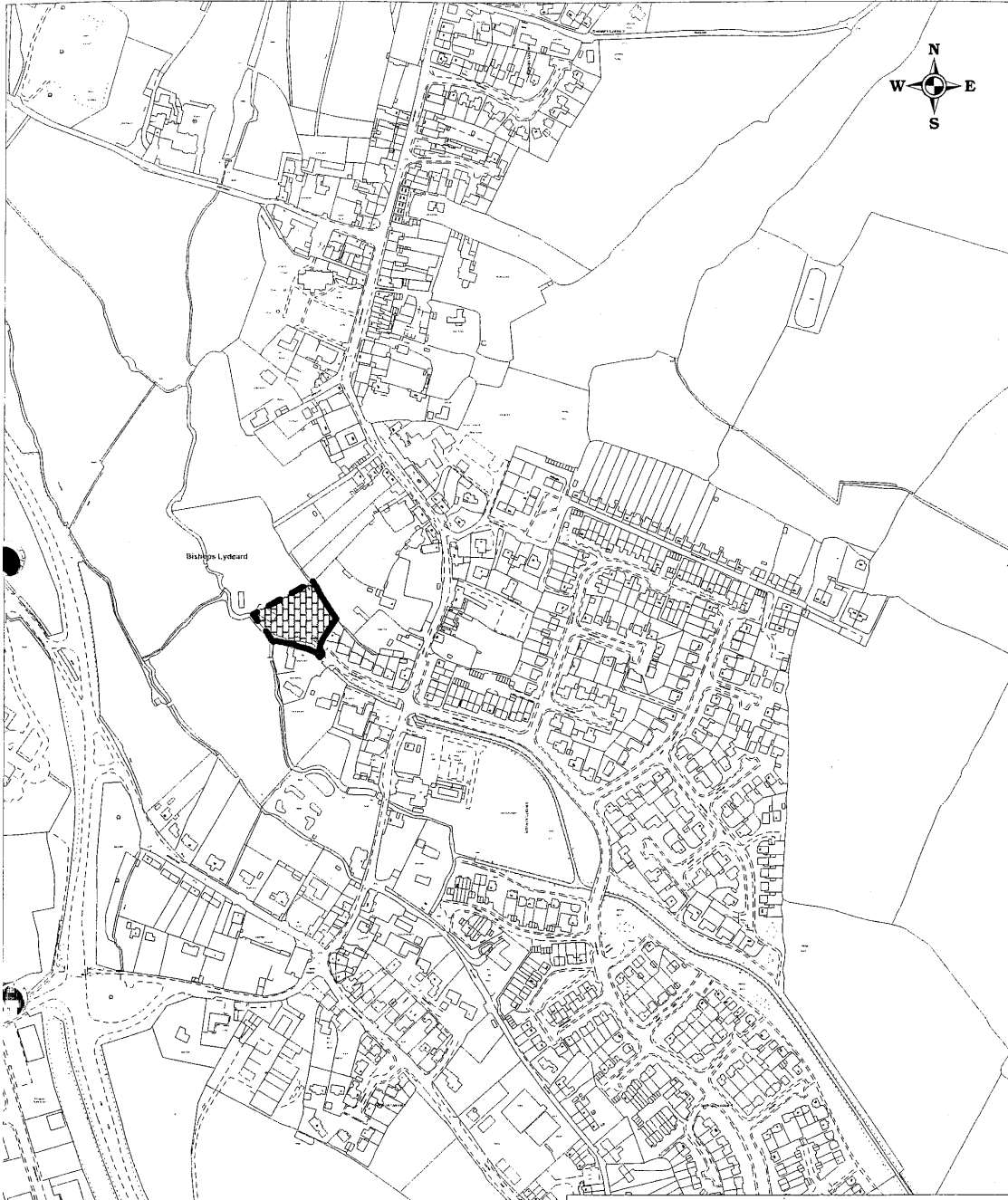
Regarding the land liable to flood, it is proposed to update the Proposals Map to show areas of 1 in 100 year flood plain, as explained in M/EN/17/MAP above.

**Council Decision:** Reject Inspector's Recommendation – refer to R/BL/1.




**Modification Detail:**

*Delete policy BL2 and supporting text (paragraph 10.4).*

*Delete the Lime Tree Farm housing allocation, and amend the settlement limits accordingly, on the Bishops Lydeard inset map (refer to Map 20).*



**KEY**

-  Amended Settlement Limit
-  Deleted Settlement Limit
-  Deleted Housing Allocation at Lime Tree Farm

**Map 20 Taunton Deane Local Plan Proposed Modifications to Inset Map 4 Bishops Lydeard  
M/BL/3/MAP Deletion of Housing Allocation and Amendment of Settlement Limits**

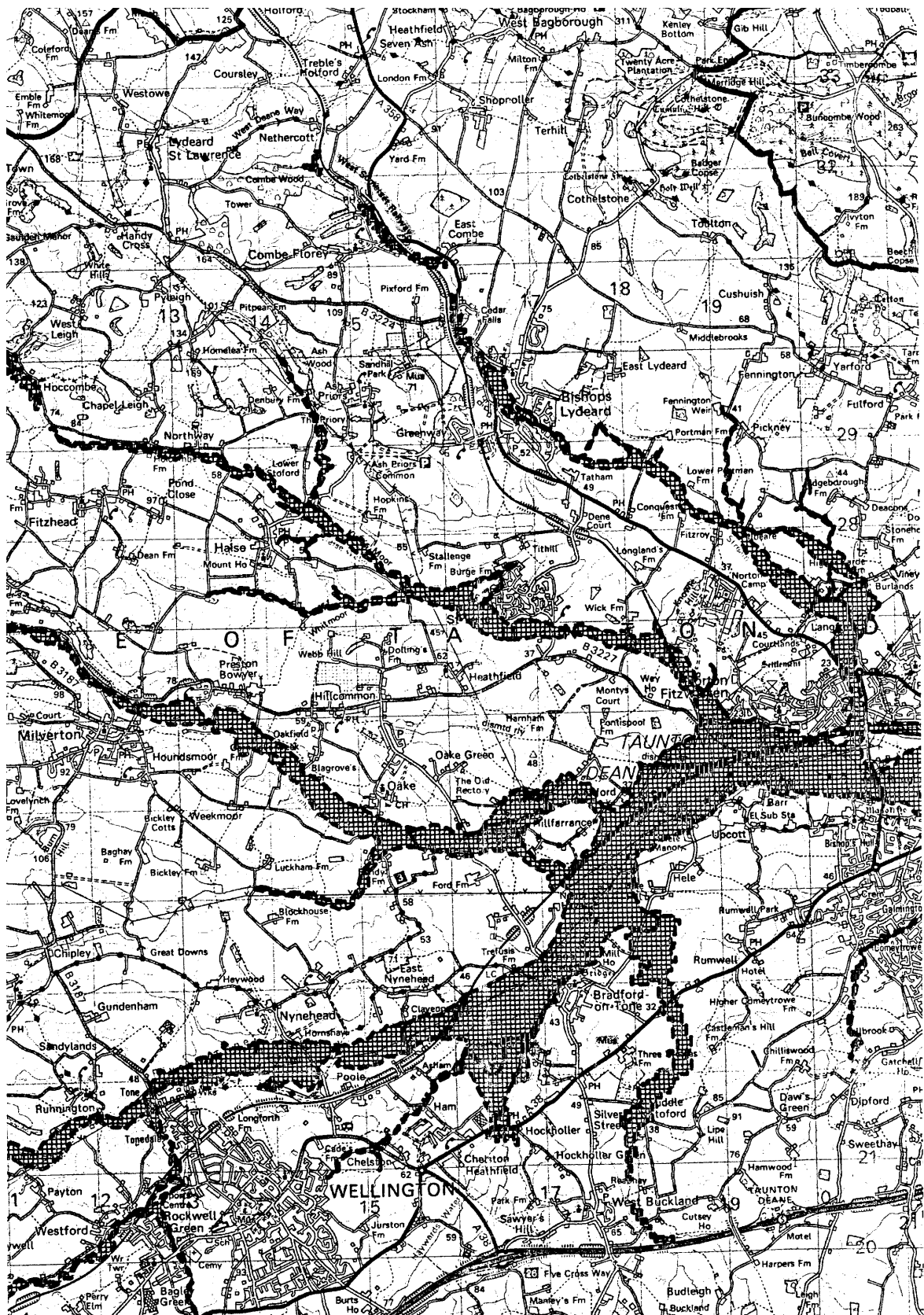
**Date: 15/03/2004**

**Scale 1: 5000**

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Taunton Deane Borough Council LA079677



## **APPENDIX E Areas liable to flooding**



06/2004/039

ROBERT HITCHINS LTD

**ERECTION OF 4.NO DWELLINGS WITH ASSOCIATED WORKS, LAND NORTH OF FORMER HOSPITAL BUILDINGS (SITE INCLUDED ON PREVIOUS PLANS AS PROPOSED SITE FOR PUBLIC HOUSE), COTFORD ST LUKE.**

16844/27289

FULL PERMISSION

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**PROPOSAL**

The site is within the new village of Cotford St Luke and has a planning permission for use of the site for licensed premises. This was part a the larger scheme for residential development, shop and the licensed premises referred to. The residential development part of the permission is now under construction. The proposal provides for the erection of 3 terraced houses and one detached coach style apartment with living accommodation on the first floor above garaging on the ground floor. The proposed materials are brick walls and reconstructed slate and concrete tiled roofs. The proposal comprises 2 and 2 & a half storey buildings with accommodation in the dwellings being on three floors.

The applicants indicate that due to the proposal to convert the former St Lukes chapel to a public house, there has been no interest in the site currently reserved for a similar use. They consider that this situation seems unlikely to change as the trend is that more and more pubs in rural locations are closing and being converted to dwellings due to becoming unprofitable.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL strong objection. The site was agreed to be reserved for community use and this view should be maintained whilst there is a demand for such facilities. There are clearly other potential public uses and demand for this site such as the current interest of the Primary Care Trust in providing a doctor's surgery in the village, but these plans take time to develop - it is essential to retain this land in the meantime. Very little of the initially planned extensive service and retail area for the originally proposed 600 houses has been provided and the village is now approaching 1,000 houses. The loss of this further and potentially last remaining site would severely prejudice the future independent viability of this village. Objections also based on a) change of use from that previously agreed, b) lack of adequate existing facilities for the viability of the village, c) reduction and loss of potential future community facilities, d) disproportionate mix of residential to service/retail provision, e) potential increase in crime and vandalism due to lack of social provision, f) the adverse impact on neighbouring villages and reduction in quality of life due to additional and unacceptable congestion, particularly vehicle congestion and road usage. Every effort should be made to ensure that this site remains available for potential future public use.

COTFORD ST LUKE COMMUNITY ASSOCIATION (CSLCA) previously stated that this land had been categorised for community use and cannot be used for any other purpose, as long as there is a demand for community facilities; there is a demand for this land from the community; CSLCA is in discussions with Taunton Deane Primary Care Trust re the possibility of using this site for a surgery and pharmacy; have also been looking into the possibility of a mixed use facility on this site which has the initial support of the Taunton Deane Police Local Action Team and funding is being looked into; village was given permission with the idea of self sufficiency, employment, shops, school, pub, etc, reducing pressure on local roads - this application is contrary to this as it is the last area of land available for community purposes; since the original permission, public sites have been reduced progressively as the ballroom was given over to housing without adequate replacement; the village will have double the number of residents when completed than originally expected and planned for in the 1995 Guide; for a potential 2,600 residents, public amenity is pitifully less than was allowed for with the original 1,300 residents assumed in the original permission; the developers have made a mockery of the planning department and planning system - enough is enough; if passed will be a snub to residents; another example of a developer who is only interested in profit and not the welfare of the residents of the village; the Chief Executive of the Primary Care Trust has asked that the site be retained for community use; Cotford St Luke is a vibrant and buoyant village with a number of dedicated and committed professional residents who are more than happy to fight for facilities where others feel such a need is not justified. It would be a mistake to misjudge the feelings of the villagers and their potential to fight such issues in the future.

LETTER FROM ONE OF WARD MEMBERS object very strongly; Cotford St Luke is an expanding village, likely to finish up with a population of 2,500; it currently has very limited community facilities; this village centre site represents the only suitable remaining opportunity for the provision of a surgery, further retail outlets or even a pub, if the chapel is converted into dwellings; have to question how sustainable Cotford St Luke is as a community with 900 houses, few facilities and fewer employment opportunities; the site ought to be allocated for community, retail or employment use only.

25 LETTERS OF OBJECTION strongly object to any proposal which delays or compromises the building of a surgery, shop and public house at Cotford St Luke; have been made numerous promises since 1999 that the village will have these amenities and this promise has been consistently broken; application should not be considered until the outcome for the petition for a surgery; should be rejected unless it is made conditional upon other land being made available for the public house and medical centre/surgery; there are more than enough houses, concrete and red brick already in the village; should try and keep it as a new village rather than create a mini new town as has happened elsewhere and all the associated problems that could follow, some green open landscaped areas would be far more beneficial and appreciated; should not allow the greed of a building company authorisation to damage the village development; facilities are imperative if the village is to develop a sense of identity; a great shame that any housing has been allowed on what should have been the perfect village centre; the village must be allowed to mature before any more expansion; energy should be directed to completing restoration of the hospital and chapel; until the chapel is converted to a public house, the site should remain available for such use; to allow this application would compound previous mistakes; lack of adequate existing facilities



commensurate with the human right of provision of fundamental facilities by a responsible local authority; disproportionate mix of residential to service/retail provision; potential increase in crime and vandalism due to lack of social provision; adverse impact on neighbouring villages and reduction in quality of life due to additional and unacceptable congestion, particularly vehicle congestion and road usage; with its listed status, the chapel is unlikely to be commercially attractive for conversion to a public house, but rather to be converted into more homes; with no footpath or cycle path to the nearest village pub, the only way to visit a village pub here is to drive; will reduce the village to no more than a housing estate glammed up to be a village; having to use a car to visit facilities in Bishops Lydeard is inconvenient and environmentally unfriendly.

## **POLICY CONTEXT**

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

Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. WD/TV/3 of the same plan refers to the Development Guide and states that its contents will be used to assess any proposal. The Development Guide indicated provision for a public house site.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. Policy S2 of the same plan provides guidelines for the design of new developments.

## **ASSESSMENT**

Although there is an outstanding planning permission for a public house/restaurant use in the former chapel, there is by no means any certainty that that proposal will proceed. The outline planning permission reserves a site for a public house at Cotford St Luke and I consider that it would be inappropriate to release the current site for residential development in the circumstances. Interest has been expressed in the provision of a doctor's surgery in Cotford St Luke and I consider that the current site may be appropriate for such a use.

## **RECOMMENDATION**

Permission be REFUSED for the reasons that the site has an extant planning permission for the provision of licensed premises, which is one of the requirements of the outline planning permission for the new village development at Cotford St. Luke. No evidence has been submitted to demonstrate that there is no longer a demand for licensed premises or other commercial use in the community interest on the site. The proposed development would therefore be likely to preclude the provision of further facilities for the community, which was a requirement of the Tone Vale Development Guide and the outline planning permission for the comprehensive development of the new village. The proposal is therefore contrary to the requirements of Policy WD/TB/3 of the West Deane Local Plan, the Tone Vale Development Guide, the requirements of the conditions of outline planning permission no 06/1994/018 and will clearly affect the successful implementation of Policy EC7a of the Taunton Deane Local Plan Revised Deposit insofar as it relates to Cotford St. Luke.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

14/2004/023

R J GOVIER

**ERECTION OF SINGLE STOREY EXTENSION TO FORM GRANNY ANNEX AT THREE ACRES, ADSBOROUGH AS AMENDED BY PLANS RECEIVED 19TH JULY, 2004**

27846/29176

FULL PERMISSION

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**PROPOSAL**

The application is for a large single storey extension to bungalow to provide a granny annexe. The extension will be L- shaped and will measure 8.7 m x 10.2 m at its widest point. The proposed accommodation will include a bedroom, bathroom, kitchen, dining room, living room and patio area. The annexe will have its own front door and there will be windows to the front, side and rear. The roof will match the height of the existing roof and the materials will match existing. Revised plans have been received showing an internal link through the proposed dining room.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL support the application with the internal link.

ONE LETTER OF REPRESENTATION has been received from adjoining occupants requesting that the existing hedge and nissen hut, which act as a screening to the site be retained and conditioned.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy H19 only supports extensions to dwellings where they do not harm the residential amenities of surrounding properties or the amenities of the site, the form and character of the dwelling and are subservient to it in scale and design. Policy S1(D) requires development to not harm the appearance and character of any affected landscape, settlement, building or street scene. Policy EN13 states that development proposals must be sensitively sited and designed to respect the distinct character and appearance of the local Conservation Areas. Policy S8 sets out criteria for new building outside of defined settlement limits.

**ASSESSMENT**

The site is located outside of defined settlement limits and when permission was given for the bungalow to be built it was conditioned with an agricultural/forestry tie. It was also conditioned to retain parking spaces to the northern side of the bungalow where the proposed annexe is to be sited.

The main issue in respect of this application is the size of the proposed extension. It is not considered to be subservient to the main dwelling and as such the level of accommodation being provided is excessive for what may be required as a granny

annexe. The revised plans show an internal link from the main house into the proposed dining room. This does not imply regular use of the link, the design of which is poor in that it has steps which do not allow for wheelchair users.

It is felt that due to the size and design of the proposed annexe and the provision of its own front door, it amounts to the creation of a new dwelling. This would be contrary to the Taunton Deane Local Plan as the site is outside defined settlement limits and, if approved, would set an undesirable precedent for similar proposals within the open countryside.

Other issues to consider include the loss of car parking and the agricultural tie. It is felt that if the applicant were to make a re-submission for a smaller extension, with the provision of car parking, it would be considered to be more in accordance with policies in the Taunton Deane Local Plan Revised Deposit.

### **RECOMMENDATION**

Permission be REFUSED for the reason that the proposal envisages the erection of a building which is considered to be excessive in size for the purpose of an Annexe. Furthermore, the design of the proposal is unsatisfactory in that it is not sufficiently integrated with the existing property as an extension thereto, but rather takes the form of a separate dwelling unit which would be an inappropriate form of development and one which the Local Planning Authority are not prepared to permit on a permanent basis as proposed. Contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S8 and H19.

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

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:

15/2004/004

MR AND MRS R STREET

**ERECTION OF CONSERVATORY AND INSTALLATION OF DORMER WINDOWS  
TO THE FRONT OF CHAPEL COTTAGE, CURLAND.**

27862/17860

FULL PERMISSION

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**PROPOSAL**

The proposal is for the erection of a conservatory (measuring 3.4 m square and 3.3 m to the apex) to the front of the existing dwelling. The dwelling is set back approximately 19 m from the highway with substantial tree and hedge cover to the front. The conservatory would be built of UPVC ? polycarbonate windows and roof.

The applicant is a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL no comments have been received.

**POLICY CONTEXT**

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

**ASSESSMENT**

The proposal is to be sited to the front of the dwelling where it will be seen from the highway. The existing front elevation has a rendered porch with tile roof and the conservatory would be erected immediately to the northeast of the porch. Whilst there is normally a resistance to extensions to the front of dwellings I consider that boundary landscaping, distance from the highway and restricted space to the rear of the property mitigates any detrimental impact on the street scene and the Proposal is considered to be acceptable.

## **RECOMMENDATION**

Permission be Granted subject to conditions of time limit, materials, retention and protection of the front boundary hedge.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply 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: 356467 MRS J MOORE**

NOTES:

19/2004/009

MR M BAKER

**ERECTION OF DWELLING (INCLUDING BALCONY TO REAR), CHANGE OF USE OF STRIP OF LAND ADJOINING FROM AGRICULTURAL TO DOMESTIC, ADJACENT TO 8 CRIMTHORNE COTTAGES, HATCH BEAUCHAMP (AMENDED PROPOSAL).**

30398/20654

FULL PERMISSION

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**PROPOSAL**

Planning permission was granted in March this year for the erection of a new dwelling and change of use of a strip of land to domestic. The current proposal has the same design and change of use of land but now includes the construction of a balcony on the east side of the dwelling facing out across open countryside. The dwelling would be rendered with a tile roof to match the existing dwellings.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL object as the changes to the approved dwelling would be out of proportion to the approved dwelling and the other dwellings in the row.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit the following policies are considered especially relevant :- S2 Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will reflect the local environment. Policy H1 allows housing development within the settlement limits of Hatch Beauchamp subject to various criteria (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. H19 Extension to dwellings will be permitted provided they do not harm: (A) the residential amenity of other dwellings; (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.

The permitted dwelling was considered to reflect the local area and with new boundary hedging between the site and the agricultural land beyond, was considered to be in accordance with policies S2 and H1. The current application adds a balcony to the side elevation and this alteration has been assessed against Policy H19.

## **ASSESSMENT**

The principle and design of the dwelling has been agreed. The addition of a balcony has therefore been considered as an extension to that dwelling. The balcony would be constructed of rendered piers with metal railings above. The location of the balcony would ensure that existing residential dwellings were not overlooked and the proposed hedge planting along the boundary with the agricultural land would soften the impact of the balcony from views when travelling into Hatch Beauchamp from the east. Proposal considered acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, fencing, removal of permitted development for extensions; gates to be hung to open inwards; access to be drained; visibility; parking; first floor window to be obscure glazed and fixed opening; no new windows in the first floor wall facing Crimthorne Cottages. Notes re infrastructure charges; soak away; foul sewer; contact TDBC housing; access

REASON(S) FOR RECOMMENDATION:- The proposal lies within the settlement limits of Hatch Beauchamp and is considered to comply with the requirements of Taunton Deane Local Plan Revised Deposit Policy H1

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

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:



24/2004/029

MS J ASHCROFT

**DEMOLITION OF EXISTING SINGLE STOREY LEAN TO AND REPLACEMENT WITH 2 STOREY SIDE EXTENSION, 1 GREENWAY, NORTH CURRY.**

31866/25109

FULL PERMISSION

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**PROPOSAL**

The proposal comprises the erection of a two storey side extension to a non-listed thatched detached property within the designated Conservation Area. The extension would also be in thatch with a gable to both front and rear.

Conservation Area application 24/2004/030CA, relating to the demolition of a single storey lean-to side extension was submitted concurrently with 24/2004/029 and this has now been granted permission. Demolition of this store is required to enable the construction of the proposed two storey extension.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER verbally raised objection because of the impact on the street scene and Conservation Area.

PARISH COUNCIL support.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policies S1, S2 and EN15 seek to safeguard, inter alia, the character and appearance of the street scenes and Conservation Areas.

**ASSESSMENT**

Whilst the extension is considered acceptable insofar as neighbouring properties would not be adversely affected by loss of light or privacy, and also with regard to respecting the character and appearance of this attractive vernacular cottage, the extension would nevertheless close the gap with the neighbouring property thereby resulting in a cramped appearance detrimental to the street scene and Conservation Area. Accordingly the proposal is considered unacceptable.

**RECOMMENDATION**

Permission be REFUSED for the reason that the proposed extension by reason of its proximity to the neighbouring property would result in a cramped form of overdevelopment detrimental to the character and appearance of the street scene and the designated Conservation Area. Accordingly, the proposal is contrary to Taunton Deane Local Plan Revised Deposit Policies EN15, S1 and S2.

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

**CONTACT OFFICER: 356465 MR J GRANT**

NOTES:

36/2004/016

MRS L A WEBB

**CONTINUED USE OF LAND AS RESIDENTIAL CURTILAGE AND SITING OF CONSERVATORY THEREON AT THE BARTON, WOODHILL, STOKE ST GREGORY**

35026/27056

RETENTION OF BUILDINGS/WORKS ETC.

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**PROPOSAL**

The application is for the retention of the change of use of a strip of agricultural land (6.2 m x 36 m) for domestic use and the retention of a conservatory (2.9 m square) to the rear of the dwelling on the new domestic land. A rendered wall approximately 1.8 m high has been erected along the southeastern boundary of the land and a post and rail fence has been erected along the northeastern boundary with the remaining field.

The applicant is a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL the conservatory is not visible from the road and has little impact on the surrounding area. Therefore the Council has no objection to this application.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy H19 applies, extension to dwellings will be permitted provided they do not harm: (A) the residential amenity of other dwellings; (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.

The proposal conforms to the requirements of this policy.

**ASSESSMENT**

The proposed change of use has a limited impact on the landscape setting of the site and is not visible beyond the field itself. The wall along the southeastern boundary has been capped in clay tile, a traditional design for such walling. The modest scale, design and materials of the conservatory is in keeping with the existing dwelling. Proposal considered acceptable.

**RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, removal of permitted development rights for extensions and ancillary buildings.

REASON(S) FOR RECOMMENDATION:- The proposal conforms to 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: 356467 MRS J MOORE**

NOTES:

38/2004/261CA

GADD HOMES LTD

**DEMOLITION OF FORMER GYMNASIUM TO REAR OF FORMER FOUR ALLS  
PUBLIC HOUSE, CORPORATION STREET, TAUNTON.**

22528/24454

C.A. CONSENT - DEMOLITION OF UNLISTED BUILDING IN C.A.

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**PROPOSAL**

This proposal seeks to demolish the former gymnasium at the rear of the Four Alls to facilitate redevelopment (see report 38/2004/287).

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER no objection as building of limited merit. BUILDING CONTROL OFFICER a demolition notice should be sent to Building Control so we can inform owners of properties adjoining the demolition site.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy EN15 is relevant - 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**

Whilst the building is of limited importance in terms of the Conservation Area it would be inappropriate to grant consent in the absence of a suitable redevelopment proposal.

**RECOMMENDATION**

Consent be REFUSED for the reason that the proposal is considered unacceptable in the absence of a satisfactory proposal to redevelop the site contrary to 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:



38/2004/287

GADD HOMES LTD

**ALTERATION AND EXTENSION OF FORMER FOUR ALLS PUBLIC HOUSE TO ACCOMMODATE CLASS A3 (FOOD AND DRINK USE) TOGETHER WITH 19 FLATS AND PROVISION OF CAR PARKING AND CYCLE STORAGE AT FOUR ALLS, CORPORATION STREET, TAUNTON.**

22528/24454

FULL PERMISSION

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**PROPOSAL**

A proposal to demolish the former Four Alls and replace it with a modern five storey building accommodating 21 flats and two office suites, was withdrawn in March following a recommendation of refusal. This proposal seeks to retain the Four Alls building, maintaining a food and drink use (A3) at ground floor level. To the rear a large extension is proposed three storeys in height and also providing accommodation in the roof space. The design treatment proposed is more traditional than previously proposed taking reference from the original building.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY I would refer you to my letter dated 12 February 2004 in connection with planning application No: 38/2004/025. Whilst I do not have a problem with the proposed redevelopment of the Four Alls site, I do have a problem with the use of the vehicular access onto Corporation Street. Visibility at the proposed access is extremely restricted. Also the access is too close to the roundabout and the pedestrian crossing which could create additional vehicle and pedestrian conflict. Therefore I would again recommend that this application be refused on highway grounds for the following reasons:- The formation of an access together with the introduction of conflicting traffic movements on Corporation Street such as would be generated by the proposed development would be prejudicial to road safety. The proposed access onto Corporation Street does not incorporate the necessary visibility splays which are essential in the interests of highway safety. COUNTY ARCHAEOLOGIST the site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It lies in the area identified by the English Heritage Extensive Urban Survey as being part of the Saxon town and burials have been discovered very close to the proposal site. Although it is accepted that the may be disturbance to the remains in this area it is likely that significant archaeology will be impacted by this proposal. However, at present the application contains insufficient information concerning the affects on remains. For this reason I recommend that the applicant be asked to provide farther information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation. WESSEX WATER the development is located within a sewered area, with combined sewers available. According to our records, there is a public combined sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of

maintenance and repair. Diversion or protection works may need to be agreed. It is recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. The developer has proposed to dispose of surface water to the main sewer, as existing. Attenuation of surface water flows is likely to be required subject to flow calculations, as the public sewer is of limited capacity. 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 also 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. FIRE OFFICER the details of the proposals have been examined and the following observations are made:- Means of Escape - Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. ENGLISH HERITAGE we have considered the application and do not wish to make any representations on this occasion. We recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally. If there are specific reasons for seeking the advice of English Heritage on this application that were not stated in the notification to us, we would be grateful if you could explain your request. We can then let you know if we are able to help on this occasion and agree a timetable with you. In the event of material changes to the proposals before the application is determined, please let us know so that we can consider the need for any further advice.

CONSERVATION OFFICER (1) Safer design approach than that previously refused. (2) pleased that Four Alls facade retained. (3) Corporation Street elevation mimics the existing building but fails to respect the quality of detailing and materials or the rhythm of bay widths. (4) The Bath Place proposals are less satisfactory. As the existing elevations clearly show, the height of the existing Four Alls is greater than the adjoining cottages but not so great as to feel/appear over dominant. The application proposal however clearly does have a dominant effect and in this respect, I cannot support the proposal. Equally, the existing views to the site, from The Crescent/Unison Car Park, clearly portrays the domestic scale of the Four Alls/adjoining cottages, which would be undermined by the new structures nearest to the latter and perhaps others. A photo montage of existing, with the proposals super imposed, from this vantage point, could well assist in confirming or not, this opinion. ENVIRONMENTAL HEALTH OFFICER odours arising from cooking should, not be detectable at the facade of any residential or other odour sensitive premises. (This potential problem could be overcome by the fitting of a suitably filtered air extraction system). Noise from any air extraction system should not exceed background noise levels by more than 3 dB(A) for a 2 minute leq, at any time when measured at the facade of residential or other noise sensitive premises.



Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. The use hereby permitted shall not be commenced until details of the extract ventilation system and odour control equipment, including details of any external ducting, have been submitted to, and approved by, the Local Planning Authority and the equipment so approved has been installed. Such approved equipment shall thereafter be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The extraction equipment installed shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority. LEISURE DEVELOPMENT TEAM the proposed development does not make provision for childrens play although it will generate additional needs. I would therefore request a contribution of £806 per each of 9 x 1 bed dwellings for sport and £2,056 per each of the 10 x 2 bed dwellings for sport and play in the local area giving a total off site contribution of £27,814 in line with local plan policy.

CIVIC SOCIETY plans for the old Four Alls site were put before 62 of our members at July's meeting, raising the following points and observations:- As the Civic Society has always maintained, TDBC should be looking closely at how the whole site, from Hunt's Court to the West facing elevation of the 4 Alls could be handled holistically as one side of a square that could contain a prestigious Cultural Quarter. There is a groundswell of public opinion growing for such a development, and it is imperative that the opportunity is not lost. Form T&CPI Comments:- Question 13 - We are concerned that the general term 'plain tiles to match' is not specific enough to guarantee that those used by Gadd's will match or compliment the existing curved and square tiles that have been laid out in an alternate fashion. There is no reference to curved tiles throughout their application. The proposed 'natural slate' roof tiles gives the impression that 'grey' tiles may be used, contrary to the distinctive red tile character of the building. Guarantees on both points would be most reassuring. Question 20 - We have concerns over pedestrian safety and the contribution this plan will make to traffic congestion. We assume that the proposed courtyard entrance will be secured by means of an electric gate etc. If so, the timing involved for a resident's car to stop, wait for the entrance to open and for the car to leave Corporation Street may have congestion affects on the Town Centre. However, pedestrian flow from the small, inadequate pedestrian island in Corporation Street goes mainly towards the town centre and not towards The Crescent. If the island was moved closer to the town centre it could have a calming affect on traffic in Corporation Street and may assist in reducing the impact of the proposed Four Alls residential traffic. As a bonus it could be enlarged to enable more people, wheelchairs and pushchairs to fit within it, which at present it does not. Such a suggestion may aid Gadd's application and site logistics and could warrant some contribution from them on this minor change. It may also be recommended that residents be disallowed from turning right into the courtyard. Design Statement:- 2.3 - As advised in the PPG3 guidance, the government has said that PPG3 should:- 'plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing' We cannot see in the plans any apartments with access for the disabled. 3.2 - As mentioned above we believe that a full study of the traffic and pedestrian impact should be made before

application approval. 3.4 - The term 'plain tiles' again is used and the use of 'practicable' concerning colour and texture or reuse of tiles is too unspecific and does not give confidence that consistency will be kept. General:- As in our objection to the previous design submitted by Gadd's, we feel that a lower building would be more in keeping with surrounding buildings, and that Corporation Street would be very overcast by another towering edifice on the corner. We would also like to see stone, similar to that used on the Four Alls exterior, used at ground floor level, and above each window and door instead of brick. To promote the integration of the new building to old building we would like to suggest professionally cleaning of the Four Alls exterior for this reason. Perhaps Gadd's can be persuaded to refurbish the metal railings around the pavement that surrounds the Four Alls site. TOWN CENTRE PARTNERSHIP the Partners acknowledged the reduction in scale from the previous application. The majority of the partners welcomed this design, which shows the retention of the original front elevation of the Four Alls Public House, but others felt that it was not very adventurous, at this key gateway to the town. The entry point to Bath Place between Moss Foods and The Four Alls, off The Crescent is very dated, unattractive and unwelcoming We would welcome some radical improvement to this area as part of the scheme, that reflects the qualities of Bath Place as an historic and niche shopping area. Overall the partnership approve this revised application and welcome the additional overall the partnership approve this revised application and welcome the additional residential provision in this location, but would welcome some contribution to the environment in the immediate vicinity.

ONE LETTER OF CONCERN has been received welcoming the retention of the western end but raising concerns in respect of massing; overdevelopment; parking problems; refuse storage; and impact on Bath Place.

## **POLICY CONTEXT**

The proposal needs to be judged against Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of highway safety. POLICY 49 Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:- provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements. Policies H1 and S1 of the Taunton Deane Local Plan Revised Deposit are also relevant. H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus 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. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock. S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case: (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; (C) the proposal will not lead to harm to protected wildlife species or their habitats; (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; (G) the safety of any occupants or users will not be at risk from ground instability; and (H) the site will be served by utility services necessary for the development proposed. Policies EN15, EN16 and EN17 are relevant in terms of impact on the Conservation Area and setting of listed buildings. 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. EN16 There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a Conservation Area. Proposals involving the demolition of other buildings within or affecting a Conservation Area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed. EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. In terms of car parking Policy M3(a) is relevant. 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.

## **ASSESSMENT**

The retention of the frontage of the Four Alls is welcomed and the design treatment elsewhere is generally acceptable. However, there remain concerns in respect of scale and potential overdevelopment, particularly in terms of Bath Place. Discussions with the applicant have taken place with a view to submitting revised proposals in this respect. However, concerns in respect of highway safety remain and in particular the potential increase in conflicting traffic movements in Corporation Street. The site is in a town centre location where a car free scheme would be appropriate and it is therefore concluded that refusal is justified on highway safety grounds.

## **RECOMMENDATION**

Subject to the receipt of satisfactory revised drawings reducing bulk and impact the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for reasons of highway safety. Should revised proposals not be forthcoming a further reason of scale, massing and overdevelopment be added.

**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:

38/2004/328

N NOTARO HOMES LTD

**ERECTION OF AN ANCILLARY 42 BED RESIDENTIAL CARE HOME INCLUDING THE REMOVAL AND REPLACEMENT OF TREES INCLUDED IN TREE PRESERVATION ORDER TD 467, RED LODGE CARE HOME, HOPE CORNER LANE, TAUNTON.**

22724/26911

FULL PERMISSION

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**PROPOSAL**

Planning permissions were granted in June 1998 for the erection of 34 bed nursing home on land to the rear of the Red Lodge Nursing Home. A revised scheme was subsequently permitted and renewed as recently as June 2004. This scheme provides a courtyard design with no windows on the first floor of the west and east roof slopes to avoid any direct overlooking of the existing bungalows that surround the site on those sides. Two storey elevations looked into the courtyard. The current application is for the erection of a two- storey development with an "L" shape. The eastern section would be within 4.8 - 6 m of the boundary with adjacent properties but again it is designed to avoid windows facing the adjacent properties at first floor level. The building would involve the removal of a small group of trees located on the boundary, currently covered by a Tree Preservation Order. The two storey elevations would face south, towards the existing care home and west, towards the adjacent residential properties. Distances in excess of 35 m have been provided between the first floor windows and the rear of Red Lodge Nursing Home and distance of approximately 25 m - 39 m have been provided between first floor bed room windows and the boundary of adjacent properties. A reduced level of 19 car parking spaces are to be provided.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER foul and surface water mains are available in the vicinity of the site. Surface water proposals will need to meet appropriate standards.

LANDSCAPE OFFICER subject to detailed landscape proposals the proposals are acceptable. The eastern boundary proposals need to be agreed before the determination as they must include replacement trees for the TPO group that are to be felled and these will have a critical impact on the eastern boundary.

4 LETTERS OF OBJECTION have been received raising the following points:- at present our garden have a high level of privacy and looking out over buildings will not be appealing; the removal of the TPO trees will have a detrimental impact on the wildlife of the area including bats, great and lesser spotted woodpeckers, tree creepers etc.; increased levels of noise from the traffic, visitors and deliveries from the site will be detrimental to our current amenity; the proposal represents a much larger building than already agreed; the additional levels of occupation will increase the sewage output of the site and create more problems for the overloaded sewer in the road; the building

would be 8.8m high and tower over the adjacent area severely reducing the open view of sky and distant trees; the boundary line between the site and Hope Corner Lane has been incorrectly shown and the building would be closer to my land than indicated; the deliveries has not included the existing levels or the existing mini bus; I regret the loss of further trees and possibly hedges from the site; Hope Corner Road is inadequate to cope with the additional traffic; the area surrounding the site comprises bungalows and this proposal will be out of keeping with its surroundings and overpower surrounding bungalows restricting their outlook; the loss of the larger tree on the eastern boundary will have a detrimental impact on the area and environment causing detriment to local views, its retention would help to screen the proposal from the surrounding bungalows; the removal of the trees is necessary to allow a higher density of development ; the trees play a key role in screening the stark development on the site and their removal would remove all privacy from the homes.

## **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. 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; H18 allows for the provision of residential care homes within walking distance of a range of community facilities provided that: (a) they are within the limits of a settlement. M3a requires 1.5 parking spaces per dwelling but would expect a significant reduction in that number for elderly persons accommodation. EN5 Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss. The good management of such tree cover for nature conservation purposes will be sought.

## **ASSESSMENT**

The principle of ancillary accommodation in this location has been established with the existing planning permissions. The current proposal is designed to reflect the Victorian influences of Red Lodge. The "wing" adjacent to the eastern boundary will be approximately 5 m away from the eastern boundary and the wall will be 3.1 m high rising to 8.8 m high at a distance of 14 m away from the eastern boundary. The side of

the rear "wing" will also be adjacent to the eastern boundary and will reach a maximum height of 9.9 m at a distance of 11.4 m away from the boundary. The distances from the boundary are approximately 1m closer to the boundary than the existing permission. I consider that roof and walls of the buildings, adjacent to the eastern boundary with the gardens of the adjacent bungalows, have been carefully designed to avoid overlooking and any detriment to the privacy of the occupants of those properties. The buildings will restrict the views out from those dwellings but I do not consider that this would be to an unacceptable level. The Landscape Officer has concerns about the retention of the Poplar tree on the eastern boundary if the current permission is built and considers that it would be beneficial to remove the tree and secure its replacement with alternative, more appropriate trees along the boundary, which would, in the long run, improve the wildlife habitat of the area. Landscape plans are awaited prior to the determination of the application to ensure this is achieved. The Taunton Deane Local Plan expects a significant reduction in the levels of car parking for elderly people's accommodation. The current proposal would provide 19 spaces for the use of the whole site, including Red Lodge Nursing Home and I am awaiting further details from the applicant to enable me to assess whether this would be adequate. Proposal considered acceptable.

## **RECOMMENDATION**

Subject to further car parking details the Development Control Manager in consultation with the Chair/ViceChair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, no additional windows, ancillary only, walls and fences, parking and turning areas, all services underground, no services within canopies of trees to north to be hand dug, noise emissions during construction to be to acceptable levels. Notes re common boundary with garage, contact the fire officer, unlikely to agree further extensions, percolation test required, meter boxes, energy conservation, sick and disabled persons, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposal is within the settlement limits of Taunton where new building is considered acceptable. The proposal is considered to be in compliance with Somerset and Exmoor National Park Structure Plan Policy 49 and Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H18.

**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:





38/2004/341

ENTERPRISE INNS PLC

**ERECTION OF SINGLE STOREY EXTENSION AT GARDENERS ARMS, 36  
PRIORSWOOD ROAD, TAUNTON.**

22990/25629

FULL PERMISSION

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**PROPOSAL**

The application proposes a small extension and remodelling of the rear of the public house. The extension encroaches upon the existing beer garden. The submitted drawing refers to the additional space being used to form a function room, although there is also reference to skittles. Design and materials match the existing building.

**CONSULTATIONS AND REPRESENTATIONS**

ENVIRONMENTAL HEALTH OFFICER In light of the neighbours concerns about noise from the skittle alley/function road it maybe best to include the following condition:- Noise emissions arising from the funtion room/skittle alley on any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than 3, decibels, expressed in terms of an A-Weighted, 5 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premise. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

5 LETTERS OF OBJECTION have been received on the grounds of late night noise and anti social behaviour.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy S1 - Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case: (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; (C) the proposal will not lead to harm to protected wildlife species or their habitats; (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; (G) the safety of any occupants or users will not be at risk from ground instability; and (H) the site will be served by utility services necessary for the development proposed.

## **ASSESSMENT**

The extension is modest and does not bring the building significantly closer to surrounding houses. It is noted that the Environmental Health Officer does not raise objection subject to a suitable noise limit condition.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit , noise limit, materials.  
Notes re disabled access and compliance.

REASON(S) FOR RECOMMENDATION:- The proposal will not result in demonstrable harm to neighbouring residential uses. The proposal therefore accords with Taunton Deane Local Plan Revised Deposit Policy S1(E).

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:

43/2004/088

RAGLAN HOUSING ASSOCIATION LTD

**DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 NO. HOUSES AND 6 NO. FLATS AND ALTERATION TO ACCESS AND PARKING, WARDLEWORTH HOUSE, WARDLEWORTH WAY, WELLINGTON AS AMPLIFIED BY**

13005/21463

FULL PERMISSION

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**PROPOSAL**

The proposal provides for the demolition of the existing late Victorian red brick and slate roof former children's care home building and associated outbuildings and bungalow and the erection of 6 houses and 6 flats. Due to changes in legislation and care standards, the building is no longer suitable for current day requirements and a new children's home has now been constructed within the grounds. Somerset County Council, the owners, have offered the site to TDBC to fulfil local housing needs and it has been in turn offered to the Council's housing partners to provide social housing. The existing building is not suitable for subdividing into dwellings and would not provide accommodation meeting the standards required of contemporary social housing.

The current proposal will use the existing access from Wardleworth Way. The proposed materials are to be red multi brick and western red cedar natural finish for the walls and concrete tiles for the roofs. The mix of accommodation provides for one 4 bed house, two 3 bed houses, three 2 bed houses, three 2 bed flats and three 1 bed flats. The proposed houses also provide for possible future bedroom accommodation within the roof area. The site is generally surrounded by existing residential development together with the new children's home. The proposed dwellings are set out in an L shape following the existing brick perimeter walls along the south western and north western edges of the site. There is a prominent copper beech tree adjacent to the site which will act as a focus for the development. The proposed flats are to be three storey and of similar massing to the existing building on the site.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY enclose detailed comments by the estate roads section, which will need to be included in a Section 38 Agreement under the Highways Act and note re a Section 184 permit. WESSEX WATER the development is located within a sewered area with foul and surface water sewers available. Points of connection for this and water supply will need to be agreed. AVON AND SOMERSET CONSTABULARY it would appear, at this stage, that the Secured by Design Award should be obtainable.

LANDSCAPE OFFICER it is important that no level changes are proposed within the canopy spread of the TPO'd beech tree, as these can affect the health of the tree. Recommend that cross sections should be used to show that this has been considered. During construction, the tree should be protected with chestnut paling and no services allowed within the canopy-spread area. The Milverton Road frontage should be carefully landscaped to reduce any impact. The position of any site hut and storage areas should be agreed before development starts to avoid damage to the beech tree.

ENVIRONMENTAL HEALTH OFFICER noise emissions from the site during the construction phase should be limited to 0800 - 1800 Monday - Friday, 0800 - 1300 Saturdays and no noisy working all other times including bank holidays. LEISURE DEVELOPMENT MANAGER this development should make a contribution of £2,056 per each 2 bed plus dwelling and £806 per 1 bed dwelling, giving a total off site contribution towards local recreational facilities of £20,922 in line with local plan policy.

HOUSING OFFICER fully supports this application for affordable housing, which is in a central position and will contribute towards an identified need.

TOWN COUNCIL in favour providing there is no undue overlooking or loss of privacy for neighbours.

TWO LETTERS OF OBJECTION owing to inadequate parking facilities at the new children's home, any traffic overflow still uses Wardleworth House parking area (which will be lost by the development); also park in front of garage and adjacent to house leaving nowhere for car when not garaged; hedge when exiting garage completely obscures view of road to the planned buildings; if there is a function at Tonedale House, this road is used as a car park; had no objection to new children's home provided Wardleworth House remained - would make a suitable training centre or for use for the homeless; all we see is more and more houses;

## **POLICY CONTEXT**

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

Policy WD/HO/3 of the West Deane Local Plan states that within the identified limits of settlements the development of new housing will normally be permitted provided that certain criteria are met. Policy WD/HO/7 of the same plan sets out guidelines for the design and layout of new housing developments.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the

current proposal. Policy S2 of the same plan provides guidelines for the design of new developments.

## **ASSESSMENT**

The proposal development makes effective use of a brown field site within the urban area and provides for 12 units of affordable housing. The existing building is approximately 20.5 m from the rear of dwellings to the northwest and just over 6 m to the garden boundaries with a bedroom extension being only 18 m and 4.5 m respectively away. The existing building has three bedroom windows at first floor level facing in this direction. The proposed development also has three bedroom windows at 20.5 m to the dwellings and 6 m to the boundaries. I consider any potential overlooking to be no worse than the existing situation and there has been no objection from the relevant residents. Part of the hedge adjacent to the objector's garage is to be removed as part of the proposal. The parking provision of one space per unit for the development is in line with current policy requirements.

## **RECOMMENDATION**

Subject to the applicant entering into a Section 106 Agreement to provide a total of £20.922 towards off site local recreational facilities, the Development Control Manager in consultation with the Chair/ Vice Chairman be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping (hard and soft), protection of retained trees, no service trenches beneath spread of trees, no felling, estate roads, service road, surfaced access to dwellings, parking, meter boxes, demolition of buildings, removal of GPDO rights for garages and walls/fences forward of dwellings and details of site huts/storage. Notes re disabled access, energy/water conservation, meter boxes, CDM Regulations, S106 Agreement, bats/owls, working hours for construction, Section 184 permit and contact Wessex Water.

REASON(S) FOR RECOMMENDATION:-

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:



46/2004/026

MR ROBERT FLEMING

**ERECTION OF STABLE BLOCK IN FIELD OS PLOT 9312, SAWYERS HILL, WEST BUCKLAND, WELLINGTON AS AMENDED BY PLAN RECEIVED 5TH AUGUST, 2004**

16935/20126

FULL PERMISSION

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**PROPOSAL**

The proposal comprises the erection of an L shaped stable block to accommodate three horses and incorporates a haystore and tackroom. The block measures 14.5 m x 14.5 m and is 3.6 m wide.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objections. ENVIRONMENT AGENCY no objections subject to informative notes relating to drainage and dung heaps.

RIGHTS OF WAY OFFICER a footpath crosses the field but the development would not affect the right of way. ENVIRONMENTAL HEALTH comments awaited. DRAINAGE OFFICER comments awaited

PARISH COUNCIL objections received 29 July 2004 relating to the original submission due a domestic use located in open countryside and that the applicant does not live on site. No comments have been received to date regarding the amended location of the stable.

ONE LETTER OF REPRESENTATION has been received raising objections to the initial positioning of the stable as the land is liable to flooding; the objectors house has been flooded and has caused a shared cesspit to flood and consequently overflow. Insurers will not cover the objectors property due to many flood damage claims that have been made; flood alleviation schemes have been undertaken at private expense however they have been unsuccessful; the objector also highlights he has to drain the applicants field at his own expense; due to the flooding problems the objector feels that it is inappropriate to collect the roof water in water butts and water the land and the proposal would exacerbate the problem and would be visually intrusive; concern is also raised as to the method of disposing of manure; it is stated that manure will be collected by a local farmer however doubt is raised that manure will accumulate into a "load" rather than a "heap" causing problems with smell and seepage into ground and surface water; the objector also points out that a public footpath crosses the site where the application forms state that there is none; no comments have been received to date regarding the amended location of the stable.

## **POLICY CONTEXT**

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

## **ASSESSMENT**

The principle of the proposed development would appear acceptable as stable accommodation outside development limits on agricultural land is generally considered acceptable. The fact that the owner does not live on site is not considered a planning consideration.

The main planning issue would appear to be that of visual impact. The revised location positions the stable to the south of the field nearer the M5 than originally submitted. This revised location benefits from less views of the site as the land rises from the access point and then levels off towards the southern side of the field. From the access point therefore the stable would be less visible than the originally submitted position. Furthermore the access track would not be seen above the point where the land levels off and therefore the extended track would not have any increased visual impact to that originally submitted. The revised location would therefore not appear to harm the visual amenity of the area. The size of the field is also considered commensurate with the provision of accommodation for three horses.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials and private use only.

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 and S2.



**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:

47/2004/007

MR & MRS SAUNDERS

**ERECTION OF SUMMERHOUSE NEXT TO POND AT ASH LODGE, WEST HATCH, TAUNTON.**

29033/21887

FULL PERMISSION

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**PROPOSAL**

The site comprises a detached dwelling, a stable block and several fields with agricultural use. Within one of the fields to the south of the dwelling a man-made pond has been created. The proposal is for a stone summerhouse, measuring 5 m x 5 m, to be erected along the northern edge of the pond. The maximum height of the summerhouse will be 4.2 m.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL support the application.

ONE LETTER OF REPRESENTATION has been received which does not object to the application but would prefer a wooden style summerhouse.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy S1 requires development to not harm the appearance and character of any affected landscape. Policy S2 expects proposals to minimise adverse impacts on the environmental and existing land uses likely to be affected and reinforce the local character and distinctiveness of the area, including the landscape. Policy S8 sets out criteria for new development outside defined settlement limits.

**ASSESSMENT**

The main issue in respect to this application is the potential impact it could have upon the character and appearance of the local rural area.

The proposed summerhouse will be partly screened by the existing hedgerows and will not affect the amenities of nearby properties. However, the proposal does constitute a new building in open countryside and must be considered accordingly with the relevant policies in the Taunton Deane Local Plan Revised Deposit. The proposal does not provide for an agricultural or forestry need and does not support the vitality and viability of the rural economy. The site of the summerhouse is outside the curtilage of the dwelling and situated on agricultural land. A permanent brick and stone structure in this location would set a precedent for similar proposals in this area and it would be very difficult to control the use and further development of such structures. The proposal is considered unacceptable due to its design, external appearance and siting. A timber building would be considered more appropriate in this location.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the design, external appearance and siting of the proposed development would result in an intrusion of associated residential development in open countryside, detrimental to the character and visual amenities of the area. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S2 and S8.

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

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:

49/2004/033

MAGNA HOUSING ASSOCIATION

**ERECTION OF 16 NO. BUNGALOWS AND PROVISION OF COMMUNITY HALL  
CAR PARK, LAND TO NORTH OF WIVELISCOMBE PRIMARY SCHOOL, NORTH  
STREET, WIVELISCOMBE AS AMENDED BY LETTER DATED 11TH AUGUST, 2004  
WITH ACCOMPANYING ANNOTATED O.S. SHEET AND DRAWING NO. 207/04/A  
AND AS AMPLIFIED BY LETTER DATED 13TH AUGUST, 2004 WITH  
ACCOMPANYING DRAWING NO. 207/05**

07897/28150

FULL PERMISSION

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## **PROPOSAL**

The proposal provides for the erection of 16 bungalows on land to the north of the primary school at Wiveliscombe. The emerging Taunton Deane Local Plan reserves the site for educational purposes. Each bungalow provides for 2 bedrooms, living room, kitchen and shower. The proposed materials are brick walls, upvc windows and doors and concrete tiled roofs.

The applicants' agent in the amending letter states that the site is between 1.8 m and 2.3 m above road level along North Street and rises away from the road. They consider it would not be possible to provide a normal 'street frontage' without considerable excavation, which they consider would further exacerbate the site water drainage problem. They consider that there is no particular defined street frontage pattern, but rather a mixture of buildings of no particular architectural merit, randomly laid out, except for the adjacent school building. They emphasize that the proposed units are bungalows and considerably lower than the adjacent school building. The client group will be older ambulant people. The layout is determined by the need for level access into the dwellings, therefore the agents see terracing along the contours as the most logical layout.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection in principle but raise a number of detailed points, which have been addressed on the amended plans. In the event of permission being granted request conditions regarding estate roads, proper surfacing, disposal of surface water, footway works and contribution towards 20 mph speed limit. Detailed comments of the Estate Roads Section also forwarded for information, such details to be included in a Section 38 Agreement. COUNTY ARCHAEOLOGIST there is some evidence of an earthwork on the site which may be impacted by this proposal. For this reason, recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by condition. COUNTY EDUCATION the site is currently designated in the Local Plan for school purposes. There is unlikely to be any long term requirement to use this for educational purposes other than for vehicular access to the school. Although

understood that the development was to be sheltered accommodation for elderly people, there is no warden's accommodation or communal area. Combination of coach and car parking and general vehicle movements causes congestion outside the school at the beginning and end of the school day. Aware of highways colleagues requirement to secure a footway along the entire frontage of the development and that this should be extended along that of the adjacent school. The existing parking in front of the school would in part need to be removed, causing severe inconvenience to the school staff. The existing retaining wall on the school frontage should not be removed or relocated. Given that there would be a reduction in the width of the carriageway, funds should also be secured from the developer for the provision of a 20 mph speed limit in the vicinity of the school. Barriers and gates should be provided around the proposed parking area which could be managed by the school. In view of the loss of roadside parking used by school staff, the parking area should be for the exclusive use of the school. The Local Education Authority would not be able to support the use of the land for purposes other than education, for which it is designated in the Local Plan, unless the above measures are secured. WESSEX WATER it will be necessary for the applicant to agree points of connection onto their infrastructure. There is a public water main crossing the site. Diversion or protection works may need to be agreed. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory or non statutory sites or species at the site. Within 1 km one or more legally protected species found, two County Wildlife Sites, one County Geological Site and badgers.

CONSERVATION OFFICER The site is outside the defined settlement limit, therefore an exception to policy S8. If an exception to policy S8 deemed appropriate by virtue of policy H13, question whether the need has been identified/justified. Note that the site is identified for educational purposes in the emerging Taunton Deane Local Plan. Also note that County Property Services say there is unlikely to be any long term requirement to use this site for educational purposes, but this requires more detailed justification, particularly in the light of successive applications for 'temporary' classrooms at the adjacent school, a Grade II listed building. The site is a steep one, characterised by open countryside, which suitably marks the extent of the developed settlement on the west side of North Street. The proposal would not make a positive contribution to the streetscene and would be detrimental to the setting of the adjacent listed building. The design of the buildings and the layout is bland, bearing no relationship to the area, ie single storey, hipped roofs, wide plan hence shallow roof pitches, brick construction, concrete roof tiles and upvc windows and doors. Give the proposal is for bungalows, assume the scheme is designed for elderly occupants. This said, levels are not conducive for elderly people, the accommodation does not provide for disabled bathrooms/wcs. Consider that the proposal will have a detrimental impact on the setting of the listed primary school, the streetscene and transition from the developed settlement to the countryside at this point. Therefore raise objection to the principle of developing the site. If there is overriding and convincing evidence to consider the principle acceptable, respectfully suggest that the design of buildings, layout, materials and potential future occupants be radically revisited. FORWARD PLAN the site is identified in the emerging Local Plan for educational purposes, although lying beyond the settlement limits. Policy S8 would normally apply, preventing development for most purposes, including residential. However, opportunity exists under policy H13, enabling the provision of affordable housing on sites adjoining settlement limits. This site falls within this category, subject to two criteria:- Firstly, the County Council Education Department confirms there is no short or long term need for additional school land in

this part of the town, including for potential pre-school proposals. Secondly, any permission is strictly conditioned to ensure that development is only allowed for affordable housing and the site is not suitable for private housing. Finally, are Highways happy with what appears to be a lack of footpath on this side of the North Road frontage? A tactile crossing is indicated as a termination and presumably a crossing point. This does not appear to be accompanied with any safe road crossing (e.g. pelican), which makes it very un-user friendly for elderly persons. Likewise, from a design perspective, if the community car park is to be used in evenings (with the school hall), is it a good design solution to have the car park access right in front of elderly persons living space? DRAINAGE OFFICER details have been submitted for agreement and ask that they be included in any permission. LEISURE DEVELOPMENT MANAGER this development should make a contribution of £2,056 per dwelling, giving a total off-site contribution towards recreational facilities of £32,896, in line with local plan policy. HOUSING OFFICER fully supports this proposal which will help to satisfy a proven need.

PARISH COUNCIL approve.

## **POLICY CONTEXT**

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Policy 9 states that the setting of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced.

WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal. Policy WD/HO/6 states that small schemes of affordable housing to meet local needs will be permitted on sites on which housing would not otherwise be permitted subject to certain criteria being met. It is not considered that all the criteria are met with the proposal. Policy WD/HO/7 of the same plan sets out guidelines for the design and layout of new housing developments.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. Policy S8 states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. Policy H13 does allow for small affordable housing schemes in areas outside the limits of settlements which meet the local community's needs for affordable housing provided certain criteria are met. It is not considered that all the criteria are met with the current proposal. Policy EN17 states that development proposals which would harm the setting of a listed building will not be permitted.

## **ASSESSMENT**

The site is outside the limits of the settlement and although the Housing Officer confirms that there is a confirmed need for the proposed accommodation, the site is included in the Local Plan as a reservation for education purposes and the Conservation Officer objects to the proposal. I consider that the layout and form of the proposed dwellings does not respect the character and setting of the school and its surroundings. The Victorian school buildings, together with the recent extensions are of natural stone with steeply pitched roofs. The proposed development provides for bungalows with a deep plan form, shallow roof pitches, hipped roofs with concrete tiles and brick walls, which are not particularly traditional to the Wiveliscombe area. If development is to take place on this site, it needs to be of a form, design and appearance which respects the characteristics of the site and its surroundings..

## **RECOMMENDATION**

Permission be REFUSED for reasons that:- (i) the proposed development would constitute an undesirable departure from the provisions of the Taunton Deane Local Plan in which the site is reserved for educational purposes and would be detrimental to the successful implementation of the principles of the Plan . (Taunton Deane Local Plan Policy C2); (ii) the site is located outside the limits of the settlement, where new residential development is not normally permitted. The Taunton Deane Local Plan does allow for small affordable housing schemes in such areas which meet the local community's needs for affordable housing provided certain criteria are met. In the opinion of the Local Planning Authority, not all of these criteria are met. The proposal would have a detrimental impact on the street scene and transition from the developed settlement to the countryside at this point. It would consequently harm the character and landscape setting of the settlement more than is justified by the housing need to be met and the approach to the layout, landscaping, building designs and materials would not create a locally distinctive development well related to its surroundings, contrary to Taunton Deane Local Plan Policies H1 and H13; (iii) the proposed development of this site, as proposed, would have a detrimental impact on the setting of the adjacent primary school, which is a Grade II listed building, by reason of its siting, design and appearance. (Taunton Deane Local Plan Policy EN17).

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:





49/2004/037

P J DAVEY & SONS

**DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 2 NO. HOLIDAY UNITS, BUILDERS YARD AT BLACKWATER LANE, LANGLEY MARSH, WIVELISCOMBE AS AMENDED BY**

07093/29339

FULL PERMISSION

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**PROPOSAL**

The site comprises a former builder's yard with existing buildings comprising a corrugated iron pole barn and ships container. The proposal provides for the demolition of the existing buildings and the erection of two holiday chalets with timber walls slate roofs. The accommodation consists of a kitchen/dining area, bathroom and two bedrooms on the ground floor with a further bedroom in part of the roof space at first floor level. The use of the existing access is proposed. The site is generally well screened by existing trees and hedges.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the junction of Blackwater Lane with the unclassified unnumbered road through Langley Marsh is very sub standard, the visibility to the left is only 5 m and to the right 10 m. However, in view of the change of use to holiday units, consider that the traffic generation will be no more than the existing use. Therefore no objection to the proposal.

LANDSCAPE OFFICER the most important trees on the site are the southern boundary ones on the steep bank next to the lane. They appear to be healthy but may need some reshaping management works. The holiday unit (most westerly) closest to it should be moved at least 3 m further north to avoid any future problems, eg concerns of overbearing trees, etc. The other boundary should be carefully landscaped to keep the best of the existing trees as well as providing additional. Suggest native hedgerow with some groups of trees where existing trees cannot be kept. Service runs should be kept away from trees to be retained. ENVIRONMENTAL HEALTH OFFICER recommends contaminated land investigation and remediation condition.

PARISH COUNCIL object; site is situated in open countryside and could set an undesirable precedent; fear that if constructed, could become residential dwellings either by a further planning application for change of use or through occupation and lack of enforcement action; also feel that the access is inadequate and the proposal will lead to an intensification of the existing access.

ONE LETTER OF OBJECTION shared access to adjacent stables; currently infrequent visits to yard by owners and proposal will increase vehicles using the lane, which is very narrow and frequently used by tractors, walkers and horse riders; entrance is on a blind corner and visitors to the area would not know of the danger; lane may need to be dug up to lay a water main to site; the site was used for many years for tipping rubbish - old

bikes, iron, asbestos, etc; any movement of soil may cause bad fumes which could affect people.

## **POLICY CONTEXT**

County Structure Plan Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal.

Taunton Deane Local Plan Revised Deposit Policy S1 includes general requirements for new developments. Policy S8 of the emerging Taunton Deane Local Plan states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria. Policy EC19 states that proposals for holiday chalet developments will only be permitted provided that the proposal meets certain criteria, which are met with the current proposal.

## **ASSESSMENT**

The site is well screened by existing tree cover and additional planting is recommended by condition. A holiday let condition is recommended to ensure that the units are only occupied by bona fide holidaymakers. The County Highway Authority do not raise objection to the proposal. The proposal is considered acceptable subject to the recommended conditions.

## **RECOMMENDATION**

Subject to the receipt of satisfactory amended plans and no further representations raising new issues thereon, the Development Control Manager consultation with the Chairman/Vice Chairman be authorised to determine and permission be GRANTED subject to conditions of time limit, percolation tests, materials, landscaping, retention/protection of trees, no service trenches within spread of trees, no felling, parking, holiday let, meter boxes, demolition of buildings, contaminated land investigation/remediation and removal of GPDO rights for extensions and ancillary buildings. Notes re disabled access, water/energy conservation, meter boxes, CDM regulations, bats/owls note, contaminated land, advice re landscaping, soakaways and Environment Agency consent.

REASON(S) FOR RECOMMENDATION:- The site is adequately screened and the proposal is not considered to be harmful to the landscape and therefore is compliant with Taunton Deane Local Plan Revised Deposit Policy EC19.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:

## **PLANNING COMMITTEE – 8 SEPTEMBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish: Hatch Beauchamp**

1. **File/Complaint Number** E204/19/2002
2. **Location of Site** Mews Business Park, Station Road, Hatch Beauchamp
3. **Names of Owners** Hatch Mews Ltd
4. **Names of Occupiers** Various
5. **Nature of Contravention**

Storage of pallets in parking area.

6. **Planning History**

Planning permission was granted for the development of the Business Park in April 2000 (Ref. 19/2000/005). Condition 15 of the permission required that “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 buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority.”

A complaint was received during 2002 that pallets were being stored in parking spaces close to the western boundary of the site. The owner was contacted and the pallets removed. However, in recent months there has been further storage of pallets in this area.

On 6 July, 2004 the owner of the site wrote requesting written approval for storage of pallets within two parking spaces in accordance with the conditions referred to above. Local residents, the ward member and the County Council (in respect of the nearby school) and the Parish Council were asked to comment on the request.

The following responses were received:-

Hatch Beauchamp Parish Council:- The Council opposes the proposal on the grounds of loss of car parking spaces, on amenity grounds, and because it would represent a fire hazard and that TDBC be asked to enforce the existing condition as pallets are being stored in contravention of its provisions.

Councillor Williams:- I note that you have quoted Condition 15 of the relevant planning permission for this site, which obviously clearly states that "no raw materials, finished or unfinished products or parts, crates, packing material or waste shall be stacked or stored on the site except within the buildings or within the storage areas as may at any time be approved in writing by the Local

Planning Authority".

I note that the proposed pallet storage area is on the site of two parking spaces and therefore would not support this application as it obviously removes essential car parking spaces, which have previously been approved as part of the overall scheme. In addition, Condition 15 clearly stipulates the conditions that any end user can expect in respect of external storage, therefore cannot support the change as proposed.

Somerset County Council:- As the number of vehicles associated with the premises or vehicle turning movements in general would probably not significantly increase in the vicinity of the nearby primary school, there would be no objections on these grounds from the County as Local Education Authority. However, if what were designated parking bays within the site are used for other purposes, there may be consequent additional parking in Station Road which could cause a hazard to pupils and parents walking to and from the school or indeed further the vehicular congestion at the beginning and end of the school day.

8 individual letters and e-mails have been received objecting on the following grounds:- fire hazard; noise level; unsightly visual impact; pallets should be stored within building.

#### **7. Reasons for taking Action**

Whilst it may be unreasonable not to allow any outside storage at this site, the site proposed is close to the boundary of the site where the storage of pallets will not only be visually prominent from nearby properties, but also may cause noise and disturbance during loading and unloading. It is considered that more appropriate locations exist towards the southern end of the site.

#### **8. Recommendation**

The solicitor to the Council be authorised to take appropriate enforcement action and commence prosecution action subject to satisfactory evidence should the notice not be complied with.

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

**CONTACT OFFICER: Mr T Burton Tel: 356464**

## **PLANNING COMMITTEE – 8 SEPTEMBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish: West Monkton**

- 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**

Use of land to sell and dismantle vehicles. Display various signs and flag advertisements.

- 6. Planning History**

A complaint was received on 15 February, 2004 regarding the activities at this site. The area of land is being used to display cars for sale together with the erection of a covered area. It was also suggested that existing domestic garages adjacent to the site were being altered to store dismantled parts. The site is within an area where a number of small businesses operate and it was thought that the land had been used in the past as a general garage and car sales. Due to the nature of the business there have been occasions when the access road has been blocked by cars belonging to Riverside Car sales, which have been left outside the compound. This has caused great difficulties to the other businesses in terms of access to and from their properties. It has also caused problems for vehicles visiting the site having to wait on the busy Creech Castle junction. This could potentially cause a major traffic hazard. An additional concern is that vehicles have been dismantled outside the site on the access road and left unattended. This has resulted in the vehicles being vandalised and could lead to other property in the area being affected.

The tenant was asked to submit a planning application for the additional structure and use of the adjacent garages. An application was received on 17 August but to date has not been registered, as it is incomplete. Since that date a further structure/fence has been erected along the boundary of the site in excess of 3 metres in height.

On further investigation it has now been established that the site has not been used for car sales/garage use in the past. The last confirmed use of the land was for the storage of boats and a few cars but no sales ever took place, therefore there is no planning permission for the land to be used for this purpose and the use is unauthorised.

**7. Reasons for Taking Action**

Due to the number of vehicles on site together with those parked on the access road it is considered that the use of the site for car sales and breaking of vehicles is detrimental to both road safety and the efficient operation of other existing businesses on the site. Also the additional structures and flags/advertisements have a detrimental effect on the visual amenities on what is a major approach road into the County town.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement notice and take prosecution action subject to satisfactory evidence should the notice not be complied with. Authorisation for prosecution action is required for the unauthorised flags and advertisements currently displayed on the land.

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

**CONTACT OFFICER:- Mr J A W Hardy Tel. 356479**

## **PLANNING COMMITTEE - 8 SEPTEMBER 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish: Comeytrowe**

1. **File/Complaint Number** E164/52/2004.  
Application No. 52/2004/030
2. **Location of Site** 13 Hine Road, Comeytrowe, Taunton.
3. **Names of Owners** Mr B Disney-Walford
4. **Names of Occupiers** Mr B Disney-Walford

5. **Nature of Contravention**

Erection of fence to front of property

6. **Planning History**

The provision of this fence first came to the Council's attention on 27 May, 2004. The owners were advised that due to 'permitted development rights' being removed in respect of gates, walls and fences when planning permission was originally granted for the development a planning application is required in order to regularise the unauthorised fence. An application for planning permission was submitted on 14 June, 2004 and subsequently refused under delegated powers on 8 August, 2004.

7. **Reasons for taking Action**

The fence, by virtue of its height and siting, conflicts with the principles of open plan development which have been adopted for this estate and is considered to be an intrusive feature in the street scene to the detriment of the visual amenities of the area.

8. **Recommendation**

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

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

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**