



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 26TH JANUARY 2005 AT 17:00.

(RESERVE DATE : MONDAY 31ST JANUARY 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meetings of the Committee held on 15 and 16 December 2004.
3. Public Question Time
4. ASH PRIORS - 02/2004/006
ERECTION OF TWO STABLES (COMMERCIAL/RACING STABLES) AT LAND AT THREE OAKS, ASH PRIORS AS AMENDED BY ...
5. BICKENHALL - 04/2004/005
ERECTION OF SHED AT FORDBRIDGE, DAIRY HOUSE LANE, BICKENHALL, TAUNTON AS AMENDED BY SITE PLAN RECEIVED 10TH JANUARY, 2005
6. BISHOPS LYDEARD - 06/2004/062
RETROSPECTIVE APPLICATION FOR USE OF AMENITY LAND AS DOMESTIC CURTILAGE AND ERECTION OF RAILINGS, 10 BETHELL MEAD, COTFORD ST LUKE.
7. CREECH ST MICHAEL - 14/2004/041
ERECTION OF CONSERVATORY 6 KINGDON MEAD, CREECH ST MICHAEL.
8. CURLAND - 15/2004/008
ERECTION OF 2 STOREY SIDE EXTENSION , ORCHARD HOUSE, CURLAND, TAUNTON AS AMENDED BY PLANS RECEIVED 7TH DECEMBER, 2004
9. KINGSTON ST. MARY - 20/2004/026
RESIDENTIAL DEVELOPMENT OF 25 NO. DWELLINGS, LAND AT HILL FARM, KINGSTON ST MARY AS AMENDED BY ...
10. NORTON FITZWARREN - 25/2004/032
CONVERSION OF POOL HOUSE TO PRIVATE DWELLING ON LAND ADJACENT TO 23 MANOR PARK, NORTON FITZWARREN AS AMPLIFIED BY LETTER DATED 14TH DECEMBER, 2004

11. NYNEHEAD - 26/2004/012
ERECTION OF SINGLE STOREY AND TWO STOREY
EXTENSIONS AT 22 HIGHER POOLE, WELLINGTON.
12. TAUNTON - 38/2004/449T
APPLICATION TO FELL ONE ASH TREE INCLUDED IN TAUNTON
DEANE BOROUGH (STOKE ST MARY NO.2) TREE
PRESERVATION ORDER 1984 AT 16 KILLAMS CRESCENT,
TAUNTON (TD 312)
13. TAUNTON - 38/2004/492
ERECTION OF 33 DWELLINGS (3 X 1 BED FLATS AND 30 X 1
BED MICRO FLATS) WITH LANDSCAPING AND ASSOCIATED
WORKS AT WOOD STREET, TAUNTON.
14. TAUNTON - 38/2004/520
ERECTION OF APARTMENT BLOCK CONTAINING 20 SOCIAL
HOUSING UNITS AT FORMER PRINCESS MARGARET SCHOOL
SITE, MIDDLEWAY, TAUNTON AS AMPLIFIED BY DRAWING
JAR003-P-005 ATTACHED TO SDA'S LETTER DATED 22ND
NOVEMBER, 2004
15. WELLINGTON - 43/2004/131
DEMOLITION OF BUILDING, ERECTION OF RETAIL A1 FOOD
STORE COMPRISING APPROXIMATELY 2580 SQ M. GROSS
INTERNAL FLOOR AREA WITH ASSOCIATED PARKING,
SERVICING AND LANDSCAPING SERVED BY AN IMPROVED
ACCESS OFF BULFORD AND NEW PEDESTRIAN ACCESS VIA
FORE STREET, WELLINGTON MEDICAL CENTRE AND BULFORD
CAR PARK, BULFORD, WELLINGTON AS AMPLIFIED BY LETTER
DATED 13TH DECEMBER, 2004
16. WELLINGTON - 43/2004/138
ERECTION OF BUILDING FOR EMPLOYMENT USE (B1, B2 AND
B8 USES) AND PROVISION OF PARKING AREA AT UNIT 18
RYLANDS FARM INDUSTRIAL ESTATE, BAGLEY ROAD,
ROCKWELL GREEN, WELLINGTON
17. WELLINGTON - 43/2004/156
REMOVAL OF CONDITION 02 ATTACHED TO PLANNING
PERMISSION 43/2004/107, THE WHEELHOUSE, LINDEN,
WESTFORD, WELLINGTON
18. WEST MONKTON - 48/2004/074
RETENTION OF DETACHED GARAGE AT 4 KYRENIA COTTAGE,
SCHOOL ROAD, MONKTON HEATHFIELD.
19. WIVELISCOMBE - 49/2004/074
ERECTION OF DWELLING AT LAND WEST OF ABBOTSFIELD
COTTAGES, WEST ROAD, WIVELISCOMBE AS AMENDED BY
DRAWINGS RECEIVED ...
20. BURROWBRIDGE - 51/2004/007
ERECTION OF TWO STOREY REAR EXTENSION AT CLYSE
FARM, STATHE

- | | | |
|-----|--|--------------------|
| 21. | NORTH CURRY - TEL/07/2004
INSTALLATION OF A 12M MONOPOLE MAST WITH THREE ANTENNAS, TWO TRANSMISSION DISHES, RADIO EQUIPMENT AND ELECTRIC METER HOUSING, SECURITY CHAIN-LINK FENCE AND ANCILLARY DEVELOPMENT AT STONEYHEAD HILL SOUTH, MEARE COURT, MEARE GREEN, WRANTAGE. | Miscellaneous item |
| 22. | TAUNTON - 38/2004/521
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 21 FLATS TOGETHER WITH CAR PARKING AND ASSOCIATED EXTERNAL WORKS, NORMANDY WINDOWS, WILFRED ROAD/GLOUCESTER STREET, TAUNTON. | Miscellaneous item |
| 23. | SECTION 52 AGREEMENT RELATING TO "MALLOW", CREECH HEATHFIELD. | Miscellaneous item |
| 24. | ENFORCEMENT ACTION IN RESPECT OF MOBILE CRANE BUSINESS, CREECH PAPER MILLS, CREECH ST. MICHAEL. | Enforcement item |
| 25. | E376/24/2004 - RAILINGS ERECTED TO FRONT OF PROPERTY AT QUEENS HOUSE, THE SQUARE, NORTH CURRY, TAUNTON. | Enforcement item |
| 26. | PLANNING APPEALS - APPEALS
RECEIVED/DECISIONS/FORTHCOMING HEARING. | Appeals |

G P DYKE
Member Services Manager

The Deane House
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TAUNTON
Somerset

TA1 1HE

19 January 2005

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

Planning Committee Members:-

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



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 15 December 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Croad, Denington, Floyd, Guerrier, Hindley,
House, Phillips, Mrs Smith, Vail and Wedderkopp

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

(The meeting commenced at 5.00 pm).

(Councillors Denington and Bowrah arrived at the meeting at 5.14 pm and 5.30 pm
respectively)

152. Apologies

Councillors Miss Cavill, Henley, Stuart-Thorn and Weston.

153. Minutes

The minutes of the meeting held on the 24 November 2004 were taken as read and
were signed.

154. 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:-

19/2004/015

Change of use of land from parking bays to pallet storage area, Hatch Mews
Business Park, Hatch Beauchamp.

Conditions

- (a) The height of the pallets shall not exceed 2m above the adjoining
ground level at any time.
- (b) A drawing identifying an area for pallet storage together with an
identified fire safety zone around, shall be submitted to, and approved
in writing by, the Local Planning Authority within one month of the
date of this permission. The areas must be clearly marked out within
one month of the approval of these details. No pallets shall be stored
at any time outside of the areas identified on the submitted drawing

without the prior written permission of the Local Planning Authority. There shall be no storage of any kind or parking of vehicles within the identified safety zone at any time.

(Note to applicant:- Applicant was advised that the existing Fire Risk Assessment should be reviewed to ensure that a robust mechanism for the control of combustible materials is in place. The risk assessment should also consider the risk of arson and specify appropriate control measures to combat this risk. A leaflet on the commercial disposal of waste, which contains appropriate information, is enclosed).

Reason for granting planning permission:-

In the absence of other suitable locations within the site, it was considered that the visual impact and the potential noise and disturbance would be acceptable (subject to suitable conditions) when weighed against the needs of the business. The proposal therefore accorded with Taunton Deane Local Plan Policies S1 and EC1 and guidance on such matters in paragraph 13 of Planning Policy Guidance Note No 4.

23/2004/030

Formation of new access to Butts Way and upgrading and extension of existing vehicular access track into premises from Butts Way, The Organic Herb Trading Company Limited, Court Farm, High Street, Milverton.

Conditions

- (a) C001 – time limit;
- (b) C201A – landscaping;
- (c) No development shall take place until Butts Way has been widened to 6.75m for a length of 50m in the vicinity of the proposed access as shown on drawing No 041041-R03B;
- (d) A passing place shall be provided on Butts way in a position shown on drawing No 041041-R03B; the passing place to be provided prior to the development taking place;
- (e) There shall be no obstructions to visibility in excess of 300 mm above adjoining carriageway level within the splays of 4.5m x 16m in each direction from the centre line of the access. Such visibility splays to be provided prior to the access coming into use. The access for the first 20m shall be no steeper than 1 in 10 and the first 5m of the access to be a maximum gradient of 1 in 20;
- (f) The first 20m of the access drive from the edge of the carriageway shall be hard surfaced (not loose stone or gravel) prior to its use commencing;
- (g) Positive drainage shall be provided at the junction of the access road and Butts Way to prevent surface water discharging onto the highway;
- (h) All work in cutting back overhanging vegetation, managing adjacent hedges and removing the roadside section of hedge shall only be carried out in the period October to November inclusive to avoid damage and disturbance to badgers (not December to June) and nesting birds (not April to September). Such work could also be carried out

- during the period December to March inclusive if there are no occupied badger setts within 20m of the proposed work, that is work on removing the roadside hedge could be carried out at this time;
- (i) Work on upgrading, extending and altering the track shall be carried out during the period July to November inclusive but only once a method of working has been agreed with English Nature and a licence has been granted with relation to measures regarding the badger setts.
 - (j) The existing access onto Butts Way shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced.

(Notes to applicant:- (1) Applicant was advised that the requirements of conditions (c) and (d) will need to be the subject of a Section 278 Agreement with the County Highways Authority; (2) With regard to condition (b), applicant was advised that a suggested planting mix for the required hedge would be 40% Hawthorn (*Crataegus Monogyna*), 40% Blackthorn (*Prunus Spinosa*), 10% Hazel (*Corylus Avellana*) and 10% Field Maple (*Campestre*), Common Dogwood (*Cornus Sanguinea*), Guelder Rose (*Viburnum Opulus*) and Spindle (*Euonymus Europaeus*). These trees/shrubs should be obtained from local stock if possible. Alternatively consideration could be given to attempting to transplanting the existing hedgerow; (3) Applicant was advised that if slow worms or other species of reptile or amphibian are found during the work they should be carefully moved to a suitable safe location in local habitats that will not be disturbed by the work. The relocation of these creatures shall be carried out by a qualified by a licensed ecologist; (4) Applicant was advised that if door mice or any other legally protected species are discovered during the construction process, work should be immediately stopped and a qualified ecologist should be called in for advice; (5) With regard to condition (h), applicant was advised that because of the presence of active badger setts where animals may be rearing young, it is generally accepted that work on the track should not be carried out during the period December to June inclusive unless other measures are taken to avoid damage and disturbance to these animals. It is also generally accepted that although “earth works or machinery associated with road construction or maintenance should not encroach within 20m of any entrance to an (active) sett”, it is reasonable that “where badgers have made setts in existing road embankments or cuttings, machinery may have to approach more closely and a license is likely to be required” (road is used here in its widest sense of any vehicular access way). (Reference: ”Badgers and Development” (English Nature)).

Reason for granting planning permission:-

The proposal was considered to provide for a safe access and not to harm the rural character of the area or wildlife and was therefore in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(C) and (D).

38/2004/480LB

Alterations to form five flats and five maisonettes at Hunts Court, Corporation Street, Taunton.

Conditions

- (a) C002 – time limit – listed building;
- (b) Prior to the works for which consent is hereby granted are commenced, the external surfaces of the works shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, historic paint/finishes analysis shall be undertaken by a qualified/recognised expert in this field, of the existing stairs, lobbies and other common areas and submitted to The Local Planning Authority for approval, with a view to reinstatement of finishes sympathetic to the original;
- (d) Prior to the works for which consent is hereby granted are commenced, specific details of all new joinery shall be submitted to, and approved in writing by, the Local Planning Authority. Such new joinery to include doors, linings, architraves, skirtings and staircases and provide for accurate representation or original detailing to enable the accurate restoration of original joinery details and new detailing consistent with historic prototypes;
- (e) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which fire separation, sound insulation and limitation of reverberation in common areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which the main staircase can be positively adapted to comply with Health and Safety/Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority, such details to include the removal of the “extended” hand rail;
- (g) Prior to commissioning, specific details of new/adapted windows, venting of enclosed baths/en-suites and kitchen fittings shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
- (i) C670 – no removal of fire place/chimney breast;
- (j) C679 – listed building – new works – damp proofing – heating, lighting, plumbing;
- (k) C658 – partitions;
- (l) C659 – cornices, skirtings and other features;
- (m) C660 – cornices, skirtings and other features.

(Notes to applicant:- (1) N067 – listed building; (2) N075 – Section 106 Agreement).

Reason for granting listed building consent:-

The Council was satisfied that the detailed conversion proposals preserved the character, appearance and integrity of this Grade II listed building in

accordance with Taunton Deane Local Plan Policy EN18 and guidance on such matters in Planning Policy Guidance Note No 15.

42/2004/036

Conversion of barn into dwelling and demolition of adjacent barn, Mill Lane, Trull.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) C201A – landscaping;
- (d) Before any part of the permitted development is commenced, details of a new hedge (and bank) around the boundaries of the lay-by (except at the point of access) shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the date of commencement of the development;
- (e) The new windows indicated on the approved plans shall be made of timber only and no other materials and shall be recessed into the wall to match the existing traditional windows unless the written consent of the Local Planning Authority is obtained to any variation thereto, and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (f) Prior to the commencement of works on the conversion hereby permitted, the adjacent modern barn shown on the location plan No 2822A shall be demolished and all materials removed from the site to the satisfaction of the Local Planning Authority;
- (g) Prior to the commencement of the conversion works hereby permitted, full details of the passing bay shall be submitted to, and approved in writing by, the Local Planning Authority and fully constructed to the satisfaction of the Local Planning Authority. The lay-by shall thereafter remain clear of obstruction and shall be maintained in accordance with the approved details;
- (h) The area allocated for parking and turning of cars on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences, or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) The garage/workshop/store hereby permitted shall be used for private and domestic purposes only;
- (j) C601 – schedule of works to ensure safety and stability of structure;
- (k) No site works, demolition works or development works shall take place between 31 March and 1 October without the prior written approval of the Local Planning Authority;
- (l) Development shall not commence until details of a scheme for the provision of swallows nest sites and accesses within the converted building (or the provision of alternative new sites and accesses) 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 nest sites and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the nesting sites and related accesses has been fully developed;

- (m) Prior to the commencement of works on site, full details of the proposed foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (n) C926B – remediation investigation/certificate;
- (o) P001A – no extensions;
- (p) P003 – no ancillary buildings;
- (q) P005 – no garages;
- (r) P006 – no fencing;
- (s) P010 – no further windows.

(Notes to applicant:- (1) Applicant was advised that all operatives on site must be appropriately briefed on the potential presence of bats and nesting birds and recommendations from the Country Contracts Survey for Wildlife June 2004, should be followed with regard to checking of wall cavities for the presence of bats, before the cavities are filled in. If bats are found on site then work must stop and English Nature must be informed; (2) N048A – remediation strategy; (3) N112 – energy conservation (4) N114 – meter boxes; (5) N116 – disabled access; (6) N117 – crime prevention; (7) N025 – conversion; (8) N066 – listed building; (9) Applicant was advised that any work to the access track may affect a public footpath. If so, it must meet the standards of the County Highways Authority. Any new gates will require permission from the Somerset County Council's Rights of Way Office; (10) With regard to condition (m), applicant was advised that prior to installation contact must be made with the Environment Agency to obtain the necessary consents).

Reason for granting planning permission

The proposed barn conversion was considered to be in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H9, EN4 and EN4a.

42/2004/037LB

Conversion of existing disused barn into a dwelling and the demolition of adjacent farm buildings at Haygrove Barn, Mill Lane, Trull.

Conditions

- (a) C002 – time limit – listed building;
- (b) C103A – materials – listed building;
- (c) Prior to commissioning, specific details of windows, glazed screens, doors (external and internal), means of venting enclosed bathrooms, means of venting and insulating recovered roofs, skirtings, architraves, staircase and ridge and hip tiles shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) No horizontal ceilings shall be introduced, unless first approved in writing by the Local Planning Authority;

- (e) Notwithstanding the details submitted in the application form, specific details of the finished treatment for all timberwork (internal and external) shall first be approved in writing by the Local Planning Authority;
- (f) Rooflights shall be flush fitting only.

Reason for granting listing building consent:-

The listed building was considered worthy of retention and the approved scheme was considered to respect the character and design of the buildings. The proposal was therefore considered to be in accordance with the requirements of Taunton Deane Local Plan Policies EN17 and EN18.

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

14/2004/036

Erection of a 20m high monopole mast, 4 No antennae enclosed within a shroud, 2 No transmission dishes, radio equipment housing and ancillary development, Creech Mills Industrial Estate, Mill Lane, Creech St Michael.

Reason

The site lies within an area of high landscape quality where it is the policy of the Local Planning Authority to carefully control all development that might damage those features which give the area its special character. In the opinion of the Local Planning Authority, the proposal would constitute an unacceptable visual intrusion which would be detrimental to the visual amenities of the area and therefore be contrary to Taunton Deane Local Plan Policies S1, S2, S8, C13, EN13 and EN27 and Somerset and Exmoor National Parks Joint Structure Plan Review Policy S5.

- (3) That the following **application be deferred** for the reason stated:-

38/2004/449T

Application to fell one ash tree the subject of a Tree Preservation Order at 16 Killams Crescent, Taunton.

Reason

To clarify which tree was covered by the Tree Preservation Order.

- 155. Erection of single storey village hall, associated parking and access road and upgrading of footpath, land at Ritherdons (OS Reference ST 107227) Langford Budville (21/2004/017)

Reported this application.

RESOLVED that subject to the submission of additional, satisfactory access and visibility improvements, 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) C201 – 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) The existing hedges on the boundaries of the site shall be retained (except at the point of access) to the satisfaction of the Local Planning Authority;
- (j) C215 – walls and fences;
- (k) No work shall commence on the development site until the widening and realignment of Ritherdons Lane has 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;
- (l) 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;
- (m) The proposed access shall be provided in accordance with the approved plan;
- (n) The proposed access over the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (o) The gradient of the proposed access shall not be steeper than 1 in 10;
- (p) 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;
- (q) At the proposed access there shall be no obstruction to visibility greater than 300 mm above adjoining road level within visibility splays indicated on the approved plans. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
- (r) Prior to the commencement of development, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be fully provided prior to any occupation of the development;
- (s) The upgrading of the path to the village and school as indicated on the approved plan, shall be carried out prior to any occupation of the development.

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water with regard to connections for water supply; (2) Applicant was advised of the need

to obtain separate written permission from the Rights of Way Officer to change the surface of the footpath and the installation of barriers; (3) Applicant was advised that this permission does not give any commitment by the Local Planning Authority to any development on the potential affordable housing site; (4) N111 – disabled access; (5) N112 – energy conservation; (6) N115 – water conservation; (7) N051B – health and safety; (8) Applicant was advised that the proposed highway works will need to be the subject of a legal agreement in the form of a Section 278 Agreement under the Highways Act 1980; (9) Applicant was advised to obtain a licence issued under Section 171 of the Highways Act 1980 before any of the highway works commence. It is the responsibility of the applicant to apply for any licences in advance, as requests to start without the licenses will be refused; (10) Applicant was advised to erect information signs within the site boundary but clearly visible from the adopted highway indicating the name and contact telephone number of a responsible person for the site. The named person and contact telephone number should be available 24 hours a day, 7 days a week, should the engineer or engineers representative need to advise the applicant and/or contractor of a serious or dangerous situation. Further advanced warning signs should be erected a minimum of 7 days in advance of any agreed temporary traffic control; (11) Applicant was advised to submit a programme of works, stating the start date and duration of the works along with a traffic management layout required prior to approval being given for commencement of works on the highway; (12) Applicant was advised that all the necessary guarding, signing and safety requirements to ensure the safe passage of vehicular and pedestrian traffic whilst executing the works should be in accordance with Section 65 of the New Roads and Street works Act 1991. The Safety at Street Works and Road Works Code of Practice should be used; (13) With reference to condition (r), applicant was advised that the existing highway drainage is at full capacity and is unable to accept any additional discharge. You are further advised that some form of on-site attenuation system is likely to be required).

Reason for planning permission, if granted:-

Any minor impact of the proposal upon highway safety was not such as to override the obvious community benefits derived in this instance. The proposal accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 37 and Taunton Deane Local Plan Policy 58.

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

The Committee felt the community benefits which would be derived from the proposed development outweighed the need to meet all the requirements of the County Highway Authority.

156. Change of use and conversion of building to form five flats and five maisonettes at Hunts Court, Corporation Street, Taunton (38/2004/479)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide contributions towards off-site sport and recreation facilities, the Development

Control Manger 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) Prior to the works for which consent is hereby granted are commenced, the external surfaces of the works shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which the main staircase can be positively adapted to comply with Health and Safety/Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority, such details to include the removal of the “extended” handrail;
- (d) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
- (e) C670 – no removal of fireplace/chimney breast;
- (f) No development hereby approved shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicants and approved by the Local Planning Authority.

(Notes to applicant:- (1) N066 – listed building; (2) N075 – Section 106 Agreement; (3) N118A – disabled access; (4) N051B – health and safety; (5) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (6) Applicant was advised that according to Wessex Water records, a public foul sewer crosses the site. A copy of the sewer records indicating the approximate position of the apparatus is attached. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for maintenance and repair. Diversion or protection works may need to be agreed; (7) Applicant was advised to protect the integrity of Wessex Water systems and agree in writing, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.)

Reason for planning permission, if granted:-

The site represented a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan Policy H1. The Council was satisfied that the detailed conversation scheme preserved the character, appearance and integrity of this Grade II listed building in accordance with Taunton Deane Local Plan Policy EN18 and guidance on such matters in Planning Policy Guidance Note No 15.

157. Demolition of existing buildings and erection of 21 flats together with car parking and associated external works, Normandy Windows, Wilfred Road/Gloucesterc Street, Taunton (38/2004/521)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse observations from the Environment Agency or the County Highways Authority;
- (2) The receipt of satisfactory details of the cycle/bin store; and
- (3) The applicants entering into a Section 106 Agreement in relation to off-site sports/play provision, 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) C110 – materials – for hard surfacing;
 - (d) C111 – materials – for drives;
 - (e) C113 – details of structure and colour of mortar;
 - (f) C201 – landscaping;
 - (g) C215 – walls and fences;
 - (h) C219 – screening during demolition;
 - (i) C324 – parking;
 - (j) C331 – provision of cycle parking;
 - (k) C414 – no increase in site level;
 - (l) C416 – details of size, position and materials of meter boxes;
 - (m) C905 – removal of all other buildings from the site.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N075 – Section 106 Agreement; (4) N118A – disabled access; (5) N104 – public art; (6) N051B – health and safety).

Reason for planning permission, if granted:-

The proposal represented a suitable redevelopment of a town centre site without undue adverse impact upon existing dwellings nearby. The proposal therefore met the requirements of Taunton Deane Local Plan Policy H1.

158. Erection of two dwellings on land to rear and of combined access, 218 Staplegrove Road, Taunton (34/2004/010)

Reported that planning permission had been granted for this development during May 2004.

Following commencement of building works, a complaint had been received that unit 1 was being built closer to number 218 Staplegrove Road than had been approved. The agent had been requested to submit plans for consideration as a minor amendment, showing the revised position.

The amended plans had now been measured and measurements had also been taken on site, which had shown relatively small variations when compared with the approved plan.

The new plan had been circulated and details of an objection received and the comments of Staplegrove Parish Council were submitted.

In the view of the Development Control Manger, given that the distances between the boundary fence and the rear of number 218 Staplegrove Road were greater than approved, any slight change in the orientation “tilt” in positioning of the new dwelling was marginal and was not considered to result in any material harm to adjacent residents.

RESOLVED that the minor amendment be approved.

159. Section 106 Agreement – Hancocks Brewery, Wiveliscombe (49/2004/013)

Noted that this item had been withdrawn from the agenda to allow further negotiations with the developers to take place.

160. Display of 2 No Flags at Tournedos, Number One, 41 Bridge Street, Taunton

Noted that this item had also been withdrawn from the agenda because the flags and brackets had been removed from the building.

(Councillors Croad and Vail both left the meeting at 9.32pm).

(The meeting ended at 9.56pm).

Planning Committee – 16 December 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Croad, Denington, Floyd, Guerrier, Henley, Hindley,
House, Phillips, Mrs Smith, Vail and Wedderkopp

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

(The meeting commenced at 7.30 pm).

(Councillors Henley and Denington arrived at the meeting at 7.34pm and 7.41pm
respectively).

161. Welcome

The Chairman welcomed everyone to the meeting, the first time the Planning
Committee had met at St Andrews Church Hall in Taunton.

162. Apologies

Councillors Bowrah, Miss Cavill, Stuart-Thorn and Weston.

163. Application for Planning Permission

The Committee received the report of the Development Control Manager on an
application for planning permission.

RESOLVED that planning permission be refused for the under-mentioned
development subject to the standard reasons adopted by Minute No 86/1987 of the
former Planning and Development Committee and such further reasons as stated:-

24/2004/042

Change of use of agricultural land to form permanent gypsy site, including the
stationing of 16 mobile homes, 16 touring caravans and 16 utility day rooms, land on
Oxen Lane, North Curry.

Reasons

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN13.
- (b) The site is location in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H16 of the Taunton Deane Local Plan. The Local Planning Authority considers that the proposal does not comply with

criteria (A), (B), (C), (D), (E), (G), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H16.

- (c) The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Windmill Hill and Greenway, and the County Highways Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Policy 49 and Taunton Deane Local Plan Policy S1(A).
- (d) The use of the site for the provision of 16 mobile homes and 16 touring caravans, by reason of its scale, appearance and close proximity to surrounding properties would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H16(D), (E) and (G).

Having taken the decision to refuse the application, the Chairman announced that the Committee would need to retire to receive a briefing from the Senior Solicitor (Mrs J M Jackson) as to whether it was appropriate to take further enforcement action.

164. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 165 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

The Committee retired to a side room at 8.55pm.

Members reconvened in the main hall at 9.18pm.

165. Proposed further enforcement action in relation to the unauthorised occupation of land at Oxen Lane, North Curry.

The Senior Solicitor informed the Committee that it had three possible options to consider. These were:-

- (1) To seek an injunction to secure removal of the caravans from the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (an eviction injunction);
- (2) To seek an injunction to prevent any further occupation of the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (a status quo injunction); and
- (3) To take no action until the appeal against the enforcement notice and any appeal against the refusal of planning permission had been determined.

The Senior Solicitor then outlined the relevant issues that the Committee needed to take into account in reaching its decision.

RESOLVED that, subject to all necessary evidence being available, the Senior Solicitor be authorised to seek an eviction injunction (option (1) above) to secure the removal of the caravans from the site at Oxen Lane, North Curry pending the determination of any appeals lodged against the enforcement notice or the refusal of planning permission.

166. Formation of Steering Group

The Chairman announced that having taken a decision to seek an injunction, it was appropriate to set up a Steering Group to monitor and oversee that process.

RESOLVED that an Oxen Lane Steering Group be formed comprising the Leader of the Council, the Executive Councillor for Planning Policy and Transportation, the Chairman of the Planning Committee and one representative from both the Labour Group and the Liberal Democrat Group.

(The meeting ended at 9.28pm).

02/2004/006

MR & MRS FORSEY

ERECTION OF TWO STABLES (COMMERCIAL/RACING STABLES) AT LAND AT THREE OAKS, ASH PRIORS AS AMENDED BY ...

15043/29652

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of two stable blocks, one measuring 17.5 m x 15 m and another measuring 30 m x 15 m, both of which are 4.5 m high to ridge height. The stables are proposed to be constructed of timber cladding to the walls and dark brown roof cladding and would provide accommodation for 14 horses. The stables are proposed to be used as an outlying yard as part of the applicants racing stables. The site is a former County Council farm that had a number of livestock buildings that have been demolished. The proposed stables are to be sited on a hardstanding area that remains from one of the demolished buildings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection, subject to conditions relating to visibility, access, entrance gates to open inwards, consolidation of the first 6m of the access, gradient and prevention of surface water discharge to the highway.

ENVIRONMENTAL HEALTH OFFICER views awaited. DRAINAGE OFFICER no objections. Recommend an advisory note regarding soakaways.

ASH PRIORS PARISH MEETING object. Such a number of horses would require perhaps 4 - 5 staff who would need 24 hour accommodation. As no such accommodation is proposed concern is raised about health and safety, both for humans and the animals. 14 valuable horses left unsupervised would be at risk to crime. Waste disposal is not mentioned. Increase in traffic to this narrow lane. There is no facility to exercise the horses. Close proximity to residential property giving rise to pollution and traffic problems. The proposal may lead to future housing applications.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), Policy S8 (development outside settlement limits), Policy M3a (access and parking standards).

ASSESSMENT

The proposed buildings are considered acceptable in principle in this location outside settlement limits as this form of development, characteristically found in the countryside,

could not easily be contained within the defined limits of a settlement. This form of development also contributes to the rural economy and therefore is compliant with policy S8 of the Taunton Deane Local Plan regarding development outside settlement limits.

The buildings themselves are considered appropriate in design as they reflect the appearance of many agricultural building in the Borough. The stables ridge heights of 4.5 m are considered low compared to many agricultural buildings. The buildings are considerably less imposing than the original farm buildings and therefore the proposal is considered not to detrimentally harm the visual amenity of the area.

The proposed use as an outlying stables to a racing stable is considered less intensive in terms of traffic flow than a working farm and less than other equestrian uses such as livery stables. On this basis the Highway Authority have raised no objections to the proposal.

The relationship with the nearby residential property known as The Old Coach House, adjacent to the south boundary of the site is an agriculturally tied property Under the General Permitted Development Order, livestock buildings can be located in closer proximity to agriculturally tied dwellings without planning permission than non-tied dwellings. Furthermore, the former presence of a dairy farm would have had a considerably greater impact upon the nearby dwelling than the proposed use. The proposal is therefore considered not to detrimentally affect the residential amenity of the area.

Issues regarding the security of the site are not a relevant planning consideration when determining the proposal and are reliant upon the applicants management of the site; as is the exercising of the horses. Any future speculation regarding residential development should also not form part of determining the proposal.

RECOMMENDATION

Subject to the receipt of satisfactory amended drawings and no adverse comments from the Environmental Health Officer, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, no livery, visibility, access, entrance gates to open inwards, consolidation of the first 6 m of the access, gradient, prevention of surface water discharge to the highway and landscaping.

REASON(S) FOR RECOMMENDATION:- The principle of the development outside defined settlement limits is considered acceptable and the proposal is considered not to harm visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S8 and M3a.

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:

04/2004/005

MR & MRS G W GUNSTONE

**ERECTION OF SHED AT FORDBRIDGE, DAIRY HOUSE LANE, BICKENHALL,
TAUNTON AS AMENDED BY SITE PLAN RECEIVED 10TH JANUARY, 2005**

28801/18548

FULL PERMISSION

PROPOSAL

The proposal comprises the relocation of storage shed for agricultural implements and machinery in connection with a nature reserve. The building is some 14.95 m long x 6.0 m wide, 3.4 m high to the ridge and 2.37 m high to the eaves. It is a simple timber framed kit building erected off a concrete base, with a profile coloured steel sheeted roof and single skin blockwork infill panels to the walls.

Planning permission 04/2002/004 was refused in December 2002, and again in October 2003, reference 04/2003/002 for the retention of the shed in its existing location. An appeal was dismissed, in July 2004, against 04/2002/004, and in his statement the Inspector states:- "My overall conclusion is that, while it is not unreasonable to require a workshop/store in connection with the proposed wildlife sanctuary on the land, this unauthorised structure in such a prominent position has an adverse effect on the character and appearance of the surrounding rural area and the Special Landscape Area."

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL with regard to the shed, the Council objects to the inappropriate size and location of this building. The Council believes that the size, style and siting of the shed in open countryside and situated within a designated Special Landscape Area is an inappropriate development and constitutes an undesirable intrusion into open countryside to the detriment of the visual amenities of the locality.

1 LETTER OF OBJECTION has been received raising the following issues:- the submitted plans are confusing and amateur; the size of the structure is excessive; it could easily be converted to a separate dwelling in the future; its appearance and inappropriate materials are unappealing; and the site is in an isolated position within open countryside and within a Special Landscape Area.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 and S2 seek, inter alia, to safeguard the appearance and character of any affected landscape. Policy S8 seeks to resist development in the open countryside unless essential to agriculture.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR6 and 5 seek to resist development in the open countryside.

ASSESSMENT

Notwithstanding the previous refusals and the concerns of the Parish Council and objector, the appeal Inspector in his statement is quite categorical in advising that a workshop/store is required in connection with the land, and that a less prominent siting meets this criteria, in that it is sited further back from the public highway and would be mostly screened and hidden from view by an existing hedgerow. I consequently consider it to be unreasonable to resist the proposal.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual amenity or the character and appearance of the surrounding rural area and accordingly does not conflict with Taunton Deane Local Plan Policies S1, S2 and S8.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

06/2004/062

MR & MRS A KEITCH

RETROSPECTIVE APPLICATION FOR USE OF AMENITY LAND AS DOMESTIC CURTILAGE AND ERECTION OF RAILINGS, 10 BETHELL MEAD, COTFORD ST LUKE.

16668/27071

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal provides for the change of use of an area of open amenity land to domestic curtilage together with the erection of 900 mm high sheep hurdle style fencing around and the erection of 1 m high loop top railings either side of the existing access drive to the property. The additional curtilage involves a maximum of 4 m depth around three sides of the property.

CONSULTATIONS AND REPRESENTATIONS

DRAINAGE OFFICER no observations to make.

PARISH COUNCIL do not support. Further comments to follow.

COTFORD ST LUKE COMMUNITY ASSOCIATION EXECUTIVE COMMITTEE no objection.

TWO LETTERS OF OBJECTION oppose in principle; also evidence that further annexation may be taking place in the same area; should a precedent be set on this application, there is a danger of further loss of amenity land; land currently designated as public open space as part of the overall plan and design for Cotford St Luke; it is therefore an integral part of what makes Cotford and provides amenity space for residents; in a high density village such as Cotford such space is essential; appears that the land is owned by Coftons and is in effect held as public open space on behalf of the Council and should remain as such.; the residents of Cotford are likely to see any change of status as a breach of trust by the Council, therefore the designation should not be changed.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the character and appearance of any affected landscape, settlement, building or street scene would be harmed as a result of the development.

ASSESSMENT

Coflons have indicated verbally that they do not own the area of land involved and the applicants have certified that they own the area of land involved. I consider that the proposal involves minimal loss of amenity land and minimal impact on the visual amenity of the area and is therefore acceptable.

RECOMMENDATION

Permission be GRANTED subject to railings to be erected within 6 months, removal of GPDO rights for ancillary buildings and landscaping.

REASON FOR RECOMMENDATION:- The proposed development would not adversely affect visual amenity, 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: 356461 MR J HAMER

NOTES:

14/2004/041

MR K PRATT

ERECTION OF CONSERVATORY 6 KINGDON MEAD, CREECH ST MICHAEL.

27321/25643

FULL PERMISSION

PROPOSAL

Consent is sought to erect an extension measuring 5.820 m x 2.565 m at the rear of this detached dwelling. The existing property is constructed of brick under a tiled roof. A 1.5 m fence encloses the garden and the applicant's garage will screen the neighbour to the east. The neighbouring property to the west is set back further than No. 6 and has a garage between the proposal and the dwelling. No windows are proposed on the west elevation. The extension will be constructed of facing bricks and a tiled roof to match the existing dwelling.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL do not support the application, and does not believe the that the proposal is a conservatory, but an extension and also believe that this would be over development.

POLICY CONTEXT

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

ASSESSMENT

The proposed extension will have no material impact on neighbouring amenities and complies with Policy H19. It is not considered that this represents an overdevelopment of the plot as has been suggested by the Parish Council.

RECOMMENDATION

Permission be GRANTED subject to condition of time limit and materials. Note re encroachment.

REASON(S) FOR THE RECOMMENDATION:- The proposed extension complies with Taunton Deane Local Plan Policy H19 in that there is no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

CONTACT OFFICER: 356462 MRS S MELHUIH

NOTES:

15/2004/008

MR & MRS C CROAD

**ERECTION OF 2 STOREY SIDE EXTENSION , ORCHARD HOUSE, CURLAND,
TAUNTON AS AMENDED BY PLANS RECEIVED 7TH DECEMBER, 2004**

27804/17083

FULL PERMISSION

PROPOSAL

The application is to erect a two storey side extension (3.6 m x 4.9 m) to a detached dwelling on the edge of the village.

The applicant is a Member of the Council.

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review are relevant as are Policies S1, S2 and H19 of the Taunton Deane Local Plan.

ASSESSMENT

The proposal is a modest two storey side extension in keeping with the design and character of the existing dwelling. The scheme is not considered to have any adverse neighbour impact and is considered acceptable.

RECOMMENDATION

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

REASON(S) FOR THE RECOMMENDATION:- The proposed development by reason of its size and design in relation to the existing property, impact on the character of the area and subject to conditions is considered to accord with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policies S1, S2 and H19.

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

CONTACT OFFICER: 356462 MRS S MELHUIH

NOTES:

20/2004/026

DORMER RUD NEUBAU

RESIDENTIAL DEVELOPMENT OF 25 NO. DWELLINGS, LAND AT HILL FARM, KINGSTON ST MARY AS AMENDED BY ...

21892/29724

FULL PERMISSION

PROPOSAL

The proposal as submitted provides for the residential development of 25 two storey dwellings. The site is proposed for development in the Taunton Deane Local Plan. The scheme provides for a mixture of 2, 3 and 4 bedroom properties served by a new access onto Bay Hill. This latter access has already been provided by the implementation of an earlier permission for the conversion of a barn and restoration of the farmhouse at Hill Farm. The proposed development will be in the form of a series of courtyards. The materials proposed are natural stone, render and timber for the walls and tiles and slate to match the adjacent house and barns for the roofs. The site comprises 0.78 ha of former agricultural farmyard. The buildings formerly on the site have now been demolished. The site is at the north western end of the village of Kingston St Mary, within the Quantock Hills AONB and adjacent to the Kingston St Mary Conservation Area.

A previous application for a scheme for 23 dwellings was considered by the Committee at its meeting on 3rd November, 2004 and subsequently refused as the Section 106 Agreement which related to sport, recreation and off-site highway works had not been concluded by the due date. The Agreement was concluded following the refusal of permission. The applicants have indicated their intention of amending the current application to also provide for 23 dwellings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there are no objections in principle to the above proposal however, the Estate Road is sited at the crest of the hill and is in close proximity to an existing junction and will result in conflicting traffic movements. It is of vital importance that should a pedestrian crossing point be installed in lieu of a footway over the entire frontage which allows pedestrians to access the Village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full 'Y' visibility splay with no obstruction to visibility greater than 300 mm. It is, therefore, recommended that a full survey drawing indicating such visibility at the crossing point should be provided both in horizontal and vertical section. The previous planning application No. 20/2001/017 was granted permission and is subject to a Section 106 Agreement. This agreement provides for the payment of a contribution of £25,000 towards provision of footways or traffic calming. In view of the increase in the number of dwellings to 251 would request that the contribution be increased to £65,000. The Section 106 Agreement should be amended to include the

figure of £65,000 as a contribution to a scheme to provide a footway from opposite the site to the Village Post Office. I enclose comments made by the Estate Road Section, these comments are to be included in a Section 38 Agreement. In the event of planning permission being granted I would recommend that the following conditions are imposed:-

1. The proposed estate roads, footways, footpaths, 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, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
4. At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum co-ordinates of 4.5 m x 90 m in each direction. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
5. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No 005A, and shall be available for use before the commencement of the development hereby approved.
6. The contribution of £65,000 towards highway works will need to be the subject of a legal agreement.
7. There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.0 m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90 m either side of the crossing.

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, Burton Place, Taunton, Somerset, TA1 4HE. 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 the Area of High Archaeological potential as defined by the Local Plan. It is likely that this development will affect archaeological remains associated with the medieval occupation of the village. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted: No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

WESSEX WATER The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be

satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory and non-statutory sites and species at the site. One or more legally protected species have been found within 1km of the site. There are 3 County Wildlife Sites within 1 km of the site. One or more badgers have been found at the site.

LANDSCAPE OFFICER main concerns are the views of the proposed development from the west where no landscape mitigation is proposed; no space is allowed for landscape planting; and the proximity of units to the northern boundary of the site. Suggest moving the proposed dwellings back by at least 5m. These need to be addressed to meet the requirements of EN10 and EN13. No Design Statement to meet the requirements of PPG15. CONSERVATION OFFICER in essence this scheme is the same as that originally submitted under 20/2004/021. Observations on that application equally apply here - amended plan and design approach and indicative landscape details not included. Design Statement still not submitted. WILDLIFE SPECIES CO-ORDINATOR if development goes ahead, would advise that existing hedgerows are strengthened to provide cover for wildlife. Application as it stands does not provide enough space for adequate planting for wildlife in their village setting. ENVIRONMENTAL HEALTH OFFICER Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed

remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18). Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E). Note to applicant:- The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available. Noise:- 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. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (Sept 1991). Applicant should contact SCC Highways for approval of any surface water system installed. HOUSING OFFICER since previous comments on this site, there is now a proven need in this parish. Would be looking for 35% of total numbers built (8 units). To satisfy the need would accept 2 units of accommodation and the remainder in a commuted sum for new build in surrounding parishes.

PARISH COUNCIL supports the application provided that the development proceeds on the basis of the amended site density of 23 dwellings; a condition of the approval that the land edged in blue on the location plan to the west of the site to be planted with trees to provide effective softening of the elevated development in the AONB, the Parish Council would like to be consulted and invited to suggest planting; the Highway Authority are satisfied with the safety of pedestrians and vehicles in the vicinity of the new access.

ONE LETTER OF OBJECTION query how an applicant can reapply for permission such a short time after having received a refusal; the proposed high density scheme emerges onto a road system with two real hazards, converges with the entrance to an elderly persons' estate and marks the approach to the local primary school; lack of facilities and amenities, limited school space; many of the properties will be let adding nothing to the sense of community; long after the contractors have left the site, the real consequences of volume building on a compact site, with a potentially treacherous exit, will appear and so will the real worries for safety; gardens too small for children to play in so they will be obliged to seek out the playing field, which is accessed via the old person's bungalows, or play in the roads; query whether the development will integrate into the slow pace and lack of amenities of Kingston St Mary life; some institutions such as the pub, post office, church and village hall should see an upturn.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Policy 49 covers transport requirements of new developments and in particular requires that developments should provide safe access to roads of adequate standard within the route hierarchy.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy H12 requires the provision of affordable housing within general market housing. Policy KM1 is specific to the site and states that the site is allocated for a minimum of 20 houses, provided that:- (a) the proposed scheme ensures the restoration of the listed farmhouse prior to the occupation of any new dwellings; (b) the proposed scheme design respects the setting of Hill Farm farmhouse (listed building) and the Conservation Area; and (c) a landscaping scheme is provided, to incorporate the protection of existing road side hedgerows. In association with the development the following will also be sought (d) improvements to the pedestrian network to secure improved linkages with village facilities; and e)affordable housing provision in accordance with Policy H12.

ASSESSMENT

The site is allocated for development in the Taunton Deane Local Plan, for a minimum of 20 dwellings. The application will secure a range of benefits for the village, including the redevelopment of what was previously an untidy site with run-down modern agricultural buildings, the provision of low cost housing which will meet the needs of the village and secure a contribution towards the provision of footways in the village. The scheme is in accordance with Policy KM1 of the Local Plan and is considered to satisfy the principles of sustainable development set out in PPS1, PPG3 and the Structure and Local Plans. The Section 106 Agreement related to the previous outline application on the site required that 33% of the total number of dwellings to be smaller one and two bedroom properties. Although the current application does not include any 1 bedroom properties, a substantial proportion of the proposed dwellings are two bedroom. I therefore feel that the affordable housing requirements for the site have been met. I consider that the amended plans will respect the setting of the adjacent listed building and the character of the area. A landscaping condition is recommended which will secure adequate screening for the development. This should overcome the concerns of the Landscape Officer and the Conservation Officer.

RECOMMENDATION

Subject to the receipt of satisfactory amended plans and no further representations raising new issues thereon, 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, foul and surface water drainage, site levels, materials, mortar, rainwater goods, surfaces of courtyards, landscaping (hard and soft), retention and protection of trees and hedges, no service trenches beneath canopies of trees, no felling/lopping, boundary treatment, estate road, surfacing, no discharge of surface water onto highway, 90 m visibility splays, access, pedestrian crossing point, parking, garaging, meter boxes, timber doors and windows, underground services, removal of GPDO rights for extensions, ancillary buildings and means of enclosure, no street lighting other than with written consent, contaminated land investigation/remediation and archaeological programme of works. Notes re disabled access, energy/water conservation, meter boxes, street naming, secure by design, permit under Highways Act, pedestrian crossing, reinforcement planting to the eastern boundary, natural materials, compliance, Section 106, contact Landscape Officer, CDM Regulations, all planting to be native species, Wessex Water, remediation strategy, noise emissions during construction, soakaways and archaeology.

REASON(S) FOR RECOMMENDATION:- The proposed development is on land previously occupied by farm buildings and is allocated for residential development in the Taunton Deane Local Plan. It is not considered that the proposal will have any adverse impact on the character of the area or the amenities of any nearby residential properties. The development is in compliance with Taunton Deane Local Plan Policies S1, S2, H1, EN15, EN17 and KM1.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

25/2004/032

PARKGATE HOUSE LTD

CONVERSION OF POOL HOUSE TO PRIVATE DWELLING ON LAND ADJACENT TO 23 MANOR PARK, NORTON FITZWARREN AS AMPLIFIED BY LETTER DATED 14TH DECEMBER, 2004

19237/26008

FULL PERMISSION

PROPOSAL

The proposal is for the conversion of a pool house to a dwelling on land adjacent to 23 Manor Park. The pool house measures approximately 12.7 m x 16.9 m x 3.9 m to the ridge, and is constructed of block, brick, and some timber. The pool house has an extension measuring 4 m x 6.3 m x 3.9 m to the ridge; the roof is constructed of artificial slate. No changes are currently proposed to the materials or fenestration of the building. The site was previously used as curtilage to 23 Manor Park with outbuildings on the site including the pool house and a shed to house pool equipment, the shed is proposed to be maintained.

An application for a dwelling on this site (Ref. 25/2004/015) was refused at the planning committee held on 13th October, 2004. A further application for a dwelling was refused on 14th December, 2004.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection, recommend a condition regarding visibility splays and surface water. WESSEX WATER no objection, points of connection to be agreed prior to work commencing on site.

PARISH COUNCIL no formal objection to application; concern that alteration, extension, or raising roof would alter position and require further consideration in light of proximity to neighbours; request stringent conditions to ensure that any future alterations to this building are not permitted especially in the light of previous planning refusals for larger dwelling on the site; concern regarding noise from nearby residents, would like assurance that through the planning process the conversion will abate nuisance completely.

FIVE LETTERS OF OBJECTION raising the following issues:- opposed to any development on site; concern over unsuitability of this site, originally garden of semi-detached house; pressures on parking spaces in busy estate; conversion will result in small dwelling, leading to further applications to extend; increase in roof height would be a specific concern; conditions should prevent increase in external dimension; having a dwelling at the bottom of my garden will affect my privacy, light, and noise will be a major issue; no difference if dwelling built at the entrance or rear of 23, both will be an eyesore for nearby neighbours; pool is rarely used, continual occupation will increase

noise levels; pool building already causes shading; would not like to see parking on the road which will have a direct impact on my property.

ONE LETTER OF OBJECTION FROM WARD COUNCILLOR raising the following:- endorse comments of Parish Council comments to earlier application (25/2004/026) and consider the points still apply; 1. The proposed development is well planned and popular estate. This application seeks to interfere with that originally "adopted good design" and is therefore contrary to policy H1(h) of the Local Plan. This also leads to a breach of policy S1(d) in that having originally adopted the coherent good design approach for the estate further new dwellings must be harmful to the street scene and the character of the estate. 2. The scale, massing and layout conflicts with policy S2 of the Local Plan in relation to the closeness and size, of numbers 25 and 23 Manor Park and number 4 Stembridge Way. It does not conform to S2(a) as modified. There is no indication that it conforms to Local Plan policies S2 (d), (e) or (j) as modified and it conflicts with S2(f) as modified. 3. The narrow entrance and position of hedgerows and trees is contrary to policy S2e in that the larger part of the property will not be visible from the road thus creating an opportunity for crime. There is little indication on the proposed plan of the off street parking provision for an extra building coupled with the loss of a garage for the adjacent building. Concerns have been raised by other neighbours in Manor Park in respect of a potential parking problem. 4. The proposed dwelling is behind the existing line of houses and is therefore inappropriate infill. 5. The erection of another dwelling on this site is over development.

POLICY CONTEXT

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H1 of the Taunton Deane Local Plan Revised Deposit, which includes that:- small-scale schemes will not erode the character or residential amenity of the area. The criteria of Policy S1 of the Taunton Deane Local Plan Revised Deposit also apply in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area.

ASSESSMENT

The existing building is screened by a high hedge to the rear and side (No. 25), and by a 1.8 m fence to the side of No. 23. There are only limited views from the roadside. The proposal includes an existing garage, and has parking for more than two vehicles. Given the existing close proximity of properties in Stembridge Way, noise conditions are not considered to be appropriate. Comments from the previous application for a new dwelling are not considered appropriate to this application, as the previous application was for a new two storey dwelling in a different location. As the building exists, it is considered that there will be only minimal impact on any neighbouring properties and conditions have been imposed to prevent any future extensions that would affect the residential amenity of the neighbouring properties. Proposal is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, visibility, surface water, car parking spaces to be provided, no further extensions, no buildings, no garages, no windows. Notes re compliance, connection to Wessex Water, Building Regs Part M.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to erode the character or residential amenity of the area in accordance with Taunton Deane Local Plan Policy H1.

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:

26/2004/012

MR C NEWTON

ERECTION OF SINGLE STOREY AND TWO STOREY EXTENSIONS AT 22 HIGHER POOLE, WELLINGTON.

15042/21911

FULL PERMISSION

PROPOSAL

The proposal includes the erection of a two storey extension, incorporating a double garage to the east elevation of this two storey property, the ridge of which is stepped down and at right angles to the main ridge of the dwelling. The two storey extension also incorporates a single storey extension to the north elevation. A further single storey extension is proposed to the north elevation that continues an existing monopitched extension to the full width of the existing property. The property is set back from the highway by some 35 m.

The joint owner of the property is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objections.

POLICY CONTEXT

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

ASSESSMENT

The single storey elements of the proposal are considered to be acceptable as they are subservient to the existing dwelling and would not cause any detrimental affect to the residential amenity of the area. The two storey element of the proposal is also not considered to detrimentally affect the residential amenity of other properties in the area.

The two storey element of the proposal however does not respect the form and character of the dwelling and is not considered to be subservient to it in scale and design. The depth of the extension is 9.2 m, when viewed from the south elevation, which is considerably greater than the 6.2 depth of the existing property. The extension when viewed from the south elevation therefore would dominate the existing dwelling in terms of size and bulk, whereas to meet the policy criteria for extensions, the proposal should be subservient to the existing property. The existing footprint of the dwelling is 65.8 sq m, whereas the proposed increase in floor area is 72.2 sq m, which represents a 110% increase in the floor area of the property.

Furthermore, the south elevation of the property is the most prominent elevation from the highway and from the rear of the neighbouring terrace of properties 14-21 Higher Poole.

There would also appear to be several acceptable solutions to the above concerns, however the applicant wishes the application to be determined as it stands. One alternative example would be to provide a detached double garage within the garden area that would dramatically reduce the depth of the extension whilst maintaining the same level of accommodation.

RECOMMENDATION

Permission be REFUSED for reason that the development, by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and, if allowed, would detract from the visual amenity of the locality. As such the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and H19.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

38/2004/449T

MR & MRS S ROBINSON

APPLICATION TO FELL ONE ASH TREE INCLUDED IN TAUNTON DEANE BOROUGH (STOKE ST MARY NO.2) TREE PRESERVATION ORDER 1984 AT 16 KILLAMS CRESCENT, TAUNTON (TD 312)

2381/2281 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

The application proposes to fell a protected ash tree at the rear of the property.

The tree was protected in 1984, before the development of Killams Crescent. The current owner wishes to sell the property. The prospective buyer's building surveyor has reported that the tree is closer than the 2/3 mature height recommended by the Council. The prospective purchaser would like to be assured that the tree could be felled before buying the property. The owner wishes to have permission to fell or reduced the height of the tree to enable the property to be sold.

The owner made an earlier application, in August this year, to reduce the height of the tree by 50%. The case officer advised the applicant that this work would not be approved and recommended that the application should be withdrawn and a new application made with the proposal to fell the tree. This the applicant has done.

At the December Committee meeting this item was deferred. The Planning Committee were unclear to which trees the Tree Preservation order applied.

The location of the protected tree is not clear. The Tree Preservation Order shows the tree located on the junction of the boundaries with the properties to the north and east of 16 Killams Crescent. There is no significant tree in this location. There are two significant ash trees within the hedge about 10 - 12 metres to the west and it is assumed that one of these trees is the protected tree. The tree closest to the position shown on the order should be assumed to be the protected tree. The adjacent ash tree is unprotected and the owner may fell the tree without obtaining consent.

CONSULTATIONS AND REPRESENTATIONS

FIVE LETTERS OF OBJECTION have been received raising the following issues:- the residents to the west of the property, who jointly own the green space adjacent to the tree have expressed the opinion that the trees contribute highly to their amenity; they would however be happy for the tree to be reduced in height; one representation reports that the trees are ancient; many of the representations are confused that, only one of the ash trees is protected by a tree preservation Order and why there was an earlier application to reduce the trees by 50%.

LETTER FROM WARD COUNCILLOR raising the following points:- the tree contributes to the amenity of the area and is not dangerous; the owners of the adjacent properties do not wish to see the trees felled and neither does the applicant; the reported requirements of the building surveyor that the trees are too close to the property and should be reduced by 50% should be challenged in light that the buildings were constructed in recent decades and the trees would have been large at that time; the tree could be satisfactorily reduced by 15%.

POLICY CONTEXT

Taunton Deane Local Plan Policy EN5 - Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.

ASSESSMENT

The tree is one of a pair of ash trees emanating from an old hedgerow. Only one tree is protected. The protected tree is about 20 m tall and is about 10 m away from the house, it appears to be in good health at present. Current planning guidance would not permit building this close to the tree.

The tree appears to have developed from hedgerow material. The root system will most probably be older than the trees themselves. The line of the hedgerow remains but the trees are suppressing other hedgerow plants. There are numerous shoots coming from the base of the trees one stem being 2 m in height. The tree has few low limbs and it would be difficult to reduce the height of the tree greatly without creating a butchered appearance. The tree provides amenity to Killams Crescent. There are many other trees in the area, some old pre development trees and some recently planted trees that are beginning to have a strong impact upon the scene. The loss of the tree would be particularly noticeable from the entrance to Killams Crescent but would be less noticeable elsewhere because of the amenity afforded by other trees in the neighbourhood.

The tree has a limited future as large specimen. It has developed from former hedgerow material, rather than growing as a maiden tree, and is subsequently less well secured in the ground. If the tree gets too large, it is likely to be blown down in a storm. Added to this, the tree is growing in very close proximity to people and property.

It would be possible to carry out tree surgery to reduce the tree in size and maintain it to that size. Alternatively, the tree could be coppiced and the regenerating stems managed to become a tree or trees. In the short term, the effect of this would be detrimental to the visual scene however, within 5-10 years the trees will regain a presence and contribute to the amenity of the area. I consider that this form of management is preferable to that of repeated tree surgery.

RECOMMENDATION

Permission be GRANTED subject to conditions that the tree is felled at ground level but allowed to regenerate itself.

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:

38/2004/492

STRONGVOX

ERECTION OF 33 DWELLINGS (3 X 1 BED FLATS AND 30 X 1 BED MICRO FLATS) WITH LANDSCAPING AND ASSOCIATED WORKS AT WOOD STREET, TAUNTON.

22520/24806

FULL PERMISSION

PROPOSAL

This proposal is for the erection of 33 "micro" flats contained within a three and a two-storey building (each flat measures approximately 8.5 m x 3.5 m and provides 1 bedroom with a combined kitchen/living room and a bathroom). The site comprises a triangular piece (0.16 ha) of grassed open land that is to the rear of Greenbrook Terrace and opposite to the Lidl Supermarket. To the east of the site lies the new section of Wood Street that currently provides access to Lidl's and the Council's car park and will form the approximate route of the inner relief road (third Way) in the future. The ground floor level of the site is raised above the properties in Greenbrook Terrace by approximately 0.5 m. There is no car parking on site but the proposal includes the provision of 100% cycle storage for use by the occupants of the flats there is an arched access to the rear for pedestrian and cycle access to the flats and cycle storage. Land to the rear of the flats would provide a landscaped communal area. The flats have been designed to reflect a terrace of houses and propose brick and tile materials with decorative railings along the road frontage that would form an enclosure to the street scene and avoid any direct pedestrian access from the highway. To enable servicing of the flats the applicants propose to provide a lay-by adjacent to the north east boundary of the site and this will necessitate the realignment of the pavement and highway. In June 2001, the Committee resolved to grant permission for the erection of 14 one bed roomed flats subject to a section 106 agreement being completed. The application site was removed from sale and the application withdrawn.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY I have no objection to the application in principle but there are a few matters of detail on which I would wish to comment. The application as submitted includes the bus/loading bay as originally envisaged on the alignment of the Inner Relief Road (IRR). This lay-by does not currently exist and is therefore assumed to form part of the development proposal but I note that it does not form part of the red line denoting the application area on the submitted drawings. You should also be aware that the submitted plans do not accurately reflect the width of the public highway. The plans scale at 14.5 m whereas our records indicate it to be in the order of 19 m. You will be aware that the historic IRR no longer forms part of the Taunton Transport Strategy and the Third Way route has been adopted. This includes a revised alignment of the road and land uses such as the provision of a theatre on the current Lidi site. The land use elements would require a revised alignment of the road in this location although this is not necessary for the provision of the Third Way in pure transport terms. The applicants should however be aware that the Third Way proposals would potentially provide for a slightly enlarged development site, subject to (possible but not necessary)

stopping up of the existing highway and any discussions with the land-owner to whom the stopped up highway would revert. The Third Way scheme includes the provision of a bus bay in a revised location with a Toucan crossing to enable safe crossing of the road. This is on a direct route to the town centre from the development site and a contribution to its provision should be sought from the prospective developers and form part of a time limited S106 Agreement. The short stay loading bay, and revised footway, shown on drawing 648/01, will need to form part of the application and be dedicated as highway through a legal Agreement. The associated Traffic Regulation orders to control parking in the lay-by will also form part of that Agreement. If there is not a S106 then the provision of these works should be covered by a Grampian style condition, but an agreement will be required with the highway authority: No occupation of dwellings shall take place until the provision of the lay-by, associated footway and TRO have been carried out in accordance with a S278 Agreement with the Highway Authority. A condition should also be imposed that no windows or doors should be capable of opening such that they obstruct the public footway and the eastern elevations should be fully noise insulated and double glazed so that noise impact from the Third Way is minimized. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER there is no records of surface water sewers in the vicinity of the proposal and additional information is required from the applicant to ascertain the proposed drainage. Foul sewers and mains water supply are available in the vicinity of the proposal. ENVIRONMENT AGENCY views awaited

LANDSCAPE OFFICER CONSERVATION OFFICER the scale of the proposal is totally unrepresentative of the area. Two storey should be advocated as this reflects the nearby development. The buildings should address the road even if the pedestrian access' are to the rear. There are also concerns about the un-neighbourly scale and rear fenestration. ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions on hours of construction and contaminated land. HOUSING OFFICER this is a prime site in the centre of Taunton and a social housing contribution of 35% is required. DRAINAGE OFFICER there are no surface water sewers in the area and additional drainage details should be submitted prior to determination, to establish the drainage proposals. LEISURE AND RECREATION OFFICER A contribution of £770 is required for off site provision of local recreation, the development is in the heart of the Cultural Quarter and paragraphs 6.42 - 6.46 require the provision of 1% of the development cost towards the delivery of this proposal.

2 LETTERS OF OBJECTION have been received including one from the Greenbrook Terrace residents group raising the following issues:- three storey development is completely out of keeping with the character of the area; three storey would impinge on the residential amenity of adjacent occupants; the rear accesses to the flats would overlook the rear of existing residential properties and have a detrimental impact on their privacy and amenity; the 21 m window to window distances depend on the absence of bedrooms from the rear extension of Greenbrook Terrace, this is not the case there are at least 5 properties with windows that are closer; the use of the land to the rear of the flats for communal open space would lead to reduced security and additional noise disturbance for occupants of Greenbrook Terrace as the boundary wall is relatively low; the lack of off street parking will exacerbate the existing problems of on street parking in the area, it is unrealistic to suppose occupants will not own cars; the site lies within a high risk zone for flooding and new development should not be allowed until sufficient flood risk management schemes are in place; the flats are to be sold on

the open market and this may result in undesirables moving into the properties so heightening the danger to the security of the adjacent dwellings; the erection of a three storey development will restrict the natural light entering the rear of the adjacent properties eroding the existing levels of amenity; the development will result in a devaluation in our property and would require compensation at the very least.

POLICY CONTEXT

Taunton Deane Local Plan, the following policies are considered relevant:- S1 criteria are especially important, S2 design criteria; 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 housing sites which meet the following criteria, the provision of affordable dwellings will be sought: (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings. M3a; C4 recreation requirements; 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; EN31 flooding due to development; En34 Contaminated land; T35a Wood street allocation - A site of 1.4 hectares at Wood Street as shown on the Proposals Map is allocated for mixed use town centre redevelopment, to include residential and one or more of the following uses: retail, food and drink, offices, leisure and/or entertainment facilities. Development will be permitted provided that; (A) existing footpath linkages to The River Tone walkway are retained and enhanced, or replacement linkages of equivalent convenience are provided; (B) the proposal enhances the setting of The River Tone; (C) the proposal provides car parking

for general usage by town centre shoppers, as well as customers, of any retail development; (D) an archaeological survey is undertaken. In association with the development, the following will be sought: (E) contributions towards both necessary and related off site works required to improve highway safety within the vicinity of the site, as well as contributions towards related elements of the Transport Strategy, the implementation of which will improve the overall accessibility of the site and relieve levels of vehicular congestion within the town centre. Accordingly, the proposal will be expected to deliver the section of Inner Relief Road between Bridge Street and the north bank of the River Tone.

The Taunton Vision document identifies the provision of the Tangier and cultural core in this area of Taunton. The plans suggest the provision of a theatre on a site opposite, adjacent to the River Tone. In this document the "inner relief road" proposals are amended to provide a "Third Way" where a new vehicular crossing is constructed improving access from Wellington Road to Bridge Street. The Third Way involves a realignment to the proposed road to minimise the impact on the environment whilst maximising opportunities for development. The realignment would result in additional land adjacent to the application site and its delivery would not be compromised by this development.

ASSESSMENT

The site lies within the central area of Taunton in close proximity to shops, services and alternative means of travel and is in an ideal location for sustainable development. The site itself has a restricted size and its development requires careful consideration in terms of its impact on the amenity and privacy of the existing residents. In this case the applicants have designed the building to avoid overlooking of the rear of the existing dwellings but the external stair accesses would have an open view of the properties and is not acceptable. The surrounding area is characterised by two storey residential development and single-storey commercial development and as a result, I consider the provision of a three-storey block to be out of keeping with the area. In addition, I consider that the bulk of the building would be likely to have an overbearing impact on the amenity of the existing properties. (In coming to this view I have taken into account the Committee resolution to grant planning permission for 14 flats in 2001 and have considered the advantages of providing additional space between the rear wall of the flats and the existing dwellings). The applicants have therefore been requested to amend their scheme to take account of the above views and details of a two storey scheme is now awaited that will be in keeping with the surrounding area and provide adequate protection against overlooking from the balconies. The boundary walls will provide a degree of separation between the existing and proposed development and I consider these to be adequate provided they are properly maintained. In view of the County Highway concerns, the applicants are re-measuring the site and adjacent roads to ensure all of the plans are accurate. Existing proposal considered unacceptable comments on amended scheme will be reported in the update sheet.

RECOMMENDATION

Subject to the receipt of no objections from the Environment Agency and the provision of drainage details and amended plans, reducing the height of the building no objections raising new issues on the amended plans and a Section 106 agreement regarding highway works and contributions to local recreational 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, hard and soft landscaping, drainage, double glazing, no external lighting, fencing/ boundary walls, restricted noise during construction, contaminated land, cycle parking, erection of railings, no windows doors to overhang the highway and rear access balconies obscure glazed. Notes re energy and water conservation, disabled persons and contaminated land.

REASON(S) FOR RECOMMENDATION:- The proposed residential development is located within Taunton Town centre and conforms to Taunton Deane Local Plan Policies S1, S2, H1 M3a, C4, EN34.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2004/520

BARNARDOS DEVELOPMENTS

ERECTION OF APARTMENT BLOCK CONTAINING 20 SOCIAL HOUSING UNITS AT FORMER PRINCESS MARGARET SCHOOL SITE, MIDDLEWAY, TAUNTON AS AMPLIFIED BY DRAWING JAR003-P-005 ATTACHED TO SDA'S LETTER DATED 22ND NOVEMBER, 2004

22373/23568

FULL PERMISSION

PROPOSAL

Permission was granted in November 2004 for the demolition of the principal buildings on the site of Blagdon Lodge and the Princess Margaret School, and the erection of a retirement village comprising 72 apartments, 11 bungalows and 11 houses. Incorporated into that permission was a S.106 Agreement requiring an element of social housing.

Following discussions with the selected registered social landlord one of the apartment blocks has been redesigned to accommodate 20 social housing units. In addition a separate access is proposed, together with an enclosure separating the social units from the remainder of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the access onto Middleway should be provided with visibility splays of 4.5 m x 60 m in both directions with no obstruction to visibility than these splays in access of 300 mm above adjoining carriageway level. In the event of permission being granted I recommend that the following conditions are imposed: (1) There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 4.5 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60.0 m either side of the access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times. (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) The proposed access over the first 4.5 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved by the Local Planning Authority. (4) The gradient of the proposed access shall not be steeper than 1-in-10. (5) 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 development first being brought into use. 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, TA1 4HE. Application for such a Permit should be made at least three weeks before access

works are intended to commence. WESSEX WATER the existing foul sewerage system has capacity to accommodate the development proposed. The developer has agreed with Wessex Water for surface water discharge to be restricted to a rate of 95 l/s by means of a hydrobrake. Points of adequacy for connection will be agreed at the detailed design stage.

LANDSCAPE OFFICER the south east corner of the proposed dwelling is close to the existing group of trees. Subject to tree protection measures it should be possible to build the dwelling without affecting the health of the tree. The building is too close to meet the 2/3rd mature height guidance normally applied for new building, however, subject to assurances (conditions) that the site will be managed by a management company I consider it would be appropriate to relax the usual guidance. The proposals will meet BS 5837 'Trees in Relation to Construction' given the above it would be advisable to move the building as far from the trees as possible even if just 2 or 3 metres. The site will need landscaping especially along the southern and western boundaries. Details of boundary fencing/treatment should also be provided as soon as possible. CONSERVATION OFFICER (1) Disappointing that the overall site is to be developed in the way proposed i.e. application site is now segregated from the rest of the site and this is clearly portrayed/indicated by way of:- (a) access/approach, uninviting (car parking/access road/sub station/high wall/fencing). (2) Access road and parking now a more dominant feature of the site, giving a poor setting for the proposed building and 'sense of arrival'. (3) When the approved Apartment Block 5 is compared to the proposed, the 'appeal' of the architecture is severely diminished. In essence by comparing the two in isolation, different sites would be suggested and this is not to be promoted. (4) In respect of the application design(s), I would make reference to the above comments and add that the canted bays on the east and west elevations, site uncomfortably off-centre of their associated hipped roofs. (5) In summary, whilst the proposal is for social housing, I do not consider that the standards of design and layout achieved by the extant permission should be compromised. This application does not meet those standards and I therefore have the concerns expressed above. ENVIRONMENTAL HEALTH OFFICER suggests conditions. HOUSING OFFICER we are anxious to see social housing on this valuable site, close to the town centre at a level which has been agreed to reflect the need for elderly accommodation.

TWO LETTERS OF OBJECTION received on grounds of inadequate parking provision; large scale of this block,s suggesting that if reduced would be more aesthetically pleasing and reduce the demand for car parking; site is already overdeveloped.

POLICY CONTEXT

Taunton Deane Local Plan Policy 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.

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

ASSESSMENT

To accommodate this building on the site, other buildings which formed part of the previous proposal will need to be resited. However, this does not form part of this application and there is therefore a conflict between this application and permission No. 38/2003/549. The agent is aware of this, but has not chosen to amend the application accordingly. The application is therefore unacceptable and should be refused on the grounds of lack of information.

One of the underlying principles of providing affordable housing within new development is that it must be assimilated into the development as a whole and not appear as being of poorer design quality or physically separated. In this instance much of the interest created by the detailed design treatment has been removed. Furthermore, not only is a separate access proposed, but the site is enclosed, whilst the remainder remains in open setting. All of these factors mitigate against the principles of assimilating affordable housing referred to above, and as a result leaves an incoherent overall scheme contrary to Policies H1(H) and S2(A) of the recently adopted Local Plan.

RECOMMENDATION

Permission be REFUSED for reasons that proposed building, by reason of its design, its setting and means of access and enclosure is inferior to that previously approved and will therefore detract from the character and appearance of the overall development contrary to Policies H1(H) and S2(A) of the Taunton Deane Local Plan; and insufficient information has been submitted in respect of the changes to approval necessary to accommodate their revised proposals.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

43/2004/131

THE TRUSTEES OF THE WELLINGTON MEDICAL CENTRE

DEMOLITION OF BUILDING, ERECTION OF RETAIL A1 FOOD STORE COMPRISING APPROXIMATELY 2580 SQ M. GROSS INTERNAL FLOOR AREA WITH ASSOCIATED PARKING, SERVICING AND LANDSCAPING SERVED BY AN IMPROVED ACCESS OFF BULFORD AND NEW PEDESTRIAN ACCESS VIA FORE STREET, WELLINGTON MEDICAL CENTRE AND BULFORD CAR PARK, BULFORD, WELLINGTON AS AMPLIFIED BY LETTER DATED 13TH DECEMBER, 2004

13922/20465

FULL PERMISSION

PROPOSAL

The application is for the renewal of a previous outline planning permission which was granted permission in December 2001, having been considered by the then Planning Control Sub-Committee in August 2000. The permission was subject to a Section 106 Agreement to secure works and contributions towards:- (i) suitable pedestrian and cycle access from the site onto the highway network in South Street; (ii) enhanced pedestrian crossing on Bulford; (iii) contribution towards enhanced bus provision in the area; (iv) consultation for advertising and implementation of Traffic Regulation Orders restricting the use of the western section of Bulford by heavy goods vehicles; and (v) appropriate measures to prevent long-stay parking on the proposed shoppers car park.

The site comprises the existing medical centre in Bulford and the adjacent Borough Council owned car park. The Trustees have made it known that they require a new, substantially larger medical facility to enable them to provide the range and quality of services now expected by patients. In order to help fund this, they are willing to make their current site available for redevelopment. The site is situated to the rear of the Fore Street primary shopping area, with vehicular access proposed from Bulford and pedestrian access from Bulford, South Street and Fore Street. The proposal provides for the demolition of the existing medical centre buildings and the erection of a new A1 food retail store comprising approximately 2,580 sq m of gross internal floor area, with associated parking, servicing and landscaping. An illustrative plan is included with the submission, which shows 115 car parking spaces, which compares with 97 in the existing public car park. Separate in and out vehicular access are proposed onto Bulford. A new cycleway/footpath link to South Street via the existing gated vehicular access is proposed. Two pedestrian accesses are proposed onto Fore Street, one via the existing pedestrian access alongside the Somerfield store and the other through the existing library building. A Traffic Impact Assessment and Retail Impact Supporting Statement were submitted with the original application.

Although the applicants are actively pursuing the acquisition of a re-location site within Wellington, this did not reach fruition in time to enable a supermarket operator to submit details within the period required by the original permission.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY observations as previous application.

AVON AND SOMERSET CONSTABULARY concerns regarding personal safety issues relating to the proposed footpath link to Fore Street and the security of vehicles parked in this area of the car park. There may also be road safety concerns in this area as the footpath enters the car park in the manoeuvring areas of cars parked there. The proposed car park layout will cause additional access manoeuvring problems and potential danger to pedestrians.

VALUATION OFFICER no observations to make. ENVIRONMENTAL HEALTH OFFICER the layout of the site should be designed to minimise the need for heavy goods vehicles to reverse. Vehicle mounted refrigeration units should be turned off within 5 minutes when delivery vehicles enter the unloading area and reconnected not sooner than 5 minutes prior to leaving. When it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets should be provided for connection to all vehicles unloading or wanting to unload. No deliveries, other than bakery and dairy products, should be made between 7 p.m. on one day and 8 a.m. on the following day. The surface of the unloading bay should be treated with sound absorbing material to minimise noise from the movement of roll cages, etc, used for the unloading of vehicles. Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land should not exceed background levels at any time by more than 3 decibels, when measured at any point on the boundary of any residential or other noise sensitive premises. FORWARD PLAN comments made previously still apply. The proposed pedestrian linkages onto Fore Street would assist the development to function as a town centre site in terms of government guidance. The site is also an allocation in the TDLP under policy W18, although it encourages a mixed use development. Note that the existing approval is for a single use. Note that a number of assumptions in the 1999 retail statement were questioned by the then Planning Policy Unit. Such matters could affect their overtrading estimates within Wellington and hence capacity for additional floorspace. Note that there appears to be no condition on the approval limiting the net internal floorspace. This could result in the reduction of the gross floorspace in favour of additional sales area, which could further impact on capacity. Query the ability to control net retail floorspace through the reserved matters. Agree with condition limiting the premises to retail food only, ie no comparison sales. The Council's 1999 retail capacity study notes that there is only limited additional capacity for comparison floorspace in Wellington within the Plan period. It is important that the unit does not in itself become a one stop shop for all goods, thus potentially affecting the vitality and viability of the town centre as a whole. As part of the Local Development Framework, the Council is updating the 1999 retail capacity study.

TOWN COUNCIL in favour.

WELLINGTON CHAMBER OF COMMERCE object. It is vital that sufficient retail provision be made in the town if economic activity within the town is to be improved to a level where the vitality and viability of the town centre is to be protected and returned to its former level. It is understood that over 50% of retail expenditure is lost to other surrounding centres and it is therefore essential to claw back this lost expenditure. The

TDLP Inspector considered that the Council's own Retail Study did not make sufficient provision in the Local Plan to redress this situation. This site will not redress this deficiency as it is in the wrong location. The applicants have not found a supermarket proprietor willing to take the site on and that they have rejected the site because of its off-centre position, difficult access and proposed layout on two floors, which make it uneconomical for them, both financially and logistically. At the TDLP Inquiry, the council's own retail consultants indicated that the medical centre scheme would be unlikely to attract a large foodstore operator because of these restraints. Without such an operator it will not be possible to enhance Wellington's attraction to the required level to recover this lost expenditure. Believe that there will be an increasing level of expenditure to Taunton. If permission is renewed, it is unlikely to be implemented and will therefore frustrate the achievement of the principal objective for retail policy in Wellington. Renewal will treat the site as a commitment and as such prevent any alternative scheme which might be more likely to be implemented. Feel that a further foodstore site should be provided in the heart of the main shopping streets, to encourage one of the premier division of supermarket operators. The application is not supported by an up-to-date retail assessment. The 1999 assessment takes no account of the Inspector's recommendation that the floorspace requirement should be monitored regularly in order to assess whether the assumptions made in the capacity study about sales densities and claw back are reflected in the changing situation. A decision should therefore not be made until a new review has been carried out. No replacement site for the medical centre has been found and no planning consent applied for. Further delays will occur until a new site is found and enhancement of the town's retail position accomplished. Believe that no such site exists. No consent for this retail development should be granted ahead of a consent for a new medical centre. The circumstances have changed significantly since the last consent was granted and it is therefore no longer appropriate to grant a new consent on this site.

TWO LETTERS OF OBJECTION (both on behalf of proposed developers of alternative sites - Somerfield Stores Ltd and Haunch Lane Developments Ltd) there has been a material change in planning circumstances since the previous planning permission was granted in December 2001 and more particularly since the supporting retail statement was prepared in December 1999 - i) Government policy on retail development has been clarified in the Parliamentary Statement on Town Planning Policies dated 10/4/03; ii) preparation of the TDLP has continued and this has included revisions of parts of the Plan relevant to retail provision in Wellington at both the Revised Deposit and Proposed Modification stages; iii) the likelihood that there will have been some change in turnover at the stores within the catchment of the proposed store, thus rendering inaccurate the calculations in the supporting retail assessment designed to assess impact. The applicant should be required to prepare a revised retail assessment reflecting current trading levels in the catchment and relevant local and national policy and guidance. Otherwise the application should be refused in line with Circular 11/95. The provision of enhanced retail facilities is critical to the well being of Wellington. A significant amount of expenditure on retail goods is lost to other centres and it is important to claw back lost expenditure. The TDLP Inspector in his Report acknowledged that the Council's retail study did not make sufficient provision to bring about any significant change in the trading position of the town. The principal objective for retail policy in Wellington will thus not be achieved. An operator of national standing is required for the new foodstore. Without such an operator it will not be possible to enhance Wellington's attraction as a retail centre and thus not be possible to secure any clawback in lost expenditure. An

increasing loss of expenditure to the higher order of settlement of Taunton will also occur. At the Local Plan Inquiry, the Council's retail consultants indicated that the Medical Centre scheme would be unlikely to attract a large foodstore operator because of the size constraints of the site, the limited car parking and its 2-storey format. The principal objective for retail policy in Wellington will thus not be achieved. The renewal of planning permission for this development, which is unlikely to be implemented, will frustrate the achievement of the principal objective for retail policy in Wellington being achieved by alternative developments. A renewed permission would have to be treated as a commitment and as such count against any alternative scheme which might be more likely to be implemented. The Local Plan Inspector recommended that the floorspace requirement should be monitored regularly in order to assess whether the assumptions made in the capacity study about sales densities and clawback are reflected in the changing situation. A renewed commitment to this development should not be entered into until such a review has been carried out. A development of the medical centre site cannot occur until a replacement site has been identified for the medical centre. No such site has been identified and no planning permission granted. Further delay to the enhancement of Wellington's retail position will occur whilst a search for a suitable site continues, and there is good reason to believe that no such site exists. In any event, planning permission for the retail development should not precede any planning permission for the relocation of the medical centre. It should be acknowledged that the best site for the medical centre in Wellington is its existing location.

ONE LETTER OF REPRESENTATION concern regarding legal right to parking across the rear of property; very large lorries that need to deliver to adjacent warehouse are not going to have enough room to either reverse safely down between the proposed car parking in front of the supermarket or turn in the area behind property.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR2 notes that towns such as Wellington will function as locations for shopping services. Policy STR4 goes on to say that when considering development in towns, priority should be given to the re-use of previously developed land and to the encouragement of mixed use development. Policy 20 states that in providing for development which has the potential to create change in the pattern of shopping centres, the vitality and viability of existing town and local centres should be prime considerations. Policy 21 goes on to say that the functional centres of towns and rural centres will be the primary focal points of new facilities particularly for shopping and other services. Other relevant policies of the County Structure Plan are 39 (Transport and Development), 40 (Town Strategies), 42 (Walking), 44 (Cycling), 48 (Access and Parking) and 49 (Transport Requirements of New Development).

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy EC7 of the same Plan states that Taunton and Wellington town centres will be the priority location for major retail development and other key town centre uses. For Wellington, key town centre facilities will be limited to a scale which seeks to serve a catchment limited to that of the town and its dependant rural areas. Policy EC8 goes on to say that major proposals for retail development will be permitted within the settlement limits of Wellington provided that certain criteria are met. It is considered that the criteria are met with the proposed development. Other relevant policies of the Plan are M1 (Movement), M2 (Car Parking), M3 (Transport Provision) and EN15 (Conservation Areas).

The Taunton Deane Local Plan also has a Policy specific to this site - W18a. This states that:- A site of 0.8 hectares at Bulford as shown on the Proposals Map is allocated for town centre redevelopment, to include one or more of the following uses : retail, food and drink, leisure, entertainment and health care facilities. Residential uses will be supported as part of a mixed use commercial/residential scheme. Development will be permitted provided that; (A) the proposal facilitates the continued rear servicing of properties on Fore Street and South Street; (B) an archaeological survey is undertaken, together with (if required) excavation and/or evaluation of the deposits identified; (C) the proposal ensures the continued provision of short stay town centre car parking facilities within the redevelopment site; (D) the proposal facilitates enhanced pedestrian access to Fore Street and South Street; and (E) the proposal preserves or enhances the character of the conservation area and settings of adjoining listed buildings. In association with the development, the following will be sought: (F) contributions towards both necessary and related off site works required to improve highway safety within the vicinity of the site, as well as contributions towards related elements of the Wellington Transport Strategy, the implementation of which will improve the overall accessibility of the site. This will primarily involve measures to improve cycle accessibility within the town centre, but may also include other elements of the Strategy.

ASSESSMENT

The applicant's agent has responded to the points raised in the letters of representation and objection. He considers that Haunch Lane Development's objection is entirely academic as they have no interest in any land in Wellington that is included within a site identified in the adopted Local Plan for food supermarket retailing. He goes on to say that the letter from the Chamber of Commerce is from a consultant usually employed by Haunch Lane in furtherance of its schemes and that it does not represent the views held by commercial interests in Wellington, but might be seen as a second representation on behalf of Haunch Lane. In referring to the objection by Somerfield Stores, the agent contends that:- (i) there have been no material changes in Wellington since the original permission, (ii) the scheme anticipated the Local Plan, which has now been adopted, and was prepared in full light of then current and proposed planning policy guidance, (iii) the Local Plan allocates this site for food supermarket use, and (iv) the applicants have now secured a re-location site, thus removing any uncertainty once this permission is renewed.

The comments of the Avon and Somerset Constabulary can be taken into account at the reserved matters stage. The points raised in the letter of representation are in the main private legal issues. However the applicants confirm that any parking/delivery access rights in favour of others are fully satisfied in the proposed scheme. The proposed yard dimensions are greater than the existing, so it is considered that the opportunities for access and delivery adjacent properties will be improved should the scheme proceed.

The 1999 retail capacity study identifies capacity for convenience retail floorspace and the original outline permission was granted after the study's publication. Whilst the Council is currently updating the study, it is considered that there are no grounds for withholding permission, since the site lies within a defined town centre and is allocated for retailing in the very up to date Local Plan. The Plan also allocates a site for possible retail development to the rear of High Street (there is also a current application on that site), but whilst there may not be the capacity for two new retail stores, Government guidance is clear that within the town centre it is for the market to decide what the market can take.

A Section 106 Agreement was concluded for the original outline permission providing for suitable pedestrian and cycle access from the site onto the highway network, in South Street, enhanced pedestrian crossing on Bulford, contribution towards enhanced bus provision in the area, consultation for advertising of and implementation of Traffic Regulation Orders restricting the use of the western section of Bulford by heavy goods vehicles and appropriate measures to prevent long-stay parking on the proposed shoppers car park. This Agreement remains in place.

It is considered that there has been no material change in circumstances since the previous planning permission to justify refusal of the application.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limits, submission of details, materials, materials for hardsurfacing, rainwater goods, mortar, landscaping (hard and soft), levels, retention/protection of trees, no service trenches beneath canopy spread of trees, no felling/lopping, screening of service areas, retail foodstore only, underground services, details of lighting, petrol/oil interceptors, boundary treatment, visibility splays, no vehicular access other than from Bulford, parking, cycle parking, programme of archaeological works, the layout of the site to be designed to minimise the need for heavy goods vehicles to reverse, vehicle mounted refrigeration units to be turned off within 5 minutes when delivery vehicles enter the unloading area and reconnected not sooner than 5 minutes prior to leaving, when it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets to be provided for connection to all vehicles unloading or wanting to unload, no deliveries other than bakery and dairy products to be made between 7 p.m. on one day and 8 a.m. on the following day, the surface of the unloading bay to be treated with sound absorbing material to minimise noise from the movement of roll cages etc used for the unloading

of vehicles, noise emissions arising from the air handling plant refrigeration or other machinery on any part of the land not to exceed background levels at any time by more than 3 decibels when measured at any point on the boundary of any residential or other noise sensitive premises, single retail unit and not sub-divided, provision of replacement health centre within Wellington, design statement, mains power sockets for refrigerated delivery vehicles and pedestrian access to Fore Street. Notes re food hygiene regulations, delivery vehicles, rights of way, high standard of design, illustrative layout, disabled access, energy/water conservation, secure by design, S106 Agreement, TPO trees, fire safety measures, Wessex Water, unloading, no damage to boundary walls and remembrance trees.

REASON FOR DECISION:- The site is a town centre site, the development of which is in conformity with the retail policies set out in the Structure and Local Plans, in particular Taunton Deane Local Plan Policies S1, EC7, EC8 and W18a.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

43/2004/138

MR D HUNT

ERECTION OF BUILDING FOR EMPLOYMENT USE (B1, B2 AND B8 USES) AND PROVISION OF PARKING AREA AT UNIT 18 RYLANDS FARM INDUSTRIAL ESTATE, BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON

12526/19289

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a building for employment use (B1, B2 and B8 use) together with the provision of a parking area. The proposed building measures 54 m x 24 m with height to the ridge of 8.3 m. The site is part of an established employment area and there has been a previous outline planning permission for employment use covering this area.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. WESSEX WATER points of connection for disposal of foul flows and water supply will need to be agreed. There are no existing public/separate surface water sewers in the vicinity of the site and alternative methods for disposal of surface water, eg soakaways should be investigated. Surface water should not be discharged to the foul sewer.

LANDSCAPE OFFICER with the main structure planting, to the south and east, being planted this autumn/winter, additional hedgerow and tree planting to the western boundary should be sufficient to soften the impact of the new buildings. Recommend a single staggered row of native hedging plants. ENVIRONMENTAL HEALTH OFFICER noise emissions not to exceed background levels at any time by more than 3 decibels, 1.5 m from any residential boundary. Noise emissions having tonal characteristics not to exceed background levels at any time. DRAINAGE OFFICER details should be provided to ensure that any additional surface water flows will not exacerbate any existing capacity. There is a history of localised flooding in the area and therefore details should be provided and a scheme agreed before any permission is given.

FOUR LETTERS OF REPRESENTATION wish to see working hours of 8 a.m. until 6 p.m. Monday - Friday, 8 a.m. until 1 p.m. Saturdays and no working Sundays or Bank Holidays.; the buildings should be in keeping with other units which are green, or grey; need for screening adjacent to Lincot Bungalow; concern at disposal of water and the car park into the water course - water should be attenuated before discharge into the surface water course to avoid further surface water flowing onto Bagley Road; external lighting should be in keeping with this rural area and not add to further light pollution; no landscape buffer provided; additional traffic onto Bagley Road; if a noise condition included, this should be for weekdays only with no Sunday or Bank Holiday working;

TOWN COUNCIL in favour subject to conditions over noise levels and hours of work, landscaping and colour scheme so that building is in keeping with existing buildings.

POLICY CONTEXT

County Structure Plan policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy EC1 states that business, industrial and warehousing development will be permitted within the defined limits of settlements provided that certain criteria are met. It is considered that the criteria are met with the current proposal.

The site is within an area allocated for employment development in the West Deane Local Plan, and there has been a previous outline planning permission covering the site.

ASSESSMENT

There have been previous outline planning permissions on this site for employment use, so the principle of development is considered to be acceptable. The Environmental Health Officer recommends a noise limit condition, rather than a general hours of work condition as requested by the Town Council and the local residents. However as with the permission on the adjacent site, granted in 2002, I am recommending an hours of work condition covering any uses other than B1 light industrial uses. Subject to this, I consider the proposal to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, parking, no outside storage, details of surface water drainage, noise emissions not to exceed background levels at any time by more than 3 decibels when measured at any point 1.5 m from any residential or other noise sensitive boundary, noise emissions having tonal characteristics not to exceed background levels at any time and other than within areas used for B1 use no work to be carried out on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Mondays to Saturdays. Notes re energy and water conservation, disabled access, landscaping and CDM regulations.

REASON(S)FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site has good transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

43/2004/156

MR B GILLESPIE

**REMOVAL OF CONDITION 02 ATTACHED TO PLANNING PERMISSION
43/2004/107, THE WHEELHOUSE, LINDEN, WESTFORD, WELLINGTON**

12529/20926

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Application 43/2004/107 for the change of use of dwelling and outbuildings to adult care home was presented at Committee on 3rd November, 2004 and granted permission. Permission was granted subject to a personal condition being attached (Condition 02).

The current application is for the removal of this personal condition and for the permission to be for the benefit of the land.

The agent has also submitted a letter dated 6th January, 2005 amplifying the proposal to remove Condition 02. The agent states that Condition 02 is contrary to Government Advice, circular 11/95, regarding conditions. Paragraph 93 of circular 11/95 states that it is seldom desirable to provide such restrictive conditions unless, for example, there are strong, compassionate or personal reasons for allowing a use which would otherwise be permitted. It would not matter who occupies the premises, whether it is Mr Gillespie or someone else, it will only be possible to lawfully occupy the premises in accordance with the planning permission granted.

The reason stated for the condition is "to ensure the use of the site does not change to a business that would increase traffic and place risk to the amenity of the area and highways safety". There is nothing to stop Mr Gillespie changing his business providing there is no material change of use and the same would apply to any other user of the land if the personal condition is removed. The applicants claims the proposed use would attract less traffic than a dwelling with B & B and holiday let use. Visitors are actively discouraged for people with autism. A new parking area could be established.

The agents goes onto say that the personal permission means that if the applicant leaves the business would have to close and residents relocated. The condition also dissuades financial backers from investing.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection provided no increase in traffic movements.

TOWN COUNCIL opposed to this application as it feels the condition should remain in force: it was only imposed a few weeks ago.

TWO LETTERS OF OBJECTION raising the following issues:- condition justifiably included "to ensure the use of the site does not change to a business that would increase traffic and place risk to the amenity of the area and highway safety"; Mr Gillespie was commended on his enterprise and enthusiasm by councillors, who, we feel, gave planning permission solely for this reason; he is looking to the future if his venture fails; permission granted for this specific purpose, not to sell on as another business, should this not be successful; condition applied to comply with the Highways Authority, since no change, it is still necessary; lifting condition would risk hazards that it was designed to prevent; without condition, what measures can be used to restrict traffic in the short and long term and how would it be monitored?; would be satisfied for condition to be removed and replaced with one that quantifies the level of traffic the Borough Council considers acceptable; Corams Lane has public footpath running along it, with health and safety in mind it increase in volume of traffic would be a worry.

POLICY CONTEXT

Policy S1 (general requirements) of the Taunton Deane Local Plan is relevant to this application. Policy S1 seeks to ensure that the proposal will not harm: wildlife habitats; appearance and character of a building, settlement or landscape; additional road traffic will not lead to road safety. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 is also relevant to this application having regard to highway safety.

ASSESSMENT

Condition 02 was placed on the permission to reflect the concerns of the County Highway Authority, with regard to future traffic generation. Condition 10 was also imposed to ensure that a travel plan was submitted prior to the care home being brought into use. This travel plan will provide a measure of control of traffic movements in the short term. In the long term, measures to restrict traffic movements will be controlled in a variety of ways: any future change of use or extension to the building would require planning permission and traffic movements would be assessed at the application stage. A condition to be attached to this application would provide for a travel plan to be submitted if there was ever a change in proprietor or a change in the nature of the business use.

As the County Highway Authority have no objection, subject to no increase in traffic movements, and that future measures would assess the traffic movements, the application is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to condition requiring future travel plans for any change to proprietor or change in the nature of the business use being submitted and approved by the Local Planning Authority, details of which to be implemented prior to any change occurring.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the residential amenity of the area or harm highway safety in accordance with Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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:

48/2004/074

MR D CLEERE

RETENTION OF DETACHED GARAGE AT 4 KYRENIA COTTAGE, SCHOOL ROAD, MONKTON HEATHFIELD.

25490/26810

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is retrospective and comprises the erection of a domestic garage, measuring some 9 m x 5.1 m in ground area, and 4.6 m to ridge height. It is constructed of rendered concrete block and concrete interlocking tiles, incorporates patio doors in one elevation, and is sited at the bottom of the rear garden of an end of terrace cottage. The adjoining terraced unit also has a garage which immediately adjoins the proposal. Vehicular access is via an unadopted private highway which serves a large residential parking area.

Planning permission was granted in June 2003, reference 48/2003/031 for a two storey side extension, new porch, rear conservatory and detached garage. The approved garage was in the same location as that currently proposed, comprised the same length of 9 m, but was 3.9 m wide, and incorporated a mono-pitch of 3 m in height.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY (1) The garage access fronts onto a private garage area which has a small access road onto School Road, Monkton Heathfield. One additional garage would not substantially increase traffic using the access road. (2) There is sufficient space for turning within the private garage area, although it should be noted that the current parking arrangements block access to the garage. (3) The garage area and small access road are not adopted highway. Therefore, I would advise you that from a highway point of view there is no objection to this proposal.

PARISH COUNCIL it would seem that the change of design of the garage represents a breach of the given planning permission. The new design garage is built already, and it would seem that this is in advance of receiving supplementary planning permission for the change of design. The construction of the garage is such that it is believed that the future use of the building will be commercial, and the Parish Council notes that no application has been received for change of use. The new design, as filed at Taunton Deane, is objected to as it is out of character with the old terraced cottages of which No. 4 Kyrenia Cottage is one; the design, especially the roof height and slope, is also overpowering to the neighbouring cottages, and affects the availability of light. The access of the other residents to the back of their premises has been adversely affected.

5 LETTERS OF OBJECTION have been received raising the following issues:- the garage is too large for the site and out of character with the street; it looks more like working/living accommodation; parking problems may result; the plans are not accurate; loss of view has resulted; and property values will depreciate.

POLICY CONTEXT

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

ASSESSMENT

Although large for a domestic garage, neighbouring properties would not be adversely affected in terms of loss of light or privacy and visual amenity would not be unduly harmed.

With regard to the concern that parking problems may result, both parking area and vehicular access are privately owned, and any potential problems must be resolved privately.

Finally, concern that the building may be used for commercial reasons is hypothetical. I would however recommend a condition be imposed to ensure it is used for domestic purposes only.

RECOMMENDATION

Permission be GRANTED subject to restriction in use for domestic reasons only.

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 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: 356465 MR J GRANT

NOTES:

49/2004/074

MRS MARGARET PRIOR

ERECTION OF DWELLING AT LAND WEST OF ABBOTSFIELD COTTAGES, WEST ROAD, WIVELISCOMBE AS AMENDED BY DRAWINGS RECEIVED ...

07705/27804

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a dwelling in the garden area west of 1 Abbotsfield Cottages. This two storey dwelling is proposed to measure 10.2 m x 6.5 m and 8 m high to the ridge. Access is proposed at an existing point with Farmers Cleeve Lane with parking and turning to be provided within the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to conditions.

CONSERVATION OFFICER there is no detrimental impact of the proposed building to the setting any Listed Buildings and the character of the Conservation Area. Advise to remove the balcony as this will be an alien feature and can impact on the appearance/views of the Conservation Area. WILDLIFE SPECIES CO-ORDINATOR comments awaited. DRAINAGE OFFICER no objections. Recommend an advisory note re surface water discharge to soakaways.

PARISH COUNCIL support the principle of the application.

SEVEN LETTERS OF OBJECTION have been received raising the issues:- object to the principle of a dwelling on the site; the proposed dwelling is too large for the plot, thus out of character with the area; loss of views and light; no contribution to the enhancement and preservation of visual amenity/conservation area especially given the elevation of the site; access detrimental effect to the narrow lane - Farmers Cleeve, increase in traffic and will cross a pavement; there is no existing access as marked on the submitted drawings but just a gap where a wall has been knocked down with no dropped curb, this gap should not be made any wider; permission was refused for a dwelling on the site in 1991; construction may cause damage to the garage and wall abutting the site and danger to pedestrians; if allowed it should be conditioned that any damage caused during construction should be repaired; the dwelling should be finished in a neutral colour; query over landownership as previous attempts to trace the owners were unfruitful; the dwelling is close to a working garage which could lead to future problems with noise; the property would be overlooked and overlook other properties to a very large degree; invasion of privacy as adjacent to a drive way; the proposed wall should be no higher than the existing wall; the proposal will devalue adjacent properties; it is thought that no new buildings are allowed within Conservation Areas; the site should be checked for slow worms as they are found in neighbouring gardens; due to the sloping site, surface water drainage may be a problem; a shared access path

located between the site and 1 Abbotsfield Cottages should not be made available to the future occupiers of the dwelling and conditioned as such.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 and S2, (safeguard visual and residential amenity), Policy H1 (housing), Policy M3a (access and parking standards) and Policy EN15 (Conservation Areas).

Planning Policy Guidance Note 3.

ASSESSMENT

The site is located within the defined settlement limits of Wiveliscombe and therefore there is a presumption in favour of development unless material considerations indicate otherwise. The site is also located within the Wiveliscombe Conservation Area where development must preserve or enhance its character and appearance. In the opinion of the Conservation Officer the proposed development would not result in a detrimental affect to the character of the Conservation Area. The design of the proposed two storey, modestly proportioned and traditional style, 3 bedroom dwelling is therefore considered acceptable.

The Conservation Officer has raised concerns however over the proposed balcony to the north elevation of the dwelling as it is considered not to be a vernacular feature of the Conservation Area. Given the limited viewpoints of the balcony from the surrounds however this issue is not considered strong enough to warrant refusal of the proposal. From a planning point of view the balcony is not large enough to form a seating area and would not offer any unacceptable overlooking views.

The overall area of the existing garden to be assigned as residential curtilage for the new dwelling is 400 metres square. In planning terms it is considered that a dwelling could be comfortably accommodated on the site, affording an appropriate area of amenity/garden area for any future occupants.

Furthermore, it is considered that a dwelling could be accommodated on the site that would not cause a detrimental loss of amenity to the neighbouring properties. There are no windows in the proposed east and west gable ends and a condition is recommended to maintain this feature. The properties at Abbotsfield Cottages are at an oblique angle to the proposed windows in the south elevation of the dwelling and are located sufficient distance away (18 m+) not to cause an overlooking concern. Properties to the north of the site are also at an oblique angle to the proposed windows in the north elevation of the dwelling and also located sufficient distance away (19 m+) not to cause an overlooking concern. A dwelling on the site could be positioned so as not to form an overbearing relationship with the neighbouring properties given the sufficient distances between the proposed and existing neighbouring properties.

A number of the objections received make the point that in August 1991, application 49/1991/022 for a dwelling on this same site was refused due to the insufficient size of

the site that would result in a cramped form of development to the detriment of the visual amenities of the area. This decision was made prior to the issue of PPG 3 in March 2000 that encourages a higher density of housing concentrating development within settlement limits. PPG 3 encourages a minimum density of 30 dwellings per hectare, whilst taking into account the built form and character of the area. As the site area measures 0.04 hectares, this equates to the equivalent of 1.2 dwellings on the site. In light of this central government advice issued after the 1991 refusal, the principle of a dwelling on the site is now considered acceptable.

Discussions with the Highway Authority show that the proposed turning and parking area is insufficient in size, however the site could accommodate the required space. The turning space shown on the drawings is sufficient in size so that a vehicle can turn within the site however if this area is parked on the provision would be prohibited. By extending the southern turning head to provide two parking spaces an unobstructed turning space could be achieved. Appropriately amended drawings are therefore awaited. The Highway Authority has raised no objections to the principle of deriving access from Farmers Cleeve Lane.

Representation has been received regarding potential future problems with noise from the working garage to the south boundary of the site. The owner of the garage is concerned that the future occupiers may complain about noise levels however the garage is located nearer to existing dwellings (Abbotsfield Cottages) than that proposed. A formal response from the Environmental Health officer regarding this issue is awaited. The garage in question does however have permission to be demolished and a dwelling built in its place (outline application 49/2004/001) and both this and the proposed application are considered to be compatible.

Objections have been received on the grounds of potential for damage caused during construction and subsequent repair, the devaluation of adjacent properties and pedestrian right of way over the site. The latter issues however are not considered to be relevant planning considerations, as they are civil issues. Regarding the ownership issues, the agent has signed Certificate A confirming that the applicant is the sole owner of the site.

The Wildlife Species Co-ordinator has been consulted regarding the possibility of slow worms existing on the site and those comments are awaited.

RECOMMENDATION

Subject to the receipt of satisfactory amended drawings and no adverse comments from the Environmental Health Officer and Wildlife Species Co-ordinator, 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, timber windows, landscaping, boundary treatments, rainwater goods, services located underground, parking, turning space, gradient of access, consolidation of access, prevention of surface water to highway, no further extensions, no further windows and any further conditions recommended by the Wildlife Species Co-ordinator and

Environmental Health Officer. Notes re soakaways, requirement for a Road Opening Notice, improved parking /turning area, energy and water conservation.

REASON(S) FOR RECOMMENDATION:- The proposal, for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H1, EN15 and M3a.

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:

51/2004/007

MR W CHAPLIN

ERECTION OF TWO STOREY REAR EXTENSION AT CLYSE FARM, STATHE

37558/28628

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a two storey extension to the rear of a tractional Somerset long house. The extension would measure some 9 m x 4.8 m in ground area and 5.7 m to ridge height. The height of the existing cottage is 5.2 m.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL due to the specific topography of Clyse Farm, they have no problem with the extension or the ridge height. Therefore a 'no objection' decision was made.

POLICY CONTEXT

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

ASSESSMENT

Whilst no neighbouring property would be adversely affect in terms of loss of light or privacy, the extension 'dwarfs' the existing traditional cottage because of its length and its taller ridge height, and is considered wholly unacceptable.

RECOMMENDATION

Permission be REFUSED for the reason that the proposed extension by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and, if allowed, would have a detrimental impact on the character of the building and the visual amenities of the area. Accordingly, the proposal is considered contrary to Taunton Dene Local Plan Policies S1, S2 and H19. Note re the applicant is advised that either a single storey extension, or an appropriately designed two storey extension which is both subservient and reduced in length, may be acceptable.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

PLANNING COMMITTEE – 26 JANUARY, 2005

REPORT OF DEVELOPMENT CONTROL MANAGER

MISCELLANEOUS ITEM

TEL/07/2004 INSTALLATION OF A 12 M MONOPOLE MAST WITH 3 ANTENNAS, 2 TRANSMISSION DISHES, RADIO EQUIPMENT AND ELECTRIC METER HOUSING, SECURITY CHAIN-LINK FENCE AND ANCILLARY DEVELOPMENT AT STONEYHEAD HILL SOUTH, MEARE COURT, MEARE GREEN, WRANTAGE

PROPOSAL

The proposal is for the erection of a 12 m high “slimline” monopole with 3 radio antennas and 2 transmission dishes, the erection of a electrical meter housing (9 m x 1.08 m x .0325 m) and a radio equipment housing (1.3 m x 1.9 m x 0.926 m) on land to the south of the A378 and east of Marlborough Cottage. There is a small group of trees bordering the main road and the mast would be sited to the south of these trees, in the adjacent field. All of the equipment housing and the mast itself would be coloured Olive Green to minimise the impact on the landscape and the site would be surrounded by a 1.8 m high chain link fence. An existing field access, lying to the south east of the site, will be used for construction and maintenance purposes.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER subject to the exact position and levels of the mast its 12 m height is comparable with existing trees and therefore the mast will be seen against or behind tree branch structure during the winter and leaves in the summer. As such its impact will be noticeably reduced. However, as seen from Meare Green houses, hedgerow gateways and other local vantage points the ground level fencing and control boxes will be intrusive and will need careful siting and mitigation proposals to reduce their impact. Some additional tree planting of faster growing trees such as wild cherry and ash will help longer term to soften the impact of the monopole.

WEST HATCH PARISH COUNCIL Firstly I would point out that this site is in the parish of North Curry, but because of its close proximity to West Hatch residents who live in Meare Green we support their objections: 1. It would constitute a gross blot on an area of landscape which is otherwise free of artefacts and which offers an attractive vista to residents and walkers. 2. There is an existing masthead on Crimson Hill, near Wrantage, which has been sympathetically incorporated into the woodland skyline and defied even binocular spotting from most viewpoints. 3. There is also an existing site by Knight's Garage which seems to serve the purposes of at least one network carrier and so should bear further examination. 4. Vodaphone should explore other options more constructively than appears so far. This includes the existing sites at Crimson Hill and Knight's Garage, as well as ideas such as say 2 lower power micro-cell units which might more easily be camouflaged. 5. There is an important issue of electromagnetic radiation from the mast and its effect on the health of those living nearby. Unfortunately this remains a debated subject and there is little impartial evidence to hand. 6. We understand that this site has not been visited by an officer from Taunton Deane. We are wondering if the department realise the site is in North Curry Parish. 7. We formally

object to the above proposal and request that it be subject to the full planning application process.

NORTH CURRY PARISH COUNCIL views awaited.

HATCH BEAUCHAMP PARISH COUNCIL views awaited.

8 LETTERS OF OBJECTION have been received raising the following points:- The mast will be clearly visible from Meare Green and it would spoil the rural landscape and effect the amenity of those dwellings; There is inadequate screening from the south (Meare Green side); An alternative site at Crimson Hill or Knights Garage should be provided; The photomontages give a false impression of the natural screening of the site; The technical information has not been challenged; Why is an urban level of coverage needed rather than a suburban level? The site was not visited by the planning officer prior to this submission; The notification was published under the West Hatch Parish in the local paper and should have been published under North Curry Parish Council applications; The prime purpose for this site is to enable motorists to be able to use mobile phones, a questionable policy.

POLICY CONTEXT

Taunton Deane Local Plan Policy C13 applies to proposed masts over 15 m in height:-

C13 Applications for the installation of telecommunications masts will be permitted provided that:-

- (A) their siting and appearance would minimise harm to the landscape;
- (B) there are no alternative sites or solutions with less environmental impact, which could be used.
- (C) there is satisfactory evidence that existing masts or other structures cannot be used.

Planning Policy Guidance Note 8 Telecommunications Annexe 1 paragraphs 12, 13 and 14. In addition PPG8 advises “it is the government’s firm view that the planning system is not the place for determining health safeguards. It remains Central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.”

ASSESSMENT

Vodafone have identified an existing weakness and hence a primary need for additional coverage along the A378 (Stoneyhead –Listock) and to the south-east of the junction of the A378 and A358 (Thornfalcon – Bickenhall). Existing sites in the area have been considered for mast sharing but disregarded for various reasons. This includes the possibility of site sharing at Belmont Farm, Crimson Hill and Thornfalcon Garage.

Coverage plots have been provided that indicate that a mast in excess of 70 m in height would be needed at the Belmont Farm Site to provide the required level of coverage. Thornfalcon garage mast is in a visually prominent location with no surrounding landscaping to reduce its impact. Any mast sharing would require the replacement of a lattice mast and an increase in the height of the structure. This is considered to be seriously detrimental to the surrounding landscape and there is a possibility of interference between the "cells" active at the site. The proposed site lies on the side of a hill slope at Stoneyhead Hill approximately 20 m to the west of the existing lay-by. It is screened from view along the A378 by the existing roadside trees and hedges. To the north of the site lies a residential property, Marlborough Cottage, due to the slope of the land there will only be limited views of the base station from the dwelling and the mast will be viewed against a backdrop of the roadside trees so that it has less of an impact. In order to improve the situation for occupants the applicant has been requested to provide landscaping upslope of the base station. To the south of the hill lies the hamlet of Meare Green, approximately 40 m from the mast. Many of the properties back onto the field and will have views of the mast. The mast itself will, largely, blend into the treed backdrop but it is considered that the base station and fencing would have a discordant impact on the landscape. The Landscape Officer considers that, with additional land modelling (due to the sloping land) and landscaping the impact can be reduced. The proposal is considered to be acceptable.

RECOMMENDATION

Prior Approval be GRANTED subject to conditions of landscaping and land remodelling.

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

CONTACT OFFICER: Mrs J Moore Tel: 356467

PLANNING COMMITTEE – 26 JANUARY, 2005

REPORT OF DEVELOPMENT CONTROL MANAGER

MISCELLANEOUS ITEM

38/2004/521 DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 21 FLATS TOGETHER WITH CAR PARKING AND ASSOCIATED EXTERNAL WORKS, NORMANDY WINDOWS, WILFRED ROAD/GLOUCESTER STREET, TAUNTON

This application was reported to the meeting on 15 December, 2004 when it was resolved to grant permission subject to the observations of the Environment Agency and the County Highway Authority and a S.106 Agreement relating to sport and recreation provision.

A letter has subsequently been received from the Environment Agency making the following comments:-

“The Environment Agency OBJECTS to the proposed development on the grounds that the application has not been accompanied by a flood risk assessment (FRA) as required by PPG 25.

This site is located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps.

This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year). The equivalent probability figure for tidal/coastal sources is between 1 in 200 and 1 in 1000 years (i.e. between 0.5% and 0.1% chance in any given year).

Accordingly, a Flood Risk Assessment (FRA) must be submitted in support of this proposal. To be acceptable as a FRA the applicant must provide as a minimum:-

1. A level survey to Ordnance Datum/GPS showing the known or modelled 1 in 100 year (1% annual probability) river flood level or 1 in 200 year (0.5% annual probability) tidal & coastal flood level, relative to proposed site levels.
2. An assessment of the risks posed to the site including that based on modelled and historic flood data and risks associated with any increase in surface water run off from the site.
3. Proposed mitigation measures to control those risks, e.g. setting appropriate floor levels, providing flood proofing, providing suitable means of surface water disposal.

Further guidance on general FRA requirements for development in Flood Zones 3 & 2 can be found in Appendix F of PPG25 and also in the Agency's FRA note 4, a copy of which has been forwarded to the applicant.

It should not be assumed that the production of a FRA will in itself make a proposed development acceptable in flood risk terms.

The FRA submitted must demonstrate to the Agency's satisfaction that the development can proceed without creating an unacceptable flood risk either to future occupants or elsewhere. If it cannot do this, the Agency will maintain its objection. Where the FRA is acceptable the Agency will advise on flood risk conditions or make recommendations as appropriate.

Should your council be minded to approve the application contrary to the Agency's objection, paragraph 65 of PPG25 advises that you should re-consult the Agency in order to explain why and to give the Agency the opportunity to make further representations.

If your council refuses the planning application on the above grounds, and the applicant lodges an appeal, the Agency would be prepared to support your council and provide evidence at any subsequent public inquiry or informal hearing."

Therefore in the absence of the required flood risk assessment it is recommended that permission be refused for the following reason:-

The site is located within an area identified as at risk from flooding. The proposal is therefore unacceptable in the absence of a flood risk assessment as required by Planning Policy Guidance Note No. 25. The proposal is therefore also contrary to Taunton Deane Local Plan Policy EN30.

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

CONTACT OFFICER: Mr T Burton Tel: 356464

PLANNING COMMITTEE - 26 JANUARY 2005

REPORT OF THE CHIEF SOLICITOR

SECTION 52 AGREEMENT RELATING TO "MALLOW", CREECH HEATHFIELD

BACKGROUND

In 1975 planning permission was granted for the erection of a dwelling, now known as "Mallow", adjacent to the existing property "Chants" which incorporated a doctor's surgery.

The land on which the house was built was outside the then settlement limits of Creech Heathfield and the permission was subject to a Section 52 (S.52) Agreement (the forerunner of a Section 106 Agreement) preventing the erection of a second dwelling on the land.

It is not clear why the S.52 requirement was imposed, but it seems likely that the permission was granted as an exception outside the settlement limits because the proposal also provided a car park to the adjacent doctor's surgery.

Since that time, the settlement limits have been extended so that the whole of the area covered by the S.52 agreement and the adjacent property "Chants" now lies within the settlement limits of Creech Heathfield. The justification for the restriction therefore no longer exists and a request has been received from the present owner of the land that the S.52 requirement be lifted.

The request seems justified given the changes in settlement limits. Any proposed additional dwellings on the land would of course need planning permission in the usual way.

RECOMMENDATION

It is therefore **RECOMMENDED** that the S.52 Agreement of the 24 September 1975 and made between John Caray (1) and the Council (2) and relating to the property "Mallow" at Creech Heathfield be varied to release the covenant against the erection of more than one dwelling on the land.

Chief Solicitor

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

PLANNING COMMITTEE – 26 JANUARY 2005

REPORT OF THE CHIEF SOLICITOR

ENFORCEMENT ACTION IN RESPECT OF MOBILE CRANE BUSINESS, CREECH PAPER MILLS, CREECH ST MICHAEL

BACKGROUND

At the meeting held on the 16 June 2004, the Committee resolved to take enforcement action against the operation of a crane hire business at Creech Mills, Creech St Michael. An enforcement notice was served in September 2004 and is currently subject to an appeal.

However, as part of the submissions in respect of the appeal hearing, solicitors acting for the appellant have submitted detailed argument as to why there has not been a breach of planning control, namely that a crane hire business is not being conducted from the premises and the stationing of four cranes on the site at the rear of Creech Mills falls within the existing authorised use of the land.

I have considered the submission made in detail and also visited the site. It is clear that the crane hire business itself is not run from the premises; the site is used only for the siting of four cranes, with the hiring element of the business being carried out elsewhere.

The site itself comprises a mixture of small units carrying out B2 (industrial) and B8 (storage and distribution) uses with the yard area to the rear being used for a variety of mixed commercial /industrial uses, mainly in connection with the use of those units.

There is therefore an assortment of vehicles, commercial vehicles, skips and indeed some scrap stored on or using the yard area. The units and yard must therefore be considered to have a mixed B1/B8 use. The four cranes which are the subject of the enforcement action therefore comprise a very small element of the overall commercial/industrial use and would not appear to constitute a separate and distinct use which would require planning permission.

I therefore agree with the submission from the appellants that there is no business being conducted from the site and that although a crane hire business would usually be considered sui generis (ie a distinct and separate planning use), the stationing of four cranes on a yard area used for the stationing and storage of commercial and other vehicles does not constitute a change of use.

The reason given for taking enforcement action was that the movement of the cranes from site early in the morning was having a detrimental effect on the neighbouring properties and that there was increased use of the heavily used and sub standard access road. However, whilst there is no doubt that there is

disturbance to the local residents, other traffic from the industrial units cannot be controlled.

I have therefore concluded that in the light of the additional information and submissions received, there is no breach of planning control in respect of the stationing of cranes at Creech Paper Mills and that the main business is conducted elsewhere. I therefore do not believe there is evidence to continue to support the enforcement notice on appeal.

RECOMMENDATION

It is therefore **RECOMMENDED** that the enforcement notice served in respect of the unauthorised use of land at Creech Mills, Creech St Michael be withdrawn.

Chief Solicitor

Contact Officer:- Judith Jackson Telephone 01823 356409 or e-mail j.jackson@tauntondeane.co.uk

PLANNING COMMITTEE – 26 JANUARY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: North Curry

1. **File/Complainant Number** E376/24/2004
2. **Location of Site** Queens House, The Square, North Curry, Taunton.
3. **Names of Owners** Mr D Franks
4. **Names of Occupiers** Mr D Franks
5. **Nature of Contravention**
Railings erected to front of property
6. **Planning History**

The matter was brought to the Council's attention on 22 October, 2004. A site visit was made where it was found that a set of metal railings had been provided around the front garden area of Queens House. The railings are of traditional design and painted white. The overall height of the enclosure is approximately 1.2 m, which includes a dwarf stone wall to which the railings are fixed. As the height is in excess of 1.0 m and is adjacent to the highway a planning application should be submitted. The owner was informed of this but suggests that he has had nothing but praise for the railings and is of the view that permission would be granted. He has therefore declined to proceed with an application. Both the Parish Council and the Conservation Officer find the development acceptable and have not raised any objection.

7. **Reasons for not taking Action**

It is considered that the design and construction of the railings are in keeping with the period property and the Conservation Area of North Curry. Should an application have been submitted it is likely to have been granted consent.

8. **Recommendation**

That no further action be taken over this matter.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 26 JANUARY 2005

1 The following appeals have been lodged:-

Appellant	Date Application Considered	Proposal
Whipcoot Developments Limited (03/2004/004)	DD	Use of proposed holiday lodge permitted under planning permission 03/2003/603 for Manager's accommodation, Exmoor Gate Lodges, Waterrow, Wiveliscombe
Mr and Mrs H Welsh (10/2004/010)	DD	Removal of condition 03 of planning permission 10/1988/023 in order to allow the ancillary accommodation to be used as a separate dwelling with new domestic curtilage, Northdown House, Churchinford
A J Raucki & Son (06/2004/025)	8/9/04	Residential development comprising seven dwellings, land to west of Lydeard Mead, Bishops Lydeard
Dr J L Rees (49/2004/022)	7/7/04	Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe
Jet-Set (EU) Limited (25/2004/006)	7/7/04	Erect one bedroomed units for special needs accommodation in several one or two storey buildings in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren
Badger Street Properties (48/2004/036)	DD	Erection of dwelling on land to north of Broomhay, Hyde Lane, Bathpool
R C Mitford-Slade (27/2004/016)	DD	Conversion of barns into two holiday lets at Whipprells Farm Buildings(part Pontispool Farm), Norton Fitzwarren
Strong Vox (38/2004/244)	18/8/04	Erection of 37 dwellings on site of former South West Egg Packers

		Factory at Roman Road, Taunton
Mr B Fear (52/2004/037)	29/9/04	Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton
Jet-Set (EU) Limited (25/2004/007)	7/7/04	Erection of extensions to form additional special needs accommodation and change of use of property to special needs at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren
Gadd Homes Limited (38/2004/261CA and 287)	8/9/04	(1) Demolition of former gymnasium to rear of former Four Alls Public House; and (2) 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 the Four Alls, Corporation Street, Taunton
Mr & Mrs R Smith (11/2004/013)	DD	Erection of conservatory at Combe Down Barn, Combe Florey
Parkgate House Limited (25/2004/015)	13/10/04	Erection of dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren
Rileys Limited (38/2004/366A)	DD	Illuminated and non-illuminated fascia signs and projecting sign, Rileys, 1 Kingston Road, Taunton
Mr & Mrs B Weston (38/2004/247)	DD	Erection of first floor side extension at Home Cottage, 117 Galmington Road, Taunton
Quantic Properties Limited (12/2004/004)	18/8/04	Erect house and garage, formation of access together with new garage and access to existing house at Meadows Edge, Corfe
Mr M R Liddle (38/2004/390)	DD	Retention of flat roof dormer window with UPVC cladding replaced by tile hanging at 15 Eastbourne Gate, Taunton
Mr J Isaacs	-	Appeal against enforcement notice –

		Unauthorised siting of two mobile homes and two touring caravans for single gypsy family at Two Acres, Ford Street, Wellington
Mr A S Leeming	-	Appeal against enforcement notice – Change of use of part of property for the purposes of operating a business at 33 Alma Street, Taunton
Mr T Sparrow & Mr N R S Smith	-	Appeal against enforcement notice – Change of use of land for the hire and storage of cranes at Creech Mills, Mill Street, Creech St Michael
Gadd Homes Limited (38/2004/324)	29/9/04	Erection of eight houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton
J Kearns (06/2004/034LB)	DD	Demolition of chimney stack and thatch over, 24 Mount Street, Bishops Lydeard
Robert Hitchins Limited (06/2004/039)	8/9/04	Erection of 4 dwellings with associated works, land north of former hospital buildings, Cotford St Luke
Clear Channel UK Limited (48/2004/060A)	DD	Erection of 2 sheet advertisement display panels, Bathpool Bridge, Bridgwater Road, Taunton
John R & Colin R Selwood (38/2004/421)	DD	Change of use of ground floor from massage parlour to two self-contained flats at Salisbury Cottage, The Mount, Taunton
Call in by First Secretary of State (06/2004/013 and 014LB)	28/7/04	Demolition of some existing buildings repair, refurbishment and conversion of retained existing buildings into 25 self-contained dwellings, restoration of the park land and erection of 45 dwellings at Sandhill Park, Bishops Lydeard
Mr J Holland and others	-	Appeals against enforcement notice –

		Change of use of the land to a permanent gypsy site for 16 mobile homes, 16 caravans & 15 utility dayrooms at Greenacres, Oxen Lane, North Curry
P Jotcham (38/2004/409)	DD	Erection of single storey dwelling on land to the rear of 209 Staplegrove Road, Taunton
Parkgate House Limited (25/2004/026)	DD	Erection of a dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren (resubmission of 25/2004/015)

2 The following appeal decisions have been received:-

(a) Erection of two storey side extension at 2 Hine Road, Taunton (52/2003/062)

The Inspector felt that the main issue was the effect of the proposal on the character and appearance of the surrounding residential area.

The proposal involved building on what was at present a grassed area next to the corner of Hine Road and Queensway. There were other undeveloped areas within the residential estate which gave it a reasonably spacious character. The Inspector noted the Council's desire to safeguard the overall character of the area.

Although the impact of this development would not seem great, in the Inspector's judgement it would be significant. As the appeal property stood in a slightly elevated position in relation to Queensway, and because of its position on a street corner, the extension would be quite prominent. He also shared the Council's concern about the cumulative effect of this type of development, particularly bearing in mind the presence of similar parcels of open space in the area.

The appeal was dismissed.

(b) Demolition of bungalow and erection of two dwellings, Sundown, Curvalion Road, Creech St Michael (14/2004/011)

The Inspector felt that the main issue was whether the traffic generated by the proposal would cause hazards to road safety at the junction of Curvalion Road with St Michael's Road.

The site accommodated a modest bungalow which was proposed to be replaced by two family dwellings. Access was onto Curvalion Road, a single track lane with two access points onto St

Michael's Road. There was no record of any accidents at the junctions, despite it having served a number of dwellings, including a bed and breakfast business.

It was estimated that the size of the properties proposed would generate eight to ten vehicle movements per day onto St Michael's Road, which was already well used.

Visibility from both junctions was sub-standard and at both the northern and southern junction, visibility was so far short of the normal standard as to constitute a positive hazard.

The Inspector concluded that the additional vehicle movements which would be generated by the scheme would add to the existing hazards to traffic at the two junctions resulting in a significant risk to road safety. This would be both unacceptable and in conflict with the emerging Local Plan policy.

The appeal was dismissed.

(c) Erection of house and garage and formation of access together with provision of new access and garage to existing dwelling at Meadows Edge, Corfe (12/2004/001)

The Inspector considered that the main issue was the effect the proposal would have on the character and appearance of the Conservation Area.

The house would occupy one of the gaps in the street frontage and the Inspector felt that due to its size, its dominant relationship to the Forge Cottage outbuilding and its close proximity to the road, the proposed new house would be too large for its plot.

He also felt that the proposed wall rendering and use of non traditional bell casts would be unfortunate and believed that the cumulative effect would be a house which would resemble a volume-built, anonymous, large house with few of the features which marked the local distinctiveness of the Conservation Area.

In conclusion, the Inspector was of the view that the cramped nature of the proposed house would not enable the character or appearance of the Conservation area to be preserved or enhanced.

The appeal was dismissed.

(c) Change of use of land to form residential curtilage and conversion of barn to form dwelling at barn to the east of Higher Chapel Leigh Farm and to the north of Sandings Lane, Chapel Leigh, Lydeard St Lawrence (22/2004/001)

The Inspector felt that the main issues were whether the existing barn was of a suitable size and construction to enable a conversion which would not be harmful to its rural surroundings; whether the proposal would have access to adequate services such as to prevent a growth in the need to travel; and whether the proposed access point could be used safely without harm to the character of the area.

The barn was located outside the confines of any settlement and although the surveyor assessed the building as sound it had only three main stone walls remaining. With so little left of the original structure,

the Inspector did not consider it to be of substantial construction which would require no significant rebuilding.

The Inspector felt that the conversion would result in a significant alteration to the appearance of the site. The building would be more noticeable once renovated and converted, and the site would become more domestic in character, out of keeping with its present rural appearance.

In terms of the sustainability of this location for a new dwelling, the Inspector considered it would be remote from any public transport provision and too far from shops, schools and other services to be accessible by walking or cycling.

With regard to the access, he felt that the visibility for drivers leaving the site would be substandard and likely to cause hazards for traffic using the access and the lane. To improve visibility it would be necessary to cut back the hedge but this would have an unacceptable impact on the rural character and appearance of the lane.

The appeal was dismissed.

(e) Erection of a triple garage at Seaforde Grange, Dairy House Lane, Bickenhall (04/2004/002)

The Inspector considered that the main issues were the effect of the garage on the character and appearance of the open countryside and the implications of the development for sustainable travel.

She felt that the proposed position of the garage sought to minimise landscape impact by making the maximum use of screening and the lie of the land.

Although the footprint of the proposed garage was larger than that of the existing garage, the Inspector felt that its massing would be reduced with the hipped roof. It was considered that the effect of the proposed garage on the character and appearance of the countryside would be acceptable.

The issue of sustainable travel was considered and, whilst she recognised the objective to encourage sustainable forms of transport, there was ample parking for more than 3 cars within the curtilage of Seaforde Grange and restricting the size of the garage would therefore not in itself achieve this objective.

The appeal was allowed and planning permission granted.

(f) Erection of a new dwelling in the rear garden of 2 Clifford Avenue, Taunton (38/2004/051)

The Inspector felt that the main issue was the effect upon the character and appearance of the area.

The Inspector noted that the houses in Clifford Avenue comprised large buildings with relatively long rear gardens. He felt that the mature planting and open qualities of these long gardens provided an attractive setting to the houses in Clifford Avenue and also made a pleasing contribution to the street scene of nearby Kingston Road.

Although the proposal would make a very small contribution towards the overall supply of housing within the town, the requirements for new housing were that they should be provided without compromising the quality of the existing environment.

In the Inspector's opinion, the proposal would entail a considerable loss of space from this prominent corner plot and would appear cramped. It would also contrast awkwardly with the spacious qualities and setting of the properties to the north.

He concluded that the development would detract from the character and appearance of the area.

The appeal was dismissed.

(g) Erection of two storey rear extension at 9 Willey Road, Stoke St Gregory (36/2004/002)

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

- (a) on the character and appearance of the existing dwelling and the surrounding area; and
- (b) on the living conditions of the occupiers of No.10 Willey Road in terms of loss of outlook and light.

The property was one of a group of eight semi-detached dwellings set in rural surroundings. It occupied a prominent position adjacent to a recreation ground and the rear of the property was clearly visible from that public viewpoint.

The property was the only one of the eight dwellings that already had a two storey extension, which was nearing completion. The current proposal, which involved a further two storey extension in place of an approved conservatory, would significantly increase the scale of the existing dwelling.

He also felt that when viewed with the approved extension, the proposal would result in an extension that could not be described as being subservient to the existing dwelling.

The proposal would be less than one metre away from the common boundary with 10 Willey Road and would result in a reduction in outlook and a sense of enclosure, as well as a material reduction in sunlight.

In conclusion the Inspector felt that the proposal would be harmful to the character and appearance of the existing dwelling and surrounding area and to the living conditions of the occupiers of 10 Willey Road.

The appeal was dismissed.

(h) Erection of a dwelling for use as a unit of multiple occupation (6 bedrooms) at land adjacent to 14 Greenway Road, Taunton (38/2003/650)

The Inspector felt that a history of anti-social behaviour by the occupiers of the existing building had influenced the Council's decision to refuse planning permission. He agreed with the Planning Officer that the behaviour was the result of the management of the accommodation rather than its built form.

He noted that no evidence had been produced that the current proposal would be an over-intensive use of the site or that undue nuisance or disturbance to neighbouring properties would be likely to occur.

He also felt that 6 units could be satisfactorily located on the site, which was an appropriate location for multiple occupation.

The Inspector felt that the lack of parking had been addressed with the proposal for cycle storage facilities.

The appeal was allowed with certain conditions.

(i) Formation of a hardstanding and vehicular access at the front of 79 Queensway, Galmington, Taunton (52/2004/005)

The Inspector felt that the main issues were the effect of the proposal on the street scene and whether it would cause significant hazards to road safety.

The Inspector found a variety of frontage treatments in the vicinity and was of the opinion that the proposal would not have a significant effect on the street scene.

However, she did find that there was inadequate room for a vehicle to turn within the site and it would therefore be necessary to reverse onto or from the hardstanding. The new access would be likely to cause hazards to traffic and a permission in this case would make it difficult for the Council to resist future similar proposals.

In conclusion, she felt that the proposal would cause significant hazards to road safety.

The appeal was dismissed.

(j) Appeal against enforcement notice - retention of boundary wall/fence at 2 Meare Green, Stoke St Gregory

The Inspector felt that the two main issues were the effect the wall/fence had upon the local street scene and whether there would be adverse consequences for highway safety.

The Inspector acknowledged that various forms of boundary treatment already existed along Meare Green. However, rather than help provide justification for the development, they indicated a need for such items to be carefully controlled if the pleasant rural quality of the area was to be maintained and safeguarded. He considered that the wall/fence was close to the road and appeared as a very strident, unattractive and discordant feature.

Although the access to the appeal property was splayed, the Inspector saw no reason to question the Highway Authority's assessment that visibility was less than the standard for such a road. The Inspector found nothing to indicate that the boundary wall/fence had given rise to any serious problems in exiting the access, but found the impediment to visibility such that the wall/fence constituted a hazard to highway safety.

The appeal was dismissed and the enforcement notice upheld.

3 The following hearing has been arranged:-

<u>Appellant</u>	<u>Site</u>	<u>Venue</u>	<u>Date</u>
Mr J Isaacs	Two Acres, Ford Street, Wellington	OMB	22/2/05