



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 29TH SEPTEMBER 2004 AT 17:00.

(RESERVE DATE : MONDAY 4TH OCTOBER 2004 AT 17:00)

AGENDA

1. Apologies
2. Minutes
3. Public Question Time
4. WIVELISCOMBE - 49/2004/042 REPORT ITEM
PARTIAL DEMOLITION, PARTIAL NEW BUILD,
CONVERSION AND RESTORATION OF THE FORMER
HANCOCK BREWERY TO FORM 14 NO. RESIDENTIAL
UNITS WITH ASSOCIATED GARAGING AND PARKING AT
THE OLD HANCOCK BREWERY, GOLDEN HILL,
WIVELISCOMBE (RESUBMISSION OF SCHEME WITH
SOME AMENDMENTS).
5. CHURCHSTANTON - 10/2004/020
CHANGE OF USE AND CONVERSION OF BARN TO
DWELLING (REVISED PROPOSAL TO INCLUDE ERECTION
OF ATTACHED GARAGE) AT TRENTS VIEW, TRENTS
FARM, CHURCHINFORD.
6. CREECH ST MICHAEL - 14/2004/027
CLOSURE OF EXISTING ACCESS AND FORMATION OF
NEW AGRICULTURAL ACCESS, NORTH END, CREECH ST
MICHAEL.
7. LYDEARD ST LAWRENCE - 22/2004/012
INSTALLATION OF 7 WINDOW/SKYLIGHTS AND ONE
DOOR AT WESTOWE ORCHARD, LYDEARD ST
LAWRENCE.
8. LYDEARD ST LAWRENCE - 22/2004/015
CHANGE OF USE OF PIGGERY, OFFICE AND
WAREHOUSE TO FOOD DISTRIBUTION OFFICE AND
WAREHOUSE AT PIGGERY BUILDING, TOWER FARMS,
DEANS CROSS, LYDEARD ST LAWRENCE.
9. TAUNTON - 38/2004/324
ERECTION OF 8 HOUSES AND 53 FLATS AND FORMATION
OF ACCESS AT POLLARDS WAY, WOOD STREET,

TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO
APPLICANTS LETTER DATED 16TH SEPTEMBER, 2004

10. TAUNTON - 38/2004/361
ERECTION OF PART 2, PART 3 STOREY BUILDING
ACCOMMODATING 22 FLATS AND SEPARATE BUILDING
COMPRISING 2 FLATS AND PROVISION OF GARAGING AT
2 PRIORY AVENUE, TAUNTON AS AMENDED BY
APPLICANTS LETTER DATED 2ND SEPTEMBER, 2004 AND
DRAWINGS ATTACHED THERETO
11. TRULL - 42/2004/032
CONVERSION OF BARN TO A DWELLING, AND
CONVERSION OF BARN TO RESIDENTIAL ANNEXE AND
OFFICE, GREAT HERSWELL FARM, WEST BUCKLAND.
12. WELLINGTON - 43/2004/101T
APPLICATION TO FELL TWO CUPRESSUS MACROCARPA
INCLUDED IN TAUNTON DEANE BOROUGH (WELLINGTON
NO. 2) TREE PRESERVATION ORDER 1991 AT 20 ELMS
ROAD, WELLINGTON (TD 532).
13. WELLINGTON - 43/2004/109
RETENTION OF TWO STOREY EXTENSION, 93
SPRINGFIELD ROAD, WELLINGTON (AMENDED SCHEME).
14. WELLINGTON - 43/2004/116
ERECTION OF PUBLIC TOILET BLOCK TO REPLACE
EXISTING, ADJOINING NORTH STREET CAR PARK,
WELLINGTON.
15. WEST HATCH - 47/2004/008
ERECTION OF A TWO STOREY EXTENSION TO IVY
COTTAGE, WEST HATCH.
16. COMEYTROWE - 52/2004/037
ERECTION OF A DWELLING TO THE REAR OF 9
JEFFREYS WAY, TAUNTON.
17. OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON
NO.1) TREE PRESERVATION ORDER 2004 AT 29 CALWAY
ROAD, TAUNTON (TD958). COUNTRYSIDE ITEM
18. ENFORCEMENT ACTION IN RESPECT OF FOXMOOR
NURSERIES, HAYWARDS LANE, WELLINGTON. REPORT
OF THE CHIEF SOLICITOR. MISCELLANEOUS ITEM
19. E430/18/2003 & 18/2004/003A - DISPLAY OF SIGNS ON THE
REAR AND SIDE OF THE NEW INN, HALSE, TAUNTON. ENFORCEMENT ITEM
20. PLANNING APPEALS - APPEALS RECEIVED/DECISIONS. APPEALS

Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

22 September 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM 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 Guerrier
Councillor Henley
Councillor Hindley
Councillor House
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Vail
Councillor Wedderkopp
Councillor Weston

Planning Committee – 8 September 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Croad, Henley, House, Phillips, Mrs Smith,
Stuart-Thorn, Vail and Wedderkopp

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

(The meeting commenced at 5.00 pm).

(Councillor Croad arrived at the meeting at 5.12 pm)

94. Apologies

Councillors Miss Cavill, Denington, Floyd, Govier, Guerrier and Hindley.

95. Minutes

The minutes of the meeting held on 18 August 2004 were taken as read and were signed.

96. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had certified that the item covered by Minute No 97 below should be dealt with as an urgent matter.

97. Unauthorised activities at Knapp Lane, North Curry

Reported that in October 2002, an enforcement notice was served in respect of the change of use of a small area of land at Knapp Lane, North Curry for the stationing of touring caravans.

Following an appeal, the notice was upheld in March 2003 whereby the owner of the land entered negotiations with the Council over a proposed land exchange which would have given Taunton Deane control of the land at Knapp Lane.

The negotiations had proved unsuccessful and it had therefore been agreed to proceed with prosecution action against the occupier of the land for breach of the enforcement notice. However, when the Enforcement Officer visited the site earlier in the year, although a small caravan was present on the land, it was not apparently being used for occupation. It was noted though that the site was being used for the carrying out of unauthorised car repairs and that some earth-moving operations had also taken place.

Further reported that a subsequent visit to the site during the bi-annual gypsy count in July revealed that no caravans were on the site.

In recent weeks, complaints had been received that the site had again been occupied. Investigations revealed that the occupiers appeared to have changed once more, and a large residential unit was now on the land and it was clear it was being residentially occupied. Although the level of car repairs had been reduced, there was still evidence of some activity on the site.

The North Curry Parish Council was concerned about the continued unauthorised use of the site and had requested Taunton Deane to use direct action to clear it.

Noted that because of the nature of the site, it would be extremely difficult to clear the site if occupied, and the need to ensure the safety of staff would make the exercise extremely costly. However, it was accepted that any further intrusion of a commercial nature into the open countryside would be very harmful and that any intensification of the use would lead to issues of noise, nuisance and highway danger.

In the circumstances, it was considered appropriate that a stop notice and enforcement notice should be served in respect of the car repairs and engineering works to seek immediate cessation of those activities.

RESOLVED that:-

- (1) An enforcement notice and stop notice be served in respect of the unauthorised vehicle storage and repairs, and other engineering operations which were taking place on the site at Knapp Lane, North Curry;
- (2) The owner of the land and any other person with a long-term interest be prosecuted for breaching the enforcement notice prohibiting the stationing of caravans; and
- (3) The current occupiers be prosecuted for breaching the enforcement notice prohibiting the stationing of caravans.

98. 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:-

15/2004/004

Erection of conservatory and installation of dormer windows to the front of Chapel Cottage, Curland.

Conditions

- (a) C001 – time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as shown on the application form and the plan hereby approved, and no other materials shall be used;
- (c) C213 – existing hedge to be retained;
- (d) C209 – protection of hedge to be retained;

Reason for granting planning permission:-

The proposal was considered to comply with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

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).

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c)
 - (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges along the north-eastern boundary of the site which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
 - (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (d) The post and rail fencing on the north-eastern boundary shall be erected within six months of the commencement of works on site and shall be maintained as such thereafter;
- (e) P001A – no extensions;
- (f) Any vehicular entrance gates erected shall be hung to open inwards only and shall be set back a minimum of 4.5m from the carriageway edge;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;

- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided within one month of the date of this consent and shall thereafter be maintained at all times;
- (i) The dwelling hereby permitted shall not be occupied until two parking spaces for the dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access;
- (j) The first-floor window on the west elevation shall be glazed with obscure glass and shall open a maximum of 300mm only and shall be maintained as such thereafter.
- (k) C409 – fenestration – no additional windows;
(Notes to applicant:- (1) N040A – drainage/water; (2) Applicant was advised that soakaways should be designed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised to note the following Wessex Water comments:- (i) The development is located within a foul sewer area, however the nearest public foul sewer is located approximately 150m from the site. Should the developer wish to connect to this system, it will be necessary to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. (ii) With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. (iii) It is recommended that the developer agrees with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (4) Applicant was advised to obtain the consent of Taunton Deane Borough Council's Housing Department prior to any construction works on site; (5) Applicant was advised that the planting relating to condition (c) should be of native species; (6) Applicant was advised by the County Highway Authority that it would be beneficial if the access and turning area could be laid out in such a way as to offer turning facilities to 8 Crimthorne Cottages, and the applicant should be encouraged to enter into an agreement with the adjoining landowner, to provide improved visibility to the east).

Reason for granting planning permission:-

The proposal lay within the settlement limits of Hatch Beauchamp and was considered to comply with the requirements of Taunton Deane Local Plan Revised Deposit Policy H1.

36/2004/016

Continued use of land as residential curtilage and siting of conservatory thereon at The Barton, Woodhill, Stoke St Gregory.

Conditions

- (a) C001 – time limit;

- (b) P001A – no extensions;
- (c) P003 – no ancillary buildings.

Reason for granting planning permission:-

The proposal conformed to the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

38/2004/341

Erection of single storey extension at Gardeners Arms, 36 Priorswood Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials.
(Notes to applicant:- (1) N118A – disabled access; (2) N024 – development in accordance with the approved plans.

Reason for granting planning permission:-

The proposal would not result in demonstrable harm to neighbouring residential uses. The proposal therefore accorded with Taunton Deane Local Plan Revised Deposit Policy S1(E).

- (2) That planning 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:-

(Councillor Beaven declared a personal interest in the following application and left the meeting during its consideration. Councillor Phillips also declared a personal interest but remained at the meeting).

06/2004/025

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

Reasons

- (a) 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 contrary to Policies S1(D), S8 and BL3, and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6; (b) The site lies within the Bishops Lydeard Conservation Area, wherein development 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, is considered to be detrimental and contrary to Taunton Deane Local Plan

Policy EN15 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9; (c) The site lies within an area shown on 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 Planning Policy Guidance Note No 25 and Taunton Deane Local Plan Policy EN30.

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.

Reason

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/TV/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.

(The Vice-Chairman (Councillor Mrs Hill) declared a personal interest in the following application).

14/2004/023

Erection of single storey extension to form granny annex at Three Acres, Adsborough.

Reason

The proposal envisages the erection of a building, which is considered to be excessive in size for the purposes of an annex. 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.

The proposal is contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S8 and H19.

24/2004/029

Demolition of existing single storey lean-to and replacement with two storey side extension, 1 Greenway, North Curry.

Reason

The proposed extension by reason of its proximity to the neighbouring property would result in a cramped form of over-development 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.

38/2004/261CA

Demolition of former gymnasium to rear of former Four Alls Public House, Corporation Street, Taunton.

Reason

The proposal is considered to be unacceptable in the absence of a satisfactory proposal to redevelop the site. The proposal therefore conflicts with Taunton Deane Local Plan Revised Deposit Policy EN15.

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.

Reasons

- (a) 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 proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy S1(A).
- (b) The proposed access on to Corporation Street does not incorporate the necessary visibility splays, which are essential in the interests of highway safety. The proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Revised Deposit Policy S1(A).
- (c) The proposed building, by reason of its scale in relation to existing buildings in Bath Place, will produce a dominant

feature at variance with the established character of Bath Place, contrary to Taunton Deane Local Plan Revised Deposit Policy EN15 and advice in Planning Policy Guidance Note No 15.

47/2004/007

Erection of summerhouse next to pond at Ash Lodge, West Hatch, Taunton.

Reason

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.

(Note to applicant:- Applicant was advised that planning consent is required for a change of use and the engineering works associated with the creation of a pond on what is currently agricultural land).

99. Erection of ancillary 42 bed residential care home including the removal and replacement of trees included in Tree Preservation Order TD467, Red Lodge Care Home, Hope Corner Lane, Taunton (38/2004/328)

Reported this application.

RESOLVED that subject to the receipt of further car parking details and acceptable landscaping 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) C101 – materials;
- (c) C203A – landscaping;
- (d) C208 – protection of trees to be retained;
- (e) No tree on the northern boundary, other than any tree which occupies any area of the application site upon which those buildings comprise within the development hereby permitted are to be constructed, shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority or, in default, of the First Secretary of State;
- (f) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, together with a programme of phasing of implementation shall be submitted to, and approved in writing by, the Local Planning Authority or, in default, by the First Secretary of State and any such wall, fence or hedge so approved shall be erected/planted in accordance with the approved programme of phasing;
- (g) C303 – highways, roads, turning spaces and parking areas to be surfaced;
- (h) C324 – parking;
- (i) C917 – services – underground;
- (j) Any construction work within the canopy spread of the two ash trees to the north of the site shall be hand dug in accordance with details to be submitted

to, and agreed in writing by, the Local Planning Authority prior to the commencement of development;

- (k) No new windows shall be formed in any part of the first floor of the development hereby approved without the prior written consent of the Local Planning Authority.
- (l) There shall be no living accommodation on the first floor of the building at any time other than that indicated on the approved plan;
- (m) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 hours. At all other times, including Public Holidays, no noisy working;
- (n) The annex hereby permitted shall be solely used ancillary to Red Lodge Nursing Home at all times;
- (o) C327 – turning space.

(Notes to Applicant:- (1) The outbuilding currently used as an office and laundry, shares a common boundary wall with the garage of The Elms and applicant was advised to contact the owner of The Elms prior to any demolition taking place; (2) NO52 – fire safety; (3) Applicant was advised that the Local Planning Authority is unlikely to agree to any further extensions or buildings within the site; (4) Applicant was advised that it is possible that soakaways for surface water drainage would not be satisfactory on this site because of the nature of the sub-soil, although this cannot be established definitely unless a percolation test is carried out; (5) N115 – water conservation; (6) N114 – meter boxes; (7) N112 – energy conservation; (8) N111 – disabled access; (9) N117 – crime prevention); (10) N075 – Section 106 Agreement.)

Reason for planning permission, if granted:-

The proposal was within the settlement limits of Taunton where new building was considered acceptable. The proposal was 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 H19.

100. 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 (43/2004/088)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 24 September 2004 to provide a total of £20,922 towards off-site local recreational facilities, 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) C201A – landscaping;
- (d) C205 – hard landscaping;
- (e) C208A – protection of trees to be retained;

- (f) C208B – protection of trees – service trenches;
- (g) C210 – no felling or lopping;
- (h) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking 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;
- (i) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (j) The development hereby approved shall not be brought into use until that part of the service road, that provides access to it, has been constructed in accordance with the approved plans.
- (k) C324 – parking;
- (l) C416 – details of size, position and materials of meter boxes;
- (m) Before any of the dwellings hereby permitted are occupied, the existing buildings, as shown on the approved plan, shall be demolished and all materials resulting from the demolition shall be removed from the site or salvaged for re-use on the new development;
- (n) P005 – no garages;
- (o) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward-most part of the front of the dwellinghouses or on the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (p) Details of the position of any site huts and storage areas shall be submitted to, and approved in writing by, the Local Planning Authority before any development commences, including demolition work.
 (Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N051B – health and safety; (6) N075 – Section 106 Agreement; (7) N095A – owls and bats; (8) Applicant was advised that noise emissions from the site, during the construction phase, should be limited to the following hours, if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturday 0800 to 1300 hours. At all other times, including Public Holidays, no noisy working; (9) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highways Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence; (10) Applicant was advised to contact Wessex Water with regard to connections onto their systems; (11) Applicant was reminded of the need to prevent mud being spread onto the public highway during construction and (12) Applicant was requested to use temporary traffic controls along Milverton Road and ensure that access to existing dwellings in Wardleworth Way is not disrupted during the construction phase of the development.)

Reason for planning permission, if granted:-

The proposed development made effective use of a brownfield site within the urban area and was therefore in compliance with Policies S1 and H1 of the Taunton Deane Local Plan Revised Deposit.

Also RESOLVED that in the event that the Section 106 Agreement was not concluded by 24 September 2004, planning permission be refused for the reason that the proposal did not make adequate provision for the delivery of appropriate local recreation facilities and was therefore contrary to Taunton Deane Local Plan Revised Deposit Policy C4.

101. Erection of stable block in field OS Plot 9312, Sawyers Hill, West Buckland, Wellington (46/2004/026)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Drainage Officer, 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) The stables hereby approved shall be used for domestic purposes only and shall at no time be used for any commercial purposes whatsoever, including a riding school and/or livery stables;
- (c) C102A – materials;
- (d) C201 – landscaping;
- (e) Before the development hereby permitted is commenced, details of the surface water, land and foul drainage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Before the development hereby permitted is commenced, details of the positioning and design of any manure/dung heaps shall be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:-

(1) Applicant was advised that:-

(i) the stable site should be drained on a separate system with all clean and surface water being kept separate from foul drainage; (ii) all foul drainage, including foul surface water run-off, should be disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with a connection to a watercourse; (iii) manure/dung heaps should be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; and (iv) the subsequent disposal of collected wastes should be undertaken in accordance with the MAFF Code of Good Practice for the Protection of Water.

(2) Applicant was further advised that:-

(i) any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation; (ii) the design storm for any attenuation system should be

for a 1 in 25 year return period storm; (iii) the Environment Agency should be approached for Consent to Discharge and for their requirements regarding oil interceptors and headwall design; (iv) details are required of the proposed point of discharge to watercourse together with details of the headwall; (v) the poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUD be used at this proposed development.)

Reason for planning permission, if granted:-

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 and S2.

102. Erection of 16 No bungalows and provision of community hall car park, land to north of Wiveliscombe Primary School, North Street, Wiveliscombe (49/2004/033)

Reported this application.

RESOLVED that subject to:-

- (1) The applicant entering into a Section 106 Agreement by the 30 September 2004 in respect of:-
 - (i) The properties being allocated to address local housing needs to people over the age of 55;
 - (ii) The provision of appropriate highway works; and
 - (iii) The provision of a financial contribution of £32,896 towards off-site recreational facilities, and

- (2) The receipt of no adverse views from the County Highway Authority, 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) C201A – landscaping;
 - (d) C207 – existing trees to be retained;
 - (e) C208A – protection of trees to be retained;
 - (f) C208B – protection of trees – service trenches;
 - (g) C209 – protection of hedges to be retained;
 - (h) C210 – no felling or lopping;
 - (i) C215 – walls and fences;
 - (j) 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 outfall, 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;

- (k) 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;
- (l) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (m) No work shall commence on the development site until the footway works have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority, and to be fully implemented to the satisfaction of the said Authority and a contribution towards the implementation of the 20 mph speed limit has been paid;
- (n) C324A – parking;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) C917 – services – underground;
- (q) P005 – no garages;
- (r) P007 – no fencing in front of dwellings;
- (s) C910B – archaeological access;
- (t) The surface water drainage works shall be provided as indicated in the e-mail from Halcrow dated 11 August 2004 unless otherwise agreed in writing by the Local Planning Authority.

(Notes to Applicant:- (1) With regard to condition (s), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists to undertake it; (2) N118 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) Applicant was advised to contact Wessex Water with regard to connections to their infrastructure and the possible need to divert the public water main crossing the site.)

Reason for planning permission, if granted:-

The proposed development provided for a small affordable housing scheme in an area outside the limits of the settlement which met the local community's needs and met the criterion for such developments as set out in Policy H13 of the Taunton Deane Local Plan Revised Deposit.

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

The Committee was of the view that the need for the proposed development outweighed the concerns of the Conservation Officer and the Landscape Officer.

103. Demolition of existing buildings and erection of two number holiday units, builder's yard at Blackwater Lane, Langley Marsh, Wiveliscombe (49/2004/037)

Reported this application

RESOLVED that subject to the receipt of:-

- (1) The views of the Tourism Officer on the need for the proposed development; and
- (2) Satisfactory amended plans and no further representations raising new issues thereon, 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) C010A – drainage – not commenced until percolation test approved;
 - (c) C102A – materials;
 - (d) C201A – landscaping;
 - (e) C207 – existing trees to be retained;
 - (f) C208A – protection of trees to be retained;
 - (g) C208B – protection of trees – service trenches;
 - (h) C210 – no felling or lopping;
 - (i) C324 – parking;
 - (j) C413 – restriction of occupation for holiday lets in permanent buildings;
 - (k) C416 – details of size, position and materials of meter boxes;
 - (l) Before the dwellings hereby approved are occupied, the buildings as shown on the approved plan shall be demolished and all materials resulting from the demolition shall be removed from the site;
 - (m) C926B – remediation investigation/certificate;
 - (n) P002 – no extensions;
 - (o) P003 – no ancillary buildings.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N051B – health and safety; (6) N095A – owls and bats; (7) N048A – remediation strategy; (8) With regard to conditions (d)(i) and (f), applicant was advised that the trees on the southern boundary, next to the lane, appear healthy, but may need some reshaping management works. The other boundaries should be carefully landscaped to keep the best of the existing trees as well as providing additional. A native hedgerow is suggested with some groups of trees where existing trees cannot be kept. Service runs should be kept away from trees to be retained; (9) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (10) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata would be required).

Reason for planning permission, if granted:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and therefore was compliant with Taunton Deane Local Plan Revised Deposit Policy EC19.

Also RESOLVED that should be Tourism Officer identify no need for additional holiday lets in this part of Taunton Deane, then planning permission be refused accordingly.

104. Storage of pallets in parking area at Hatch Mews Business Park, Station Road, Hatch Beauchamp

Reported that planning permission had been granted in April 2000 for the development of the Hatch Mews Business Park. One of the conditions attached to the permission prohibited the storage of materials any where other than within the buildings or within approved storage areas.

During 2002, a complaint was received that pallets were being stored in parking spaces close to the western boundary of the site.

At the time, the owner was contacted and the pallets were removed, but in recent months, there had been further storage of pallets in the same area of the site.

Further reported that the owner of the land had now formally requested approval for the storage of pallets within two of the available parking spaces.

Local residents, the Ward Councillor, the County Council (in respect of the nearby school) and the Hatch Beauchamp Parish Council had been consulted on this request and details of the responses received were reported. All of these replies had indicated that the proposed storage area was not supported.

In the view of the Chief Planning Officer, the site proposed was close to the boundary of the site where the storage of pallets would not only be visually prominent from nearby properties, but also might cause noise and disturbance during loading and unloading. It was considered that more appropriate locations for storage purposes existed towards the southern end of the site.

RESOLVED that:-

- (1) Enforcement action be taken to stop the land on the western boundary of the Hatch Mews Business Park, Station Road, Hatch Beauchamp being used for storage purposes;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with; and

- (3) Such enforcement action be deferred for one month from the date of the meeting to allow the owner to negotiate an alternative location for outside storage at the Hatch Mews Business Park.

105. Unauthorised use of land to sell and dismantle vehicles, together with the unauthorised display of various signs and flag advertisements at Riverside Car Sales, Bathpool, Taunton

Reference Minute No 92/2004, reported that following the receipt of a complaint earlier in the year, it had been found that an area of land at Bathpool, Taunton was being used without planning permission to display cars for sale. The land had previously been used to store boats.

A covered area and a further structure/fence in excess of 3m in height had also been erected without consent and a number of unauthorised signs and flag advertisements were on display. It also appeared that a number of existing domestic garages, adjacent to the site, were being altered to store dismantled parts.

The occupier of the land had been contacted about the unauthorised uses and, as a result, a planning application had been received. Noted though that it had not yet been registered as it was incomplete.

RESOLVED that:-

- (1) Enforcement action be taken to stop the land at Riverside Car Sales, Bathpool, Taunton being used to display cars for sale, to seek the removal of any unauthorised structures and to stop the unauthorised use of the adjacent domestic garages;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notices not be complied with;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised signs and flag advertisements being displayed at the site unless they were removed within one month; and
- (4) Such enforcement action be deferred for three months from the date of the meeting to allow the occupier to seek the necessary consents to regularise the current situation at Riverside Car Sales, Bathpool, Taunton.

106. Erection of fence to front of 13 Hine Road, Comeytrove, Taunton

Reported that in view of a planning application being received to amend the current fence that had been erected at 13 Hine Road, Comeytrove, Taunton, the report recommending enforcement action had been withdrawn.

(Councillors Vail and Henley left the meeting at 7.09 pm and 7.54 pm respectively).
(The meeting ended at 8.38 pm).

49/2004/042

BARN RESTORATIONS

PARTIAL DEMOLITION, PARTIAL NEW BUILD, CONVERSION AND RESTORATION OF THE FORMER HANCOCK BREWERY TO FORM 14 NO. RESIDENTIAL UNITS WITH ASSOCIATED GARAGING AND PARKING AT THE OLD HANCOCK BREWERY, GOLDEN HILL, WIVELISCOMBE (RESUBMISSION OF SCHEME WITH SOME AMENDMENTS)

08292/27900

FULL

1.0 **RECOMMENDATION**

Subject to the applicants entering into a Section 106 Agreement in respect of an agreed sum of money to be provided for affordable housing and an agreed amount towards the provision of off site recreational facilities, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for rendered areas and roof 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.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 03 The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation.

- 04 Reason: To safeguard the architectural and/or historic qualities of the building in accordance with Taunton Deane Local Plan Revised Deposit Policy H9(B)(i).
- 05 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 06 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 06 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(D).
- 07 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 08 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 08 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 09 The proposed parking areas and spaces manoeuvring areas, unloading areas, and footpaths shall be properly consolidated, drained, surfaced in a material to be submitted to and approved by the Local Planning, and thereafter maintained, and marked out before the occupation of the units hereby approved or at

such time as agreed by the Local Planning Authority, and shall not be used for any other purpose than the parking/manoeuvring or unloading of vehicles in association with the development hereby permitted.

- 09 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 10 The garages shown on the approved plans shall be constructed and available for use as garages at the time of occupation of the associated residential units, and retained for parking of vehicles only for so long as the development remains.
- 10 Reason: In order to ensure that sufficient parking is maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy S1A.
- 11 All services shall be placed underground.
- 11 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).
- 12 Prior to the commencement of development works on the northern building of the proposed development, the applicant shall, at his own expense, appoint a suitably qualified consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that odours from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning, together with any amelioration scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the building being occupied.
- 12 Reason: In order to avoid the new residents being subjected to unacceptable level of odour from the adjoining industrial occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(A) and (F).
- 13 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).

- 13 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).
- 14 The developer shall advise all prospective purchasers of the dwellings hereby permitted, that the site is adjacent to existing industrial occupiers and that a degree of noise, disturbance and odour is likely to occur.
- 14 Reason: In order that the residents are forewarned of the adjacent users in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).
- 15 Full details of all surface water, foul water and any other sewerage systems shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented. Any proposed change from the approved scheme shall be

agreed in writing by the Local Planning Authority prior to implementation.

- 15 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 16 Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully developed.
- 16 Reason: To maintain the status of bats and their roosts bearing in mind that bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994.
- 17 All windows on the north elevation shall be permanently fixed shut and glazed as specified on the approved plans. If any ventilation is included in the north elevation, it shall be only in the form of outlets associated with a positive internal pressure ventilation system and inlets for such systems shall not be in the north elevation.
- 17 Reason: In order to protect the amenities of the residents from noise and smells from the adjoining occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).
- 18 Before any works are carried out for the removal of any fill the developer shall submit to the Local Planning Authority for approval full details of the proposals for the stabilisation of the adjoining land including the results of a geotechnical survey and structural calculations for any retaining structures.
- 18 Reason: To ensure the safety and stability of those parts of the building to be retained in accordance with Taunton Deane Local Plan Revised Deposit Policy EN18.
- 19 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 19 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.

- 20 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 20 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed.
- 21 Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building(s) in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2.
- 22 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identified what measures, if any, may be necessary to ensure that noise from existing sources and in particular noise from existing sources and in particular noise from Exmoor Ales and Quantock Engineering premises will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works.
- 22 Reason: To ensure that the residents of the proposed development are not disturbed by noise from the adjacent general industrial premises in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(F).

Notes to applicant

- 01 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.

- 02 Noise emissions from the site during the demolition and construction phases should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 03 Any surface water discharges to watercourses or sewerage systems should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
- 04 The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
- 05 Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc and headwall design.
- 06 Details required of proposed point of discharge to watercourse or sewerage system together with details of headwall etc.
- 07 The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly recommended that some form of SUDs be used at this proposed development.
- 08 Please note that whilst conditions 12 and 23 should mitigate the impact of the existing working practices from the adjacent premises, there may be occasions when noise and/or smell may be detectable to the residential properties, therefore Condition 15 has been added.
- 09 The Fire and Rescue Service advise:- 1. 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. 2. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. 3. 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. Contact West Area H.Q., The Fire Station, Lisieux Way, Taunton, TA1 2BT, telephone 273020.
- 10 You are advised that before any works are commenced, that you discuss and agree any disconnections and reconnection of any services, such that all such services are protected and maintained during any demolition, construction and any other works.

2.0 **APPLICANT**

Barn Restorations

3.0 **PROPOSAL**

Partial demolition, partial new build and conversion and restoration of the former Hancock Brewery to form 14 No. residential units with associated garaging and parking at the Old Hancock Brewery, Golden Hill, Wiveliscombe. (Resubmission of scheme with some amendments).

The application was accompanied by:-

- Covering letter
- Noise survey and assessment
- Smell survey and assessment
- Bat and owl survey and mitigation measures
- Plans of existing and proposed, including photomontage and bird's-eye isometric
- Geoenvironmental Desk Study

The proposal involves the demolition of a single storey extension to the buildings, previously used as spray booth and offices, erection of a two storey terrace of 4 residential units in its place, removal of central area of building and roof to form courtyard/garden area, reroofing and various alterations and conversions to form 10 other residential units. In total, the accommodation would comprise:-

1 No. 2 bed town house
4 No. 3 bed town houses
3 No. 3/4 bed town houses
2 No. 3 bed maisonettes
1 No. 1 bed maisonette
3 No. 2 bed flats

Repaired areas will be in natural stone coursed and dressed to match the existing stone work, some render, with natural slate roof and hardwood doors and windows. Five of the units are now accessible by the disabled. Windows facing north towards the existing industrial users will be non-openable and double glazed with Pyrostock glass. There will be 10 garages constructed below the garden level of the eastern units, these will have roll top doors to allow for ease of access and not waiting in the private access road. Seven parking spaces and unloading area is provided to the south of the southern units using the Old Brewery Road access, and 3 parking spaces are located on the western side using the access passed the industrial units. There is pedestrian access through the scheme from the area beside the garages through the courtyard/garden area and into the western

parking area, then along the existing access through to Golden Hill. The ground level to the east, which is made ground, will be reduced to allow for the reuse of the upper floors of the cellars.

4.0 **THE SITE**

The site comprises a complex of The Old Brewery buildings including recent additions, at land to the west of Old Brewery Road, Wiveliscombe. The buildings range in height from single storey to three storey above ground with some buildings having 1 and 2 floors below existing made ground level. The buildings are mostly stone with some brick detailing, other clad portions and sheeted pitched roofs. There are also roller-shutter doors to some of the units. Much of the original flooring has been removed. The land slopes away steeply towards the east. The vehicular access from Old Brewery Road is private, as is the pedestrian access via The Mews to Golden Hill. There is a public footpath from Golden Hill which passes to the north of existing buildings, (not part of the application site), linking to Old Brewery Road via Coopers Heights. The application site is now without tenants, the last being a car repair occupier in one of the southern units. There are a series of industrial and other occupiers in buildings sited just to the north/adjoining the application site, these including Exmoor Ales, Quantock Engineering and a car repairer.

5.0 **RELEVANT PLANNING HISTORY**

49/2004/013 Conversion of main building, partial demolition, partial new building to form 14 residential units at the Old Hancock Brewery. Withdrawn May 2004.

49/2004/012CA Partial demolition of buildings. Withdrawn May 2004.

49/2002/067 (Adjacent site) Change of use of part of Old Brewery to Antique Restoration and Sales. Approved October 2002.

49/1997/050 Retention of use of unit 5 as preschool playgroup. Temporary permission granted until December 1999.

49/1992/038 Use of building for car breaking and sale of used spares together with outside storage at unit 19. Approved December 1992.

49/1990/005 Erection of building to form office and store for Exmoor Brewery. Approved March 1990.

49/1989/052 Use of land for car sales at Unit 18. Refused November 1989.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1

Policy STR3

Policy STR4

Policy STR5

Policy STR7

Policy 8

Policy 9

Policy 14

Policy 35

West Deane Local Plan

WD/HO/3 WITHIN THE IDENTIFIED LIMITS OF SETTLEMENTS INCLUDING SITES ALLOCATED IN THE LOCAL PLAN, THE DEVELOPMENT OF NEW HOUSING WILL NORMALLY BE PERMITTED, PROVIDED THAT:-

- (A) PROPOSALS SATISFACTORILY RESPECT THE FORM, CHARACTER AND SETTING OF THE SETTLEMENT AND THE INTEGRITY OF THE STREET SCENE;
- (B) THE PROPOSAL CONFORMS WITH THE HOUSING POLICY FOR THE SETTLEMENT;
- (C) IMPORTANT OPEN SPACES, VIEWS AND TREE GROUPS ARE NOT LOST TO DEVELOPMENT;
- (D) SERVICING AND HIGHWAYS ASPECTS ARE ACCEPTABLE;
- (E) APPROPRIATE TRAFFIC CALMING MEASURES ARE INCORPORATED IN THE DESIGN;
- (F) THERE IS NO MATERIAL EFFECT ON NEIGHBOURING PROPERTIES;
- (G) THE DEVELOPER PROVIDES ADEQUATE PRIVATE AND PUBLIC OPEN SPACE;

(H) A SATISFACTORY LANDSCAPING SCHEME IS PROVIDED; AND

(I) NEW DWELLINGS ARE NOT SITED WHERE THEY WOULD BE DETRIMENTALLY AFFECTED BY EXISTING OR PROPOSED UNNEIGHBOURLY USES.

WD/IE/5 THE LOSS OF EMPLOYMENT LAND WILL BE RESISTED UNLESS CLEAR ADVANTAGES OCCUR WHICH OUTWEIGH THE LOSS OF POTENTIAL EMPLOYMENT.

WD/EC/2

WD/EC/23 WITHIN THE CONSERVATION AREAS THE FOLLOWING GENERAL PRINCIPLES WILL APPLY:-

(A) APPROPRIATE ALTERNATIVE USES FOR BUILDINGS UNDER THREAT WILL BE SUPPORTED WHERE THESE LEAD TO THE RETENTION AND FUTURE USE OF THE BUILDING.

(B) THE REMOVAL OF UNSIGHTLY AND UNNECESSARY STREET FURNITURE (INCLUDING OBTRUSIVE SIGNS, OVERHEAD WIRES AND SUPPORTING STRUCTURES) WILL BE ENCOURAGED.

(C) PARTICULAR ATTENTION WILL BE GIVEN TO THE REINSTATEMENT OF DERELICT OR VACANT LAND.

(D) THE DEMOLITION OF BUILDINGS WHICH ARE IMPORTANT TO THE CHARACTER OF THE CONSERVATION AREA WILL BE RESISTED.

(E) WAYS OF REDUCING THE VOLUME OF VEHICULAR TRAFFIC AND ON-STREET PARKING IN PARTS OF CONSERVATION AREAS WILL BE INVESTIGATED.

(F) THERE WILL BE A PRESUMPTION IN FAVOUR OF THE RETENTION OF EXISTING TREES AND HEDGEROWS OF AMENITY VALUE, AND STONE WALLS.

(G) PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR ANY DEVELOPMENT

UNLESS IT IS TO A STANDARD OF DESIGN WHICH PRESERVES AND ENHANCES THE PARTICULAR CHARACTER OF EACH AREA.

WD/WV/7 PROPOSALS WHICH SEEK TO SECURE IMPROVEMENTS TO THE APPEARANCE OF GOLDEN HILL BREWERY WILL BE ENCOURAGED.

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.

Policy S2

Policy S6

Policy H1

Policy H11

Policy EC6 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.

Policy C4

Policy EN15 Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

Policy EN23

Policy WV2 Other than the site allocated in WV1 new housing at Wiveliscombe will be limited to small scale developments, including infilling, within the settlement limits.

19.8 There are a number of opportunities within the town for infilling and the development or redevelopment, of small sites. Development should respect the form and character of Wiveliscombe.

19.14 Within the centre of Wiveliscombe the Courthouse and old Town Hall are historic buildings which are a significant part of the townscape. Appropriate proposals for the re-use of these buildings which would help to ensure their future are encouraged. The buildings at Golden Hill Brewery occupy an elevated position within the Conservation Area and are a prominent local landmark. Appropriate measures to improve the appearance of the area will be encouraged.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 – General Policies and Principles

Paragraphs 4 - 7 Sustainable development

Paragraphs 8 –12 Mixed use

Paragraphs 13 – 18 Design

Paragraph 24 Planning for housing

Paragraph 32 Conserving the historic environment

Paragraphs 36 – 38 Planning obligations

Paragraph 44 Section 54A

Paragraph 50 – 60 Other material considerations

PPG3 - Housing

Paragraphs 9 – 11 Mixed communities

Paragraphs 14 – 17 Delivering affordable housing

Paragraphs 22 – 23 Reusing urban land and buildings

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

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

Paragraphs 49 –51 Promoting mixed use development

Paragraphs 59 – 61 Reviewing parking standards

PPG4 - Industrial, commercial development and small firms

Paragraph 14 Mixed uses

Paragraph 15 It is now generally recognised that it may not be appropriate to separate industry and commerce—especially small-scale developments from the residential communities for whom they are a source of employment and services. In areas which are primarily residential, development plan

policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission.

Paragraphs 16 – 17 Mixed uses

Paragraph 18 Notwithstanding paragraph 15, planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of incompatible uses can cause problems for the occupiers both of the new and of the existing development. For example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use. This may be a particularly acute problem where other legislation, such as that relating to environmental pollution or public health, might subsequently result in costly new conditions or restrictions being imposed on the industry as a consequence of the new neighbouring development. Further advice on this issue will be given in the forthcoming PPG on Planning and Pollution Control.

Paragraph 21 Reuse of urban land

PPG23 - Planning and Pollution Control

Paragraphs 3.2 – 3.4 Material planning considerations

Paragraphs 4.1 – 4.8 Contaminated land

PPG24 - Planning and Noise

Paragraph 2 General principles

Paragraph 12 Noise sensitive development

Paragraph 13 Measures to mitigate the impact of noise

Annex 3 Guidance on assessment of noise – paragraph 19 industrial and commercial developments

8.0 **CONSULTATIONS**

County Highway Authority

“I refer to the above-mentioned planning application received on 3 August 2004 and have the following observations on the highway aspects of this proposal:-

The proposed development is served by a private road which is not in the ownership of the applicant. The road cannot be offered up for adoption as a public highway, therefore it will remain a private road. Any comments that I make are only advisory.

The proposed garages are close to the access road; a vehicle reversing out of the garage requires 8.6 m to reverse onto the access road. This will leave only 4 m on the parking bay opposite. The parking/garage provision should be re-considered.”

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.”

County Department of Lifelong Learning

“In responding on behalf of the Department, I would like to advise you that there are no comments as the impact on local education provision in this particular case is likely to be minimal.”

Chief Fire Officer

“1. 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.

2. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3. 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.”

Somerset Wildlife Trust

“The Somerset Wildlife Trust is pleased to note that the comments submitted in response to the previous application at this site (application reference 49/2004/013, letter dated 16 April 2004) appear to have been taken into consideration.

We are pleased to note that the buildings have been surveyed for the presence of protected species and that mitigation measures have now been incorporated into the proposals. Unfortunately we have not been supplied with details of these recommended mitigation measures and have been unable to locate them on the Taunton Deane Borough Council web-site (where I was advised that all relevant information should be available to view).

We would welcome the opportunity to comment on these mitigation measures prior to the granting of any planning permission.”

Somerset Environmental Records Centre

“Statutory & Non-statutory sites & species within 1 km

Non-Statutory: County Wildlife Sites

File Code	Name	Description
ST02/074	Coate Wood	Ancient woodland site, now conifer plantation with broadleaved margins.
ST02/167	Abbotsfield Park	Parkland with important assemblage of Veteran Trees.

Non-Statutory: County Geological Sites

File Code	Name	Description
ST02/520	Billy Lane Exposure	Permian Vexford Breccias.
ST02/515	Ridge Hill Quarry	Permian Vexford Breccias.
ST02/516	Hyden Quarry	Permian Vexford Breccias.

Statutory: Legally Protected Species

One or more Legally Protected Species have been found.”

Landscape Officer

“There is scope for landscaping, including trees, hedging etc. but no indication has been submitted at this stage. I would recommend at

least a 1:500 scale indication of landscape is received before permission granted to avoid any misunderstanding.”

Conservation Officer

No objection

Wildlife Species Co-ordinator

“If not already requested/submitted a wildlife survey and report is essential on this site, because of the nature of the buildings, before determination. On receipt of Bat survey the following condition is suggested:-

Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats’ roosts and related accesses has been fully developed.

Reason: To maintain the status of bats and their roosts bearing in mind that bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994.”

Promotion/Tourism Officer

No observations

Environmental Health Officer

Further to your memo dated 20th August , 2004 and the additional information and letters that we have received, I attach my comments on the above proposal.

Information provided:-

- Environmental Noise Impact Assessment, Faber Maunsell (June 2004)
- Odour Assessment, Faber Maunsell (July 2004)
- Phase 1 Geotechnical Desk Study, Faber Maunsell (March 2004)
- Ventilation and glazing specifications, with letter from Faber Maunsell (24-08-04)
- Letter from Quantock Engineering (17-08-04)
- Letter from Wiveliscombe Parish Council (10-08-04)

Quantock Engineering letter

QE consider the noise survey to be inadequate and very limited over the actual periods monitored. They are discussing with Exmoor Ales the possibility of instructing a noise consultant for an opinion.

- I agree that monitoring could have been carried out for longer. However, if Exmoor and Quantock could provide details of any noisy plant and equipment on site and the times/periods of operation a more meaningful assessment could be made. This could identify and measure the most intrusive noise. Monitoring for a longer period without this information could still lead to noisy episodes being missed.

Wiveliscombe Parish Council letter

The letter refers to the noise report where it says that "complaints are likely where sound exceeds 10dB at night, and records existing sound levels in excess of 15dB". The Parish Council feel that TDBC should commission their own independent report. They believe, notwithstanding the proposed glazing and insulation, that complaints are likely from residents which may lead to pressure on existing businesses to relocate, "such pressure being applied through your own EHOs whilst pursuing their statutory obligations".

- NB the dB levels quoted refer to those given in BS4142; are the "rating level"- ie difference between the specific noise level of a piece of plant and the background level (with some corrections). Is for areas of mixed residential and industrial use and assesses the noise level at the outside facade of residential buildings. This level is for guidance - in certain circumstances other things can be taken into account. In this case the proposal is to mitigate noise by using suitable glazing and ventilation to achieve acceptable internal noise levels.

- Re commissioning an independent report. Planning can decide whether or not they want to appoint any consultants - EPT could review any other reports that are provided. However, EPT have no reason to doubt the monitoring carried out by Faber Maunsell, our main concern is that the monitoring was carried out without knowing details of plant/operations on the adjacent premises.

- Re future action by Environmental Health.

Under the Environmental Protection Act 1990 the council has a duty to investigate complaints about noise nuisance. There are no set times or levels for noise to be causing a nuisance. Everything depends on the circumstances of the individual case. When investigating noise complaints the location, time and noise level are taken into account. In general, noise at night is more disturbing and more likely to be a nuisance than daytime noise.

Officers will work with both parties to try and resolve any problems informally. However, if complaints continue and investigations provide

evidence that the noise is severe and/or persistent enough to be causing a statutory nuisance the council is obliged by law to serve an abatement notice.

A notice can require that the persons responsible for the nuisance take reasonable steps to abate any noise, for example, restrict the times of noisy activities or shield noisy equipment. The council can only take further action if the terms of the notice are not met and the nuisance continues.

A commercial premises has a legal defence of "best practicable means" (BPM) when required to take action to abate a nuisance. This should take into account local conditions, technical knowledge and financial implications. The steps that can be taken to abate a nuisance can normally be agreed between the council and the company concerned; if not, the case can be taken to the Magistrates court which will decide what they consider to be BPM. It is extremely unlikely that relocating a business would be considered BPM.

General comments

Re noise

A Report has been provided by the developer (Environmental Noise Impact Assessment, Faber Maunsell June 2004). This describes the proposed site and the location of the existing commercial businesses. It was noted that the part of the proposed development that was most likely to be affected by noise would be the northern block of the building, adjacent to Exmoor Ales. Continuous noise monitoring was carried out at the facade overlooking the brewery for three days. Additional attended measurements were carried out at this facade for a day and evening, and the north eastern corner of the building (adjacent to Exmoor Ales) for one night.

The monitoring noted that during the day the proposal site is subject to noise from a number of different sources, including equipment at the building supplies depot and barrel movement at the brewery. At night the background noise level is low and the noise from plant at Exmoor Brewery is dominant when operating. At the time of the monitoring the plant noise was occurring on an on/off cycle approximately every 10 minutes.

The report concludes that, at the northern facade of the development site, noise from plant at night is considerably louder than the background noise levels. It confirms that measures are needed to reduce internal noise to an acceptable level. Technical details of glazing and ventilation have been sent in, which indicate that the attenuation required can be achieved for the noise levels that were measured on the site

Comments on noise report

The main concern is that the noise report does not detail the type of plant in use at the adjacent commercial premises, or the frequency or times of operation. This would be useful in allowing monitoring to be carried out at times and locations when noise is most likely to cause a disturbance, and would ensure that the glazing and ventilation on sensitive facades can be designed to attenuate this noise.

It should also be made clear that even with noise attenuation measures some noise from nearby commercial premises is still likely to be audible in the new residential units. Residents would have to accept that some noise is inevitable if they are adjacent to commercial premises. However, the commercial premises should also ensure that they do not carry out any unreasonable activities that could cause excessive noise. If the commercial premises is taking best practicable means to control the noise the local authority could not require them to carry out further works even if a nuisance was being caused.

A planning condition should be placed on the development requiring details of noise attenuation measures on the northern block to be agreed before work starts on that phase of the development.

I would recommend that before confirming these details information is obtained about the activities and equipment at the brewery and engineering premises. This would ensure that monitoring included any noise that is likely to cause a disturbance. The developer will then be able to ensure that they use the most effective glazing and ventilation to attenuate the noise.

(It should be noted that in the majority of cases the most effective means of dealing with any noise is to quieten the source, rather than shield the receptor).

Re Odours

The report provided by the developer confirms that odours from Exmoor Ales are noticeable at near by premises. It concludes that the odours would, if unmitigated, cause a nuisance to users of the Old Brewery building. The report mentions the proposal for the Old Brewery to install non-opening windows on the facade overlooking Exmoor Ales in order to minimise any intrusion (of odours and noise). The report concludes that action could also be taken to improve the dispersal of odourous discharges from the brewery.

Comment

Whether the odours will cause a nuisance will depend on the frequency and severity of the odourous events, and how it affects any future residents or users of the Old Brewery.

The council has a duty to investigate odour complaints in the same way that it investigates noise complaints. While it should be accepted that

some brewery odours will be noticeable in the adjacent buildings, if they are found to be causing a statutory nuisance the brewery would have to take reasonable steps to control them.

A planning condition could be used to ensure that details of ventilation on the north block of the development are agreed before work starts on that phase. As with the noise issues, it would be useful for the developer (or their consultant/architect) to have information on the operations of the brewery to help design the most effective system.

Re Contaminated Land

The developer has provided an initial site investigation report. This would be acceptable to meet part of the standard contaminated land planning condition. Some additional assessment would be required as site work progresses. It is recommended that the standard contaminated land condition be applied.

Drainage Officer

"I note that surface water is to be discharged to the existing combined sewerage system. It is a requirement that before any surface water connections are made all flows should receive some form of on site attenuation. Therefore before any permission is given a suitable method of attenuation/disposal has to be agreed. I attach details of our design requirements for the design of any system to be installed and these should be made a condition prior to final disposal arrangements being agreed.

1. Any surface water discharges to watercourses or sewerage systems should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on site attenuation.
2. The design storm for any attenuation system shall be for a 1 in 25 year return period storm.
3. Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors etc. and headwall design.
4. Details required of proposed point of discharge to watercourse or sewerage systems together with details of headwall etc.
5. The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run off. It is strongly

recommended that some form of SUDs be used at this proposed development.”

Housing Officer

“The Housing service supports this application and would be looking for 20% of total number built for Social Housing in the form of a commuted sum as discussed and agreed with the Developer.”

Leisure Development Team

“This development should make a contribution of £2,056 (for each 2 bed +) dwelling and £806 (1 bed) dwelling giving an off site contribution towards local recreational of £27,534 in line with Local Plan Policy.”

Somerset Industrial Archaeological Society

“Members of SIAS, including Mary Miles our brewery expert, have looked at the drawings. We do not object to the proposals. The building to be demolished is not a significant part of the brewery complex and may well be a later addition.”

Wiveliscombe Civic Society

“The Society wishes to re-iterate its strong support for this application. We appreciate that there are issues concerning noise and smell from adjacent industrial premises. However, these should not detract from the overall aims of ridding this part of Wiveliscombe of an eyesore and securing housing on a brownfield site both close to and level with the centre of the town.

We do hope that the Planning Committee will back this application which is of such importance for the future of this area and indeed of the town as a whole.”

Parish Council

“I refer to the above application which was considered at last night's Parish Council Meeting. The Parish Council welcome this application to convert the above site to residential use, but have serious concerns about its close proximity to existing businesses and industrial use. The noise impact assessment states on page 13 that complaints are likely where sound exceeds 10 dB at night, and records existing sound levels in excess of 15 dB (page 11). The Parish Council feel that TDBC should commission their own independent report and notwithstanding the proposed additional fixed glazing and insulation to reduce sound the Parish Council believe that complaints are likely from residents which may lead to pressure on existing businesses to relocate, such pressure being applied through your own environmental health officers whilst pursuing their statutory obligations. The Parish

Council feel that it would be a disaster for the town if Exmoor Ales were put under such pressure!

The Parish Council note that the Applicants propose connecting to a mains sewer, however it is not clear whether they propose using the existing private sewer or the Wessex Water combined sewer in Ford Road, and more details are required. The Ford Road combined sewer is at capacity and contaminated water floods onto the road during heavy rain, a matter which the Parish Council is pursuing with Wessex Water.

The Parish Council note the close proximity of the Exmoor Ales extractor vent to the proposed development and are concerned that this will cause residents to complain about smells during mild weather conditions.”

9.0 **REPRESENTATIONS**

6 letters of objection raising the following issues:-

1. Traffic in Old Brewery Road as bad as ever.
2. Lorries block the road while trying to reverse into RGB yard, and also double park.
3. Not in favour of any new developments in Wiveliscombe which causes traffic chaos as that in Old Brewery Road.
4. There will be overflow parking affecting nearby businesses.
5. Parking will block entrances and loading/unloading areas.
6. Parking will block signs and direction boards.
7. The existing private road already serves 22 dwellings so will become even busier with an extra 14.
8. The current standard of construction of the road will be inadequate to serve 36 dwellings.
9. Hazard situation with parking and manoeuvring on the private road when the garages are built.
10. Road should be adopted.
11. A wall was built to separate the residential from industrial areas; this should be demolished and rebuilt to the north-east corner of the tower.

12. Adjoining company – Exmoor Ales employs 14 people, uses local raw material, with 70% of its product sold in Somerset and adjoining counties; it has invested in upgrading the premises to meet demand; there is a gap of 1 m. between the application site and the brewery's building; the activities would be classed as general rather than light industrial, operations continue into the evening to 8 p.m.; there is some 24 hour working; there are discharges of gaseous products 16-20 hours 6 or more days a week, high pressure steam and general ventilation of the building; stainless steel casks are moved around the site which is a noisy process; the brewery being on an elevated site helps disperse emissions and existing residential properties are sufficiently far away not to be a problem; concerns that new residents will not appreciate the above situation and that significant problems will arise such that the business will be able to co exist with the proposed residents.
13. Concerns that the proposed layouts do not address the emissions through the roof vents.
14. Bedroom windows face the brewery and it is likely residents will object to the smell due to the close proximity.
15. Concern about architect's attitude, the lack of drawings showing Exmoor Ales and the agent's suggestion that residents will be able to take action against the activities of Exmoor Ales and to force it off the site.
16. Concern about the amount of rebuilding involved, more like a rebuild than a conversion.
17. Proposals include removal of fill which may have significant structural implications for Exmoor Ales Property.
18. Drainage issues unresolved.
19. Consider that the application ought to be refused on the basis that the proposal will damage the continued employment opportunities offered by Exmoor Ales; the application is based on the assumption that Exmoor Ales will move, which it wont; the plans show some rooms with no natural light; it is an inappropriate redevelopment of an historic building that will preserve non of the historic features of the building and the unsuitable access through the Old Brewery road access.
20. Members of the Committee should visit the site, including Exmoor Ale prior to making a decision.
21. Quantock Engineering advises that it operates at premises approximately 6 m. form the application building; specialist

products include mechanical handling systems; working hours are normally 7.45 – 6.30 Monday to Friday, although Saturday and Sunday are often worked to meet deliveries; it is a general industrial site with machinery and power tools; operations take place outside as well as inside the building; there is a spray booth with fume extraction which is close to the Application building: It is considered that the proposed residential development is incompatible with the neighbouring engineering use, and the constraints imposed on the operations as a result of complaints could adversely affect the economic viability.

22. The building was allowed to fall into disrepair with old rights on hours and types of operations lost, thus allowing a potential conflict of industrial and residential arrangements.
23. The existing accommodation in the Old Brewery Site whilst not purpose built is basic and thus comparatively cheap; even if space were available at other locations, it would be too expensive.
24. Loss of employment land contrary to local plan policies; rural businesses should be supported, will increase commuting to Taunton and Wellington.
25. Quotes Local Plan Inspector on Old Brewery site reclaims it as an employment site.
26. Residential development is incompatible with existing Industrial use contrary to local plan policies.
27. Design is inappropriate in Conservation Area.
28. Considers the application ought to be refused on basis of adverse effect on local economy would outweigh limited benefit from housing; residential development would constrain existing business activities, in adequate access; inappropriate design given proximity of industrial uses and piecemeal development of the area.
29. Noise survey was done with no prior consultation in respect of noisy operations, so may not have included these in the times surveyed.
30. Limited odour survey, which did not cover the times when the likely odours were greatest.
31. The odour report assumes the adjoining microbrewery will be subject to certain controls, which is not the case.

32. Request conditions in respect of mitigation measures for noise and smell issues.

7 letters of support

1. It is very important to develop this area that has been neglected for years.
2. Plans are in keeping with the surrounding area.
3. Will provide affordable housing in the town.
4. Important to retain local architecture.
5. Pleased that after many years of deterioration that sympathetic restoration will begin soon.
6. Present state of Old Brewery is sadly deteriorating and needs to be restored before it falls into disrepair.
7. It will enhance the area.
8. There is a need for more dwellings in Wiveliscombe, difficult for local families to afford first properties.
9. Brownfield site being used, in line with Natural and Local Priorities, no negative impact on green environment.
10. The Old Brewery site currently accommodates a range of light industrial, retail and residential units; with the addition of these units the mixed economy will continue and local employment will not be jeopardised.
11. Visual blight will be removed and the image of the brewery and town improved for the long term.
12. Pleased to see historically important sections of the Old Brewery reused rather than cheap build housing.
13. Imaginative and sensitive plans for such a site.
14. Previous uses included chicken factory, car spraying/motor repairs; this scheme is ingenious in design permitting the maximum use of the site, whilst retaining the character and form of the structure.
15. There will be an increase in noise and intrusion from vehicles and pedestrian traffic and day-to-day activities of neighbours, but it is appreciated that some form of development will take

place on this brown field site, and there could be far worse proposals.

16. Scheme includes natural slate, hardwood windows etc. and respects the character of the conservation area. This is in marked contrast to the unsympathetic installation of white PVC windows and doors in many stone faced cottages.
17. Landscaping, including keeping some mature trees.
18. Buildings being left vacant are a security risk.
19. Good mix of different sized units.
20. Residential and industrial uses should be able to work alongside each other.
21. Pleased to see local developers rather than larger national companies involved.
22. An environmentally sensitive scheme including centralised wood heating boiler and passive solar gain.
23. Complies with Local Plan Policies.
24. The design does not undermine the livelihood of the adjoining businesses.
25. The amount of major investment required will be beyond the budgets of small/medium enterprises or other industrial companies.
26. The project will use local skills and local suppliers for materials.

10.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposed development in compliance with the Development Plan Policies? POLICY
- B. Would the proposed development for housing result in loss of adjacent buildings' employment status? IMPACT
- C. Would the character of the Conservation Area be adversely affected? CONSERVATION
- D. Would the proposal result in additional traffic? TRAFFIC
- E. Is the proposed development sustainable? SUSTAINABILITY

- F. Affordable housing and off site recreation provision requirements having regard to costs of development? OTHER REQUIREMENTS

A. Policy

The site is within Wiveliscombe Town Centre, within the settlement limits; within the Conservation Area and within the Area of High Archaeological Potential. The site is not as such allocated for any particular use, but has been in use for industrial purposes, and children's nursery, it is currently vacant. The Taunton Deane Local Plan allocates an area of 5.6 ha south of Taunton Road for employment use; the Local Plan Inspector recommended no modifications to the plan in respect of this allocation. Policy WV2 of Taunton Deane Local Plan allows for small scale new housing in addition to an allocation for residential at Style Rod. There are no specific policies relating to the redevelopment or retention of the application site however paragraph 19.14 (see above) does state that the buildings occupying an elevated position in the Conservation Area are a prominent local landmark and appropriate measures to improve the appearance of the area will be encouraged. West Deane Local Plan has a specific policy to seek to secure improvement to the appearance of Golden Hill Brewery. The proposal involves the demolition of an unattractive addition, improves the existing building, proposes new well designed dwellings, and involves the conversion of a prominent landmark building. It is considered that these aspects outweigh the loss of the existing building's use for employment use. The Economic Development Officer does not object.

B. Impact

The occupiers of existing general industrial buildings, which are in close proximity of the proposals, are concerned that the new residents of the proposed development will complain and object to the existing ongoing industrial activities which can be noisy, smelly and at 'unsocial' hours. There have been no complaints about the existing industrial occupiers from the existing nearby residents. The nearest existing residents are in the converted Oast House and Malthouse, and Coopers Heights. Advice from the Council's Environmental Health Officer is such that, even with noise attenuation measures incorporated within the design, some noise from nearby commercial premises is still likely to be audible in the new residential units. Residents would have to accept that some noise is inevitable, and the commercial premises should ensure that they do not carry out any unreasonable activities that would cause excessive noise. Conditions are recommended to help mitigate noise and odour. It is considered that the benefits of the proposed development is such that it outweighs the potential noise and odour issues which may arise for new residents. Such residents should be aware of the activities of the adjacent occupiers prior to purchase. It is not considered from the information received from the

agent and the Environmental Health Officer that the uses are incompatible, although it is not an ideal situation. Mixed uses do occur in town centres and the proposal is considered to be acceptable.

C. Conservation

The buildings are within Wiveliscombe Conservation Area. The Conservation Officer has previously commented that the retention and improvement of the buildings is preferred to the complete demolition of the buildings and redevelopment for new buildings. The existing proposals are considered acceptable and are felt to be such as to enhance the character of the Conservation Area.

D. Traffic

The access road is to be private, and as such the County Highway Authority has little comment. The previous uses as industrial premises could have given rise to much traffic including lorries with uncontrolled deliveries. In general the proposal is considered to be acceptable in traffic generation terms.

E. Sustainability

National and Local Planning Policies support and encourage sustainable mixed use developments on brownfield or previously developed land. The land is clearly brownfield, with existing buildings, most worthy of retention, located within easy walking distance of the town centre and associated public transport. It is also recognised that there will be a reliance on private cars as well, as these have been accommodated in underground garages. The proposal is considered to be an effective use of this brownfield site.

F. Other Requirements

Given the size of the proposed development, consideration has to be given to the provision of necessary off site contributions and/or on site construction of affordable housing. Discussions have taken place with the Housing officers in respect of the need to provide on site affordable housing and in this case it has been agreed that a contribution would be more appropriate. The costs of the proposed development will be significant in this instance and it has been agreed a specific wording will be used which provides the contribution at a certain stage provided a particular level of spend and profits has occurred. Discussions are on going in respect of the contribution to the off site recreation provision.

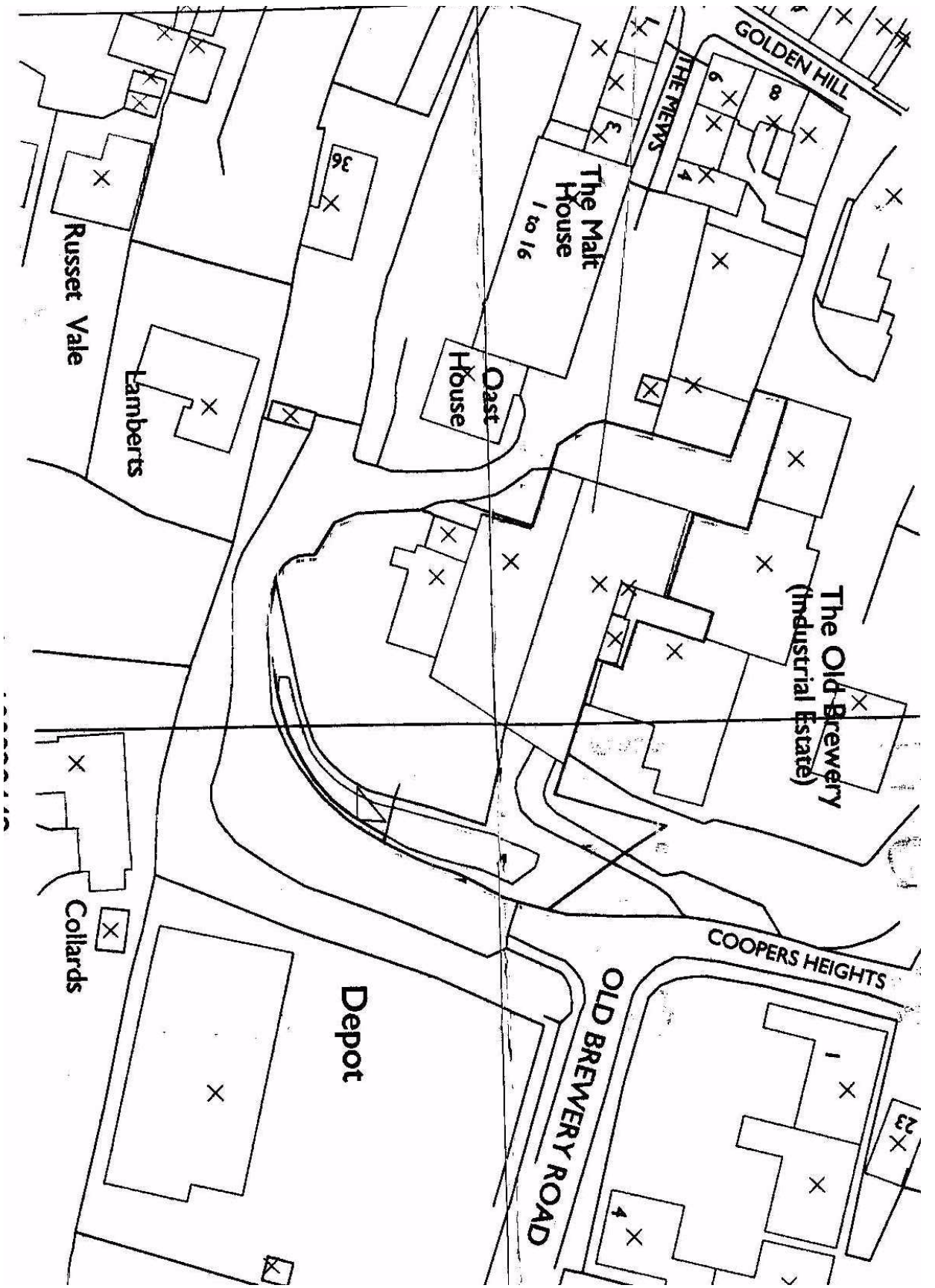
11.0 **CONCLUSION**

The proposal is considered to be of benefit to the town of Wiveliscombe, it retains and enhances significant buildings within the townscape, and provides a range of housing sizes in converted and

newly built structures. A legal agreement will provide a sum of money towards meeting local affordable housing at a future stage and discussions are ongoing in respect of contribution towards off site recreation.

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



GOLDEN HILL

THE MEWS

The Malt House
1 to 16

East House

Russet Vale

Lamberts

The Old Brewery
(Industrial Estate)

Collards

Depot

OLD BREWERY ROAD

COOPERS HEIGHTS

36

1

2

3

4

6

8

4

23

10/2004/020

CARDINAL DEVELOPMENTS LTD

CHANGE OF USE AND CONVERSION OF BARN TO DWELLING (REVISED PROPOSAL TO INCLUDE ERECTION OF ATTACHED GARAGE) AT TRENTS VIEW, TRENTS FARM, CHURCHINFORD.

21465/12563

FULL PERMISSION

PROPOSAL

The proposal comprises revised conversion details for a barn granted permission for conversion to a dwelling in May 2003. Permission was previously granted for detached garaging. The proposal includes a new built attached garage.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL the Council at its meeting decided that this application should be refused for the following reasons: (1) this property already has approval for a double garage on site which should be adequate for its needs. (2) if the Application is permitted, this will be the only property on this development with an attached garage. (3)if the Application is permitted, Trents View will be unacceptably close to its adjacent property (Pound House). (4)if the application is permitted, it will involve an abnormal amount of excavation work. (5)if the Application is permitted, it will destroy the visual integrity of the original structure. In addition to the request for an attached garage, the applicants appear to have made various amendments to the internal layout and to the windows, doors and roof as follows:- (6) in the eastern elevation, the roof void has disappeared to create additional bedroom space and a different layout, two roof-lights have been added and the double doors have been redesigned. (7)in the western elevation, the entire window arrangement has been completely redesigned. Paragraph 4.5 of TDBC's Policy Guidance on Rural Building Conversions suggests that new openings should be avoided but, where they are deemed to be necessary, they should be "of a scale, form and type compatible with the existing openings and character of the building". Paragraph 5.3 suggests that, where new openings are essential, vertical slit windows are often most appropriate. The same paragraph points out that "a symmetrical layout of window openings should be avoided as this is more commonly associated with the suburban house". It is felt that the approved application for Trents View was sympathetic to the simplicity of the original structure whereas the current proposals compromise/eliminate it totally. The need to avoid "suburbanisation" when converting rural buildings was emphasised by you when you addressed my Council in August and it is felt that these new proposals will lead to the creation of just such an undesirable effect. Additional "non planning considerations" revolved around what might be done with the land freed-up by down-grading the double detached garage to a single size; the possibility that the proposed attached garage might be incorporated into Trents View as additional living accommodation at some point in the future; what use is going to be made of the newly acquired land to the south-east of Trents View and why wasn't attention drawn to the many amendments listed above when the current application was made.

POLICY CONTEXT

Policy H9 - Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; (A) the building proposed to be converted is of permanent and substantial construction and: (1) is in keeping with its surroundings; (2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (3) is unlikely to attract a suitable business re-use; and (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality; and Policy EN10 which relates to development within the AONB are relevant.

ASSESSMENT

The principle of conversion is accepted by the earlier permission. Some of the concerns of the Parish Council over changes to openings are accepted and revised proposals addressing these have been received. Whilst not within the development boundary the building is seen as part of the built form of the village. Whilst concerns in terms of the impact upon the integrity of the building need to be considered, it is felt that on balance, any harm caused by the addition of a garage is not such as to warrant refusal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, courtyard, rainwater goods, landscaping, boundaries, services underground, PD rights, window details, roof venting, schedule of works, repairs, alternative permissions. Notes re conversion, energy, sewer, soakaways, sound transmission, culvert.

REASON(S) FOR RECOMMENDATION:- The proposed building is located on the edge of the village where the conversion scheme is considered appropriate in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

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:

14/2004/027

MR J W HUNT

CLOSURE OF EXISTING ACCESS AND FORMATION OF NEW AGRICULTURAL ACCESS, NORTH END, CREECH ST MICHAEL.

27475/26307

FULL PERMISSION

PROPOSAL

The proposal comprises the closure of an existing agricultural access, and the construction of a new agricultural access some 65 m further west. The application is retrospective insofar as it has almost been completed. Post and rail fencing is also proposed to the driveway together with additional hawthorne and blackthorne hedging. The applicant emphasises in a letter accompanying the application that the access is for agricultural use.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to conditions being imposed.

LANDSCAPE OFFICER the engineering works appear overlarge for a new agricultural access and I would prefer to see it where the existing access is. However, if the move is proposed because of highway incidents and backed by SCC I would make the following suggestions:- (1) that the hedgerow be planted on the outside of the post and rail fence so that it can be made stock proof if necessary; and (2) that as well as hawthorn and blackthorne 20% be either field maple or hazel. The plants should be 30-45 cm bare root stock and protected from rabbit damage.

PARISH COUNCIL object for the following reasons:- consider that the existing access is on flat ground and is safer as far as exit/entry onto the highway is dangerous. Would support the reinstatement of the original access.

5 LETTERS OF OBJECTION have been received on the following grounds:- the access represents an eyesore; its is poorly done; the hedgerow has been destroyed; there are mounds of mud everywhere; a danger to traffic would result; there is poor visibility along this stretch of road; the existing entrance was never used; and that any future development of the site is opposed.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy S1 seeks, inter alia, to safeguard visual amenity and road safety.

ASSESSMENT

Given that the access is to replace an existing access, given that it is for agricultural use, given that the County Highway Authority raise no objection and on road safety

grounds, and given that additional hedging would be planted, it would be unjustifiable to resist the application.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, road safety, landscaping and fencing.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual amenity nor road safety and therefore does not conflict with Taunton Deane Local Plan Revised Deposit Policy S1.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

22/2004/012

MR P & MRS S BRYAN

INSTALLATION OF 7 WINDOW/SKYLIGHTS AND ONE DOOR AT WESTOWE ORCHARD, LYDEARD ST LAWRENCE.

12415/32781

FULL PERMISSION

PROPOSAL

The proposal comprises the installation of three arrow-slit windows measuring 368 mm x 200 mm, three slightly larger arrow-slit windows measuring 552 mm x 300 mm and two windows measuring 750 mm x 600 mm. Also proposed is a oak door. The property is a barn conversion and permitted development rights for new openings were withdrawn.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objections.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1, S2, H9 and H19 seek, inter alia, to safeguard the character of the conversion of rural buildings, visual and residential amenity.

ASSESSMENT

The existing dwelling is a sympathetically converted agricultural building with minimal fenestration, namely two large glazed sections on the north and south elevations and two small openings in the apex of each gable end. The dwelling is therefore characterised by its lack of openings and unbroken walls/roof.

Barn conversion policy dictates that new openings should be minimised, which has been successfully been achieved by the granting of permission to convert the building. Any proposed further openings should therefore maintain the rural character of the building.

The proposed openings are considered to be of sizes appropriate to maintaining the rural character of the building, as they do not dominate the respective elevations that would otherwise introduce a domestic feel to the building.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and details of window/door construction.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect residential or visual amenity and accordingly does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2, H9 or H19.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

22/2004/015

M E J, S A, E P WHITE

CHANGE OF USE OF PIGGERY, OFFICE AND WAREHOUSE TO FOOD DISTRIBUTION OFFICE AND WAREHOUSE AT PIGGERY BUILDING, TOWER FARMS, DEANS CROSS, LYDEARD ST LAWRENCE.

12159/33309

FULL PERMISSION

PROPOSAL

The proposal comprises the conversion of a piggery unit to a distribution office and warehouse. The existing building is proposed to be clad in agricultural style green sheeting and measures 22.4 m x 4.5 m and 5 m to the eaves of this monopitch building. The unit is accessed from a track that passes through Tower Farm and located to the East of the main Tower Farm buildings within a separate group of existing agricultural buildings.

The premises is proposed to be rented to the non-profit making, Exmoor and Quantock Local Produce Distribution Company, supported by Somerset Food Links. The aim of the project is to collect and deliver local produce so that producers can concentrate on production, cutting down their expensive delivery costs, thus promoting the rural economy and reducing overall delivery miles. The warehouse section of the unit will store ambient temperature, chilled and frozen produce so that delivery can be made immediate to demand.

Supporting information for the proposal from Somerset Feed Linkes accompanies the application as follows:- "When converted, the unit will be rented by the Exmoor and Quantock Local Produce Distribution Company as a base for it's operations. This fledging producers cooperative has searched the surrounding area for existing business units that would be suitable in terms of size, location and facilities and nothing has been appeared. Therefore it is very fortunate for us that Tower Farms are able to work with us to enable this organisation to get going. The new producers co-operative is being set up by local food producers in the Exmoor and Quantock area, with the support of Somerset Food Links, to improve the distribution and marketing of local food and drink. The enterprise will take the produce to outlets in the area such as pubs, shops, restaurants and B&Bs and marketed under the banner of Exmoor and Quantocks. Since it was set up in 1998, Somerset Food Links has gained a lot of experience working with small local food producers. One of the universal issues that small producers face is that distribution of produce can be very difficult and expensive. The cost in terms of vehicles, fuel and time can make this a disproportionately large part of the cost of the business. This issue is why we have worked with the producer businesses to develop this solution. Therefore the primary purpose of this enterprise is to make these small producer businesses more viable. A knock-on effect will be to increase the circulation of money in the local economy as they are able to sell more to local outlets and conversely it is easier for outlets to source locally. The enterprise will, through the marketing of the produce in relation to the landscape, promote the local distinctiveness of the food and

drink. This all fits neatly into the wider economic strategies of Taunton Deane, Somerset and the South-West."

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited. WEST SOMERSET DISTRICT COUNCIL the site is located in open countryside, however the re-use of rural buildings is a material consideration supported by PPS7.

PROMOTION/TOURISM no observations. ENVIRONMENTAL HEALTH no observations. DRAINAGE OFFICER no objections subject to informative notes relating to foul drainage and surface water.

PARISH COUNCIL Whilst the Council had no objection in principle to the change of use, there were concerns over the increase in traffic that would ensue. It is understood that initially the applicants envisage that one transit van will make 3 deliveries per week thought that if the operation is successful, this will inevitably increase. The lanes around the area are very narrow; access should be restricted to Whitemoor Lane (from the B3224 at Thornbush) only and traffic prevented from using either Binford Lane or Westowe hamlet. The residents of Westowe are of the opinion that the amenity of the area will be spoilt by any increase in traffic. There is a perennial problem at the top of Binford Lane with drainage where a culvert is regularly blocked by runoff. There are concerns that this would be exacerbated by increased hard standing for vehicles.

SIX LETTERS OF OBJECTION have been received on the following grounds:- all lanes leading to the site are farm lanes, narrow, winding with few passing places and unsuitable for lorries; concern that the site will be accessed from Binford Lane and through Westowe with two acute bends, one such bend incorporates a listed wall which would be at danger; increased traffic will be a danger to children riding their ponies, bicycles, joggers, walkers and other users of the surrounding road network; concern that once the business is established it will lead to the further conversion of adjacent to the unit, i.e. setting a precedent; for the project to be viable there would have to be a constant flow of traffic bringing goods in and out; if the project becomes successful the proposed traffic flow will increase; lorries will inevitably deliver to the warehouse; increased traffic would spoil the peace and tranquility of home and surroundings; it would devalue residential properties in the area; the business would be better suited in commercial units in the West Bagborough area; an application for a light industrial unit at Westowe Barns, Westowe was refused due to the inadequacy of the road network (application 22/1996/002); the access onto Binford Road would be used as it is closer to the site than the main Tower Farm access; an additional agricultural building in the field to the south is not mentioned as being owned by the applicants that could also be subject to further similar change of use applications.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review - STR1 Sustainable Development - Amongst other criteria seeks to develop a pattern of land use and transport which minimizes the length of journeys and the need to travel. STR6 Development Outside Towns, Rural Centres and Villages - development should benefit the local, rural economy and reduce the need for travel. Policy 18 Location of Land for Industrial, Warehousing & Business Development . Policy 19 Employment and Community Provision in Rural Areas - supports the diversification of agricultural units. Policy 39 Transport and Development

Taunton Deane Local Plan Revised Deposit - Policy S1 General Requirements. Policy S2 Design. Policy S8 Outside Development Limits - Amongst other criteria, new building should support the vitality and viability of the rural economy in a way which cannot be sited within defined limits of a settlement. Policy EC1a Commercial Expansion on Land Subject to Restrictive Policies. Policy EC3 Conversion of Rural Buildings. Policy EC5 Farm Diversification. Policy M1 Traffic Generation.

ASSESSMENT

The site lies outside defined settlement limits and the current use of the land and existing building is agricultural, the site is therefore not considered "Brownfield" or previously developed land. The principle of the site is however in line with planning policy in that it involves the re-use of an existing building in the countryside and promotes rural sustainability through the reduction of overall produce delivery miles. The proposal is further supported by PPS7 as it proposes to re-use an agricultural building for commercial purposes.

Justification for the location of this commercial activity, outside defined settlement limits is further justified as it is located within the vicinity of an existing commercial premises and that the need to travel would be reduced by relieving the delivery requirement of producers with an overall reduction in food delivery miles. By relieving producers of expensive delivery costs and the associated loss of time taken up by delivering, the proposal supports the local economy as production can be concentrated upon more vigorously resulting in the production of more local produce, distributed to the local area. The promotion of the rural economy is further considered an appropriate justification for the proposal's location outside development limits. The principle of the proposal is therefore considered acceptable.

The design of the proposed conversion is considered appropriate and maintains the appearance of an agricultural building with standard profile metal sheet cladding. The site is well screened from local views due to an abundance of trees on its boundaries and therefore its impact is not considered detrimental to visual amenity.

Objections have been received with regard to associated traffic using lanes through Westowe and Binford Lane, however the proposed access route does not involve the use of these lanes. Access is proposed using the existing Tower Farm access from Whitmoor Lane that links to the B3224. Concern has also been raised that for the project to be viable there would have to be a constant flow of traffic to and from the site. The latter is not considered to be the case in this example due to the nature of the delivery proposed. A van would leave the site and travel on a circuit picking up produce and delivering it as it goes, without the need to travel back to the site on a frequent

basis. Further objections based on highway issues will be addressed and the report updated on the receipt of the County Highway Authority comments.

One representation highlighted a nearby application that was refused permission for light industrial use at Westowe Barns, Westowe, (application 22/1996/002). The latter application was refused due to the inadequacy of the lane to which access was proposed and not based on the roads proposed to be used by this development. The proposal should therefore be assessed on its own merits and the County Highway Authority comments will be reported accordingly. Concern has also been raised that lorries would make deliveries to the site, however this is not proposed and not perceived to be required again due to the nature of the operation only requiring a van.

Concern has been raised that the frequency of traffic will escalate and that a precedent will be set so that other buildings on the site could have their uses changed as well if the project is successful. The applicants however, have indicated on the application form that the proposal does not form part of a larger scheme to change the other existing buildings on the site. Any speculation therefore of any future development is not considered a relevant planning consideration. A precedent would not necessarily be set as if any similar applications are received in the future they would be determined on their own merits.

Concern has also been raised that the proposal will devalue residential property, however this is not considered to be a relevant planning consideration. The applicant also has confirmed the extent of land ownership as shown on the site location plan is correct and no other adjacent land is owned that may contain additional agricultural buildings. Further representation has been received questioning the location of the proposal, however the applicants have indicated during pre-application discussions that the location must be in a rural setting, near the A358 in order to minimize travel distances and that no alternative site could be found.

Although not relevant to the application site or Tower Farm, application 22/1996/002 has been cited as a similar application that was refused. Application 22/1996/002, for the conversion of a redundant barn to light industrial use at Westowe Barns, Westowe, Lydeard St Lawrence, dated 31st May 1996, was refused as "roads leading to the site are narrow and have sinuous alignment and are thereby unsuitable for the type of traffic associated with such development. Furthermore it is considered the type of traffic granted by the proposed development is inappropriate for this rural location by reason of its effect on the character of the area.

RECOMMENDATION

Subject to the receipt of no adverse comments from the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, parking and any further conditions recommended by the County highway Authority.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be compatible with National and Local Planning Policies which encourage sustainable development

and the re-use of rural buildings for commercial purposes and would not adversely affect residential or visual amenity and accordingly does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2, S8, EC1a, EC3, EC5 and M1.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

38/2004/324

GADD HOMES LTD

ERECTION OF 8 HOUSES AND 53 FLATS AND FORMATION OF ACCESS AT POLLARDS WAY, WOOD STREET, TAUNTON AS AMENDED BY DRAWINGS ATTACHED TO APPLICANTS LETTER DATED 16TH SEPTEMBER, 2004

22360/24795

FULL PERMISSION

PROPOSAL

The site lies on the western side of Pollards Way, which is a cul-de-sac leading from Wood Street to the Telephone Exchange building adjacent to the River Tone. The site currently comprises a number of buildings, some of which are used for relatively low-key commercial uses. The remainder of the site comprises lock-up garages. To the west and south the site is bounded by terraced houses many of which have pedestrian gates on to the application site. The proposed layout shows a high density residential scheme with a mix of houses and flats in predominantly two and three storey buildings. The Environment Agency has suggested that the site be raised above existing levels by approximately 1 m for flood risk reasons. In light of the sites town centre location off street parking provision less than the normal one space per dwelling requirement is shown.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the developer has ignored the comments that were made at the pre-application stage and the details on the submitted plan are unacceptable. I enclose a list of comments by the Estate Roads Section and a copy of the Drawing No PL01 on which comments have been made. I therefore recommend that this application be refused. COUNTY ARCHAEOLOGIST no archaeological implications. ENVIRONMENT AGENCY from the information that has been provided, the Agency are now in a position to withdraw the objection contained within our letter dated 4 August 2004, subject to the inclusion of the following condition:- Floor levels should be set at a minimum of 16.45 metres AOD and normal ground levels of the site should be raised to a minimum of 16.15 metres AOD. Reason: To protect the development from flooding. If you have any problems, or would like to discuss the above matter further, you are advised to contact Dave Hughes, Development Control Engineer on (01278) 484727. I can confirm that the informatives and recommendations contained within page 2 of our letter dated 4 August 2004 remains applicable. WESSEX WATER the development is located within a sewered area, with combined sewers available. The developer has proposed to dispose of surface water to the 300mm public combined sewer. The points of adequacy for connection will be determined at the detail design stage. 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. Attenuation of surface water flows may be required subject to flow calculations. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is

recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. POLICE ARCHITECTURAL LIAISON OFFICER I have some concerns, regarding various security issues, over the amount of permeability to the site for both pedestrians and vehicular traffic. I would therefore recommend that access routes through the site should be reduced if possible. FIRE BRIGADE 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 fire appliances should comply with Approved Document B5, of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

LANDSCAPE OFFICER the proposals provided little or no opportunity for open space provision - is this proposed off site? Boundary treatment including landscaping within gardens is going to be important to provide softening of development but it appears this has not been possible because of the number of dwellings proposed or not considered important. Highways are unlikely to adopt trees within the highway because of problems of maintenance and cost. Many of the proposed trees are planted too close to proposed dwellings. Landscape details are not proposed in sufficient detail to properly assess. PLANNING POLICY the principle of residential development of this site is acceptable. It was one of the sites identified specifically within the Urban Housing Capacity Study. The usual issues of affordable housing, recreational open space and education provision will need to be addressed. Flood risk may also be an issue in this location. PROMOTION/TOURISM OFFICER no observations. ENVIRONMENTAL HEALTH OFFICER noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800-1800, Saturdays 0800-1300 All other times, including Public Holidays No noisy working. HOUSING OFFICER this is a very valuable site situated close to the town centre. The Housing Service would be looking for a total of 15 units - 2 houses and 13 flats to assist demand in this central location. LEISURE DEVELOPMENT OFFICER this development should make a contribution of £2,056 per dwelling, giving a total off site contribution towards improving local recreational facilities of £124,416 in line with local plan policy.

43 LETTER OF OBJECTION have been received on the following grounds:- proposal will exacerbate existing parking problems in area; access danger to school children; noise and disturbance during construction; loss of privacy from 3 storey buildings; overlooking due to raised ground levels; loss of views across town; out of scale with surrounding development; security risk; drainage issues; increased levels will increase flood risk to surrounding properties; increased congestion; bat colony in area; out of scale; overdevelopment; devalue surrounding properties; primary school and large number of elderly in area will be prejudiced by increased traffic where will those who currently use garages park?; should be mixed use development.

ONE LETTER OF SUPPORT has been received supporting the redevelopment of this brownfield site.

POLICY CONTEXT

The following Taunton Deane Local Plan Revised Deposit Policies are 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.

H12 On suitable housing sites the provision of affordable dwellings will be sought where: (A) within Taunton and Wellington, the site is at least 1.0 hectares in size or is proposed for at least 25 dwellings; (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision. The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in paragraph 3.44b.

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.

C4 Developers of new housing will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:- (A) Children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones; (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones; (C) Formal parks, gardens and linear open spaces as required by particular Local Plan allocations; (D) In the case of small groups of housing where the site is too small for provision of playing fields or children's play space on site, or where it is physically unsuitable, off site provision will be sought; (E) Developers will be required to arrange for maintenance of the recreational open space.

EN30 On land liable to flood development proposals will not be permitted unless, having regard to any flood defence or other mitigation measures incorporated within the development:- (A) The development would not be affected by intrusion of flood water for the appropriate design flood event; (B) the capacity of available flood storage would not be reduced; (C) flood water and flows would not be impeded; (D) flooding risks elsewhere would not be increased; and (E) the maintenance and integrity of existing flood defences would not be impeded.

ASSESSMENT

This is a brownfield site in a sustainable location within the urban area and the principle of its redevelopment for residential purposes is therefore not in doubt. The main issues that need to be considered however are scale and density, impact upon surrounding properties, traffic generation and parking.

Whilst the majority of other buildings in the area are two storey, PPG3 encourages development at higher densities than previously accepted. The layout has been developed in a way to maximise distances from boundaries and minimise overlooking. Whilst the raising of the ground levels for flood risk reasons does increase potential overlooking of existing gardens compared to what would otherwise be the case, it is concluded that loss of amenity would not be such as to warrant refusal.

Although the Highway Authority's comments upon the revised layout are awaited, they have not objected to the proposal on the grounds of traffic generation and impact upon the surrounding streets.

The site is located close to the town centre, where in accordance with Government guidance, reduced levels of on site car parking will be appropriate. In this instance 34 spaces are shown for 61 dwellings. Whilst local residents concerns in this respect are understood, to refuse permission on such grounds would be difficult to defend, particularly in light of the close proximity of public car parking. Revised proposals have been received in an attempt to overcome concerns raised by the Highway Authority in respect of the layout and those expressed by the Landscape Officer.

RECOMMENDATION

Subject to the observations of the Education Officer and English Nature together with further observations of the Landscape Officer and the County Highway Authority and the completion of a Section 106 Agreement relating to affordable housing and sport and recreation provision, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, mortar, landscaping, walls and fences, garages, meter boxes, removal of buildings, contamination, floor levels. Notes re compliance, S.106 agreement, Wessex Water, bats, Part M, CDM Regs, construction noise.

REASON(S) FOR RECOMMENDATION:- The site is in a highly sustainable location within the urban area and comprises previously developed land. The layout and design is acceptable and will not cause demonstrable harm to the amenities of nearby residents. The proposal therefore complies with Taunton Deane Local Plan Revised Deposit Policy H1.

Should the Section 106 Agreement not be completed by 1st October, 2004 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE.

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:

38/2004/361

GADD HOMES LTD

ERECTION OF PART 2, PART 3 STOREY BUILDING ACCOMMODATING 22 FLATS AND SEPARATE BUILDING COMPRISING 2 FLATS AND PROVISION OF GARAGING AT 2 PRIORY AVENUE, TAUNTON AS AMENDED BY APPLICANTS LETTER DATED 2ND SEPTEMBER, 2004 AND DRAWINGS ATTACHED THERETO

23031/24881

FULL PERMISSION

PROPOSAL

The site comprises a vehicle repair garage located on the corner of Priory Avenue and Gyffarde Street and opposite the County Cricket Ground. Immediately to the west lies the large Malthouse building, whilst development to the east along Priory Avenue is more domestic in scale. Gyffarde Street comprises late 19th century terraced housing. An earlier proposal on this site which incorporated partly four storeys of accommodation was referred to this Committee on 16th June, 2004 and refused on the grounds that by reason of its scale height and massing the building represented an overdevelopment of the site and would detract from the established character and appearance of the locality. An appeal has been lodged, but is currently held in abeyance pending the outcome of this revised proposal.

The revised proposal as submitted retained a small element of four storey accommodation, although this has subsequently been deleted. However, the number of units has been maintained by creating two coach houses within the courtyard to the rear of the building. Vehicular access to garages and parking, together with maintenance of an access to the St John Ambulance HQ is provided via an archway to Priory Avenue.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY 1. The highway details shown on the submitted Drawing A2003-76 PL102 Revision B are acceptable. In the event of planning permission being granted I would recommend that the following conditions are imposed:- 2. 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. 3. Before the dwellings hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved by the Local Planning Authority. 4. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No A2003-76 PL102 Revision B, and shall be available for use before the occupation of the dwellings hereby approved. 5. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge. 6. The gradient of the proposed access shall not be steeper than 1-in-10. 7. 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. Such drainage shall be provided prior to the access first being brought into

use. 8. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access. Note: Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Taunton, Somerset, TAI 4 HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.

COUNTY ARCHAEOLOGIST the site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It is within the area of the medieval priory and archaeological investigations have revealed that this is the lay cemetery. Indeed a skeleton was discovered recently (last week) on an adjacent site. It is very likely that further burials are located on this proposal site. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

WESSEX WATER The development is located within a sewered area, with foul, surface water and 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. 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 further recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

POLICE ARCHITECTURAL LIASION OFFICER no adverse comments to make.

ENVIRONMENTAL HEALTH OFFICER suggests condition relating to contamination.
LEISURE DEVELOPMENT OFFICER requests £806 for sport and £1,250 for play per dwelling to be spent on improving the provision for recreation in the local area.

3 LETTERS OF OBJECTION received to proposals as originally submitted on the grounds that there should be no more than three storeys; increased traffic generation; loss of light and privacy.

A letter has also been received from ST JOHN AMBULANCE setting out the following concerns:- further to our right of way, we note that the clearance height of the proposed archway through which our Ambulances will have to pass to traverse the access road to our property appears to be only 3 m, whereas the overall height of our ambulances is 2.95 m. We are concerned that this small margin is not sufficient to ensure safety and avoid accidental damage to both vehicles and the new building fabric.

POLICY CONTEXT

New residential development needs to be assessed against the criteria set out in Policy H1 of the Taunton Deane Local Plan Revised Deposit. 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.

ASSESSMENT

The principle of the site for a residential use is not disputed and a terrace wrapping around the corner of Priory Avenue into Gyffarde Street is considered an appropriate treatment. The level of on site car parking shown is above the Council's requirement for such a central location and the Highway Authority does not raise objection to the access proposed. The determining factor in this case is the appropriateness of the scheme in terms of its scale, height and massing. It is concluded that the removal of the fourth storey brings the building closer in proportion to the domestic buildings surrounding to an extent that justifies permission. Outstanding issues relating to archaeology and access to the St John Ambulance HQ will need to be resolved before permission is granted. A S.106 agreement will also be required in relation to sport and recreation (the number of units is one below that would trigger a requirement for affordable housing).

RECOMMENDATION

Subject to the resolution of issues relating to archaeology; ambulance access and a Section 106 Agreement in respect of sport and recreation the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, rainwater goods, hardsurfacing, mortar, landscaping, walls and fences, access point, gates, garages, parking, cycle parking, completion, site levels, meter boxes, removal of buildings,

archaeological programme, aerials, contamination. Notes re surface water, compliance, footway crossing, S.106 Agreement, disables access and CDM Regs.

Should outstanding matters not be resolved by 20th October, 2004 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission.

REASON(S) FOR THE RECOMMENDATION:- The proposed building is appropriate to the locality in terms of its massing, form and general design. The proposal will not cause demonstrable harm to the amenities of existing residents nearby. The proposal therefore accords with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

42/2004/032

MR & MRS DIXON

CONVERSION OF BARN TO A DWELLING, AND CONVERSION OF BARN TO RESIDENTIAL ANNEXE AND OFFICE, GREAT HERSWELL FARM, WEST BUCKLAND.

18712/21806

FULL PERMISSION

PROPOSAL

The proposal comprises the conversion of a single storey brick cattle building unit with profiled roof sheeting, to a 4 bedroomed dwelling, and the conversion of an adjacent single storey brick and pantile building to a 1 bedroomed annexe with office accommodation. An additional barn, sited between these two buildings would be demolished. Both properties are within the curtilage of Great Herswell Farm.

Structural surveys accompany the application which conclude that the buildings are generally in sound condition and suitable for conversion.

A wildlife survey has also been submitted, the conclusion of which indicates that there are no signs of the presence of bats or other legally protected mammal species such as badgers and dormice, but there is evidence of a number of old birds nests, and that slow worms and species of fauna or flora could be found.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL approve of the application.

ENVIRONMENTAL HEALTH OFFICER recommends that conditions be imposed regarding contamination.

POLICY CONTEXT

Policy S1 seeks, inter alia, to safeguard visual amenity. Policy S2 seeks good design. Policy H9 accepts conversion to residential use provided, inter alia, the building is in keeping with its surroundings, and is capable of conversion without significant alteration. Policy H20 accepts in principle, conversions of appropriate buildings within the curtilage of a dwelling for ancillary accommodation.

ASSESSMENT

The building proposed to be converted to an annexe/ancillary accommodation is considered acceptable in accordance with Policy H20 of the Local Plan. The other building however, is of no particular vernacular architectural merit and is not in keeping with its rural surroundings. Its conversion to residential use is consequently considered unacceptable in accordance with Policy H9 of the Local Plan. Accordingly, the annexe conversion would have to be used in connection with Great Herswell Farmhouse.

RECOMMENDATION

Permission be REFUSED for the reason that the building proposed to be converted to a dwelling is not of traditional character such as to warrant its conversion.

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:

43/2004/101T

MR & MRS F BAKER

**APPLICATION TO FELL TWO CUPRESSUS MACROCARPA INCLUDED IN
TAUNTON DEANE BOROUGH (WELLINGTON NO. 2) TREE PRESERVATION
ORDER 1991 AT 20 ELMS ROAD, WELLINGTON (TD 532).**

1441/2009 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

The trees were protected with a Tree Preservation Order in 1991 when an application was made to develop the then large garden and build a bungalow within it. No application has been received to fell or do work on the trees since.

CONSULTATIONS AND REPRESENTATIONS

4 LETTERS OF OBJECTION have been received.

2 LETTERS OF SUPPORT have been received.

POLICY CONTEXT

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ASSESSMENT

The two trees, mature Cupressus macrocarpa are growing within 3 m of one another at the front of 20 Elms Road, close to the boundary of the property and approximately 8 m to the north of the house. The two trees appear as one. They have a spread of about 16 m and a height well over 25 m. The trees dominate the visual scene from all aspects. They are particularly impressive when seen from the higher parts of Pyles Thorn road and are an important contribution to the amenity of the area. When viewed from Pyles Thorn close however, the trees appear out of scale with the size of the plots and incongruous. From 20 Elms Road and the neighbouring properties the trees dominate the environment, casting shadow and dropping debris on the small gardens. The trees appear to be in a healthy condition although recently branches have fallen onto the road below. The close proximity of the houses and the road require that the trees are free from any problems that could lead to branches falling potentially causing injury or loss of life. These conifers cannot be reduced in size as broadleaved trees in a similar situation would.

The problems that the trees cause to the enjoyment of the owners and the neighbours, their incongruous character from certain quarters and their limited trouble free future outweigh the benefit that the trees provide to the amenity from the distance. The trees can be replaced with a specimen of smaller species more appropriate to the neighbourhood.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and replacement tree.

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

CONTACT OFFICER: 356493 MR P BRYAN (WEDS, THURS, FRI)

NOTES:

43/2004/109

MR & MRS JACKSON-PICKLES

**RETENTION OF TWO STOREY EXTENSION, 93 SPRINGFIELD ROAD,
WELLINGTON (AMENDED SCHEME).**

13125/20897

FULL PERMISSION

PROPOSAL

Retention of extension to rear, and alterations to roof. The roof alterations will prevent any over-hang onto the neighbouring property.

A two storey extension was previously granted permission on 5 November 2003 (application No. 43/2003/096). The plans for this application indicated that the extension would be built within the boundary wall of the applicant and neighbour, on the applicant's property.

This new application has been submitted as the extension was built on the boundary wall, not within, increasing the size of the extension by 200 mm.

CONSULTATIONS AND REPRESENTATIONS

WELLINGTON TOWN COUNCIL are in favour of application provided there are no adverse comments or objections from the neighbour.

ONE LETTER OF OBJECTION raising the following points:- object as extension has been built on party/boundary wall without permission; if extension built as original plans there would not be a dispute; why did building control allow extension to be built on party/boundary wall; when will work commence as we are waiting to start extension; will our plans need amending, and who will be liable for architects fee.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policy H19 Household Extensions - the proposal is considered to meet the requirements of the policy. The extension is subservient in scale and design and should not harm the amenity of other dwellings.

ASSESSMENT

The proposal is considered not to harm the visual or residential amenity of the area. Objections raised are not strictly planning issues and have been addressed by a letter

sent by the Building Control Manager. The letter informed the objector that the Council have no knowledge of boundary and ownership issues, it is issued that people either own the land or have the necessary consents; The Party Wall Act provides protection; the Party Wall Act is a civil matter that the Council cannot enforce; building surveyor provides technical suitability to proposal, ownership or right to build are matters for the applicant to establish. Proposal is considered to meet requirements of Policy H19, and is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to condition that work to alter the roof shall be undertaken within 3 months of the date of the planning certificate.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the visual or residential amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies H19, 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: 356463 MR D ADDICOTT

NOTES:

43/2004/116

TAUNTON DEANE BOROUGH COUNCIL

**ERECTION OF PUBLIC TOILET BLOCK TO REPLACE EXISTING, ADJOINING
NORTH STREET CAR PARK, WELLINGTON.**

13725/20576

FULL PERMISSION

PROPOSAL

Proposal is to replace an existing flat roof building with a new toilet block and associated landscaping. New block, including canopy, measures 6 m x 10.5 m x 4.5 m to the highest point. Materials to be brick and clay tiles.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER no objection, developer should agree points of connection at the detailed design stage. POLICE LIAISON OFFICER views awaited.

WELLINGTON TOWN COUNCIL objects to the inclusion of the canopy in the design as it feels the canopy will lead to youths collecting and anti social behaviour problems.

POLICY CONTEXT

Policy S1 (general requirements) and policy S2 (design) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. The proposal is considered not to harm the appearance and character of the area.

ASSESSMENT

Proposal is on the site of the existing toilet block within the North Street car park, backing onto the football ground. As the design of the toilet block has changed to provide individual cubicles, the canopy would provide shelter for anyone who has to wait to use the facilities. The proposal is considered not to harm the visual or residential amenity of the area, and is considered to be an improvement on the existing flat roof building. Proposal is therefore considered acceptable.

RECOMMENDATION

Subject to the views of the Police Architectural Liaison Officer and no further representations raising new issues being received by the 12th October, 2004 the Development Control Manager in consultation with the Chair/Vice Chair be authorised

to determine and permission be GRANTED subject to conditions of time limit, materials to be submitted, landscaping, details of hard landscaping. Notes re compliance, connection to Wessex water.

REASON(S) FOR RECOMMENDATION: The proposal is considered not to harm the visual amenity of the area and is in accordance 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: 356463 MR D ADDICOTT

NOTES:

47/2004/008

MR & MRS J WILLIAMS

ERECTION OF A TWO STOREY EXTENSION TO IVY COTTAGE, WEST HATCH.

27289/19738

FULL PERMISSION

PROPOSAL

The proposal comprises the demolition of a single storey rear lean-to extension, and the construction of a 2 storey extension to a traditional stone and pantile semi-detached cottage.

The applicant is a member of the Council..

CONSULTATIONS AND REPRESENTATIONS

1 LETTER OF CONCERN has been received expressing concern that he had not been notified directly of the application; there is no independent scrutiny of the application; that question 17 of the application form has been left blank; and that the existing septic tank is close to his property and what assurances can be given about sewage and water disposal.

POLICY CONTEXT

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

ASSESSMENT

In respect of impact on residential amenity, the adjoining residential property would not be adversely affected in terms of loss of light or privacy. Secondly, with regard to visual amenity, whilst the proposed extension is significant in ground and floor area, and whilst it is not subservient in terms of a lower ridge height, the extension is nevertheless set back from the public highway (7.5 m), to such a degree that its impact on the street scene would be minimal. Accordingly the proposal is considered acceptable.

RECOMMENDATION

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

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

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

52/2004/037

MR B FEAR

ERECTION OF A DWELLING TO THE REAR OF 9 JEFFREYS WAY, TAUNTON.

20058/23664

OUTLINE APPLICATION

PROPOSAL

Outline planning permission was refused by the Committee in June 2003 for the erection of one dwelling in the rear garden of 9 Jeffreys Way. The current application is a resubmission of this outline proposal and contains a sketch scheme to illustrate how a two storey dwelling could be accommodated on the site. The sketch scheme indicates a dwelling on part of the rear garden that measures 14.2 m wide x 25 m deep. The plot would provide a 10 m rear garden for the proposed dwelling with a 5.8 - 7.6 m rear garden for the existing dwelling. The site would be accessed off a new access onto Jeffreys Way to the south of 27 Jeffreys Way.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

DRAINAGE OFFICER no observations.

PARISH COUNCIL support this application.

22 LETTERS OF OBJECTION have been received from residents of Jeffreys Way raising the following points:- the proposal represents an over development of the site out of keeping with the area; Jeffreys Way consists of large 4/5 bed-roomed dwellings with good sized gardens containing many trees and shrubs; average densities have been selective and should reflect the whole of Jeffreys Way in general the plots are larger and the comparison to densities of the bungalows in Highfield is not relevant; ;the proposal would interfere with neighbours privacy and overlook adjacent gardens; the proposal, if allowed, would set a precedent for similar dwellings in the area contrary to the character and amenity of the area; the proposal would be overdevelopment contrary to the Local Plan; the proposal would project in front of the established building line contrary to the existing dwellings; this is not for the benefit of the occupier of the dwelling like an extension or granny flat, but merely a speculative development; it is incompatible with the plan of the area; we chose to live in this area due to its spacious layout; a covenant on the deeds precludes further development; the remaining back garden for number 9 would be too small; the proposal would be cramped; development of the site would lead to a loss of tree and shrubs that enhance the character of the area; our dwelling also has space for an additional dwelling but we considered it our responsibility to the locality and our neighbours not to encourage/allow development there; there appears to be some artistic license in the drawing the base span of a high boundary hedge , the angle of the plot to the road; a 12 foot high boundary hedge is unrealistic; there are some errors of detail in the application, No. 52 Jeffreys Way was never part of the plot of No. 7 it was sold and developed as a separate plot from the

beginning, No. 19 Jeffreys Way has a 19 m frontage, the illustration drawing is not to scale and is misleading, surface water should not be disposed of via surface water drains, the proposed plot has a depth of 23 m not 25 m, trees would need to be felled to provide access, it does not comply with Taunton Deane Local Plan policy H1 (G) & (I) as it will erode the character of the area and amenity of residents; an additional dwelling would affect house values; the access will be very close to a junction of these narrow roads and will be unsafe for vehicles and pedestrians; the additional traffic would result in less space and more demand for on street parking in an already congested area; there would be unacceptable disturbance to traffic, dust and noise during construction;

5 LETTERS OF SUPPORT have been received from residents of Buckland St Mary, Staple Fitzpaine, Blagdon Hill, Corfe and Chilliswood Crescent in Taunton:- there is an on-going demand for dwellings like this; the proposal would fit in well with the locality, this is a sustainable site and should be encouraged; the proposal is well designed and will not have a detrimental impact on the street scene or neighbours; the proposal is in line with Government policy to provide additional houses; the proposal will allow development without harming the countryside.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant:- Policy STR1 requires all development within Somerset to reflect local distinctiveness, to allow development that minimizes the length of journeys and the need to travel and maximizes the potential use for public transport, cycling and walking, to give priority to previously developed areas; 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 (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the accessibility of the site for public transport, walking, cycling, and pedestrians would minimise the need to use the car (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development (F) the health, safety, or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use. Policy S2 requires development to be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements should (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; (H) make full and effective use of the site; Policy H1 allows housing development within Taunton subject to the following criteria (A) there should be and convenient access by bus, or on foot to

facilities and employment (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. M3a requires adequate parking for new dwellings.

The proposal is within an established, low density, residential area. It is important for the development to be in character with the existing development and to ensure that adequate levels of privacy and amenity are maintained for the existing properties and provided for the new dwelling. In this case I consider that the proposal would be out of keeping with the area and would be detrimental to the privacy and amenity of the existing dwellings.

ASSESSMENT

The proposed development would result in a reduction in the rear garden of the existing dwelling from 20 m to 6 m. The agent for the development considers that 6 m from the rear of the existing dwelling to the proposal would allow sufficient breathing space between dwellings. I disagree and consider that this close proximity would result in unacceptable levels of overlooking to the detriment of the amenity and privacy of occupiers of both dwellings. The area is characterised by low density development that comprises large dwellings with commensurately large plot sizes and I consider that the proposal would result in a relatively cramped development that would appear out of keeping with the area. Proposal considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the reasons of over development of the site, detrimental impact on the privacy and amenity of the surrounding properties.

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:

PLANNING COMMITTEE - 29 SEPTEMBER, 2004

Report of the Development Control Manager

COUNTRYSIDE ITEM

OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO1) TREE PRESERVATION ORDER 2004 AT 29 CALWAY ROAD, TAUNTON (TD958)

An objection has been received to a Tree Preservation Order that was placed on two trees at 29 Calway Road, Taunton in June of this year.

The order was placed on the trees when it was discovered that an application had been made to build a house in the garden of 29 Calway Road (application no 38/2004/213). If consent had been given, the trees would have needed to be felled. Two of the trees that border the garden, a Poplar and an Ash, were identified as having sufficiently high amenity value to require the serving of the order. The presence of the order was subsequently used as the reason for refusing permission to develop the site.

Richard Ives, the owner of the property, has objected to the Poplar tree being included in the order (he has no objection to the inclusion of the Ash tree). He objects for the following reasons:-

1. The poplar is approximately 30 m high and only 13 m away from the nearest property (2 Fouracres Close). The roots of the tree extend to the surrounding properties and could potentially cause damage to structures and if the tree was to fall in a storm, lives could be lost.
2. The tree is a short-lived species close to the end of its life.

The tree has high amenity value but is of a size and species (Poplars do not resist the attacks of fungal diseases well) that means that it is likely to cause damage to surrounding properties in the future. There is no evidence to suggest that the tree is a present danger, however the tree is towards the end of its life and the chances that decay will enter the tree and lead to its collapse are high. Surgery to reduce the tree to a less damaging size would look unattractive and disease entering the wounds would lead to rapid decay and collapse.

RECOMMENDATION

To re-serve the Tree Preservation Order omitting the Poplar tree.

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

CONTACT OFFICER: Paul Bryan 356493

PLANNING COMMITTEE – 29 SEPTEMBER 2004

REPORT OF THE CHIEF SOLICITOR

MISCELLANEOUS ITEM - ENFORCEMENT ACTION IN RESPECT OF FOXMOOR NURSERIES, HAYWARDS LANE, WELLINGTON

BACKGROUND

Members will recall that at the meeting of this Committee on the 17 February 2004, a report was presented relating to alleged breaches of planning permission at Foxmoor Nurseries, Haywards Lane, Wellington and disputes between Foxmoor Nurseries and the Council as to the interpretation of the Section 106 (S106) Agreement governing the site.

At that time the Committee was advised that prior to any formal Court action the Council ought to enter into mediation with Foxmoor Nurseries to try and resolve the outstanding legal issues between the parties. That mediation has now taken place and some progress has been made, but other issues remain unresolved.

There has also been, as a result of the mediation, a full inspection of the site.

REQUIREMENTS OF THE S106 AGREEMENT

Under the terms of the S106 agreement there are four main requirements, as follows:-

1. The permitted use not to occupy more than 50% of the total glasshouse area;
2. No retail sales from the property;
3. The permitted use to be carried out by Foxmoor Nurseries or an associated company or person; and
4. If Foxmoor Nurseries cease to trade, the glass houses to revert to horticulture.

THE MEDIATION

The mediation was conducted by a barrister experienced in both company law and planning law and concentrated on trying to resolve the issue of the definition of an associated company or person. This was successful and a formal agreement was reached that an associated company or person would be one with a 10% shareholding or a director with 5% voting rights. The agreement also provided that Foxmoor would notify the Council of any change of shareholding or directors.

The parties were however unable to reach agreement on the definition of the permitted use. The Council's view is that the permitted use is restricted to the use described in the original application, which is essentially linked to the production of horticultural plastic products, whereas Foxmoor Nurseries believe they have an unrestricted B1 (light industrial) use.

A further issue raised in the course of the mediation which was not resolved was a differing interpretation of B1 use and B8 use (distribution and storage). The Council's view is that many of the uses at the site are B8 and therefore not in any event permitted. This view was strengthened on the subsequent site visit but there is not yet sufficient evidence to issue individual enforcement notices against the tenants.

OTHER ISSUES

1. There is a prohibition against retailing in the S106 agreement but at least one of the units, and possibly more are retailing from the site.
2. As late as July, Foxmoor Nurseries were advertising space at the site for workshop and storage use.
3. The permission covers a different area from that currently in use.
4. At the time of the inspection the Flower Tower business run by Foxmoor Nurseries did not appear to be functioning.

THE PRESENT POSITION

It is unlikely that any further agreement will be reached between the parties and therefore the Committee is likely to have to consider taking enforcement action against the individual tenants as well as the owners. In deciding on the nature of such action, the Committee will need to be mindful of the effect of any proposed action on the individual businesses and the impact on the local economy.

Further, more detailed information is needed as to individual businesses before a recommendation can be made to the Committee as to which businesses are to be considered B1 and which are to be considered B8, and as to the proposed terms of any enforcement action.

It is therefore intended that Planning Contravention Notices should be served on all the tenants at the site to ascertain the nature of their enterprises. Tenants should also be invited to make any representations to the Committee prior to any decision to take enforcement action. At the same time tenants will be reminded that retailing from the site is prohibited and advised to stop immediately.

Further specialist legal advice is also needed as to the interpretation of the S106 agreement and in particular, as to whether the agreement limits the

permission to light industrial uses of a horticultural nature or whether the site enjoys an unrestricted B1 use.

Following receipt of this additional information and advice, a further report will be brought to Committee advising what action should be taken.

RECOMMENDATION

Members are RECOMMENDED to note the report and to endorse the action currently being taken.

Chief Solicitor

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

PLANNING COMMITTEE – 29 SEPTEMBER, 2004

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Halse

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

Display of signs on the rear and side of property

6. Planning History

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

The matter was reported to Committee on 16 June, 2004 with a recommendation to commence prosecution action. Notwithstanding this, Members resolved to take no further action. However, there appears to have been a misunderstanding with the Parish Council which lead to them not attending the meeting to state their concerns. It is therefore considered appropriate to report the matter once more.

7. Recommendation

Members are asked whether they wish to reaffirm their earlier decision.

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

CONTACT OFFICER: Mrs A Dunford Tel. 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 29 SEPTEMBER 2004

1 The following appeals have been lodged:-

Appellant	Date Application Considered	Proposal
Mr W T Jones (21/2004/011)	DD	Erection of village hall, formation of access, driveway and car parking for hall, church & school at land to north-east of St Peter's Church, Langford Budville.
Mr H T Mettrick (10/2004/008)	DD	Removal of condition 02 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford.
Dixon Walsh & Co (14/2004/012)	DD	Insertion of three rooflights at St Mary's House, Magdalene Street, Taunton.

2 The following appeal decisions have been received:-

(a) **Erection of two storey extension at 9 Rosebery Street, Taunton (38/2003/447)**

The Inspector felt that the main issue was the effect of the proposal on the living conditions of adjoining neighbours, particularly loss of light and outlook.

The Inspector felt that because of the length, height and position relative to 10 Rosebery Street, of the proposed development, it would be visually dominant and have an overpowering appearance. He also felt that the proposal would significantly reduce the amount of daylight to the garden and living accommodation 10 Rosebery Street.

It was concluded that that the development would have a detrimental effect on the living conditions of adjoining occupiers, with particular reference to visual amenity, sunlight and daylight.

The appeal was, therefore, dismissed.

(b) **Erection of two storey rear extension at 8 Rosebery Street, Taunton (38/2003/446)**

The Inspector felt that the main issue was the effect of the proposal on the living conditions of adjoining neighbours, particularly loss of light, sunlight and outlook.

To the north-west of the appeal site was a bungalow at 87 Greenway Crescent that had a limited rear garden area. The Inspector felt that because of its length, height and position relative to this property, the proposed development would be visually dominant and would have an overpowering appearance when viewed from that property.

He also felt that the proposed development would have a materially adverse effect of the amount of sunlight enjoyed by occupiers of 87 Greenway Crescent and daylight to the garden and living accommodation.

It was concluded that that the development would have a detrimental effect on the living conditions of adjoining occupiers, with particular reference to visual amenity, sunlight and daylight.

The appeal was, therefore, dismissed.

(c) **Retention of bay window at ground floor level, 3 Park Street, Taunton (38/2003/215LB)**

The Inspector felt that the main issue in this case was whether the proposed works would preserve the special architectural and historic interest in the listed building.

The Inspector was of the opinion that the windows, particularly the bay window, with their detailing made a significant contribution to the building's character and appearance. The replacement bay window, when compared with a photograph of the original, was substantially different. The glazing bars on the original window were much finer and similar to the windows at 4 and 5 Park Street.

There was an unacceptable contrast between the glazing bars on the new window and the fine glazing bars to the windows on the first and second floor levels and with those in adjacent buildings. The glazing bars and reveals to the frame were not moulded and had a modern appearance that was out of character with the remainder of the building. The glazing was formed in one piece, so the reflections were uniform, harming the character that separate glazing contributed to the building.

In conclusion the Inspector felt that the replacement bay window, because of its detailing and use of double-glazing, caused unacceptable harm to the character of the listed building and did not preserve its special architectural and historic interest.

The appeal was dismissed.

(d) **Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton (38/2003/525A)**

The Inspector felt that the main issue in this case was the effect of the signs on the amenity of the area.

The area was in mixed use and included housing to the south of Priory Avenue. He considered that the appeal signs, when sited between the two main name signs, would not only dominate the upper part of the building but also give a cluttered appearance. The signs would also be visible from some distance and with the name signs, would over accentuate the commercial presence of the unit.

The Inspector concluded that the display of the appeal signs would be detrimental to the interests of amenity.

The appeal was dismissed.

(e) **Proposed new vehicular access to 37 Holford Road, Taunton (38/2003/390)**

The Inspector considered the main issue was the effect of the proposal on highway safety.

She acknowledged that certain visibility standards would normally be required to ensure that vehicles leaving the site could see and be seen by traffic using the road. These standards could not be achieved within the frontage owned or controlled by the appellants.

Kingston Road was a heavily trafficked classified road with no footpath on this side of the road of the proposed access. The Inspector considered that good visibility was essential for a new vehicular access point. Although there were existing accesses to Kingston Road with visibility below the normal standard, she did not consider that their presence would justify the addition of a further such access which would have the potential to create additional hazards to traffic using Kingston Road.

The Inspector concluded that the proposal would have a harmful effect on highway safety and the appeal was dismissed.

(f) **Change of use of part of ground floor living accommodation to hairdressing salon at 15 Greenway Crescent, Taunton (38/2003/176)**

The Inspector felt that the main issues in this case were:-

- (a) the effect of the proposed development on highway safety and the free flow of traffic, arising from car parking; and
- (b) the effect of the proposed development on the character of the surrounding area.

The property stood at the end of a short, narrow cul-de-sac reached via a loop road off the main part of Greenway Crescent. There were no nearby parking restrictions and vehicles parked on the road, the grass verge and footway.

With regard to the first issue, the Inspector noted that the site had only one off-street parking space and the business was therefore likely to lead to additional on-street parking. With Greenway Crescent sufficiently far away and the inevitability that parking in the short cul-de-sac would cause obstructions, the Inspector thought it probable that customers and staff would use the loop road. This would cause difficulties for vehicles manoeuvring into and out of private drives, due to the two sharp bends and if this led to parking partly on the footway, would cause a hazard to pedestrians and users of wheelchairs and buggies.

Turning to the second issue, although a low key business use of the sort envisaged would lead to a moderate increase in activity in the area, the Inspector felt that such a business would not be significantly out of character within the area.

The Inspector concluded that the proposal's acceptability in terms of the area's character did not outweigh the significant harm to highway safety and the free flow of traffic that would be caused by car parking, because of the nature of nearby roads.

The appeal was dismissed.

(g) **Demolition of outbuilding and construction of new link and extension, the Old Bakery, Cheddon Fitzpaine (48/2003/012 & 48/2003/011LB)**

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

Both appeals were allowed and planning permission and listed building consent was granted subject to conditions.

(h) **Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton (38/2003/515)**

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

The appeal was dismissed.

(i) **Application of paint to the exterior render of east and west wings at North Lodge, Sandhill, Bishops Lydeard (06/2003/046LB)**

The Inspector acknowledged that although the Council supported the appellant's wish to tidy up the wings, which was also supported by many of the Lethbridge Park residents, it considered a modern standard masonry paint would not have the same patina as the existing render. The appellant objected to the use of a lime-

based type of paint on the basis that it would have a very short life span in this situation close to the trees and roads.

Various groups had been consulted and they were all of the opinion that the render should either remain unpainted or painted with a lime-based paint.

The Inspector felt that the 1930s wings were of some architectural and historic interest in their own right and considered a modern masonry paint would contrast very unfavourably with the more weathered and mellow characteristics of the stonework, to the detriment of the character and appearance of the building as a whole.

The Inspector considered that lime-based washes or other special treatments would inevitably detract from the contribution the rendered surfaces made to the character and special interest of the building, albeit to a lesser extent than modern masonry paint. He felt that the best course of action would be to retain the existing self-coloured render.

After due consideration, The First Secretary of State accepted the Inspector's recommendation and dismissed the appeal.



Appeal Decision

Hearing held and site visit made on 6 January 2004

by **C J Ball** DArch(Dist) DArchCons RIBA IHBC FRSA

an Inspector appointed by the First Secretary of State

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Date: 21 JAN 2004

The Old Bakery, Cheddon Fitzpaine, Taunton

Appeal A: APP/D3315/A/03/1115842

- 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 B Tagg and C Rosser against the decision of Taunton Deane Borough Council.
- The application (Ref.48/2003/012), dated 25 February 2003, was refused by the Council by notice dated 10 April 2003.
- The development proposed is described as the demolition of an existing outbuilding and the construction of a new extension and link to the existing dwelling; omit door and dormer roof and replace with window, block up window.

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

Appeal B: APP/D3315/E/03/1115844

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by B Tagg and C Rosser against the decision of Taunton Deane Borough Council.
- The application (Ref.48/2003/011LB), dated 25 February 2003, was refused by the Council by notice dated 10 April 2003.
- The works proposed are described as the demolition of an outbuilding and the construction of a new link and extension; internally, remove staircase and alter partitions.

Summary of Decision: The appeal is allowed and listed building consent is granted in the terms set out in the Formal Decision below.

Procedural matters

1. The applications were refused for similar reasons so I shall consider the appeals together.

Main issue

2. The main issue in these appeals is the effect the proposed development would have on the character of The Old Bakery as a building of special architectural and historic interest.

Planning policy

3. The statutory development plan for the area currently consists of the Somerset and Exmoor National Park Joint Structure Plan, which was adopted in April 2000. Policy 9 is intended to protect the built historic environment and indicates that the setting, local distinctiveness and variety of buildings of architectural and historic interest should be maintained and where possible enhanced.

4. The emerging Taunton Deane Local Plan has reached a fairly advanced stage in the process of adoption and I shall give it due weight as a material consideration in these appeals. Policy EN17 is intended to prevent development that would harm a listed building. Policy EN18 sets out the criteria for the alteration and extension of listed buildings, including a requirement that any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its character. Policy H19 generally permits extensions to dwellings provided that, among other things, the extension would not harm the form and character of the dwelling and is subservient to it in scale and design.
5. Other material considerations include the national advice set out in PPG15 '*Planning and the Historic Environment*'.
6. In considering the appeals, I am required by Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the listed cottage or its setting or any features of special interest it may possess.

Reasons

7. The Old Bakery is a cottage of 16th century origins and is listed grade II. At one time an inn, and later a bakery, it became a single dwelling in the 1950s. The building has been altered and extended over its lifetime to adapt to these changes in use. The simple pitched roof form, with a later single storey outshut, reflects the original linear plan form. The roof planes, eaves lines and low walls give the cottage a distinctly horizontal emphasis. An outbuilding, once linked, stands to the rear on the site of the proposed extension.
8. The Council has approved an extension of a similar size, in a similar position to the rear of the cottage, so there is no objection in principle to the proposal. At the hearing, the Council confirmed that there was also no objection to the demolition of the outbuilding and that both the internal and external alterations to the cottage were acceptable. None of the features of interest mentioned in the listing would be affected. The Council's objection centres on the height and design of the extension at its junction with the rear roof slope.
9. The extension would project at right angles to the cottage and would consist of two design elements, a two storey barn-like structure and a glazed link connecting it to the cottage. The Council has no real objection to the traditionally designed barn element, which would be similar in many respects to the main part of the approved extension. The pitched roof glazed link would provide first floor access between the old and the new parts of the cottage from a new staircase within the outshut. The glazing would extend above the outshut roof, meeting the rear slope of the main roof in a fairly traditional manner.
10. The Council recognises that a subservient structure projecting at right angles to a building is a well-established design principle in the extension of dwellings. The crux of the Council's case is whether this extension would be sufficiently subservient as to allow a clear distinction between the old cottage and the new extension. In my view, it is not necessary for an extension to be seen as virtually a separate structure, as it is in the approved scheme, for it to be subservient or distinguishable.
11. The glazed pitched roof of the link would be substantially lower than the main roof ridge. In my view, this would be sufficient to ensure that the original cottage would still be seen as the more important part of the building. In my view, the lower roof level would clearly make the extension subservient to the existing roof, to the extent that the simple linear form

- of the original roof would remain predominant. I believe that transparent glazing would allow the historic form of the cottage roof to be clearly distinguishable. While the overall structure would become 'L' shaped on plan, the lower roof line and the distinctly modern design of the link would ensure that there would be no confusion between the original cottage and its new extension. In my view, this clear differentiation would ensure that the special interest of the listed cottage would not be undermined.
12. While the extension would be large, it would provide no more in terms of accommodation than that already approved. I consider that it would be sufficiently limited in scale. In my view, the new extension would reflect the low, horizontal character of the existing cottage while being subservient to it in scale and design. I find the proposal sympathetic to the character of the building so that local distinctiveness would be maintained. I also consider that the proposed extension has been carefully designed so that it would not dominate the original building or adversely affect its particular character. The historic linear form of the original building would be clearly distinguishable. I do not consider that the extended building would have the appearance of a single 'L' shaped structure under an almost continuous roof, the basis of the dismissal of an earlier appeal.
 13. I have some concerns about the bronze glazing proposed since, by its dark colour and reflective nature, it could undermine the objective of allowing a clear view of the original roof. It may also be preferable to have fewer glazing bars. However, these concerns could be overcome by an appropriate condition requiring the submission of details for approval.
 14. I therefore come to the view that the integrity of the original building would be preserved and that the proposal would meet the objectives of the development plan and emerging Local Plan policies intended to protect listed buildings from harmful alteration. I find that the proposed development would have no unacceptably adverse effect on the character of The Old Bakery as a building of special architectural and historic interest.
 15. It is therefore my intention to allow these appeals and to grant planning permission and listed building consent subject to appropriate conditions.

Conditions

16. At the hearing, the parties agreed that the conditions attached to the permissions for the approved extension should form the basis of any conditions to be imposed on the current proposal. I have considered these in the light of Circular 11/95 *'The Use of Conditions in Planning Permissions'* and the advice in PPG15.
17. For the planning permission, I consider it necessary to require samples of external materials to be submitted for approval since written descriptions can be open to interpretation. A sample panel of the proposed stonework would help to ensure that the new work harmonises with the old. The proposed extension lies adjacent to a number of mature trees of high amenity value. I consider it necessary for these to be protected during the construction period and for the foundations of the extension to be designed to cause the minimum of damage to the root systems. While the appellants consider that a condition requiring the submission of a landscaping scheme is unnecessary, it seems to me that the surrounding gardens and hard standings will be affected by the construction of the extension so that the submission of details of both hard and soft landscaping is necessary to ensure that the surrounding land is properly reinstated in this rural location.

18. For the listed building consent, in addition to the submission of sample materials and a stonework sample panel, I consider it necessary for specific details of the extension to be submitted for approval to ensure that the new work complements the old. As noted above, this should include the details of the glass and glazing method of the glazed link.

Conclusions

19. I find that the proposed extension would be subservient in scale and design to the existing cottage. The glazed link would ensure that the extension would be clearly differentiated, thus ensuring that the special interest of the cottage would be maintained. For the reasons given above and having regard to all other matters raised, I consider that the appeals should succeed.

Formal Decisions

Appeal A:

20. I allow the appeal and grant planning permission for the demolition of an existing outbuilding and the construction of a new extension and link to the existing dwelling; omit door and dormer roof and replace with window, block up window at The Old Bakery, Cheddon Fitzpaine, Taunton in accordance with the terms of the application Ref.48/2003/012, dated 25 February 2003, and the plans submitted therewith, subject to the conditions set out in Annex A.

Appeal B:

21. I allow the appeal and grant listed building consent for the demolition of an outbuilding and the construction of a new link and extension; internally, remove staircase and alter partitions at The Old Bakery, Cheddon Fitzpaine, Taunton in accordance with the terms of the application Ref.48/2003/011LB, dated 25 February 2003, and the plans submitted therewith. subject to the conditions set out in Annex B.

Information

22. These decisions do not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990 and sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. An applicant for any approval required by a condition attached to this permission or consent has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
24. A separate note is attached setting out the circumstances in which the validity of these decisions may be challenged by making an application to the High Court.



Inspector

ANNEX A

APPEAL A - Schedule of conditions to be attached to the planning permission:

- 1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a sample panel of the stonework to be used in the construction of the external walls of the extension hereby permitted has been constructed and approved in writing by the local planning authority. The panel shall be at least 1 metre square and show the coursing and method and colour of pointing. Construction of the external walls shall be carried out in accordance with the approved panel, which shall be retained on site until completion.
- 4) No development shall take place until details of the foundation design of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); retained historic landscape features and proposals for restoration, where relevant.

ANNEX B

APPEAL B – conditions to be attached to the listed building consent.

- 1) The works hereby authorised shall be begun not later than 5 years from the date of this consent
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a sample panel of the stonework to be used in the construction of the external walls of the extension hereby permitted has been constructed and approved in writing by the local planning authority. The panel shall be at least 1 metre square and show the coursing and method and colour of pointing. Construction of the external walls shall be carried out in accordance with the approved panel, which shall be retained on site until completion.
- 4) No development shall take place until detailed drawings of an appropriate scale of the details of the proposed verges, eaves, valley and stepped roof junctions, openings, internal and external joinery, roof glazing, rooflights, and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.



Appeal Decision

Hearing held on 22 July 2004

Site visit made on 22 July 2004

by **Gareth Isaac** LLB Solicitor

an Inspector appointed by the First Secretary of State

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Date

18 AUG 2004

Appeal Ref: APP/D3315/A/03/1134673

4 Rydon Lane, Taunton, TA2 7AQ

- 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 Countryside Construction Ltd against the decision of Taunton Deane Borough Council.
- The application Ref 38/2003/515, dated 18 September 2003, was refused by notice dated 7 November 2003.
- The development proposed is the erection of 2 houses with garages.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider the main issues in this case to be the effect of the proposal on:
 - (a) the character and appearance of the surrounding area; and
 - (b) the living conditions of the occupiers of 5 Rydon Lane in terms of overlooking and loss of privacy.

Planning Policy

2. The development plan for the area includes the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011, adopted in 2000, and the Taunton Local Plan First Alteration, which was adopted in 1990. Among the various policies that have been drawn to my attention, Structure Plan Policy STR4 advises that new development should be focused on towns and that priority should be given to the re-use of previously developed land. Local Plan Policy H/4 requires that development should satisfactorily reflect the character of the area and the amenity of adjacent properties
3. My attention has also been drawn to the Taunton Deane Local Plan Revised Deposit. This emerging Local Plan has passed through many of the adoption stages, thereby increasing the weight that can be attached to it, especially in the respect of those policies where there are no unresolved objections or the Local Plan Inspector has recommended no changes. The policies in the emerging Local Plan most relevant to this appeal are S1, S2 and H1. Policy S1 sets out general criteria for development, including a requirement that it should not harm the appearance and character of the street scene. Policy S2 indicates that proposals will be assessed to ensure, amongst other things, that developments reinforce the local character and distinctiveness of the area. Policy H1 includes requirements that small scale schemes in residential areas will increase the development density of those areas without eroding their character or residential amenity and that existing and proposed dwellings will enjoy adequate privacy and sunlight.

4. The emerging Somerset and Exmoor National Park Joint Structure Plan Alteration, 1996-2016, Deposit Draft - June 2004 is still at a relatively early stage in the adoption process and in accordance with advice in Planning Policy Guidance Note 1 (PPG 1): *General Policy and Principles*, I can only give it limited weight. However, it highlights the growing significance of Taunton, recognised by Regional Planning Guidance for the South West (RPG 10), in which it is identified as a Principal Urban Area and I have taken that into account. Policy STR3 of the emerging Structure Plan indicates that provision should be made for significant levels of new development in Taunton.
5. In determining this appeal I have also had regard to relevant government guidance, including that set out in Planning Policy Guidance Note 3 (PPG 3): *Housing*, which encourages the more efficient use of land without compromising the quality of the environment.

Reasons

Character and Appearance

6. The appeal site is one of 2 plots of land that lie on either side of the detached dwelling previously known as 4 Rydon Lane. Access to that dwelling is now obtained from Crowcombe Road and the current occupier of that property indicated at the Hearing, that its address had recently been altered to 36 Crowcombe Road. The 2 plots on either side of that dwelling were each formerly part of the curtilage of 4 Rydon Lane. The appeal site is located to the north and has a highway frontage on to the cul-de-sac turning head of Crowcombe Road. The plot which lies to the south is accessed from Bagborough Road.
7. It has not been disputed that the appeal site is one that falls within the definition of previously developed land set out in PPG 3 and that the principle of additional residential development thereon would be acceptable. Indeed, the Council has already granted outline permission for the erection of a single detached dwelling and garage on the site (Ref: 38/2003/124). In addition, a scheme for the erection of 2 dwellings with garages on the plot to the south has recently been approved (Ref: 38/2003/514). The construction of the buildings on the site to the south has already begun.
8. The area surrounding the appeal site is characterised by a row of semi-detached dwellings on the south side of Crowcombe Road, the school playing fields on its north side and a variety of detached properties to the east in Rydon Lane. Any public views of the proposed dwellings from the east would be very restricted. However, the dwellings would be a significant new feature in the street scene of Crowcombe Road. Located at right angles to the existing houses, with the open land to the north and projecting to only some 3m from the highway frontage, I consider that the proposed new dwellings would occupy a prominent position within that street scene.
9. The design of the dwellings is similar to that of the 2 new houses that have been permitted on the plot which is accessed from Bagborough Road. I acknowledge that Bagborough Road is characterised by semi-detached dwellings of a similar style to those in Crowcombe Road. However, the area of the plot fronting on to Bagborough Road is significantly greater than that of the appeal site. Together with part of the site boundary being set back from the highway, this has allowed for those dwellings to be positioned much further away from the road and yet retain larger rear gardens than in the case of the appeal proposal. In my view, the visual impact of the dwellings on the plot accessed from Bagborough Road

would also be reduced by the boundary treatment of an adjoining property on one side of the site and the space between the dwelling on its other side

10. The total area of the appeal site is some 374m² whereas the average plot size of properties in Crowcombe Road is about 364m². The division of the site into 2 plots of about 187m² would result in the new dwellings having substantially smaller plots than other dwellings within the same street scene. I acknowledge that in granting outline approval for a single dwelling on the site, the Council did not impose a condition withdrawing permitted development rights. However, even if those rights were to be utilised in full, the footprint of the permitted building shown on the illustrative plans would still not be as great as that of the buildings in the case of the appeal proposal.
11. I consider that the smaller plot sizes of the proposal would be readily apparent within the street scene and would give rise to the dwellings having a more cramped appearance than other properties in Crowcombe Road. In my judgement, by projecting to some 3m from the highway boundary, in a highly visible position at the end of the cul-de-sac, the lack of space around the proposed dwellings would result in a development that would be at odds with the character of the surrounding area. I have taken into account the encouragement given in PPG 3 and the development plan to the more efficient use of land. However, the intention of PPG 3 is that higher densities should go hand in hand with the improvement of the environment and not at the expense of it as I consider would be the case here.
12. I conclude that the proposal would be harmful to the character and appearance of the surrounding area. I further conclude that it would conflict with Local Plan Policy H/4 and Policies S1, S2 and H1 of the emerging Local Plan.

Living Conditions

13. To the east of the appeal site lies 5 Rydon Lane, a detached dwelling which is set in a large garden. Outline permission exists for another dwelling to be erected on a plot which currently forms part of the garden of that property and a detailed application for a dwelling on that site has since been submitted for consideration. In my view, there would be adequate separation between the dwelling on Plot 2 and the new building on the adjoining plot, which would be sited some 15m away from the boundary.
14. It would also be possible for one of the windows in the rear elevation of Plot 2 to be relocated to the side of the building. However, although there is a garage in the intervening space, the existence of at least one first floor bedroom window in the dwelling on Plot 2 at a distance of only some 5m from the boundary with the adjoining property would still result in some overlooking of its private garden area. Whilst the single dwelling for which permission exists would not be substantially further away from that boundary, the Council would retain a degree of control over the type and position of the windows in that dwelling.
15. The rear elevation of the dwelling on Plot 1 would only be some 4.5m from the boundary with 5 Rydon Lane and it would contain 2 windows at first floor level. The dwelling on Plot 1 would be closer to the southern boundary of the site than the indicated position of the single dwelling for which outline permission exists. It would also be nearer to the existing dwelling at 5 Rydon Lane. Although permitted development rights have not been withdrawn in the case of the approved single dwelling, I consider that the proximity of the proposed dwelling on Plot 1 to the adjoining property would be such that it would nevertheless still have a greater impact on that property.

16. Whilst there are a number of trees and shrubs within the garden of 5 Rydon Lane, I am not convinced that they, or any other landscaping, would provide an adequate screen at all times and, in any event, such vegetation would not necessarily remain in perpetuity. In my judgement, the first floor windows in the rear elevation of the dwelling on Plot 1 would lead to overlooking of the garden and conservatory of 5 Rydon Lane from a distance that would be uncomfortably close to that property and result in a material loss of privacy.
17. I conclude that the proposal would be harmful to the living conditions of the occupiers of 5 Rydon Lane in terms of overlooking and loss of privacy. I further conclude that it would conflict with Local Plan Policy H/4 and Policy H1 of the emerging Local Plan.

Other Matters

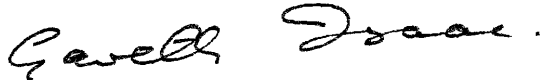
18. I have considered all of the other matters that have been raised, including a detailed written presentation made by a local resident which posed a number of questions regarding the planning history of the site. However, the way in which the Council has dealt with any previous applications does not alter the planning merits of this case upon which I must make my determination. Furthermore, I am not empowered to change any conditions that have been imposed in earlier cases.
19. The Council accepted at the Hearing, and I agree, that any concerns about overlooking of 4 Rydon Lane, could be met by the imposition of a condition requiring any windows in the south elevation of Plot 1 to be fitted with obscure glazing. As for the fears expressed that the proposed dwellings would overlook 34 Crowcombe Road, a single dwelling on the appeal site, for which outline approval already exists, would undoubtedly have windows at the front at first floor level and in my view, the impact of the appeal proposal on that property would not be significantly different.
20. I have considered the concerns expressed by a number of local residents about the effect of the proposal on car parking and highway conditions in the area. Nevertheless, the Highway Authority has not objected to the proposal. I have taken due account of the absence of any written representations or other formal objection to the proposal from the current occupier of 5 Rydon Lane. However, none of these or any of the other matters raised is of such significance as to outweigh the considerations that led to my conclusions on the main issues.

Conclusions

21. For the reasons given above, I conclude that the appeal should be dismissed.

Formal Decision

22. I dismiss the appeal.



INSPECTOR