



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 16TH FEBRUARY 2005 AT 17:00.

(RESERVE DATE : MONDAY 21ST FEBRUARY 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes (TO FOLLOW).
3. Public Question Time
4. CHURCHSTANTON - 10/2004/029
CONVERSION AND EXTENSION OF SEMI-DERELICT
OUTBUILDING TO FORM GUEST ACCOMMODATION ANCILLARY
TO LOWER WILLAND FARMHOUSE, CHURCHSTANTON.
5. CHURCHSTANTON - 10/2004/030LB
CONVERSION AND EXTENSION OF SEMI-DERELICT
OUTBUILDING TO FORM GUEST ACCOMMODATION ANCILLARY
TO LOWER WILLAND FARMHOUSE, CHURCHSTANTON.
6. MILVERTON - 23/2004/051
RESIDENTIAL DEVELOPMENT AND VEHICULAR ACCESS AT
LAND ADJACENT DAVYS CLOSE, BUTTS WAY, MILVERTON.
7. NORTH CURRY - 24/2004/047
ERECTION OF DWELLING AT LAND WEST OF YEW TREE
COTTAGE, WRANTAGE AS AMENDED BY DRAWING NOS. 1A, 2A
AND 3A RECEIVED 10TH JANUARY, 2005
8. RUISHTON - 31/2004/028LB
CONVERSION OF DWELLING TO CLOSE CARE RETIREMENT
HOME AND 2 STAFF FLATS AT WOODLANDS, RUISHTON.
9. RUISHTON - 31/2004/029
ERECTION OF 3 BLOCKS OF CLOSE CARE RETIREMENT FLATS
PROVIDING 18 X 3 BEDROOM UNITS, 12 X 2 BEDROOM UNITS
AND 12 X 1 BEDROOM UNITS, CHANGE OF USE OF DWELLING
TO CLOSE CARE RETIREMENT FACILITIES INCLUDING 2 FLATS
FOR STAFF ACCOMMODATION, BLOCKING UP OF EXISTING
ACCESS ONTO A358 AND REPLACEMENT/PROVISION OF NEW
ACCESS OFF RUISHTON LANE AT WOODLANDS, RUISHTON.
10. TAUNTON - 38/2004/570
RESIDENTIAL DEVELOPMENT TO FORM 8 HOUSES, 5 FLATS

OVER GARAGES AND 44 APARTMENTS AND ASSOCIATED
ROADS AND PARKING AT POLLARDS YARD, OFF POLLARDS
WAY, TAUNTON, AS AMENDED BY DRAWINGS ATTACHED TO
APPLICANTS LETTER DATED 26TH JANUARY, 2005

11. TAUNTON - 38/2004/574
REDEVELOPMENT OF SKITTLE ALLEY TO ERECT 5 FLATS WITH
CYCLE STORAGE, REFUSE AREA AND CHANGE OF USE OF
PUBLIC HOUSE TO RETAIL/OFFICE USE AT THE MASONS ARMS,
MAGDALENE STREET, TAUNTON.
12. TAUNTON - 38/2005/015
ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE
STOREY REAR EXTENSION TO PROVIDE GRANNY ANNEXE AT
23 ILMINSTER ROAD, TAUNTON.
13. WEST BUCKLAND - 46/2004/039
CONTINUED USE OF LAND TO SITE MOBILE HOME, TREES
FARM, BLACKMOOR, WEST BUCKLAND AS AMPLIFIED BY
LETTER DATED 24TH JANUARY, 2005
14. E53/30/204 - USE OF LAND AS A SCRAP YARD AND FOR THE
STATIONING OF CARAVANS AT THE FORMER NURSERY,
WREXON, TRULL, TAUNTON. Enforcement item
15. 30/2004/026 and E221/30/224 - PROVISION OF EXTRACT DUCT
NOT IN ACCORDANCE WITH APPROVED PLAN AT THE BLAGDON
INN (FORMERLY THE WHITE LION), BLAGDON HILL, TAUNTON. Enforcement item
16. E350/52/2004 - ERECTION OF FENCE AT 14 BARRINGTON CLOSE,
COMEYTROWE, TAUNTON. Enforcement item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

08 February 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 – 26 January 2005

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

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

(The meeting commenced at 5.00 pm).

(Councillors Miss Cavill and Bowrah arrived at the meeting at 5.33 pm and 5.37 pm respectively)

1. Apologies

Councillors Floyd and Weston.

2. Minutes

The minutes of the meetings held on the 15 and 16 December 2004 were taken as read and were signed.

3. Public Question Time

Mr S Robins reminded the Committee that there was a desperate need for a pub and shops in the village of Cotford St Luke. In his view the former chapel, which he owned, was ideal for this purpose. He had suggested that the developer (Robert Hitchens), the Council and himself should work together to bring this Grade II listed building back into use, but this had been rejected by the officers. He asked why this suggestion had been cast to one side?

The Senior Solicitor (Mrs Jackson) informed the Committee that the suggestion had been made subject to current arbitration proceedings in respect of the Clock Tower House Section 106 Agreement being suspended. The Council was not prepared to suspend these proceedings, however, there was nothing else to prevent negotiations as to the future use of the chapel being progressed.

4. 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 **outline planning permission be granted** for the under-mentioned development, subject to the standard conditions adopted by Minute No

86/1987 of the former Planning and Development Committee and such further conditions as stated:-

43/2004/131

Demolition of building, erection of retail A1 food store comprising approximately 2580 m² 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.

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C112 – details of guttering, downpipes and disposal of rainwater;
- (f) Before any part of the development hereby permitted has begun, drawings showing the line of the proposed connection to the public sewerage system shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) C201 – landscaping;
- (h) C205 – hard landscaping;
- (i) C206A – existing and proposed levels;
- (j) C207 – existing trees to be retained;
- (k) C208A – protection of trees to be retained;
- (l) C208B – protection of trees – service trenches;
- (m) C209 – protection of hedges to be retained;
- (n) C210 – no felling or lopping;
- (o) C218 – service areas – screening;
- (p) The premises shall be used for a retail food store and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order)
- (q) C917 – services – underground;
- (r) Detailed drawings indicating the height, appearance, intensity of light and manufacturers specification of any external store or car park lighting including the paved terrace shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (s) The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to, and approved in writing by, the Local Planning Authority. Such petrol/oil interceptors shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter;
- (t) C215 – walls and fences;
- (u) The visibility splays from the site onto Bulford, as shown on drawing No 785:PL:02 Revision B, shall be constructed prior to the

development hereby permitted. There shall be no obstructions to visibility within the splay areas in excess of 300 mm above adjoining carriageway level;

- (v) C313 – no vehicular access from Bulford;
- (w) C331 – provision of cycle parking;
- (x) Before the commencement of any works hereby permitted, details and samples of the materials to be used for the hard surfaces shall be submitted to, and approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;
- (y) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied;
- (z) No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of staged archaeological works incorporating evaluation and any further mitigation including preservation in situ and/or by record (ie excavation) in accordance with a written scheme of investigation submitted by the applicants, and approved in writing by the Local Planning Authority;
- (aa)(i) The layout of the site shall be designed to minimise the need for heavy goods vehicles to reverse.
 - (ii) Vehicle mounted refrigeration units shall be turned off within five minutes when delivery vehicles enter the unloading area and reconnected not sooner than five minutes prior to leaving. When it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or wanting to unload.
 - (iii) No deliveries, other than bakery and dairy products shall be made between 0700 hours on any one day and 0800 hours on the following day.
 - (iv) The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc used for the unloading of vehicles.
 - (v) Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than three decibels, expressed in terms of an A-Weighted, one minute Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this position relates, expressed in terms of an A-Weighted, ninetieth percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes.
- (bb) The proposed food store shall be used as a single retail unit and shall not be subdivided into individual shop units without the prior written permission of the Local Planning Authority.

- (cc) No work on the proposed development shall commence until a replacement health centre within Wellington has been provided to the satisfaction of the Local Planning Authority.
- (dd) The submission of the reserved matters shall be accompanied by a Design Statement.
- (ee) Sufficient external power sockets of a suitable type shall be provided to ensure that all refrigerated delivery vehicles can be connected to mains power on arrival. Vehicle mounted refrigeration units shall be switched off within five minutes of a vehicle arriving to unload and shall not be switched on again unless within five minutes of departure.
- (ff) The proposed development shall not be occupied until such time as pedestrian access to Fore Street has been provided to the satisfaction of the Local Planning Authority, in accordance with the approved plan or any other such means that may receive the prior approval of the Local Planning authority.

(Notes to applicant:- (1) Applicant was advised that the proposal should comply with the Food Hygiene (General) Regulations; (2) Applicant was requested to ensure that the distance from the rear doors of vehicles to the warehousing be as short as possible and consideration given to the use of rubber wheeled delivery cages; (3) Applicant was advised that the detailed layout should have regard to the existing rights of way by third parties over the land; (4) With regard to condition (dd), applicant was advised that the layout of the site and the design of the proposed building should be to a high standard in view of the location of the site adjacent to the Conservation Area and listed buildings; (5) N111 – disabled access; (6) N110 – design; (7) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems; (8) N112 – energy conservation; (9) N117 – crime prevention; (10) N115 – water conservation; (11) N075 – Section 106 Agreement; (12) N052 – fire safety; (13) N054 – fire safety; (14) Applicant was advised that provision should be made, as far as possible, for delivery vehicles to unload and depart with the minimum of low speed manoeuvring on the site; (15) Applicant was advised of the need to ensure that no damage is caused to the boundary walls of the site during construction works; (16) Applicant was reminded to either reposition the Remembrance Trees within the site or provide replacement Remembrance Trees as part of the development).

Reason for granting outline planning permission:-

The site was a town centre site, the development of which was 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.

- (2) 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:-

04/2004/005

Erection of shed at Fordbridge, Dairy House Lane, Bickenhall, Taunton.

Conditions

- (a) C001 - time limit;
- (b) Before the commencement of any works hereby permitted, details of the external finish to the walls shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used, without the written consent of the Local Planning Authority.
- (c) The building hereby permitted shall be used only for agricultural purposes as defined in Section 336 (1) of The Town and Country Planning Act 1990.

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity or the character or appearance of the surrounding area and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 and S8.

14/2004/041

Erection of conservatory at 6 Kingdon Mead, Creech St Michael.

Conditions

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

(Note to applicant:- NO45 – encroachment).

Reason for granting planning permission:-

The proposed extension complied with Taunton Deane Local Plan Policy H19 in that there was no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

15/2004/008

Erection of two storey side extension, Orchard House, Curland.

Conditions

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

(Note to applicant:- N034A – drainage/water).

Reason for granting planning permission:-

The development by reason of its size and design in relation to the existing property, impact on the character of the area and subject to the conditions

imposed, was 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.

25/2004/032

Conversion of pool house to private dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren.

Conditions

- (a) C001 – time limit;
- (b) The proposed access (or drive) shall incorporate splays on both sides to the rear at the existing public footway based on co-ordinates of 2m x 2m;
- (c) 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 be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwelling first being brought into use;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P005 – no garages;
- (g) P010 – no further windows;
- (h) The conversion of the pool house to a dwelling hereby permitted shall not be brought into use until two parking spaces for the dwellinghouse have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles or for the purposes of access.

(Note to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure; (3) N118 – disabled access).

Reason for granting planning permission:-

The proposal was considered not to erode the character or residential amenity of the area in accordance with Taunton Deane Local Plan Policy H1.

26/2004/012

Erection of single storey and two storey extensions at 22 Higher Poole, Wellington.

Conditions

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

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was, therefore, considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 and H19.

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

The Committee felt that the proposed extensions did not detract from the visual amenity of the locality.

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.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201A – landscaping;
- (d) C215 – walls and fences;
- (e) C324 – parking;
- (f) C708 – restricted use – no storage except where stated;
- (g) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A – Weighted two minute Leq when measured at any point 1.5 m from any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, ninetieth percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes;
- (h) Other than within the areas used for B1 (light industry) use, no work shall be carried out on the site on any Sunday, Christmas day or bank holiday or other than between 0800 and 1800 hours on Monday to Saturdays;
- (i) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that the Drainage Officer is not aware of any existing drain in the area, and the details submitted pursuant to condition (i) should ensure that any additional surface water flows do not exacerbate any

existing capacity. There is a history of localised flooding in the area; (6) With regard to condition (c), applicant was advised that tree planting to the western boundary should be sufficient to soften the impact of the new buildings. It is recommended that the proposed planting comprises a single staggered row of native hedging plants at 0.5 m, species to include hazel, hawthorn, field maple and holly, and field maples planted as 1.2 m – 1.8 m, feathered trees at 10 m intervals; (7) Applicant was requested to ensure that the provision of any external lighting does not cause light pollution to the nearby residential properties).

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good transport links and with the conditions imposed neither residential nor visual immunity would be adversely affected.

43/2004/156

Removal of condition 02 attached to planning permission 43/2004/107, The Wheelhouse, Linden, Westford, Wellington.

Condition

Prior to any change of proprietor or change in the nature of the business conducted from the premises, a Travel Plan addressing the proposed change shall be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented on the respective change of proprietor or business.

Reason for granting planning permission:-

The proposal was considered not to harm the residential amenity of the area or harm highway safety in accordance with the Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

49/2004/074

Erection of dwelling at land west of Abottsfield Cottages, West Road, Wiveliscombe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber, without the express written consent of the Local Planning Authority to the use of a different material;
- (d) C201 – landscaping;
- (e) C215 – walls and fences;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;

- (g) C917 – services – underground;
- (h) C306 – access – gradient;
- (i) The proposed access over the first 6 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 in writing by, the Local Planning Authority;
- (j) 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. Such drainage shall be provided prior to the dwelling hereby permitted first being brought into use;
- (k) P001A – no extensions;
- (l) P010 – no further windows;
- (m) Prior to the commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

(Notes to applicant:- (1) With regard to condition (h), applicant was advised that the submitted drawings do not show an appropriate turning/parking area; (2) N061 – road opening notice; (3) N112 – energy conservation; (4) N115 – water conservation; (5) Applicant was advised to investigate the history of this site and to determine the likelihood of the existence of any contamination resulting from previous use. If contamination is present, a site investigation, risk assessment and remediation strategy should be submitted to the Local Planning Authority prior to the commencement of development on site; (6) Applicant was advised that a solid continuous barrier should be provided on the boundary to the rear of the garden, in between the proposed dwelling and the garage to the south of the dwelling to mitigate noise arising from the garage workshop. The applicant may wish to consult a noise specialist to determine the specifications of such a barrier).

Reason for granting planning permission:-

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 or 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 N3a.

51/2004/007

Erection of two storey rear extension at Clyse Farm, Staith.

Conditions

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

Reason for granting planning permission:-

Whilst strictly contrary to the provisions of Taunton Deane Local Plan Policy H19(c), the proposed extension will not adversely impact on the character of the building or the appearance of the locality. The proposal therefore accords with the requirements of Policy S2.

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

The Committee felt that the proposed extension would not detract from the character of the building or the visual amenity of the locality.

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

06/2004/062

Retrospective application for use of amenity land as domestic curtilage and erection of railings, 10 Bethell Mead, Cotford St Luke.

Reason

The formation of a domestic curtilage and provision of railings would result in an intrusive feature when viewed from the adjacent public open space area, and would consequently adversely affect the visual amenity of the area. Therefore, the proposal is considered to be contrary to Policies S1 and S2 of the Taunton Deane Local Plan.

Also RESOLVED that enforcement action be taken to stop the unauthorized use of the land taking place and to seek the removal of the area of decking that had been constructed.

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

The Committee felt that this proposal was unacceptable, as the visual amenity of the area would be adversely affected.

38/2004/449T

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

Reason

The tree had a high amenity value.

Reason for consent to fell being refused contrary to the recommendation of the Development Control Manager:-

The Committee felt that the loss of the tree would have an affect on the visual amenity of the area and that it would be preferable for the height of the tree to be reduced instead.

48/2004/074

Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield.

Reason

The proposed building by reason of its bulk and roof height, will detract from the amenities and outlook of adjoining dwellings. The proposal therefore conflicts with Taunton Deane Local Plan Policies S1(D) and (E).

Also RESOLVED that enforcement action be taken seeking the reduction in the size of the garage to that previously approved in June 2003.

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

The Committee was of the view that the height of the garage roof would have a significant visual impact on neighbouring properties.

- (4) Telecommunications Notification No TEL/07/2004. That the notification be refused for the installation of a 12 m 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.

Reasons for the telecommunications notification being refused:-

- (1) The proposed installation would be detrimental to the visual amenities of the area when viewed from Meare Green and would be contrary to Taunton Deane Local Plan Policy S7 (open countryside);
- (2) The Local Planning Authority considers that possible alternative site/mast share sites (especially that at Knights Garage, Thornfalcon) have not been fully investigated in line with Government advice contained within Planning Policy Guidance Note No 8.

Reason for the telecommunications notification being refused contrary to the recommendation of the Development Control Manager:-

The Committee was concerned that the proposed telecommunications mast would have an adverse impact on the visual amenity of the area. The Committee also felt that there was the possibility of mast or site sharing at existing locations nearby.

- (5) That the following application be withdrawn:-

37/2004/520

Erection of apartment block containing 20 social housing units at former Princess Margaret School site, Middleway, Taunton.

5. Erection of two stables (commercial/racing stables) at land at Three Oaks, Ash Priors (02/2004/006)

Reported this application

RESOLVED that subject to the receipt of:-

- (1) No adverse comments from the Environmental Health Officer; and
- (2) No further representations raising new issues by 1 February 2005, 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) C102A – materials;
 - (c) The stables hereby approved shall be used for the purpose of an outlying yard as described in the agents letter dated 16 December 2004, and for no other purpose including livery, where owners look after the horses themselves, or use as a riding stables except for full board livery use;
 - (d) There shall be no obstruction to visibility greater than 900 mm above the adjoining road level in advance of lines drawn 2 m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 33 m either side of the access. Such visibility splays shall be fully provided before works commence on the erection of the proposed equestrian buildings hereby permitted and shall thereafter be maintained at all times;
 - (e) The existing access shall be widened to incorporate a radius of 6 m;
 - (f) Any entrance gates shall be hung to open inwards only and shall be set back a minimum distance of 6 m from the carriageway edge;
 - (g) The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not looses stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (h) The gradient of the proposed access shall not be steeper than 1 in 10;
 - (i) 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;
 - (j) C201 – landscaping;
 - (k) Before the development hereby permitted is commenced, details of the positioning and design of any manure/dung heap shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (l) The site shall be drained on a separate system with all clean and surface water being kept separate from foul drainage;
 - (m) All foul drainage including foul surface water run off, shall be disposed of in such a way as to prevent any discharge to any well, spring or water course, including dry ditches with a connection to a water course;

- (n) No refuse or waste materials shall be disposed of by burning on any part of the site.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) (2) Applicant was advised that the subsequent storage and disposal of collected wastes should be undertaken in accordance with the DEFRA code of Practice for the Protection of Water and the Protection of Air)

Reason for planning permission, if granted:-

The principle of the development outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S8 and N3a.

6. Residential development of 23 No dwellings, land at Hill Farm, Kingston St Mary (20/2004/026)

Reported this application

RESOLVED that subject to:-

- (1) The submission of a Design Statement;
- (2) The conclusion of a Section 106 Agreement providing for contributions towards sport, recreation and off site highway works; and
- (3) The receipt of no further representations raising new issues on the amended plans by the 10 February 2005,

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) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (c) Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C101 – materials;
- (e) C113 – details of structure and colour of mortar;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) Details and samples of the materials to be used for the surfaces of the courtyards shall be submitted to, and approved in writing by, the Local Planning Authority and no other material shall be used, without the written consent of the Local Planning Authority;
- (h)(i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges which will include details of the species, siting and numbers to be planted, including planting within the

blue line area to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or, as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority
 - (i) C205 – hard landscaping;
 - (j) C207 – existing trees to be retained;
 - (k) C208A – protection of trees to be retained;
 - (l) C208B – protection of trees – service trenches;
 - (m) C209 – protection of hedges to be retained;
 - (n) C210 – no felling or lopping;
 - (o) The existing hedges on the northern and eastern boundaries of the site shall be retained to the satisfaction of the Local Planning Authority;
 - (p) C215 – walls and fences;
 - (q) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (r) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner 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;
 - (s) 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 be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
 - (t) At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum coordinates 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;
 - (u) The proposed access shall be constructed in accordance with details shown on the approved plan and shall be available for use before the commencement of the development hereby approved;

- (v) Before any part of the permitted development is commenced, details of a new hedge along the north-east boundary of site shall be submitted to, and approved in writing by, the Local Planning Authority or, in default, by the Secretary of State for the Environment. Such a scheme shall be carried out within nine months of the date of commencement of the development;
- (w) C324 – parking;
- (x) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
- (y) C416 – details of size, position and materials of meter boxes;
- (z) Before the development hereby permitted is commenced, unobstructed visibility shall be provided above a height of 900 mm from adjoining carriageway level across the full site frontage. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (aa) C917 – services – underground;
- (bb) P001A – no extensions;
- (cc) P003 – no ancillary buildings;
- (dd) P006 – no fencing;
- (ee) There shall be no street lighting, other than with the prior written consent of the Local Planning Authority;
- (ff) C926B – remediation investigation/certificate;
- (gg) C910B – archaeological investigation;
- (hh) Before the commencement of any work hereby permitted, detailed elevations of the proposed dwellings and garages shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the site, including the adjacent trees and hedges, for wildlife. Any necessary mitigation measures shall be submitted to the Local Planning Authority and carried out as part of the development.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N113 – street names; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) N061A – Highways Act Section 184 Permit; (8) With regard to condition (u), applicant was advised that the proposed pedestrian crossing point should be provided to allow 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. In order to demonstrate this, a full survey drawing in both horizontal and vertical section should be submitted indicating such visibility at the crossing point; (9) With regard to condition (h), applicant was advised that this should include reinforcement planting for the eastern boundary and planting up of the area of land within the applicants ownership to the west of the site; (10) With regard to condition (d), applicant was advised that in view of the location of the site within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area, natural materials for the walls and roofs should be specified; (11) N024 –

development in accordance with the approved plans; (12) N051B – health and safety; (13) N075 – Section 106 Agreement; (14) N091 – trees; (15) N094 – trees; (16) Applicant was advised to agree with Wessex Water prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (17) N048A – remediation strategy; (18) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including public holidays, no noisy working; (19) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (20) With regard to condition (gg), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists to undertake it).

Reason for planning permission if granted:-

The proposed development was on land previously occupied by farm buildings and was allocated for residential development in the Taunton Deane Local Plan. It was not considered that the proposal would have any adverse impact on the character of the area or the amenities of any nearby residential properties. The development was in compliance with Taunton Deane Local Plan Policies S1, S2, H1, EN15, EN17 and KM1.

Also RESOLVED that in the event that the Design Statement was not received by 21 February 2005 and/or the Section 106 Agreement was not concluded by 7 March 2005, planning permission be refused for reasons that the proposal did not have adequate provision for off site children's play and public open space and necessary off site highway works contrary to Taunton Deane Local Plan Policies C4 and KM1(D) and/or it had not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would preserve or enhance the Conservation Area and would therefore be in conflict with Taunton Deane Local Plan Policies KM1(C) and EN15.

7. Erection of 23 dwellings (microflats) with landscaping and associated work at Wood Street, Taunton (38/2004/492)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse views from the Environment Agency, Fire Officer or the County Highway Authority on the amended plans;
- (2) The receipt of no further representations raising new issues on the amended plans by 10 February 2005;
- (3) The completion of a Section 106 Agreement regarding contributions towards local recreational 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) Notwithstanding the details on the application, and before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the local planning authority;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) The development hereby permitted shall not be commenced until details of the arrangements for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented and maintained to the satisfaction of the Local Planning Authority;
- (f) Prior to the commencement of any development works upon this site, the applicant shall at his own expense appoint a suitably qualified acoustic consultant with a remit to examine that area of land and identify what measures, if any, may be necessary to ensure that noise from traffic sources from the existing highway and the proposed Inner Relief Road will not cause nuisance to the residential occupants of premises on that area of land. The consultant shall submit a written report to the Local Planning Authority which shall contain details of all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works upon this site and all agreed identified measures implemented prior to the occupation of the dwellings upon this site;
- (g) C215 – walls and fences;
- (h) Detailed drawings indicating the height, intensity of light and manufacturers specification of the proposed external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced. Lighting hereby permitted to the rest of the site and building shall not remain on between 2200 and 0730 hours;
- (i) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 hours. At all other times, including public holidays, no noisy working;
- (j) C927 – site contamination;
- (k) C331 – provision of cycle parking;
- (l) The bike sheds shall be completed prior to the occupation of the flats hereby permitted and shall remain available for use solely by occupants of those flats thereafter;
- (m) No occupation of the dwellings shall take place until the provision of the lay-by, associated footway and traffic regulation order have been

carried out in accordance with a Section 278 Agreement with the County Highway Authority;

- (n) The bathroom windows in the northern elevations shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (o) P011 – no windows on the western elevation;
- (p) The windows hereby permitted shall be recessed into the wall by a minimum of 900 mm;
- (q) C112 – details of guttering, downpipes and disposal of rainwater;
- (r) C414 – no increase in site level;
- (s) Prior to the commencement of works on site, details of the repair/repointing of the existing western boundary wall with Greenbrook Terrace shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed repair/repointing works shall be completed prior to the occupation of the units hereby permitted;

(Notes to applicant:- (1) N041A – drainage/water; (2) N111 – disabled access; (3) N112 – energy conservation; (4) N115 – water conservation; (5) N117 – crime prevention; (6) With regard to condition (h), applicant was advised that future security lighting to the rear of the flats may have a detrimental impact on the amenity of residents of Greenbrook Terrace and is unlikely to be acceptable; (7) Applicant was advised to contact Taunton Deane’s Drainage Officer to discuss the surface water drainage for the site).

Reason for planning permission, if granted:-

The proposed residential development was located within Taunton Town centre and conformed to Taunton Deane Local Plan Policies S1, S2, H1, N3a, C4 and EN34.

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

Reported that following the receipt of the flood risk assessment from the applicant, this item had been withdrawn from the agenda.

9. Section 52 Agreement relating to “Mallow”, Creech Heathfield

Reported that planning permission had been granted in 1975 for the erection of a dwelling on a site adjacent to the property called “Chants”, subject to a Section 52 Agreement preventing the erection of a second dwelling on the land.

At the time, the site had been outside the settlement limits of Creech Heathfield. It appeared though, that an exception had been made to allow the dwelling (now known as “ Mallow”) to be built as the proposal had also provided a car park for the adjacent doctors surgery located within “Chants”.

The settlement limits had since been extended to include the whole area covered by the Section 52 Agreement.

As the justification for the restriction no longer existed, the present owner of the land had requested that the Section 52 requirement be lifted.

RESOLVED that the Section 52 Agreement of 24 September 1975 made between John Caray (1) and the Council (2) 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.

10. Enforcement action in respect of mobile crane business, Creech Paper Mills, Creech St Michael

Reference Minute No 66/2004, reported that an enforcement notice had been served in respect of the unauthorised crane hire business at Creech Mills, Creech St Michael. The notice was currently subject to an appeal.

As part of their appeal submission, the appellants had submitted a detailed argument as to why there had not been a breach of planning control. Firstly, because a crane hire business was not being conducted from the premises and, secondly, that the stationing of four cranes to the rear of Creech Mills fell within the existing authorised use of the land.

The Senior Solicitor (Mrs Jackson) had investigated this submission and had concluded that because the hiring element of the business was being carried out from elsewhere, there was no business being conducted from the site. She added that although a crane hire business would usually be considered sui generis (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 did not constitute a change of use. It was therefore felt that there was insufficient evidence to support the enforcement notice on appeal and it was therefore recommended the notice should be withdrawn.

Mrs Jackson further reported that the cranes undoubtedly did cause noise and disturbance to local residents and, in the circumstances, she had asked Environmental Health to consider whether movement of the cranes constituted a statutory nuisance.

RESOLVED that the enforcement notice served in respect of the unauthorised use of land at Creech Mills, Creech St Michael be withdrawn.

11. Railings erected to front of property at Queens House, The Square, North Curry

Reported that it had been brought to the Council's attention that a set of metal railings had been provided around the front garden area of Queens House, The Square, North Curry. The railings were of traditional design but were over 1 m high adjacent to a highway and therefore required planning permission.

The owner of the property had been invited to submit a planning application to retain the railings but have declined to do so. Both the North Curry Parish Council and the Conservation Officer had indicated that the railings were acceptable.

In the view of the Development Control Manager the railings were in keeping with the period property and the North Curry Conservation Area. Therefore, if an application had been submitted, it was likely to have been granted consent.

RESOLVED that no further action be taken.

12. Appeals

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

- (a) Use of proposed holiday lodge permitted under planning permission 03/2003/003 for Manager's accommodation, Exmoor Gate Lodges, Waterrow, Wiveliscombe (03/2004/004)
- (b) 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, North Down House, Churchinford (10/2004/010)
- (c) Residential development comprising seven dwellings, land to west of Lydeard Mead, Bishops Lydeard (06/2004/025)
- (d) Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe (49/2004/022)
- (e) 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 (25/2004/006)
- (f) Erection of dwelling on land to north of Broomhay, Hyde Lane, Bathpool (48/2004/036)
- (g) Conversion of barns into two holiday lets at Whipprells Farm Buildings (part Pontispool Farm), Norton Fitzwarren (27/2004/016)
- (h) Erection of 37 dwellings on site of former South West Egg Packers Factory at Roman Road, Taunton (38/2004/244)
- (i) Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton (52/2004/037)
- (j) 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 (25/2004/007)
- (k) (i) Demolition of former gymnasium to rear of former Four Alls Public House; and (ii) 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 (38/2004/261CA and 287)
- (l) Erection of conservatory at Combe Down Barn, Combe Florey (11/2004/013)
- (m) Erection of dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren (25/2004/015)
- (n) Illuminated and non-illuminated fascia signs and projecting sign, Rileys, 1 Kingston Road, Taunton (38/2004/366A)
- (o) Erection of first floor side extension at Home Cottage, 117 Galmington Road, Taunton (38/2004/247)
- (p) Erect house and garage, formation of access together with new garage and access to existing house at Meadows Edge, Corfe (12/2004/004)

- (q) Retention of flat roof dormer window with UPVC cladding replaced by tile hanging at 15 Eastbourne Gate, Taunton (38/2004/390)
- (r) Appeal against enforcement notice – unauthorized siting of two mobile homes and two touring caravans for single gypsy family at Two Acres, Ford Street, Wellington.
- (s) Appeal against enforcement notice – change of use of part of property for the purposes of operating a business at 33 Alma Street, Taunton.
- (t) Appeal against enforcement notice – change of use of land for the hire and storage of cranes at Creech Mills, Mill Street, Creech St Michael.
- (u) Erection of eight houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton (38/2004/324)
- (v) Demolition of chimney stack and thatch over, 24 Mount Street, Bishops Lydeard (06/2004/034LB)
- (w) Erection of four dwellings with associated works, land north of former hospital buildings, Cotford St Luke (06/2004/039)
- (x) Erection of two sheet advertisement display panels, Bathpool Bridge, Bridgwater Road, Taunton (48/2004/060A)
- (y) Change of use of ground floor from massage parlour to two self contained flats at Salisbury Cottage, The Mount, Taunton (38/2004/421)
- (z) Call in by the First Secretary of State – demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings into 25 self contained dwellings, restoration of the parkland and erection of 45 dwellings at Sandhill Park, Bishops Lydeard;
- (aa) Appeals against enforcement notice – change of use of the land to a permanent gypsy site for 16 mobile homes, 16 caravans and 15 utility day rooms at Greenacres, Oxen Lane, North Curry;
- (bb) Erection of single storey dwelling on land to the rear of 209 Staplegrove Road, Taunton (38/2004/409)
- (cc) Erection of a dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren (resubmission of 25/2004/015)(25/2004/026)

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

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

Decision

In the Inspector's judgement the impact of the development 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, 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)

Decision

In the Inspector's opinion visibility from both junctions with St Michaels Road was so far short of the normal standard as to constitute a positive hazard. He 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. 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)

Decision

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 various proposed design elements would cause the dwelling to resemble a volume built, anonymous, large house with few of the features, which marked the local distinctiveness of the Conservation Area. The appeal was dismissed.

- (d) 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)

Decision

The Inspector considered that with so little left of the original structure, significant rebuilding would be required. He also considered that in terms of sustainability the new dwelling would be remote from any public transport provision and too far from services to be accessible by walking or cycling. Furthermore, to provide adequate visibility from the access, 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)

Decision

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 proposed hipped roof. By making the maximum use of screening and the lie of the land, the effect of the proposed garage on the character and appearance of the countryside would be acceptable. Although the objective of encouraging sustainable forms of transport was recognised, as there was already ample parking for more than three cars within the curtilage of Seaforde Grange, restricting the size of the garage would 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)

Decision

The Inspector noted that 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 his 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. The appeal was dismissed.

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

Decision

The Inspector noted that the property was the only one of the eight dwellings that already had a two storey extension. The current proposal, which involved a further two story extension, would significantly increase the scale of the existing dwelling. 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. He also felt that the proposal would have a harmful affect on 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 (six bedrooms) at land adjacent to 14 Greenway Road, Taunton (38/2003/650)

Decision

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. 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 six units could be satisfactorily located on the site, which was an appropriate location for multiple occupation. 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)

Decision

The Inspector found 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. The appeal was dismissed.

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

Decision

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. He also found that the wall/fence caused an impediment to visibility, which constituted a hazard to highway safety. The appeal was dismissed and the enforcement notice upheld.

- (3) Reported that the following informal hearing had been arranged:- Two Acres, Ford Street, Wellington – Old Municipal Buildings, Corporation Street, Taunton – 22 February 2005.

(Councillor Bowrah left the meeting at 8.34 pm. Councillors Henley and Wedderkopp left the meeting at 8.35 pm and Councillor Vail at 8.36 pm)

(The meeting ended at 8.58 pm)

10/2004/029

MR AND MRS M DE-LUCA-FRADLEY

CONVERSION AND EXTENSION OF SEMI-DERELICT OUTBUILDING TO FORM GUEST ACCOMMODATION ANCILLARY TO LOWER WILLAND FARMHOUSE, CHURCHSTANTON.

19499/13368

FULL PERMISSION

PROPOSAL

The proposal comprises the conversion and extension of semi-derelict stone outbuildings to form ancillary guest accommodation to the main house. The proposal does not constitute either a holiday let or a separate independent dwelling. Lower Willand Farmhouse is a Grade II listed building.

Listed building application 10/2004/030LB accompanies the planning application and is also reported on the agenda.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY on the basis that this is ancillary accommodation, I have no objection in principle, however, I would recommend that visibility is improved when exiting the site. Recommends conditions. ENGLISH NATURE would advise that a wildlife survey should be undertaken by an appropriate qualified surveyor. We would wish to see the results of that survey before we can make any further comment. SOMERSET WILDLIFE TRUST recommends conditions and notes.

ENVIRONMENTAL HEALTH OFFICER recommends contamination condition. WILDLIFE SPECIES CO-ORDINATOR there are bats in the area and although it is unlikely that the buildings are being used as a maternity or hibernation roosts, it is quite likely that they are used as feeding roosts by bats. Ideally a survey should be carried out before determination but this would not be the best time of year and therefore I advise that this becomes a condition of permission if granted.

PARISH COUNCIL this site has been visited by my Council and whilst it is happy in principle with the proposals, it understands that a neighbour has written directly to you outlining his concerns surrounding parking facilities. My Council, therefore, feels that it must object to the proposals until such a time as a solution has been found to this problem. It has also been suggested that access to outbuildings to the south-east of the proposed development could be improved if the line of the development was straighter, i.e. directly along the line of the bathroom/bedroom/kitchen/dining areas, as opposed to the proposed "dog-leg" at the south-eastern end.

2 LETTERS OF OBJECTION have been received raising the following issues: additional sewage and waste will create an environmental hazard; increased traffic would exacerbate road danger; the building cannot be described as semi-derelict; and the entrance to the lane should be kept clear of parking.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, the character of buildings, visual and residential amenity, and road safety. Policy H20 accepts conversions of appropriate buildings within the curtilage of dwellings for ancillary accommodation, and accepts new buildings within the curtilage, provided, inter alia, it does not harm the character of the dwelling, and visual and residential amenity. Policy EN17 of the Taunton Deane Local Plan seeks to safeguard the setting of listed buildings.

ASSESSMENT

The agent has responded to the parish objection and to the letter of objection and advise, inter alia, that Lower Willand have a huge waste water treatment system, and the building to be converted already has a w.c. and sink and laundry facilities connected to the system; the objector is mistaking both the access track and the range of outbuildings for another site; there is sufficient hardstanding at Lower Willand for six or seven vehicles with an additional space for two in their car park.

The proposal constitutes ancillary accommodation to the main house, not a holiday let, and not an independent dwelling. Accordingly the proposal is acceptable in principle. The proposal is also considered acceptable with regard to its design, and it is not considered that the character of the building or the setting of the adjacent listed building would be adversely affected.

The County Highway Authority recommendation that visibility to the lane be improved, together with the parish concern that parking would be a problem, are both considered unreasonable insofar as ancillary accommodation only is proposed, and not a holiday let or independent dwelling.

The remaining issue is that of possible impact on bats and birds. A survey has been submitted and the revised comments of both English Nature and the Somerset Wildlife Trust are awaited. These will be reported to Committee if received.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, restriction to ancillary accommodation, contamination, mitigation measures for bats and birds, and schedule of works.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character of the building, the setting of the listed building, visual amenity, or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, H20 or EN17.

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:

10/2004/030LB

MR & MRS M DE-LUCA-FRADLEY

CONVERSION AND EXTENSION OF SEMI-DERELICT OUTBUILDING TO FORM GUEST ACCOMMODATION ANCILLARY TO LOWER WILLAND FARMHOUSE, CHURCHSTANTON.

19499/13368

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal comprises the conversion and extension of semi-derelict stone outbuildings to form ancillary guest accommodation to the main house. Lower Willand Farmhouse is a Grade II listed building.

Planning application 10/2004/029 accompanies this listed building application and is also reported on the agenda.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER principle acceptable. New roof configuration justified by historic evidence of remnant of jointed cruck. Modest range of outbuildings where former roof configuration of main barn will be reinstated, as will former building which closed the gap on northern range. Acceptable subject to conditions.

PARISH COUNCIL this site has been visited by my Council and whilst it is happy in principle with the proposals, it understands that a neighbour has written directly to you outlining his concerns surrounding parking facilities. My Council, therefore, feels that it must object to the proposals until such a time as a solution has been found to this problem. It has also been suggested that access to outbuildings to the south-east of the proposed development could be improved if the line of the development was straighter, i.e. directly along the line of the bathroom/bedroom/kitchen/dining areas, as opposed to the proposed "dog-leg" at the south-eastern end.

POLICY CONTEXT

Policies EN17 and EN18 of the Taunton Deane Local Plan seek to safeguard the character, appearance, and setting of listed buildings. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review relates to the built historic environment.

ASSESSMENT

The proposed development would not only reinstate the former building but would enhance the complex which are within the curtilage of the listed farmhouse.

The proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, further specific details to be submitted, no suspended ceilings, roof venting details, rooflights to be flush, soil pipes within building, details of guttering and services underground.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character or appearance of the listed building and therefore does not conflict with Taunton Deane Local Plan Policies EN17 and EN18.

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:

23/2004/051

MR D BRICE & MISS V IVORY

**RESIDENTIAL DEVELOPMENT AND VEHICULAR ACCESS AT LAND ADJACENT
DAVYS CLOSE, BUTTS WAY, MILVERTON.**

11623/25603

OUTLINE APPLICATION

PROPOSAL

The proposal seeks outline permission for residential development on an area of agricultural land. Matters relating to siting, design, external appearance, means of access and landscaping are reserved for future consideration. The application includes an indicative drawing showing the possible location of 4 dwellings on the site. The application site is located adjacent Butts Way, a classified road and has 48 m of frontage with the highway and is 37 m deep with dwellings at each end of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the indicative plan shows inadequate parking and turning arrangements, however these matter could be dealt with as reserved Matters. Visibility splays set back 2 m and 45 m in each direction would be required. It is unclear at present whether the appropriate splays could be accommodated on the applicants land together with Highway land along the frontage. WESSEX WATER no objections.

LANDSCAPE OFFICER objections raised as the proposal would involve the removal of a hedge to the detriment of the rural character of the lane. PLANNING POLICY objections raised due to location outside defined settlement limits and low density. DRAINAGE OFFICER no observations. HOUSING OFFICER the scheme will be above Rural Threshold and we will be seeking Affordable housing at this point where a housing need exists.

PARISH COUNCIL views awaited.

FOUR LETTERS OF SUPPORT have been received on the following grounds:- the development would it would improve Milverton as it stands; the land is currently of no use; new dwellings and affordable housing is needed; the improvement to the hedgerow will rectify current traffic problems; the dwellings would infill the gap between Daveys Close Bungalow and Newfield and the development would be within walking distance of the local amenities bringing income to local business.

POLICY CONTEXT

Policy 49 (transport requirements) of the Somerset and Exmoor National Park Joint Structure Plan Review.

Policies S1 (general requirements), S2 (design), S8 (outside settlement limits), EN5 (trees and hedges) and H1 (housing) of the Taunton Deane Local Plan Revised Deposit are relevant to this application.

ASSESSMENT

The site lies outside the defined settlement limits of Milverton and therefore there is a presumption against the principle of developing this plot for residential purposes. There is therefore no justification (agricultural, benefit to the rural economy, tourism or otherwise) for allowing a dwelling on the site. The site would appear acceptable in principle for affordable housing as the site is located adjacent to the settlement limit boundary, however open market housing does not meet the requirements of planning policy. The plot is not considered an "infill" plot as the frontage is too wide, i.e. the development would not complete a small gap in an otherwise built up area.

The proposal would also require visibility splays set back 2 m from the highway and splayed 45 m in each direction. The site frontage is insufficient in length to provide the appropriate visibility however it remains to be seen if the visibility splays can be incorporated within adjacent Highway land. Visibility splays across the whole frontage of the site however would lead to the complete removal of the hedgerow and bank that currently fronts Butts Way. The existing hedge is an important feature to the rural character of the lane/street scene that epitomises the semi-rural, edge of village surroundings.

RECOMMENDATION

Permission be REFUSED for the following reasons that the site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Taunton Deane Local Plan Policies H1 and S8. The proposed development would adversely affect the flows and safety of traffic as the site frontage is inadequate for the provision of adequate visibility splays in accordance with the requirements of the Highway Authority. Furthermore the required visibility splays would result in the loss of a hedgerow and bank to the detriment of the visual amenity of the area and street scene at this point. As such the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2 and EN5.

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:

24/2004/047

D STODGELL & D DAVLEY

**ERECTION OF DWELLING AT LAND WEST OF YEW TREE COTTAGE,
WRANTAGE AS AMENDED BY DRAWING NOS. 1A, 2A AND 3A RECEIVED 10TH
JANUARY, 2005**

30583/22359

RESERVED MATTERS

PROPOSAL

The proposal is a reserved matters application for the erection of a dwelling on land to the west of Yew Tree Cottage. The outline application was approved by the Committee on the 28th May, 2004.

One of the applicants is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY do not support application as the site lies outside the confines of any major settlement and is considered contrary to policy. However should the application be approved it is recommended that the access, parking and turning are provided as shown on the plan prior to the occupation of the dwelling.

LANDSCAPE OFFICER is concerned that the position of the house will result in the loss of both the Ash tree and the Horse Chestnut tree and suggests that the building is moved so that one of the trees may be retained. The ditch is likely to be a wildlife corridor and a wildlife survey is required to ascertain water vole activity. DRAINAGE OFFICER is of the opinion that it is unacceptable to pipe over the whole of the ditch, but supports the amended plans which show only part of the ditch being piped over.

PARISH COUNCIL made the following comments:- 1. consider a 5 bedroom property too big for the size of the plot; 2. to note that this area of Wrantage does flood neighbouring properties; 3. request the Highways Dept be consulted re size and proposed access (it is believed that the lay-by is part of the Highway); 4. as per revised plans - request that the part piping of the ditch from the boundary with Deaconsbrook to edge of field be piped and the remainder to be left open and request that this be made a condition of planning consent

FIVE LETTERS OF OBJECTION have been received raising the following issues:- a precedent may be set, allowing buildings on any available vacant small plot of land in Wrantage; the ditch and field on the northern boundary tends to flood and the proposal will exacerbate this; dwelling will reduce the surface area of ground available to absorb excess water; loss of privacy and overlooking to properties on the east and west boundaries; dangerous access from the site and lay-by onto busy road; cars being parked in the lay-by; plot too small for a 5 bed roomed house; frontage of building

standing proud of adjoining properties; concern over future building within the site e.g. garage/conservatory and resulting impact on trees and overdevelopment.

TWO LETTERS OF REPRESENTATION have been received following the notification of the amended plans. The occupants of Yew Tree Cottage feel that the amended plans address their concerns. The occupants of Deaconsbrook are still concerned regarding potential piercing of the stone wall and use of the layby as a permanent car park.

POLICY CONTEXT

Policy S8 (outside settlements) of the Taunton Deane Local Plan sets out the following criteria for new buildings; avoid breaking the skyline; make maximum use of existing screening; relate well to existing buildings; and use colours and materials which harmonise with the landscape. Policy S1 of the Taunton Deane Local Plan addresses appearance and character of landscape and building and amenities of individual dwellings. Policy S2 of the Taunton Deane Local Plan sets out design criteria for the proposal. Policy H1 of the Taunton Deane Local Plan require; a coherent approach to the overall design to be adopted, including layout, landscaping, building design and materials, to create a locally distinctive development well related to its surroundings; and existing and proposed dwellings enjoy adequate privacy and sunlight.

ASSESSMENT

Whilst the site lies outside of any settlement identified for further development, the outline permission has established the principle of a dwelling in this location.

Following discussions with the applicant amended plans have been submitted. The first floor window on the west elevation has been removed to prevent loss of privacy to the adjoining occupants. Both side boundaries have an existing fence that is to be retained. A new 1.8 m high close-boarded fence will be erected along 7 m from the western edge of the North boundary. These measures are considered sufficient to protect the amenities of the adjoining properties.

The house has been re-positioned to retain the Horse Chestnut tree. The existing planting on the west boundary and the proposed hedge on the north boundary will minimise the impact of the proposal upon the landscape. A wildlife survey has been undertaken and no indications of the presence of legally protected wildlife species were found.

There is a lot of concern amongst local residents regarding flooding of the area. The amended plans show 7 m of the ditch to be piped over. The site does not lie within a designated flood zone and neither the Environment Agency nor the drainage officer object to the (amended) proposals.

The plans provide sufficient space for car parking and turning as set out in the Local Plan. Parking in the nearby lay-by is a matter for the Highways Authority of Somerset County Council to resolve.

The design of the building will not detract from the character and appearance of the area and the visual impact is therefore considered acceptable.

RECOMMENDATION

Approval be GRANTED subject to an additional condition regarding piping of the ditch.

REASON(S) FOR RECOMMENDATION:- The reserved matters of this development are considered to be acceptable and would not harm visual nor residential amenity. Thereby the development accords 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: 356313 MRS F WADSLEY

NOTES:

31/2004/028LB

BROADFIELD MANAGEMENT LTD

CONVERSION OF DWELLING TO CLOSE CARE RETIREMENT HOME AND 2 STAFF FLATS AT WOODLANDS, RUISHTON.

26050/24796

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Conversion of dwelling to close care retirement home and 2 Staff Flats at Woodlands Ruishton. The existing dwelling is grade II listed and dates from circa 1810 and is rendered with slate roofs. The stable block building to the rear is also covered by the listing although there is no proposal to alter this as part of the current application. The works involve the conversion of the house to a staff flat and Matrons flat on the upper floor and communal facilities on the ground floor and basement. These communal facilities include a hairdressers studio and a consultants room in the basement and a further consultants room together with a library, kitchen, dining room and sitting room on the ground floor.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER no justification in line with para 3.4 of PPG15. Of particular concern in respect of the above is (1) the effect on the basement - what upgrading works are required affecting walls and floors, including lias floor. (2) The effect on fabric elsewhere to achieve upgrading measures for means of escape. (3) Site is proposed to be used for close care, with Woodlands itself proposed for communal facilities. The site layout states paths must be capable of wheelchair use. Access to Woodlands from all approaches involves steps and there are steps within the building which are not all identified on the plans. Concern therefore re the need for ramps and other associated features, externally and internally and their potential detrimental affect on the character of the building. Objection raised insufficient information.

PARISH COUNCIL members of the parish were unanimously against this application as they felt strongly that the application could not be viewed in isolation from the proposal for three blocks of apartments, three storeys in height. The Council is against making an entrance onto Ruishton Lane which is very narrow in parts. Concerns were expressed that there were no figures included regarding vehicle numbers to the development, as it would be primarily car dependent. Reference was made to the Inspector's report on the Local Plan Inquiry.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development) and Policy 9 (The Built Historic Environment). Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN17 and EN18 (Listed Buildings).

ASSESSMENT

The proposal is for the reuse of the existing listed building. A concern of the current proposal is that the use for close care implies the certain residents may be infirm and therefore require wheelchairs, however there is no disabled access indicated to the building which has a first floor set well above existing ground level. Other details identified by the Conservation Officer are also missing and in light of the lack of justification and details in respect of the impact on the character of the building it is considered that the proposal should be resisted.

RECOMMENDATION

Permission be REFUSED for reason of lack of justification as required by PPG15 and lack of information on works that may affect the historic fabric and character of the building contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies EN17 and EN18.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

31/2004/029

BROADFIELD MANAGEMENT LTD

ERECTION OF 3 BLOCKS OF CLOSE CARE RETIREMENT FLATS PROVIDING 18 X 3 BEDROOM UNITS, 12 X 2 BEDROOM UNITS AND 12 X 1 BEDROOM UNITS, CHANGE OF USE OF DWELLING TO CLOSE CARE RETIREMENT FACILITIES INCLUDING 2 FLATS FOR STAFF ACCOMMODATION, BLOCKING UP OF EXISTING ACCESS ONTO A358 AND REPLACEMENT/PROVISION OF NEW ACCESS OFF RUISHTON LANE AT WOODLANDS, RUISHTON.

26050/24795

FULL PERMISSION

PROPOSAL

The proposal is to create a close care community of 42 units within and around the existing listed building. 40 apartments is claimed to be the threshold to sustain communal care facilities. A design statement has been submitted to support the proposal in terms of its massing, scale, local distinctiveness, landscaping and access changes. A visual and landscape appraisal has also been carried out. This concludes that the proposed development could be achieved primarily within the former kitchen garden without detriment to the setting of the listed building or significant visual or landscape implications. It would allow a more discrete and private means of approach to the site as well as an opportunity for management of the existing parkland landscape. A transport statement has also been provided looking at access and traffic movements on the basis of units being available for buyers aged 55 years and over for the elderly as a retirement home as well as a nursing home. The report concludes that the site is accessible to pedestrians, cyclists and public transport users. A new pedestrian footway is proposed as part of the development to connect the development to existing routes. The closure of the existing A358 access is likely to result in a safety benefit. The level of traffic at morning and evening peak hours would have no material effect on the capacity or safety of Ruishton Lane or the A358 and during weekday morning and evening peak periods there would be less traffic associated with the development compared to the alternative use of the site for offices under the existing planning permission.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY observations awaited. HIGHWAYS AGENCY no comment to make. ENVIRONMENT AGENCY no comment to make. WESSEX WATER Foul Drainage:- there is no spare capacity in the Ruishton system. The nearest point of adequacy for connection is the 450 mm sewer that runs parallel to M5. Surface water:- there are no sewers in the area and surface water is to discharge to land drainage system with the consent of the Environment Agency. The applicant is advised to contact Developer Services to see drainage systems may be adopted under a section 104 agreement. The Sewage Treatment Works and pumping station has sufficient capacity

to accept extra flows from the development. Supply:- there is sufficient capacity in the distribution system to service the proposal. ENGLISH NATURE there are records of brown long-eared bats roosting in the near vicinity, therefore protected species such as bats and badgers may be affected by these proposal. Bats and their roosts are fully protected under British and European wildlife law. Badgers and their setts are protected under the Badgers Act 1992. English Nature would advise that a wildlife survey should be undertaken by an appropriate qualified surveyor. We would wish to see the results of the survey before we can make further comment.

LANDSCAPE OFFICER my main concern is that the proposals would have a detrimental impact on the setting of the listed building as seen from the within the site and local vantage points. The landscape assessment of the site, as submitted, generally covers most of the issues but I have the following concerns: would it be possible to retain the existing Ruishton Lane hedgerow. It appears that the hedgerow would need to be removed to meet highway visibility splay requirements. The A358 Beech hedgerow, although substantial, will need careful management to maintain it longer term as the beech are planted very close together and will need thinning or reducing in height if they are to be retained. The new blocks will require the felling of some existing trees and appear very close to other mature trees. It appears that the proposals would not meet the requirements of BS5837 or the Council's guidance of dwelling to tree distances. The landscape assessment does not address adequately the views from the adjoining public footpath where views would be clear and detrimental to the setting of the listed building and semi rural character of the area. Overall the landscape mitigation proposals will help to soften the impact of the development proposals but will, in my opinion, detrimentally affect the landscape setting of the listed building and that of the semi-rural character of the area. CONSERVATION OFFICER this is new development contrary to policy. The new access would have a detrimental impact on the rural character of Ruishton Lane. The proposed new build would also have a detrimental impact on the setting of Woodlands by virtue of the scale, massing, bulk design and extent of new build. WILDLIFE SPECIES CO-ORDINATOR the age and nature of the existing building and parkland trees mean that it is highly likely that bats roost in the house and adjacent stable. There is evidence of swallows nesting in the stable and I advise that a comprehensive wildlife survey and report of the total site is undertaken to help determine this application. PLANNING POLICY there is a fundamental policy objection to the proposal, as it involves substantial new development outside defined settlement limits without comprising any of the exceptions identified in the relevant policy - S8 (Revised Deposit numbering) of the Taunton Deane Local Plan (TDLP). Should it be decided to approve the application, affordable housing should be sought in accordance with policy H12 (Revised Deposit numbering) of the TDLP. DRAINAGE OFFICER surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 and made conditional of any approval. HOUSING OFFICER as this scheme is way above the Rural Threshold and where a housing need exists we would be looking for the provision of affordable/social housing.

PARISH COUNCIL the Parish Council consider the statement that it will benefit local shops to be untrue. Pedestrian access to bus stops is via the busiest road in Somerset is unattractive and will not encourage bus use. The development would be car dependent with only 34 spaces for 42 apartments plus staff, seems inadequate and more spaces would detrimentally effect parkland setting. The existing permission for

Woodlands House to office use cannot be compared to the current proposal, the nature and scale being completely different. It is likely to generate more car borne traffic than suggested. Contractors access needs to be considered. Disagree with the conclusion that the proposal achieves criteria of the Local Plan as it is a greenfield site outside the settlement of Taunton. The proposal fails to comply with the Local Plan policies S1, S2 and S7 which defines Ruishton and Henlade as villages and also S8 "Outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area accords with specific Development Plan policy or proposal." Policy T1 identifies the definition of Taunton and paragraph 8.19 states "Development which would be physically severed from Taunton by the M5 is not favoured." There are no communal areas and the need for this development is not shown. In conclusion the development would be contrary to the Local Plan would effect the parkland setting of Woodlands. We refer to the Inspector's report from the Local Plan Inquiry which rejected a similar size, albeit office based, development of this site (No. REC23/62).

5 LETTERS OF OBJECTION have been received raising the following issues:- close care facilities cannot be considered in isolation, access lane too narrow for 42 properties, traffic travels at 30 mph and more, increased traffic problems as Ruishton Lane is a main route for traffic, pedestrians would have to cross road to catch buses, there are no buses evenings or Sundays, a footpath at the latter end will be useless, new access onto Ruishton Lane alarming due to its width, inadequate width for safety measures and turning, 3 storeys would be out of character, query over adequacy of drainage system.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Towns, Rural Centres and Villages), Policy1 (Nature Conservation), Policy 5 (Landscape Character), Policy 9 (The Built Historic Environment), Policy 33 (Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking) and Policy 49 (Transport Requirements of New Development)

Taunton Deane Local Plan Policies S1(General Requirements), S2 (Design), S3 (Energy Conservation), S8 (Outside Settlements), H12 (Affordable Housing), H13 (Rural Local Needs Housing), H18 (Residential Care Homes), M3a (Residential Parking Requirements), T1 (Extent of Taunton), EN3 (Local Wildlife Interests), EN4a (Protected Species), EN5 (Protection of Trees, Woodlands and Hedgerows) and EN17 & EN18 (Listed Buildings).

ASSESSMENT

The application site lies beyond the settlement limit of Taunton and Ruishton and has previously been considered by the Local Plan Inspector as a potential site for office development. Whilst there are clear differences between the office proposal and the current scheme the issues of sustainability, affordability, wildlife habitat, conservation, setting of the listed building, visual amenity and traffic safety are all issues to be considered.

Sustainability - The site consists of an existing dwelling, curtilage and parkland that lies beyond the settlement limits of Taunton and Ruishton. Policy STR1 of the Joint Structure Plan and S1 of the Local Plan seek to minimise the length of journeys and the need to travel. The proposal includes the closure of the existing access onto the A358 and a new access onto Ruishton Lane. As part of the new access a footpath is proposed along the road frontage of the Lane. There are a number of bus services identified as using the A358 and one route through the village. Access to bus stops would be via a proposed new pavement along the Ruishton Lane frontage but would still involve the need to cross the main road in certain instances. The walking route to Hankridge is along busy main roads and does not form an attractive route for pedestrians. There is no shop in Ruishton and the likelihood is that people living or working at the site would be likely to drive and primarily be car dependent. The applicant's Transport Statement concludes that there would be less traffic flow at peak periods compared to the potential office use of the existing building. However traffic for the residential use proposed would occur at other times throughout the day. The Local Inquiry Plan Inspector considered the arguments against the allocation of the site on sustainability grounds to be well founded. Whilst the current proposal is for residential care and retirement home rather than offices it is still considered that occupants and staff would be car reliant and therefore the sustainability of the site is questionable.

Affordability - The application provides for 42 units of accommodation which exceeds the criteria of 25 whereby the provision of affordable housing is required in line with Policy H12 of the Local Plan. Policy 35 of the Structure Plan is also relevant and in the absence of such provision the proposal is considered contrary to policy.

Wildlife Habitat - The site has been identified by English Nature as one where there are likely to be protected species such as bats and badgers present. The applicant has been advised to undertake a wildlife survey. In the absence of one it is considered that there is insufficient information to ensure harm would not occur to protected species and habitat and therefore the application is considered to be contrary to policy 1 of the Structure Plan and Policies S1, EN3 and EN4a of the Local Plan. The application is therefore considered unacceptable on this basis.

Conservation/Listed Building - The proposal is to erect 3 new three storey buildings within the old garden area of the existing listed dwelling. The nearest new building would be 27 m away from the main house and would be 12.4 m high. The buildings are not considered to reflect the scale of the existing building and are not considered locally distinctive. These new structures are not considered to respect the character of the main dwelling and are considered to detract from the setting of the listed building contrary to Policy 9 of the Structure Plan and Policies EN17 & EN18 of the Local Plan.

Visual Amenity - The application site is in a semi rural area on the outskirts of the village of Ruishton. The new three storey buildings would be set within the garden to the east of the house and would be clearly visible from the public footpath. It is interesting to note that the applicant's Landscape Appraisal fails to illustrate the site from this direction. The new buildings will be close to existing important trees within the site and may result in the threat to remove them due to falling distances. In addition to the visual impact of the development from the public footpath the new footpath and access on Ruishton Lane would result in the removal of the existing roadside bank and hedge and

it is considered that this would detract from the rural character of the Lane. This is considered contrary to Policy STR1 and Policy 5 of the Joint Structure Plan Review and Policy EN5 of the Local Plan.

Traffic Safety - The proposal provides a new access onto Ruishton Lane and the closure of the existing access onto the A358 . The comments of the Highway Authority are currently awaited in relation to adequacy of access, traffic flows and parking.

RECOMMENDATION

Permission be REFUSED for reasons of new build development outside defined settlement limits to the detriment of the character, setting and visual amenities of the existing listed dwelling contrary to Policies STR6 and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policies S1(D), S2, S8, H18, EN17 and EN18 of the Taunton Deane Local Plan. In the absence of a wildlife survey and without evidence to the contrary the development may harm habitat to the detriment of local wildlife and protected species contrary to Policies STR1 and Policy 1 of the Joint Structure Plan Review and Policies S1, EN3 and EN4a of the Taunton Deane Local Plan. The loss of bank and roadside hedge onto Ruishton Lane would detract from its rural character contrary to Policies STR1, STR6 and Policy 5 of the Joint Structure Plan Review and Policies S1 and EN5 of the Taunton Deane Local Plan. There is no affordable housing provision contrary to Policy H12.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

38/2004/570

GADD HOMES LTD

RESIDENTIAL DEVELOPMENT TO FORM 8 HOUSES, 5 FLATS OVER GARAGES AND 44 APARTMENTS AND ASSOCIATED ROADS AND PARKING AT POLLARDS YARD, OFF POLLARDS WAY, TAUNTON, AS AMENDED BY DRAWINGS ATTACHED TO APPLICANTS LETTER DATED 26TH JANUARY, 2005

22360/24795

FULL PERMISSION

PROPOSAL

The site lies on the western side of Pollards Way, which is a cul-de-sac leading from Wood Street to the Telephone Exchange building adjacent to the River Tone. The site is currently occupied by a number of low key commercial uses and lock-up garages. The site is bounded on its west and southern sides by terraced house, many of which have pedestrian gates on to the application site.

A previous proposal for 8 houses and 53 flats was refused in October 2004 on the grounds that the development proposed would result in loss of privacy to existing adjacent properties exacerbated by the increase in site levels necessary for the purposes of flood prevention and that the proposed development provided inadequate off-street parking, which together with the loss of garaging on the site, would exacerbate parking problems in the area.

Following this refusal the applicants revisited the scheme and made the following amendments:- 1. Number of Dwellings reduced from 61 to 57; 2. Fourth storey element removed; 3. Car parking provision increased from 46 to 59 (over 100% parking); 4. Ground floor levels of buildings adjacent to Portland Street and Clarence Street boundaries reduced by 750 mm; 5. The upper stories facing the above boundaries utilise sloping 'velux' rooflights in lieu of the vertical dormers proposed in the previous scheme, therefore in conjunction with 0.4 above, significantly reducing the possibility of overlooking the existing adjacent properties or gardens; 6. The only rooms facing the above boundaries/existing properties are bedrooms (designated non-habitable rooms under Building Regulations); 7. The proposed scheme satisfies the Environment Agency requirements with finished floor levels at minimum 15.700 m above Ordnance Datum (100 year flood level plus 20%). The site is bounded by a flood protection wall at 16.450 m (top level), meeting the 200 year flood level plus 20% as required by the TDBC Local Plan Policy. The area within the flood-wall would provide a degree of flood alleviation, further enhanced by an automatic pump cutting-in, in the event of floodwater overflowing the gravity fed surface water system; 8. Access to the rear gardens of Portland Street and Clarence Street properties, covered by licensed entry' is maintained and accessed via a ramp along the boundary of the site.

Discussions have subsequently taken place to provide affordable housing on the site. As a result further amended plans have been received showing Abbeyfield 'close-care' accommodation occupying plots 37 - 46 with their manager occupying plot 36.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. COUNTY PROPERTY SERVICES there is likely to be adequate capacity within local secondary and primary schools to accommodate any additional pupils that could be anticipated to move into the development. The Local Education Authority does not therefore wish to submit representations on this occasion. AVON & SOMERSET POLICE ARCHITECTURAL LIAISON OFFICER I have discussed this with Steve Major whilst at another meeting. We agreed that there are some issues regarding access through the proposed site and surveillance of some of the car parking areas. However, he explained some of the factors that were taken into consideration in the design. Having taken these on board, I have no adverse comments to make. ENVIRONMENT AGENCY no objection to this proposal, provided any approval is subject to the following conditions: No development approved by this permission shall be commenced until a suitable continuous flood defence has been constructed around the proposed development to a minimum height of 16.45 m AOD, which shall key into an impermeable layer underground (to prevent water syphoning below it). The scheme should be submitted in advance, and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details. Reason: To protect the development from flooding. Note: Any services or ducts through the wall will need to be fitted with non-return devices to prevent flood water entering the site and any accesses through the defence will need to be ramped up and down to the defence height. Condition: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme will need to be able to evacuate surface water from the site even when the 1:200 year flood event is taking place. The drainage works shall be completed in accordance with the details and timetable agreed. Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. Condition: There must be no new buildings, structures (including gates, walls and fences) or raised ground levels located adjacent to the defensive wall, without the prior agreement of the Agency and the Local Planning Authority. Reason: To maintain access to the defensive wall for future maintenance or improvements. Note: Any trees planted adjacent to the wall should be planted in root pits, to prevent future root damage to the wall. Condition: Finished floor levels of the dwellings should be set at a minimum of 15.7 m above Ordnance Datum. Reason: To further protect the development from flooding, in the event of a flood, in excess of that for which the defences were designed, or a failure of the defence. Condition: Development shall not commence until details of a site flood emergency plan and a scheme for the future operation and maintenance of the perimeter defence has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Agency. Reason: To ensure a responsible authority for the future maintenance and operation of the defence during flood events, for the lifetime of the development. Note: For information, the developer has expressed an intention to form a management company to be responsible for future maintenance and associated works. Condition: Prior to the development hereby approved commencing, the applicant must take prudent steps to assess the risks associated with potential contaminants at this site. Such a strategy should take the form of and include the following stages:- 1. a desk study, which should include the identification of previous

site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. 2. if the potential for significant ground contamination is confirmed, this information should be used to produce: a. a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors. 3. a site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: i. suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and ii refinement of the Conceptual Model, and iii. development of a Method Statement detailing the remediation requirements. The above details shall be submitted to and formally approved in writing by the Local Planning Authority, prior to the development commencing. Reason: To ensure the development does not cause pollution of Controlled Waters. This practice is considered important in order that the site operator/owner, the regulatory authorities and other parties, such as the general public, potential purchasers or investors, can have confidence in the outcome, and any subsequent decisions made about the need for action to deal with any contamination at the site. Under the terms of the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in the floodplain of the River Tone, designated a 'main river'. WESSEX WATER The development is located within a sewered area, with combined sewers available. The developer has proposed to dispose of surface water to 'existing mains'. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The point of adequacy for connection will need to be determined at the detail design stage. Attenuation of surface water flows may be required subject to flow calculations. Although not shown on our public sewer records, there may be sewers close to/crossing the site that, by virtue of their age, could be deemed as public under the former Section 24 provision of the Public Health Act 1936. In addition, according to our records, there is a public water main close to/crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Again, Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure close to/crossing the site. Connection for water supply can be agreed at the design stage. CHIEF FIRE OFFICER Means of Escape - Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. Water Supplies - All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

LANDSCAPE OFFICER subject to detailed landscape proposals it should be possible to integrate the proposals into the surrounding urban scene. I would like to see some street tree planting set back from Pollards Way to help break up the flood protection wall. ENVIRONMENTAL HEALTH OFFICER Contaminated Land - 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, 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. h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site. 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. LEISURE DEVELOPMENT OFFICER this development should make a contribution of £2,562.00 per each of the 56 dwellings, giving a total off-site contribution towards the improvement of local recreational facilities of £146,034.00 in line with local plan policy. HOUSING OFFICER we would be looking for social housing on this site as agreed with the developer.

TAUNTON & DISTRICT CIVIC SOCIETY Notwithstanding the negative comments below, we feel that Gadd have produced a somewhat innovative general design with many commendable features. Gadd have responded to the refusal on "overlooking" grounds by changing window arrangements, deleting the highest elements in the original design and suggesting more trees at the edges of the area. This is all good, but we doubt that the problem is sufficiently alleviated, particularly for the residents of Portland Street (very few trees are included on the western side that backs onto Portland Street). Given the future predictions for sea level rise, which may exacerbate the risks of river flooding, we do not feel that lowering the level of ground floors is an advisable step. Further, any system dependant on pumping must be proof against failure of external services (e.g. power supply). Gadd have also responded to the refusal on parking grounds by increasing parking space, at the expense of some of the housing capacity, but clearly even more at the expense of open "green" space and garden areas. Being consistent with the surrounding area should not result in slavishly imitating the density attained by Victorian back-to-back terracing. This loss of open space reinforces our previous concerns about the lack of play space for children and for any kind of mutual association. Thus the development does not provide a good environment for children. The area around is highly built up, except for two parks, one 150m away across the river Tone and one (French Weir Park) closer but surrounded on 2 of 3 sides by the river and a sizable weir. It would be difficult for a resident to feel assured of the safety of unescorted young children going to such open areas. Neither area is visible from the development. We would further suggest that footpath exits towards the Tone should not be operable by small children.) We see that access is still convoluted, particularly for residents parking at the back of plots 22 to 34 (and the front of Nos. 18 - 21). Will emergency and delivery services have free and unimpeded access?

ONE LETTER OF OBJECTION has been received on the grounds that whilst improvement on previous scheme, it will still lead to congestion, flood walls will divert water into neighbouring properties.

ONE LETTER SUPPORTING the application has been received.

POLICY CONTEXT

The following policies from the Taunton Deane Local Plan are relevant:-

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

residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

H12 On 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; (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision. The provision of affordable houses sought on a site will be based on the need to ensure a balanced range of house types on the site and meet a fair proportion of housing need in the plan area, while retaining other important planning requirements.

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

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

EN30 On land liable to flood development proposals will not be permitted unless, having regard to any flood defence or other mitigation measures incorporated within the

development: (A) The development would not be affected by intrusion of flood water for the appropriate design flood event; (B) the capacity of available flood storage would not be reduced; (C) flood water and flows would not be impeded; (D) flooding risks elsewhere would not be increased; and (E) the maintenance and integrity of existing flood defences would not be impeded.

ASSESSMENT

This is a brownfield site in a sustainable location within the urban area and the principle of its redevelopment for residential purposes is therefore not in doubt. However, this revised proposal needs to be assessed against the previous reasons for refusal.

By providing a flood wall rather than raising the level of the dwellings concerns from overlooking are reduced. Window to Window distances are now generally within normally accepted tolerances, and layouts designed to minimise habitable rooms on sensitive boundaries.

Whilst the comments of the Highways Authority are still to be received, parking provision is now above one per dwelling. Taking into account the site's sustainable location and the proximity of public car parking it is not considered that refusal on inadequate parking can any longer be justified.

RECOMMENDATION

Subject to the completion of a S.106 agreement relating to affordable housing and sport and recreation contributions by 22nd February, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, mortar, landscaping, walls and fences, garages, meter boxes, removal of buildings, contamination, floor and ground levels, flood wall, surface water drainage, development adjacent to walls, trees adjacent to walls, finished floor levels, flood emergency plan, construction noise, parking and cycle parking. Notes re services and ducks, compliance, S.106, Wessex Water Bats, Part M and CDM Regs.

REASON FOR RECOMMENDATION:- The site is in a highly sustainable location within the urban area and comprises previously developed land. The layout and design is acceptable and will not result in demonstrable harm being caused to the amenities of nearby residents The proposal therefore accords with the requirements of Taunton Deane Local Plan Policy H1.

Should the S.106 agreement not be completed by 22nd February, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

38/2004/574

MR J LEYTON

REDEVELOPMENT OF SKITTLE ALLEY TO ERECT 5 FLATS WITH CYCLE STORAGE, REFUSE AREA AND CHANGE OF USE OF PUBLIC HOUSE TO RETAIL/OFFICE USE AT THE MASONS ARMS, MAGDALENE STREET, TAUNTON.

22949/24583

FULL PERMISSION

PROPOSAL

The proposal is for the change of use of the Masons Arm public House to A1 (retail) or A2 (offices), the retention of the 2 existing flats and the erection of a three storey extension to the rear of the building to form 3 x 2 bedroomed flats and 2 studio flats with bin storage and 12 cycle parking racks. Immediately to the west and east of the site lie two accesses to the service yard and rear of the Primark Store with the Perkin Warbeck Public House further to the west and a retail furniture store to the east. The pedestrian access to the site would be via the access way to the east of the building. This access is an emergency access for the Primark Store and is not in general use. Planning permission was granted, in December 1990, for the erection of a two storey extension, covering a similar footprint, for the provision of a dining and function area for the public house.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection, the flats and office accommodation are located within the town centre of Taunton where it is policy to provide cycle storage facilities rather than off street car parking. COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER there is foul water sewers and mains water supply to the site. There are no separate surface water sewers adjacent to the site and alternative measures should be investigated for this.

CONSERVATION OFFICER no objection subject to conditions. ENVIRONMENTAL HEALTH OFFICER no objection subject to suitable double glazing to avoid noise problems.

4 LETTERS OF OBJECTION raising the following issues:- the loss of this traditional, high quality, violence free pub should be resisted as it represents an ocean of calm amongst the new drinking "warehouses" with their loutish behaviour due to cheap drink prices; a pub such as this serves a community role, ensuring a balanced provision within Taunton town centre and should be retained as it is as important to local people as a pub in a village which have been retained so successfully; the proposed extension will overshadow the existing property reducing the light to the property to an unacceptable degree; the emergency access gates should remain available for use and must not be locked or Primark may lose its right of way for emergency access; the construction phase may affect the Primark delivery vehicles for using the access and this has not been addressed in the application; the development has no parking and would lead to vehicles parking and blocking the Primark Accesses.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR2 (Development should be focuses within towns) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), 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; 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; 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. M3a (Parking Requirements)

ASSESSMENT

The proposed development lies within Taunton town centre where such development is acceptable in principal. There are good transportation links and the proposal offers 12 cycle parking spaces in line with the policy requirements. On either side of the new units are access ways to Primark service yard. The western route is used on a regular basis by heavy goods vehicles etc and it is important to ensure adequate soundproofing is incorporated to avoid potential nuisance in the future. The existing pub is three storeys in height and the extension to the rear will be designed in keeping with that front building. It will be set back off the eastern boundary by between 1 m and 3.5 m in distance rather than hugging the boundary like the existing skittle alley. This will allow for more privacy for the occupants and the provision of 7 - 9.5 m between the extension and the existing furniture store shop. Primark are concerned about the retention of the private way for emergency access but this is a private matter as the access is owned by the Masons Arms and Primark have rights of way over it. The change of use of a public house to A1 or A2 is acceptable in this location. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, surface water drainage, cycle parking, acoustic report and double glazing, windows not to open over

access to adjacent Primark service yard, use of ground floor A1/A2 use only, bin storage, no obstruction of Primark access during construction and details of courtyard, windows, blind windows and doors to be recessed, details of venting in roofs, details of windows and doors. Notes re energy conservation, disabled persons, secure by design and meter boxes, lifetime homes.

REASON FOR RECOMMENDATION:- The site is locate within the settlement of Taunton where new residential development is in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR2 and Taunton Deane Local Plan Policies S1, S2, H1 and M3a.

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:

38/2005/015

MR M AMOR

ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO PROVIDE GRANNY ANNEXE AT 23 ILMINSTER ROAD, TAUNTON.

24947/24811

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a two storey side extension and a single storey rear extension, in order to accommodate a granny annexe.

The property is a modern, part brick, part render, detached dwelling.

Application 38/2004/553 which was withdrawn in January this year, was an identical application other than the two storey extension not being made subservient.

The applicant is an employee of the Council.

CONSULTATIONS AND REPRESENTATIONS

None received.

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

No neighbouring property would be adversely affected in terms of light loss or loss of privacy, and given that the two storey extension is now subservient in terms of its ridge height being lower, the design is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, and restriction in use as a separate independent dwelling.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity, or the character of the building, and therefore does not conflict with 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: 356465 MR J GRANT

NOTES:

46/2004/039

MICHAEL & LESLEY COSTER

CONTINUED USE OF LAND TO SITE MOBILE HOME, TREES FARM, BLACKMOOR, WEST BUCKLAND AS AMPLIFIED BY LETTER DATED 24TH JANUARY, 2005

17206/17669

FULL PERMISSION

PROPOSAL

The proposal provides for the continued use of land at Trees Farm for the siting of a mobile home to accommodate an agricultural worker. There have been two previous temporary planning permissions for similar proposals in 1998 and 2002, the latter allowed on appeal. These permissions were to the two previous owners of the holding. The current applicants had no involvement with the property at the time of these previous permissions. The holding extends to 15 acres and has limited buildings at present, although there is permission for additional ones. The applicants intend to establish outdoor weaner production, weaner rearing and fattening unit. The applicants have begun stocking the land and currently have around 10 sows and their progeny. When fully stocked, the holding will support 53 sows, although the applicants are looking to purchase additional land which would mean that this number could be increased. The holding will be run and managed by the applicants. An agricultural appraisal was submitted with the application. This states that the business plan indicates that the holding is capable of becoming financially viable within the timescales advised in PPS7. In the longer term, the applicants propose to provide a cutting plant and packaging unit on the holding in order to sell direct to the consumer, which will provide a more sustainable income. The appraisal considers that the success of the proposed farming system relies heavily on the successful breeding and rearing of livestock and that all year round farrowing requires someone to be on hand day and night 365 days a year. The welfare of the animals requires essential care at short notice.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY although there is no objection in principal, the existing access is sub-standard. The required visibility is 2 m x 33 m, which could probably be obtained by relocating the access to the south. ENVIRONMENT AGENCY no comments to make. WESSEX WATER unable to ascertain whether there is any Wessex Water infrastructure crossing the site. If there is diversion or protection works may need to be agreed. Any connections to Wessex Water apparatus will need to be agreed with them. SOMERSET ENVIRONMENTAL RECORDS CENTRE Gortnell Common County Wildlife Site at site. Other County Wildlife Sites, County Geological Sites, Sites of Special Scientific Interest, badgers and legally protected species within 1 km of the site.

WILDLIFE SPECIES CO-ORDINATOR as the application site is within a County Wildlife Site, strongly recommend that a wildlife survey is undertaken prior to determination to

establish any potential loss of habitat/species. RIGHTS OF WAY OFFICER no comments to make. ENVIRONMENTAL HEALTH OFFICER no observations to make. DRAINAGE OFFICER no comments to make.

PARISH COUNCIL recommend refusal - pollution created by the proposed development can enter the spring providing the only water supply for Perry House and Perry Farm; no provision for the storage of slurry generated by the fattening unit and would not be possible to manage the unit as described and dispose of all the slurry on the unit; concerns about the septic tank and its effluent; parts of the appraisal unrealistic - feed costs too low, vet's costs too low, price received for weaners optimistic, other livestock expense is low, the number of weaners sold per sow is too high and there are no machinery or contractor's costs shown even though slurry has to be disposed of; TDBC should obtain an independent appraisal; outdoor pigs would have a detrimental effect on the County Wildlife site; although farm is indicated as extending to 15 acres, usable area is much less than this; question ownership boundaries; concern at stability of roadside bank; if approved request conditions that if pig enterprise ceases within the period granted the mobile home shall be removed, control of light pollution and sound proofing of generator.

TWO LETTERS OF OBJECTION previous approval on appeal was misguided with consequent incessant noise of dogs barking, a very noisy generator and concern about pollution of water supply; notwithstanding this current owners have liaised with the Parish Council, taken steps to ensure generator is no longer audible, have tidied the site and appear to be good neighbours as they develop the site; still concern at effect on spring water; additional lights if more units are built to house an expanding business, existing lights stand out on the skyline and are visible for miles around in an area where no other lights exists; query over extent of land ownership; parts of land is environmentally very rich and so wet that no agricultural activity could be carried out without massive environmental damage and excessive erosion; effect on County Wildlife Site; query about animal capacity of the holding; the farm budget performance data is on the optimistic side bearing in mind the very high wear and tear of outside pig production on sharp flint stone ground; miscellaneous costs for the overhead costs are low and there is no indication of mechanism costs and depreciation; understand that ADAS consider a residence on site is by no means essential for an outside farrowing system, there are many such enterprises operating with no residences on site many being located locally, this is also the case for fattening pigs; an independent assessment by an ADAS pig consultant is essential if the appraisal is to be critically assessed.

POLICY CONTEXT

Annex I of PPS7 sets out the context against which planning applications such as this should be considered. This requires that there should be an essential need for a person to live on site for most of the time. The advice also states that for the first three years of a new farming activity, the residential accommodation should be in the form of temporary accommodation.

Policy STR6 of the County Structure Plan states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits

economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy S8 of the Taunton Deane Local Plan states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria. These criteria include that it is for the purpose of agriculture, it is necessary to meet a requirement of environmental or other legislation and that it supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. It is considered that the proposal satisfies these criteria. Policy H14 states that dwellings for agriculture or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need for the dwelling there and the farm or forestry unit for which it is sought is proven to be financially viable.

ASSESSMENT

I have commissioned a further agricultural appraisal. This concludes that there is an intention and ability to develop the enterprise concerned and that there is a functional need to be resident on the holding. Its writer considers that in the competitive market conditions that are present today, every attempt must be made to gain a competitive advantage over others in the same industry. This requires that the maximum numbers of piglets reared per sow must be achieved and problems and emergency situations kept to an absolute minimum. This cannot be done if there is no resident person on site and there are long periods where the stock is unattended. The writer is happy that the farm will accommodate the numbers proposed when the additional buildings have been provided.

It is understood that there has been pollution to the spring water of a nearby property in the past. The applicants have indicated that they understand that the water has not been contaminated for the last 2 years and that there is considerable incidence of fly tipping which is more likely to be the cause. The applicants intend to contain slurry and recycle it as fertilizer in polytunnels for growing crops. Any surplus will be disposed of in accordance with DEFRA guidelines. There is a normal septic tank which is emptied as required. The applicants indicate their intention to install a bulk container and buy feed in bulk loose quantities; the vet is only consulted in extreme cases; pig and pork prices are rising; and do not envisage using outside contractors. The applicants consider that pigs can have a positive effect on land, particularly woodland, by unearthing long buried seeds thus regenerating the natural habitat for flora and fauna. As responsible farmers, they want to manage the land sympathetically having due regard for the natural wildlife. Land left unused, unmanaged and neglected deteriorates, damaging the habitat for local wildlife. By farming the land will be adding to the local economy. The applicants also consider that the area of usable land is sufficient to support the proposed enterprise. They also contend that the roadside bank will not be affected by whether or not there is a farming activity on the holding. I consider that these points, anyway, relate to the farming activities on the land, which are not the subject of the current application, which relates to the provision of residential accommodation on the holding. They state that use of outside lighting during the hours of darkness is already being kept to a minimum unless an emergency occurs and animals need attention. A new, quieter

generator has been purchased and the enclosure sound-proofed. The applicants do not have any dogs.

Given the previous planning permissions on the site, neither of which required any improvement to visibility at the access point, I consider that it would be unreasonable to require it of the current proposal. Furthermore, the provision of a new access and visibility splays would be likely to result in a detrimental impact on the character of the rural area, which is within the AONB, at this point.

Given the previous planning permissions for a mobile home at the holding and the fact that a mobile home is already on site, I do not consider that a wildlife survey is appropriate.

RECOMMENDATION

Permission be GRANTED subject to conditions of temporary permission (3 years) and agricultural tie. Note re Wessex Water infrastructure.

REASON FOR RECOMMENDATION:- It is considered that having regard to Taunton Deane Local Plan Policies S8 and H14 the proposal is considered acceptable on a temporary 3 year basis in order for the intended agricultural holding to be established.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

PLANNING COMMITTEE – 16 FEBRUARY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Pitminster

1. **File/Complaint Number** E53/30/204
2. **Location of Site** Former Nursery, Wrexon, Trull, Taunton.
3. **Names of Owners** Mr B K Cryer
4. **Names of Occupiers** Mr B K Cryer

5. **Nature of Contravention**

Use of land as a scrap yard and for the stationing of caravans.

6. **Planning History**

The land is a narrow site running adjacent to the M5 motorway close to the Taunton Deane Service Area. It was formerly used as a horticultural nursery until about October 2000 when the current owner purchased the land. Various unauthorised uses occurred on the site but were abandoned following visits and/or discussions with Mr Cryer. Early this year however a number of touring caravans were brought onto the site and broken up with debris strewn across the site. Complaints were also received that scrap metal, vehicles etc. were being brought into the site and cut up, sorted and loaded into skips. Also a number of fridges were stored on site. Visits were made to the site and the owner contacted but without success. Both Somerset County Council and the Environment Agency have been alerted to the unauthorised use. It is understood that two weeks ago the Avon and Somerset Police raided the site and removed one or two vehicles and seized other items.

7. **Reasons for taking Action**

It is considered that the use of the land for the breaking of vehicles and the storage of scrap is an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement notice and take prosecution action subject to satisfactory evidence should the notice not be complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 16 FEBRUARY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Pitminster

1. **File/Complaint Number** 30/2004/026 – E221/30/2004
2. **Location of Site** The Blagdon Inn (formerly The White Lion), Blagdon Hill, Taunton.
3. **Names of Owners** Eat Drink and Be Merry Pub Company
4. **Names of Occupiers** -
5. **Nature of Contravention**

Provision of extract duct not in accordance with approved plan.

6. **Planning History**

A planning application was submitted and approved for the erection of a single storey extension, fire escape and new porch on 6 April, 2004. The application included an extraction system. It was brought to the Local Planning Authority's attention that the external venting duct was installed different to that indicated on the approved plans and that noise and smells were being detected at neighbouring properties. A new planning application was submitted to regularise the situation on 4 October, 2004 and was subsequently refused under delegated powers on 17 January, 2005.

7. **Reasons for taking Action**

It is considered that the air intake unit and ventilation extract gives rise to an unacceptable degree of noise and smells and causes serious harm to the residential amenity of the neighbouring property. It is therefore contrary to Taunton Deane Local Plan Policies S1 and S2.

8. **Recommendation**

The Solicitor to the Council be authorized to serve an enforcement notice and prosecution action subject to satisfactory evidence being obtained should the notice not be complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 16 FEBRUARY, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Comeytrove

1. **File/Complaint Number** E350/52/2004
2. **Location of Site** 14 Barrington Close, Comeytrove, Taunton.
3. **Names of Owners** Mrs K Solomans
4. **Names of Occupiers** Mrs K Solomans

5. **Nature of Contravention**

Erection of a fence.

6. **Planning History**

A single fence panel has been erected at right angles to a rendered screen wall linking Nos. 16 and 14 Barrington Close. The fence panel is erected on the front garden area to the north east of 14 Barrington Close. A complaint was received that the erection of this fence panel restricts access for the owner of the wall to carry out routine maintenance that may be necessary. The owner of the fence panel was advised that permitted development rights have been removed in respect of gates, walls or other means of enclosures erected or constructed in front of the forwardmost part of the dwellinghouse. In view of this a planning application for planning permission should be submitted. To date, the owner has declined to submit an application and the fence panel is still in place.

7. **Reasons for taking Action**

It is considered that although the fence panel requires planning permission it would not be expedient to take enforcement action over this single panel. It is considered that the panel does not detract from the visual amenities of the area therefore no further action should be taken. However, should the owner erect further panels this would have an effect on the amenities of the adjoining neighbours at which time enforcement action should be taken .

8. **Recommendation**

No further action to be taken over the single fence panel but should additional panels be erected the Solicitor to the Council be authorised to take enforcement action over the extra panels

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