



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 30TH MARCH 2005 AT 17:00.

(RESERVE DATE : MONDAY 4TH APRIL 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting held on 2 March 2005 (attached).
3. Public Question Time
4. BISHOPS HULL - 05/2005/008
ERECTION OF TWO STOREY EXTENSION WITH SINGLE STOREY CONSERVATORY AND FRONT DORMER WINDOW TO EN-SUITE BATHROOM ABOVE SITTING ROOM, AT 19 BADGERS CLOSE, TAUNTON.
5. BRADFORD ON TONE - 07/2005/003
DEMOLISH DWELLING AND ERECT TWO DWELLINGS AT COSY NOOK, BRADFORD ON TONE AS AMPLIFIED BY AGENTS LETTER DATED 17TH MARCH, 2005
6. CHEDDON FITZPAINE - 08/2004/030
ERECTION OF 5 DWELLINGS WITH GARAGES AND PARKING AT MILL COURT, TUDOR PARK, PRIORSWOOD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 23RD FEBRUARY, 2005 AND ATTACHED PLAN NO. 5403/38
7. CORFE - 12/2005/003
ERECTION OF DWELLING ON LAND ADJACENT TO MEADOWS EDGE, CORFE.
8. MILVERTON - 23/2005/004LB
RETENTION AND ERECTION OF WOVEN REED PANELS FIXED TO IRON RAILINGS, LITTLE FORT, ST MICHAEL'S HILL, MILVERTON.
9. NORTH CURRY - 24/2005/002
CONTINUED USE OF LAND FOR THE SITING OF A RESIDENTIAL CARAVAN (RENEWAL 24/1999/001) AND THE SITING OF TWO ADDITIONAL MOBILE HOMES FOR FAMILY USE AT WOODSIDE CARAVAN, NEWPORT HILL, NORTH CURRY AS AMPLIFIED BY LETTER DATED 26TH JANUARY, 2005 AND QUESTIONNAIRE
10. NORTON FITZWARREN - 25/2005/002T

APPLICATION TO FELL TWO WILLOWS, FOUR ALDERS, TWO POPLARS, ONE SYCAMORE, NINE ASH TREES AND CARRY OUT TREE WORK TO ONE SYCAMORE INCLUDED IN TAUNTON DEANE BOROUGH (NORTON FITZWARREN NO. 1) TREE PRESERVATION ORDER 1997 (TD725) AND TAUNTON DEANE BOROUGH (STAPLEGROVE NO. 2) TREE PRESERVATION ORDER 2000 (TD856) AT TAUNTON TRADING ESTATE, SILK MILLS ROAD, TAUNTON

11. STAPLEGROVE - 34/2005/006A
DISPLAY OF VARIOUS SIGNS UPON AND AROUND KINGS OF TAUNTON, COOK WAY, BINDON ROAD, TAUNTON
12. TAUNTON - 38/2005/013
RESIDENTIAL DEVELOPMENT, NEIGHBOURHOOD PUBLIC PARK, REORGANISATION OF SPORTS PITCHES, ERECTION OF NEW PAVILION EXTENSION TO EXISTING PAVILION, FORMATION OF TWO ASTROTURF PITCHES, ROAD JUNCTION ACCESS, PARKING, FLOOD ATTENUATION AND LANDSCAPING ON LAND NORTH OF GREENWAY ROAD, TAUNTON, AS AMENDED BY LETTER DATED 22ND FEBRUARY, 2005 AND PLAN NO. 6225/10C
13. TAUNTON - 38/2005/016
ERECTION OF 2 NO. 2 BEDROOMED FLATS AT 14 GREENWAY ROAD, TAUNTON.
14. TAUNTON - 38/2005/040
CHANGE OF USE AND CONVERSION OF BUILDING TO 17 RESIDENTIAL APARTMENTS AT THE OLD MALHOUSE, CANON STREET, TAUNTON AS AMENDED BY LETTER DATED 2ND MARCH, 2005 AND PLAN 0448.102C, PLAN 0448.111 AND LETTER DATED 10TH MARCH, 2005 AND PLANS 0448.103C, 104C, 105C, 106C AND 110B
15. TRULL - 42/2005/002
ERECTION OF SIX DWELLINGS FOR THE ELDERLY AND DISABLED ON SITE OF FORMER TENNIS COURTS, GATCHELL HOUSE, HONITON ROAD, TRULL.
16. WEST BAGBOROUGH - 45/2005/002
DEMOLITION OF AGRICULTURAL AND EQUESTRIAN BUILDINGS AND ERECTION OF 2 STOREY DWELLING WITH GARAGING, STABLES AND STORES, BASHFORD RACING STABLES, WEST BAGBOROUGH
17. WIVELISCOMBE - 49/2005/010
ERECTION OF DWELLING AND GARAGE WITH ALTERATIONS TO DRIVE, LAND AT HARTSWELL HOUSE, WIVELISCOMBE (RESUBMISSION OF 49/2004/022).
18. COMEYTROWE - 52/2005/004
ERECTION OF WICKER SCULPTURE AT THE FRONT OF QUEENS COLLEGE, TRULL ROAD, TAUNTON

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| 19. | COMEYTROWE - 52/2005/006
ERECTION OF SINGLE STOREY EXTENSION TO REAR OF THE BEECHES, COMEYTROWE LANE, TAUNTON, AS AMPLIFIED BY AGENTS LETTER DATED 9TH MARCH, 2005 | |
| 20. | OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO.1) TREE PRESERVATION ORDER 2005 AT 63 NORMANDY DRIVE, TAUNTON (TD968). | Countryside matter |
| 21. | PROPOSED ENFORCEMENT ACTION IN RESPECT OF FOXMOOR NURSERIES, CHELSTON, WELLINGTON. | Miscellaneous item |
| 22. | CHANGE OF USE OF TRENCHARD PARK GARDENS, NORTON FITZWARREN. | Miscellaneous item |
| 23. | SECTION 106 AGREEMENT - HANCOCK'S BREWERY, WIVELISCOMBE - APPLICATION NO. 49/2004/013. SEE ALSO AGENDA ITEM NO. 26. | Miscellaneous item |
| 24. | 05/2004/037 & E235/05/2004 - REMOVAL OF HEDGE AND ERECTION OF FENCE AT 14 GREAT MEAD, BISHOPS HULL, TAUNTON. | |
| 25. | PLANNING APPEALS - APPEALS RECEIVED AND LATEST DECISIONS. | Appeals |

The following item is likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

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| 26. | SECTION 106 AGREEMENT - HANCOCK'S BREWERY, WIVELISCOMBE - CONFIDENTIAL APPENDICES. SEE ALSO AGENDA ITEM NO.23. CLAUSE 7 - FINANCIAL OR BUSINESS AFFAIRS. | |
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G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

23 March 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 –2 March 2005

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Guerrier, Henley, Hindley, House, Phillips, Mrs Smith, Stuart-Thorn 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 M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillors Croad, Miss Cavill and Bowrah arrived at the meeting at 5.16 pm, 5.24 pm and 5.44 pm respectively).

21. Apologies

Councillors Vail and Weston.

22. Minutes

The minutes of the meeting held on the 16 February 2005 were taken as read and were signed.

23. Applications for Planning Permission

The Committee received the report of the Development Control Manager on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That **planning permission be granted** for the undermentioned 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:-

38/2005/003

Change of use of dwelling to additional hotel bedrooms and erection of new building to provide additional hotel bedrooms, Corner House Hotel, Park Street and 4 Wellington Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) The windows hereby permitted shall be recessed in the wall to match the existing recess detail of the existing hotel building;

- (d) A scheme for the details of the new paved area to the rear of No 4 Wellington Road, together with details of the proposed new bin store shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (e) Prior to work on the new building commencing on the site, a sample of the brick for the elevations of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Following this approval of the brick, a sample panel of the walling shall be constructed and the details shall be approved in writing by the Local Planning Authority. The sample panel shall show the bonding and finish of the mortar joints and, once approved, the further work shall match the approved panel;
- (f) The parking on site shall be limited to the 25 spaces shown on drawing No A978/20.01A hereby approved and there shall be no additional parking within this rear parking area;
- (g) Prior to the occupation of any of the new bedrooms hereby approved, the access route from the car park out onto Wellington Road shall be surfaced in tarmac, or another surface to be agreed in writing by the Local Planning Authority;
- (h) The right of way for residents to the rear of the Wellington Road properties shall be delineated on the ground within the rear parking area by a means to be agreed in writing by the Local Planning Authority, and the agreed scheme shall be carried out prior to either the use or new building being implemented;
- (i) A traffic flow limiter shall be installed in the entrance way to the car park, in a position to be agreed by the Local Planning Authority, prior to the use of the building hereby approved first being brought into use and thereafter shall be retained.
(Note to applicant:- Applicant was advised that strict management of the parking area to the rear should be provided to ensure no breach of the condition regarding parking numbers).

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, the character or appearance of the designated Conservation Area, the setting of the listed buildings nor road safety. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, EN17, M1, M2 and M3.

38/2005/004LB

Alterations to dwelling to provide additional hotel bedrooms and demolition of existing greenhouse, shed, timber fence, polycarbonate roof and garage door, Corner House Hotel and 4 Wellington Road, Taunton.

Conditions

- (a) C002 – time limit – listed building;

- (b) C102A – materials – listed building;
- (c) Specific details of any works required to satisfy fire precautions, means of escape and sound transmission, shall be submitted to, and approved in writing by, the Local Planning Authority before work commences and shall be carried out as agreed;
- (d) Details of the means of upgrading the existing doors shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on the site and shall be carried out as agreed;
- (e) Details of the design, materials and impact of the new en-suites to be provided shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be carried out as agreed;
- (f) Details of the vent terminals for the en-suite facilities shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on the site and the works shall subsequently be carried out as agreed;
- (g) All new windows and doors shall be timber only and working details of which including sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development;
- (h) Details of the fire screen to the staircase shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing and shall be carried out as agreed.

Reason for granting listed building consent:-

The proposed development would not adversely affect the character or appearance of this Grade II listed building and, therefore, did not conflict with Taunton Deane Local Plan Policies EN17 and EN18.

44/2004/019

Conversion of outbuilding to annexe at The Old Forge, Pleamore Cross, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C404 – single-family unit;
- (d) 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;
- (e) Before the annexe hereby approved is first occupied the driveway, together with the area allocated for parking and turning on the site, shall be properly consolidated (not loose stone or gravel) to the satisfaction of the Local Planning Authority;

- (f) The area allocated for parking and turning on the submitted amended plan shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access;
- (g) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge;
- (h) 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;
- (i) Prior to any work commencing on site, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes 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).

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, visual amenity of the area or road safety in accordance with Taunton Deane Local Plan Policies S1, S2 and H20.

49/2004/081

Conversion of former pumping station to dwelling at Wiveliscombe Pumping Station, 2 Silver Street, Wiveliscombe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The new windows and doors indicated on the approved plan shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained for 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) C106 – second-hand materials;
- (e) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the building for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;
- (f) P001A – no extensions;
- (g) P006 – no fencing;
- (h) P003 – no ancillary buildings;

- (i) Before the development hereby approved is commenced, details of surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) P010 – no further windows.
(Notes to applicant:- (1) N114 – meter boxes; (2) With regard to condition (e), applicant was advised that mitigation measures might include avoiding work during the nesting or bat roosting/hibernation periods, providing accommodation for bats/birds in the roof void or providing bat/bird boxes in nearby locations; (3) Applicant was advised that English Nature can provide further advice on bats and all other protected species and should be able to recommend a list of suitable consultants to undertake the survey work and, if necessary, develop mitigation proposals).

Reason for granting planning permission:-

The site was in a sustainable location within the village centre and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity and would enhance/maintain the character and appearance of the designated Conservation Area and, therefore, did not conflict with Taunton Deane Local Plan Policies S1, S2, H1, M3a and EN15.

49/2005/002

Change of use of office/store to form single dwelling, 24 Style Road (corner of Golden Hill), Wiveliscombe (resubmission of application 49/2004/060).

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) P001A – no extensions;
- (d) P006 – no fencing;
- (e) P003 – no ancillary buildings.

Reason for granting planning permission:-

The site was in a sustainable location within the village centre and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, H1 and M3a.

- (2) That the following **application be withdrawn:-**

22/2005/002

Erection of dwelling house, land at The Causeway, Lydeard St Lawrence.

24. Formation of vehicular access and access track at Courtlands Industrial Estate, Norton Fitzwarren (25/2004/037)

Reported this application.

RESOLVED that subject to the receipt of additional information and no adverse views from the County Highway Authority, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external 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.
- (c)
 - (i) Before any part of the permitted development is commenced, a landscaping scheme to enclose the access track which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
 - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) C238 – tree protection in relation to construction;
- (e) If the development is not commenced before the 31 December 2005, a further wildlife survey shall be commissioned to ascertain any changes to bat and bird usage before works commence.

Reason for planning permission, if granted:-

The principal of the development outside defined settlement limits was considered acceptable and the proposal was considered not to harm trees subject to Tree Preservation Orders, nor the visual or residential amenity of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S8, EN5 and EC1a.

25. Erection of terrace of 3 No two-storey dwellings and formation of access off Northwood Close, Loxley, Norton Fitzwarren (25/2005/001)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues on the amended plan by the 8 March 2005, the Development Control Manager be authorised to determine the application in consultation with the Chairman, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201A – landscaping;
- (d) C207 – existing trees to be retained;
- (e) C208A – protection of trees to be retained;
- (f) C208B – protection of trees – service trenches;
- (g) C210 – no felling or lopping;
- (h) C215 – walls and fences
- (i) C324 – parking;
- (j) C304 – access point;
- (k) C416 – meter boxes;
- (l) C910B – archaeological investigation;
- (m) P007 – no fencing in front of dwellings;
- (n) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the site for nesting birds and slow worms which are legally protected under the Wildlife and Countryside Act 1981. If slow worms and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;
- (o) The existing hedge/wall/fence at the front of the site shall be level to and at no time be more than 300 mm above the level of the carriageway for a distance of 4 m on either side of the proposed access. This shall be undertaken before the works commence on the development hereby permitted and shall thereafter be maintained;
- (p) Before the access and turning area hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced (not loose stone or gravel), to the satisfaction of the Local Planning Authority, and such turning space shall be kept free of obstruction at all times.
- (q) 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.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N024 – development in accordance with approved plans; (6) N051B – health and safety; (7) With regard to condition (l), applicant was advised that the County Archaeologist would be happy to provide a specification for this work and a list of suitable archaeologists to undertake it; (8) Applicant was advised that points of connection for water supply and disposal of foul water flows will need to be agreed with Wessex Water; (9) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

Reason for planning permission, if granted:-

The proposed development made effective use of a brownfield site within the urban area and did not adversely impact on the amenity of adjacent residents. The development was therefore in compliance with Taunton Deane Local Plan Policies S1, S2 and H1.

26. Construction of infrastructure works including roads, sewers and drainage/flood attenuation works (Phase 2), Cotford St Luke (06/1998/042)

Reported that part of this application, granted in October 1999, provided for the provision of a 57 m length of footpath and cycleway in the general vicinity of a public footpath leading from Burge Crescent, around the western side of Burge Farm to link with the lane leading to Burge Farm.

Following the granting of two subsequent reserved matters applications for residential development, the line of the path had been moved slightly to the west of its originally intended line onto land owned by Cofton Limited.

Further reported that to provide the full width necessary for the footpath/cycleway, culverting of a stream, which ran adjacent to the intended route would be necessary. However, the Environment Agency had, on several occasions, expressed its opposition to such works, which could impede the flow of water along the stream.

A plan had now been provided by Taylor Woodrow Developments Limited (formerly Bryant Homes) indicating the 'as built' position. This showed a tarmac footway just over 50 m in length, 1.5 m wide with a short length of similar width gravel footway linking with the public right of way leading past Burge Farm.

The current width provided was 0.5 m less than the minimum width for a combined footpath/cycleway.

Although a footpath/cycleway at this point would potentially provide the first stage of a cycle route along quiet lanes towards Bishops Lydeard, it was understood from the County Highway Authority that it had no plans to extend the cycleway network beyond the Cotford St Luke development.

It was considered unfortunate that a full width footpath/cycleway could not be provided. However, the path was to be hard-surfaced and, in the foreseeable future, would merely link with a narrow, gravel public footpath beyond. In view of the approvals of the two residential developments which superseded the original permission for the footpath/cycleway, the Local Planning Authority was unable to require the width of footpath/cycleway to be provided.

In the circumstances, the Development Control Manager had recommended that the submitted amended plan be approved under the minor amendment procedure.

Members were very concerned that the required 2 m width for a footpath/cycleway could not be provided and requested that further negotiations be undertaken.

RESOLVED that the Development Control Manager be requested to enter into further negotiations with both the developer and the Environment Agency with a view to the full 2 m width for a combined footpath/cycleway being provided along its full length.

(The meeting ended at 6.51 pm).

05/2005/008

MR & MRS SCORER

ERECTION OF TWO STOREY EXTENSION WITH SINGLE STOREY CONSERVATORY AND FRONT DORMER WINDOW TO EN-SUITE BATHROOM ABOVE SITTING ROOM, AT 19 BADGERS CLOSE, TAUNTON.

20830/24304

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a two storey extension to the south elevation (side), a conservatory on the rear elevation, and a dormer window in the front elevation. The plans also show that the loft will be converted to 2 rooms.

The two storey extension has dimensions of 3.3 m width x 8 m deep. The roof rises to the height of the existing ridge at 8.2 m but is hipped away from the eaves which are at a height of 5.3 m. Materials will match the existing dwelling.

The existing dwelling is a detached 4 bedroom property at the head of a cul-de-sac on a modern estate. The side of the site is sideways on to the rear boundary of dwellings which front the main road A38 (Wellington New Road).

A similar proposal was refused in November 2004. The main difference now is that the roof of the two storey extension is hipped instead of a gable end.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL feel that this extension could be overbearing to the residents of 34 Wellington New Road.

TWO LETTERS OF OBJECTION have been received raising the following issues:- still gravely concerned that amended proposal does not address the reason for refusal of the previous application, mainly that the scale, height and bulk of the proposed extension would have an overbearing and dominating impact; planning law recognises that the harmful impact of a proposed development is a material consideration; existing dwelling already dominates the garden and proposed extension will significantly increase the visible mass to create an extremely overbearing structure, which will have a detrimental impact and block out light to garden; overlooking windows will result in loss of privacy; would not be willing to permit access for building works; significant increase in floor area; will be an example of gross overdevelopment within a compact residential area; single storey extension to south elevation would be acceptable; plans do not indicate how close extension will be.

POLICY CONTEXT

Policy H19 supports house extensions provided they do not harm the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling, and are subservient to the existing dwelling in scale and design.

ASSESSMENT

There is no objection to the conservatory or the dormer windows, and it is considered that the concerns to the previous application have been satisfactorily addressed.

The main issue previously was the impact which the two storey extension and the proposed windows would have had on the nearest property, No. 34 Wellington New Road.

The rear garden of No. 34 has a distance of some 15 m from the rear of the dwelling to the rear boundary, with a 2 m timber fence along the boundary. The dwelling has had a single storey dining room extension on the rear, with patio doors leading onto a patio. There is some low screening vegetation to the patio, 2 steps lead down to a lower part of the garden where there is no screening vegetation.

At present, the side gable wall of 19 Badgers Close is just over 4 m from the side boundary, and rises to a single height of 8.2 m. The proposed extension will bring the side wall to 0.7 m from the boundary, but the roof will be hipped away from the eaves.

The 3 ground floor windows in the proposed side elevation serving the garage and workshop have a top height of 2 m from ground level and will be close to a 2 m fence. The first floor window serving a dressing room, will have a cill height of 1.8 m and will be obscure glazed. There is also a rooflight in the south elevation. None of these windows will result in loss of privacy to the neighbours. The extension lies to the north of the objector's dwellings, and it is considered that the proposed extension is now acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, obscure glazing, GDPO windows, workshop domestic.

REASON(S) FOR RECOMMENDATION:- The proposed extension does not give rise to any unacceptable visual or neighbour impact, and it is in accordance with Taunton Deane Local Plan Policies H19, S1 and S2 (Revised Deposit numbering).

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

CONTACT OFFICER: 356468 MRS H PULSFORD (MON/THURS/FRI)

NOTES:

07/2005/003

MR & MRS M SPILLER AND MR & MRS J W SPILLER

**DEMOLISH DWELLING AND ERECT TWO DWELLINGS AT COSY NOOK,
BRADFORD ON TONE AS AMPLIFIED BY AGENTS LETTER DATED 17TH MARCH,
2005**

17252/22401

OUTLINE APPLICATION

PROPOSAL

The proposal comprises the erection of two dwellings in the garden area of the property known as Cosy Nook that is proposed to be demolished and the curtilage split in two. Matters relating to siting, design, external appearance and landscaping are reserved for future consideration. The site area measures 1360 sq m giving a residential curtilage area of 680 sq m per dwelling. Each plot runs west to east from the frontage with the highway and is 10 m wide for the majority of the plot. Each plot doglegs south on the western end of the site where each plot widens to form the rear garden areas. The submitted plan shows two dwellings with rear gable projections situated on the western side of the site and two detached garages adjacent to the highway with two separate accesses.

In response to objections received from the Parish Council and neighbouring properties the agent has reiterated that the drawing 1300300/1A is an illustrative plan only showing the positions of dwellings, garage blocks etc. The only matter which is not reserved for subsequent approval is the means of access. The agent also confirms that there is no objection to the use of a landscaping condition to overcome the concerns of the Landscape Officer.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited, however during pre-application discussions a 2 m visibility splay set back from the highway was recommended across the whole frontage of the site. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER no objections.

LANDSCAPE OFFICER concern regarding the proposed garages at the front of the sites and limited landscape mitigation proposals. DRAINAGE OFFICER no objections. Recommend an advisory note re surface water discharge to soakaways. BUILDING CONTROL OFFICER no objections. A demolition notice should be submitted 6 weeks before demolition of Cosy Nook.

PARISH COUNCIL objections raised on the grounds that the proposal constitutes overdevelopment of the site in a rural area.

TWO LETTERS OF OBJECTION have been received raising the following issues:- concern regarding the density of the development in relation to neighbouring houses; small and awkwardly shaped back gardens; Stonycroft itself is similarly deprived behind

it; it appears that house B does not have the same restriction as A in that first floor windows can overlook the pool area of Barn Tu; it is unclear where the building line is and the double garages close to the new pavement would spoil the street picture; trees should be protected during construction; a single dwelling with garage alongside; with a straight boundary between it and Stoneycroft and place it nearer the site of Cosy Nook; no first floor windows should be allowed; if approval is given there should be a requirement to remove 4 evergreen trees near the boundary of Barn Tu as they are a threat to the stability of Barn Tu and to the proposed new dwellings; the opportunity to provide safer access should be taken.

POLICY CONTEXT

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

ASSESSMENT

The site is located within the defined settlement limits of Bradford on Tone and therefore there is a presumption in favour of development unless material considerations indicate otherwise. The dwellings and garages shown are for illustrative purposes only and the granting of this permission would not bind the development to the positions shown. The accesses are to be considered in the determination of this application.

The overall area of the existing garden to be assigned as residential curtilage for each new dwelling is 680 sq m. Concern has been raised that two dwellings would overdevelop the site, however in planning terms it is considered that a dwelling could be comfortably accommodated on each plot, affording an appropriate area of amenity/garden area for any future occupants. Indeed, a recently approved dwelling to the north of the site between Little Barn and Stonewold had a site area of 518 sq m. North of the latter site there are many properties with smaller still curtilages. Using the minimum density guidance from PPG3 of 30 dwellings per hectare, the site should accommodate 4 dwellings. PPG3, however does describe that the character of the area should be maintained and it is considered that the linear form of the proposed development is in-keeping with the built form of the area. The proposed dwellings show a more logical continuation of the built form of development between Barn Tu and Stoneycroft, whereas the existing property Cosy Nook could be considered forward of the established building line of the area. It is therefore considered that the site is suitable for two dwellings. It is considered that the dwellings should be one and half storey construction in order to respect the character of dwellings in the vicinity.

Furthermore, it is considered that the dwellings could be sited such that they would not cause a detrimental loss of amenity to the neighbouring properties. No first floor windows in the north and south elevations of dwelling A and B respectively should be

allowed as they would overlook the neighbouring properties and therefore appropriate conditions are proposed. There would also appear to be sufficient distance between neighbouring properties so as not to cause an overbearing affect. The south elevation of Barn Tu incorporates an integral garage and therefore no windows in the neighbouring property would face the proposed dwellings. It is also considered that there is sufficient distance between dwelling B and Stoneycroft not to cause an overbearing affect. The proposal would therefore not appear to result in any detrimental loss of residential amenity.

Further concern has been raised with regard to the location of the garages. It is agreed that garages as shown on the plan would be visually undesirable within the street scene that is characterised by properties set back from the highway with no outbuildings adjacent to the highway. The Landscape Officer has also raised objections to these positions. The drawing however as described above is for indicative purposes only. However a note is proposed advising the applicants that the future detailed application should not include garages in the positions shown.

The recommendations of the Highway Authority that were given prior to the formal submission of the application appear to have been adhered to, i.e. a 2m visibility splay set back from the highway was recommended across the whole frontage of the site. The accesses would therefore appear to provide improved and adequate access, however the formal comment from the Highway Authority is awaited.

The proposed visibility splay would require the trimming back of the road frontage hedge. The Landscape Officer does not consider that this would detrimentally affect the street scene as a significant proportion of the hedge would remain and additional landscaping would include the replanting behind the splay. The Landscape Officer also comments that the landscaping shown on the plan is limited, however a landscaping condition is proposed to rectify this issue as this matter is reserved for future consideration. The landscaping plan could also include the protection of trees during construction and the request to remove the 4 evergreen trees from one of the neighbours.

RECOMMENDATION

Subject to no adverse comments from the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, detailed plans, materials, landscaping, boundary treatments, services located underground, surface water details, no further windows, no extensions, no outbuildings forward of the dwellings and limitation to one and a half storey construction. Notes re connection to Wessex Water infrastructure, energy and water conservation, advice regarding details of the future siting of garages and that the approved plan does not bind the development to the positions shown.

REASON(S) FOR RECOMMENDATION:- The proposal, for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a

detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H1, EN15 and M3a (Revised Deposit numbering).

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:

08/2004/030

GLENMILL HOMES LTD

ERECTION OF 5 DWELLINGS WITH GARAGES AND PARKING AT MILL COURT, TUDOR PARK, PRIORSWOOD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 23RD FEBRUARY, 2005 AND ATTACHED PLAN NO. 5403/38

24674/26374

FULL PERMISSION

PROPOSAL

A range of barns within the curtilage of Maidenbrook Farmhouse (listed grade 2) are in the process of being converted into 5 dwellings with an outstanding permission for the erection of a dwelling on the adjacent field (0.17 ha), the current application site. This application is for the erection of 5 dwellings with associated access and parking. The design reflects the traditional courtyard of barns adjacent and combines single and two-storey development. To the south and east of the site lie footpath and cycleway links and the boundary walls have been set back to allow for landscaping in between. The new dwellings will be accessed from the new road that serves the Maidenbrook Farm complex.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views on amended plans awaited. No objection in principle subject to appropriate conditions. COUNTY ARCHAEOLOGIST having studied earlier archaeological investigations in the area I consider that it would be appropriate for a watching brief condition to be attached. WESSEX WATER the site is not within a Wessex water sewered area and alternative arrangements will need to be agreed, there is a water supply in the vicinity of the proposal.

LANDSCAPE OFFICER comments on amended plans awaited. CONSERVATION OFFICER no objection to the principle. Design considered to be sympathetic to the listed buildings. Proposed materials are stone but the local stone is no longer available and alternative stone would appear incongruous in the context of the design which emulates traditional ranges to the west. POLICY FORWARD PLANS the proposal lies within the settlement limit of Taunton where residential development is acceptable in principle. ENVIRONMENTAL HEALTH OFFICER no objection subject to a land contamination condition.

PARISH COUNCIL the application would be an over development of the site, spoil the outlook from units 5 and 6 of the farmhouse and the converted courtyard. It would also create additional traffic usage of at least 10 cars from the extra houses at the junction with the A3259.

1 LETTER OF OBJECTION raising the following issue:- concerned about the impact of heavy machinery on the adjacent new housing.

POLICY CONTEXT

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

Taunton Deane Local Plan the following policies are considered especially relevant: - S1 Proposals for development should ensure that:- (A) additional road traffic would not lead to overloading of access roads or road safety problems; (B) the accessibility of the site for public transport, walking, cycling, and pedestrians would minimise the need to use the car (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; Policy S2 requires development to be of a good design. Policy H1 allows housing development within Taunton the following criteria are considered especially important:- (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. M3a requires adequate parking for new dwellings. Policy EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. EN34 Contaminated land.

ASSESSMENT

The proposed development is within the settlement limits of Monkton Heathfield where new development is considered acceptable in principle. The scheme has been designed to maximise the development of the site whilst respecting the character of the adjacent listed buildings. The County Highway Authority considers that the new access is adequate to serve the likely increased traffic flows from the proposed development. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, hard landscaping, surface and foul drainage details, watching brief, contaminated land, drainage of the highway, road construction details, roads, service roads and turning areas to be constructed prior to occupation, walls around car parking spaces to be maximum 900 mm high, timber recessed windows and doors, details of proposed velux roof lights, weather boarding and window lintels to be stained to match adjacent courtyard, details of rainwater goods, removal of GPDO for extensions, removal of GPDO for ancillary buildings, removal of GPDO for additional windows, removal of GPDO for fences/walls. Notes re energy conservation, landscaping to include details of

boundary and inner courtyard planting, watching brief notes, contaminated land note, disabled persons, secure by design, encroachment.

REASON(S) FOR RECOMMENDATION:- The proposal provides for a development of a good design, respecting the character and setting of the adjacent listed building, in a sustainable location without undue adverse impact upon the amenities of surrounding dwellings. The proposal therefore meets the requirements of Taunton Deane Local Plan Policies S1, S2, EN17 and H1 (Revised Deposit numbering).

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:

12/2005/003

QUANTIC PROPERTIES LTD

ERECTION OF DWELLING ON LAND ADJACENT TO MEADOWS EDGE, CORFE.

23167/19535

FULL PERMISSION

PROPOSAL

An outline application for the erection of dwelling on the site was refused under delegated powers in January 2003 for the following reasons:- The Local Planning Authority is not satisfied on the basis of the information submitted that a dwelling could be located on the site without causing demonstrable harm to the character of the Corfe Conservation Area. The proposal is therefore contrary to Policy EN15 of the Taunton Deane Local Plan. Three subsequent full applications have also been refused for similar reasons. The second of these was also dismissed at appeal. In dismissing this appeal the Inspector appointed came to the following conclusions:- (i) The new house would completely dominate the smaller adjoining outbuilding of Forge Cottage; (ii) The new house would appear too large for the plot; (iii) The cramped nature of the development fails to preserve or enhance the character or appearance of the Conservation Area; (iv) Overall the house would resemble a volume-built, anonymous, large house which would have few of the features which mark the local distinctiveness of the Conservation Area.

An appeal has also been lodged in respect of the third full application. A decision is currently awaited. I consider that there is no reason why an Inspector should come to a different conclusion on that scheme and therefore would suspect that this second appeal will also be dismissed.

Subsequent to the first appeal decision permission has been granted for a new access to Meadows Edge together Conservation Area Consent for demolition of a lean-to. In submitting this further revised application, the agent has attempted to address the Inspectors concerns by resiting the building away from The Old Forge whilst also maintaining a suitable gap to Meadows Edge. In terms of design the building has an appearance akin to a lodge house, a form that is found elsewhere within the Conservation Area.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER the development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. The developer has proposed to dispose of surface water to soakaway. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. With respect to water supply, according to our records, there is a public water main close to the site. Please find enclosed a copy of our supply records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or

protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. We advise that this should be agreed as early as possible and certainly before the developer submits to your Council any Building Regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

LANDSCAPE OFFICER subject to a suitable landscape plan it should be possible to integrate the proposals into the Conservation Area. Details of any level changes should be conditioned to the rear of the property. The tree proposals as submitted were refused in 2003. Only minor works should be allowed. CONSERVATION OFFICER this would appear to overcome the inspectors reasons for dismissal of appeal and incorporates characters/materials, common to Corfe Conservation Area. Please condition submission of sample slate and panel of chert/brick to be erected on site for approval.

PARISH COUNCIL Corfe Parish Council have carefully considered this application at a meeting attended by many of the inhabitants of the village. As with previous applications on this site we believe that the proposed building will again be too large and we note the intention to demolish part of Meadows Edge in order to accommodate it. The application has made no reference to the provision of garages for each property which will inevitably follow were this application to be successful. The prospect of two double units to service the two properties will complete the over development of the site and obliterate the gaps between the houses which are an important aspect of the village scene. The proposed building will have a dominant relationship to the Old Forge and be very close to the road, while the proposed height gives cause for concern as it will be over 2 metres higher than the Old Forge and more than 1 metre higher than Meadows Edge Cottage. The proposal that the property site should be excavated to reduce its height requires the construction of a terrace behind it, increasing the overall area from which drainage will be necessary on to the B3170 with the possibility of flooding to the properties immediately opposite which already suffer in wet weather. Finally the proposed plans show a house with leaded lights which appear in the village in the small Lodge of Corfe House, but which would be totally inappropriate in a house of this size.

15 LETTERS OF OBJECTION have been received raising the following issues:- building too large for plot; it will dominate surrounding properties; loss of garden; more cars on busy road; no asset to village; water run-off problems; does not preserve or enhance character of area; loss of views; design shows lack of understanding of character of area; will inevitably be pressure to erect garages.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate

standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan Policy H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock. Policy EN15 Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

ASSESSMENT

Although the Highway Authority comments are awaited, they did not object to the details of the earlier proposals and there would not appear to be any reason why that view should now change.

The building has been moved away from The Old Forge and it is therefore considered acceptable in terms of neighbour impact.

The issue of surface water drainage is suitably addressed by condition. The determining factor in this application therefore appears to be whether the proposal preserves or enhances the character of the Conservation Area in accordance with Policy EN15. The concern of the appeal Inspector in this respect largely revolved around the design of the building which did not reflect the local character. However, this revised design now incorporates features and materials more appropriate to this particular Conservation Area. As a result the Council's Conservation Officer no longer raises an objection. Whilst the building is taller than Meadow Edge it is not so much taller to as to appear incongruous in the street or to dominate the dwellings on either side.

Overall, I am therefore satisfied that the previous reasons for refusal have been satisfactorily addressed and that this proposal is acceptable in terms of Policy EN15.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, drive materials, mortar, landscaping, tree protection, walls and fences, service trenches, access surfacing, access gradient, gates, visibility splays, no garages, meter boxes, timber windows, no extensions, access to Meadow Edge, surface water. Notes re Wessex Water and compliance.

REASON(S) FOR RECOMMENDATION:- This revised proposal satisfactorily addresses the previous Appeal Inspector's concerns. The proposal is acceptable in highway safety terms, will not have undue impact on neighbouring properties and preserves the character of the Conservation Area. The proposal therefore accords with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies H1 and EN15.

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

CONTACT OFFICER: 356464 MR T BURTON

NOTES:

23/2005/004LB

CORDELIA V C ROCHE

RETENTION AND ERECTION OF WOVEN REED PANELS FIXED TO IRON RAILINGS, LITTLE FORT, ST MICHAEL'S HILL, MILVERTON.

12126/25831

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Retention and erection of woven willow reed panels fixed to existing iron railings between the pillars of stone boundary wall.

An accompanying planning application (23/2005/005) has also been submitted.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER raises objection as proposal has a detrimental affect on the character of the railings.

PARISH COUNCIL no objection.

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 site is set within the Conservation Area of Milverton, within close proximity of the church. The existing boundary to the property is stone, as are the surrounding buildings. The reed panels will obscure the existing iron railings having a detrimental affect on the character of the railings.

RECOMMENDATION

Permission be REFUSED due to the detrimental affect on the character of the railings that form part of the boundary to the Listed Building, within the Conservation Area of Milverton.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

24/2005/002

MR J HOLLAND

CONTINUED USE OF LAND FOR THE SITING OF A RESIDENTIAL CARAVAN (RENEWAL 24/1999/001) AND THE SITING OF TWO ADDITIONAL MOBILE HOMES FOR FAMILY USE AT WOODSIDE CARAVAN, NEWPORT HILL, NORTH CURRY AS AMPLIFIED BY LETTER DATED 26TH JANUARY, 2005 AND QUESTIONNAIRE

31799/23459

FULL PERMISSION

PROPOSAL

Planning permission was granted on appeal in 1989 for the siting of 2 gypsy caravans on this site. The number of caravans was restricted due to the highway dangers of increased traffic. In 1991 temporary planning permission was granted for an additional caravan for occupation by the family's daughter who has remained living on the site thereafter and now has a young family of her own. The current application is for the siting of two additional caravans, one for each of the applicants sons, who live on the site. The caravans would be sited to the rear of the main Living unit (mobile home) on the site. One of the proposed caravans would be sited adjacent to the boundary with Woodside an adjacent dwelling to the south of the site and the other adjacent to the northern boundary of the site. The existing access and parking arrangements would remain.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site has two accesses. The northern most access has adequate visibility in a northern direction but visibility in a southerly direction is restricted, the southern most access has restricted visibility in both directions. The approval of this application would increase traffic and it would be reasonable to request a visibility splay 2 m back from the highway with no obstruction above a height of 900 mm across the whole frontage of the site. In consideration of the existing highway situation I can only advise the above improvement to visibility but it may be unreasonable to insist given the history of the site. COUNTY GYPSY LIAISON OFFICER no comments received.

NORTH CURRY PARISH COUNCIL raise no objection subject to a 10 year temporary condition.

4 LETTERS OF OBJECTION have been received raising the following issues:- previous conditions of the previous consent have been transgressed; caravans are already on the site contrary to the permission; trees have been removed and the debris piled in the middle of the site; a heap of road gravel has been deposited on the site plus piles of reclaimed materials and an orange cab has been at the site; the original permission was for two caravans and now there are two residential caravans, three touring caravans plus countless commercial vans at the site; the caravan is now a wooden bungalow; the old orchard has been removed; I think the sites use will become even greater in the

future; the site should be monitored to ensure conditions/permissions are not transgressed.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan review policy 36, Sites for gypsies and travelling people, policy 49, Transport requirements of new development. Taunton Deane Local Plan policy H16 Gypsy and Traveller Sites and S1 general requirements for development.

Advice contained within Central Government Circular 1/94 recognises that private sites are often small and can accommodate pitches for individual or extended families with a less obtrusive impact on the environment.

ASSESSMENT

Supporting information supplied by the applicant states that the additional caravans are required for members of Mr Holland's immediate family, 2 sons and 1 daughter (ages 21, 29 and 31). Their daughter has had a separate caravan since temporary planning permission was granted in 1991 and now has a family of her own living in that caravan. Their elder son wishes to remain in the family unit, travelling around the area for work, and has two children attending the local school. Their younger son has had a serious road accident and is residing at home. When fit he intends to return to seasonal landscape work.

Central Government advice recognises that gypsies often live in extended family groups as proposed here. With the adult off spring living on the site at present, I consider it unlikely that traffic generation will significantly increase. I propose conditions to limit commercial vehicles on the site and control the location of the parking spaces to limit the impact on the surrounding area. The applicants have confirmed that there would be four commercial vehicles, one for each of the working members of the extended family. The county Highway Authority consider that this will result in additional traffic and visibility splays should be provided across the whole site frontage. This would result in the loss of the existing conifer hedge that screens the site from view and would have a detrimental impact on the visual amenity of the area. As all but one of the extended family already to live at the site I do not consider that the increased highway danger, resulting from that one occupant, would outweigh the impact of the loss of the boundary trees and opening up of the site to view along the lane and I consider that on balance the protection of amenity outweighs the need for improved visibility in the area. One of the caravans is proposed to be sited adjacent to the domestic boundary with Woodside, due to the proximity to the garden of that property I propose conditions to maintain a 2 m gap to the boundary and the erection of a fence of sufficient height to avoid overlooking from windows and minimise additional noise that could prove a nuisance to the neighbours amenity.

RECOMMENDATION

Subject to the receipt of no further letters of representation raising new issues by 6th April, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and temporary permission be GRANTED subject to conditions of temporary consent for 10 years, personal permission for Mr & Mrs Holland and their immediate family, maximum of 4 commercial vehicles on the site; car parking plan; retention of boundary trees/hedges, no storage of reclaimed materials, no more than 5 caravans on the site at any one time, caravans to be a minimum of 2 m from the southern boundary with Woodside, erection of a fence within the 2 m strip of land adjacent the southern boundary, no business activity at the site.

REASON(S) FOR RECOMMENDATION- The proposal would allow for occupation of the site by the immediate family of Mr and Mrs Holland (a recognised gypsy family) in accordance with Taunton Deane Local Plan Policy H16 (Revised Deposit numbering).

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:

25/2005/002T

JAMES JONSON

APPLICATION TO FELL TWO WILLOWS, FOUR ALDERS, TWO POPLARS, ONE SYCAMORE, NINE ASH TREES AND CARRY OUT TREE WORK TO ONE SYCAMORE INCLUDED IN TAUNTON DEANE BOROUGH (NORTON FITZWARREN NO. 1) TREE PRESERVATION ORDER 1997 (TD725) AND TAUNTON DEANE BOROUGH (STAPLEGROVE NO. 2) TREE PRESERVATION ORDER 2000 (TD856) AT TAUNTON TRADING ESTATE, SILK MILLS ROAD, TAUNTON

2059/2603 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

In accordance with outline planning condition 09 (25/2002/018), the application proposes to fell 17 trees and carry out work to one tree to enable the implementation of the Phase 1 road from Silk Mills Road on to site. It also proposes to fell one tree to accommodate a proposed flood-compensation pond.

The trees affected are part of two Tree Preservation Orders, TD 725 (1997) and TD 856 (2000). TD 725 superceded TD 599 (1993) which was revoked.

In June 2002 St. Modwen Developments Limited submitted an application (25/2002/018) for outline planning permission to redevelop the existing Taunton Trading Estate in Norton Fitzwarren. It included residential and employment development, infrastructure and services, and would be carried out in three phases. The Planning Committee resolved to approve this application, subject to Section 106 Agreement.

In order to construct the Phase 1 road which links the site with Silk Mills Road, an application has now been made to remove the trees affected. This includes eight trees that are growing adjacent to Silk Mills Road (all ash trees, average height 10 m) and nine trees that are growing along Back Stream to the west of Silk Mills Road (two willows 20 and 30 m high, two poplars 40 m high, an ash 10 m high, and four alders from 10 to 25 m high). To the north of this road the proposed flood-compensation pond requires the removal of one sycamore, height 10 m.

Site plans that were submitted with the original outline planning application (25/2002/018) indicated that only six trees would be affected along Back Stream. Following recent consultation with Somerset County Council Highway Authority, the developer has added to their plans cycleways on both sides of the new road. The extra width for these cycleways requires three additional trees to be included in the current tree application.

CONSULTATIONS AND REPRESENTATIONS

NORTON FITZWARREN PARISH COUNCIL object for the following reasons:- 1. There are inaccuracies in the maps relating to the application. 2. The number of trees to be felled is greater than shown on the original outline planning application drawings. 3. The application does not conform to policies EN4a, EN5 and EN7 of the Local Plan. 4. The application does not take into consideration paragraphs 7.15 and 7.16 of the Local Plan. 5. The trees along Silk Mills Road form a natural barrier between the road and the Trading estate and should not be removed. 6. Any loss of trees should be resisted because Norton Fitzwarren will be subjected to considerable development over the coming years.

POLICY CONTEXT

Policy EN5 - protection of trees, and Policy EN7 Development that would harm the character, landscape or wildlife value of important tree groups will not be permitted unless: (A) there is a proven overriding need in the public interest for the development; and (B) the development cannot be located elsewhere. Where it is decided to permit development affecting these tree groups, planning obligations will be sought requiring developers to replace the trees with trees of equal quality and coverage.

ASSESSMENT

The application included copies of FPCR drawing 1730/P/005 Rev A which clearly shows the TPO trees to be removed. A revised drawing has now been received (1730/P/005 Rev B) which shows the same number of trees to be removed but also includes details of the new cycleways. The number of trees to be felled has increased (by three) for reasons stated in 'background' above.

The application is for the removal of only those trees affected by the line of the Phase 1 road which is within the agreed corridor.

In July 2004 The Planning Committee resolved to approve the outline planning application submitted in 2002 by St. Modwen Developments Ltd, which included a masterplan and details of access points to the site.

FPCR, on behalf of the developer, commissioned a tree assessment report and review of nature conservation from an ecologist. Using BS 5387 (1991) retention categories, three of the trees to be felled were considered to be category B, moderately high, i.e.. retention is desirable. The rest were considered to be category C, moderate to low, i.e.. trees that could be retained if possible. The category B trees include one crack willow which the report says is over-mature and breaking up, with a substantial central cavity, and two poplars planted together with interlocking canopies.

The wildlife review (which was in addition to a previous survey carried out in 2002) showed that none of the trees to be removed appeared suitable as roosts for bats. No badger activity was observed in the area during the survey, although the surrounding pastures are likely to represent potential feeding areas. Otter spraints were observed approximately every 5 m along the watercourse (more than observed in the earlier survey) The Back Stream corridor is used by Kingfishers.

The review states that the road bridge would need to be constructed to allow ease of movement by otters and kingfishers, and goes into more detail about how the bridge could be designed to lessen the impact on wildlife and vegetation.

FPCR drawing 1730/P/001 Rev A, Landscape Framework Relief Road Phase 1, shows proposed new tree planting adjacent to the new road. This includes 25 large trees (oak), 21 medium trees (alder, poplar, ash and sorbus) and 16 small trees (apple, hawthorn, alder, hazel, sorbus and field maple). The drawing also shows proposed new hedgerows, scrub planting, semi-ornamental planting, aquatic and marginal planting and areas of species-rich grassland.

The loss of these trees is unfortunate. However, in the context of the overall redevelopment of the Trading Estate it represents a relatively small number.

None of the trees are of outstanding or special amenity.

The loss will be offset by proposed new tree and shrub planting, and sympathetic bridge construction to avoid unnecessary damage to wildlife, which will be conditions of the detailed planning approval.

As the Planning Committee has resolved to approve the outline planning application of 2002 (subject to 106 Agreement) it would be unreasonable to refuse this tree application.

RECOMMENDATION

Permission be GRANTED subject to condition of time limit.

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

CONTACT OFFICER: 356493 MR D GALLEY (MON, TUES)

NOTES:

34/2005/006A

KINGS OF TAUNTON

DISPLAY OF VARIOUS SIGNS UPON AND AROUND KINGS OF TAUNTON, COOK WAY, BINDON ROAD, TAUNTON

21286/25760

ADVERTISEMENT

PROPOSAL

The proposal is for the installation of a number of signs which are replacement signs and the addition of three flags to a height of 12 m, a 4.5 m high pylon sign at the entrance with Cook Way and a new entranceway sign. The site has a significant hedge to Bindon Road and is opposite residential development, (Scott Close).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY no objections, but sign 11 is within a highway visibility splay, which would be detrimental to road safety as it would restrict visibility for vehicles emerging from the junction of Cook Way.

LANDSCAPE OFFICER the plan and location of sign 11 are not clear, as the visibility splay is not indicated on the plan, if the sign is proposed within the verge it would be too prominent and may affect visibility. It would still be prominent if in shrub bed.

PARISH COUNCIL no objections.

POLICY CONTEXT

S1 General requirements, EC21 Outdoor advertisements and signs, this policy guides siting, appearance, proportion, etc. and if they are unduly prominent or create visual clutter when viewed with existing signs and they present a hazard to public safety, then they are unacceptable. Advertisement Control Policy Guidance sets out the likely acceptable adverts. This advises that flag advertisements. can be visually obtrusive and lead to a cluttered appearance. The same document advises that a totem sign is only acceptable at a Petrol Filling Station.

ASSESSMENT

Whilst the application location is a commercial operation, it is within a well landscaped area which separates an established residential area from the commercial area. The area is generally free from advertisement clutter. The signs on the building itself are generally similar to those in existence albeit that they are larger. However there are no flags in the area, and these are considered to be contrary to Policy. The Pylon sign (No.

11) appears to be within the visibility splay and is out of keeping with the general landscaping in this area, the illuminated signs on the exterior facing Bindon Road are unacceptable due to the proximity to residential properties.

RECOMMENDATION

SPLIT DECISION:- consent be GRANTED subject to standard conditions for signs 3, 4, 5, 6, 8, 9 and 10; consent be REFUSED for signs 1, 2, 7, 11 and 12 for the reason that signs 1, 2 and 7 are illuminated signage opposite residential properties and would be detrimental to the visual amenities of the area; signs 11 and 12 are considered to be intrusive within the street scene to the detriment of the visual amenities of the street scene, and furthermore sign 11 appears to be within the visibility splay and could be hazardous to motorists, all these elements are thus contrary to Policy EC21.

REASON FOR DECISION:- This is a split decision having regard to Policy EC21 and Taunton Deane Borough Council's Advertisement Control Guidance, some signs fall within the Policy guidelines, and some are contrary to the Policy including the illuminated signs, flags and totem/pylon signs.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

38/2005/013

TAUNTON SCHOOL EDUCATIONAL CHARITY

RESIDENTIAL DEVELOPMENT, NEIGHBOURHOOD PUBLIC PARK, REORGANISATION OF SPORTS PITCHES, ERECTION OF NEW PAVILION EXTENSION TO EXISTING PAVILION, FORMATION OF TWO ASTROTURF PITCHES, ROAD JUNCTION ACCESS, PARKING, FLOOD ATTENUATION AND LANDSCAPING ON LAND NORTH OF GREENWAY ROAD, TAUNTON, AS AMENDED BY LETTER DATED 22ND FEBRUARY, 2005 AND PLAN NO. 6225/10C

22013/26176

OUTLINE APPLICATION

PROPOSAL

The application is an outline proposal for residential development, a neighbourhood public park as well as reorganisation of sport pitches, formation of two Astroturf pitches, erection of new pavilion and extension of existing. In addition the provision of a new road junction, access, parking, flood attenuation and landscaping is proposed. The applicant's covering letter indicates the site is an allocated one under policy T25 of the recently adopted Local Plan and is proposed for a minimum of 60 dwellings, together with a public park and community access to the junior playing pitches and Astroturf pitches. Affordable housing is to be provided with no public subsidy as set out in the Local Plan and Knightstone Housing Group have been identified as the preferred registered social landlord. A Flood Risk assessment has been submitted and a flood alleviation scheme is proposed based on a flood attenuation area included within the school playing field. The drainage problems in Greenway Road are also resolved as a result. A Transport Assessment has been submitted and the access arrangements for the new junction have been agreed with the County Council. The junction design and capacity has been tested and was considered acceptable to cater for traffic generated both south and north of Greenway Road. An Arboricultural Report has been submitted in respect of the horse chestnut trees and remedial works suggested due to the trees suffering from Phytophthora bleeding canker which can reduce life expectancy. It is proposed to retain the trees due to their prominent visual location and additional landscaping including landmark trees will be provided.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the present application is for land north of Greenway Road and served from the same traffic signal junction as the southern site. The junction proposals have been the subject of technical and safety audits and the design sketch included in the submitted transport assessment (JCC1) is acceptable. A full design and specification is still required. The main drawings submitted show an unacceptable junction layout. The present proposal is in outline with all matters reserved save access. The traffic signal junction is acceptable in principle but the design, construction and funding of the junction should be the subject of a suitable Grampian condition which prevents works commencing on site until the junction has been designed, approved and implemented to the satisfaction of the Planning Authority in conjunction with the Highway Authority. The applicant must be made aware of the need to enter a Section

106 Agreement with the Highway Authority to deliver the junction and a condition re estate roads etc will also be required. It is unclear from the submitted plans if access to the land to the rear of Stanway Close will be via the traffic signal junction or Stanway Close. Either of these is likely to be acceptable subject to the above highway condition, however an indication of which is proposed would be helpful in order to suitably condition the access roads. COUNTY ARCHAEOLOGIST evidence in the form of a Neolithic axe has been found in the proposal field just north of Greenway Lane. Such remains are relatively rare and it is likely further remains exist below ground. At present there is insufficient information to make a reasoned judgement on the effect of this proposal on any remains. I recommend the applicant be asked to provide further information on any remains on the site in the area proposed for development. This is likely to require a field evaluation beginning with a geophysical survey and followed by trial trenching. COUNTY EDUCATION OFFICER the Local Education Authority would expect a residential development of 60 properties to generate a need for 12 primary pupil places and for 9 secondary aged students. In the particular circumstances of this case there is considered sufficient capacity and the LEA will not be seeking a contribution from the developers towards educational provision in the area, although this will, of course, not necessarily be the case for further schemes elsewhere in Taunton. ENVIRONMENT AGENCY the Agency has accepted the Flood Risk Assessment submitted with the application. The Agency requires addition of Grampian conditions to ensure the detailed design of the attenuation area, the flow restriction device and overflows etc are approved before construction commences. From a conservation perspective the Agency advise that the watercourse, from the flow restriction to Greenway Road should remain open and a reasonable natural corridor maintained. Development should be kept back from the stream and maintenance preserved. The balancing pond for the development is shown isolated and should be incorporated in a natural landscaped watercourse corridor with the stream. WESSEX WATER the existing public foul sewerage system has capacity to accommodate the development proposed. There are no existing public surface water sewers in the vicinity. Surface water should not be discharged to the foul sewer. Alternative arrangements for surface water disposal should be investigated. Should discharge be proposed to soakaways tests to ascertain ground suitability together with the number and size should be submitted to satisfy the Local Authority that they will function under all seasonal conditions. If it is proposed to discharge water direct to the watercourse the Environment Agency should be contacted. They will need to be satisfied that the additional rate of run-off will not lead to an increase in flood risks to land or other property. The water supply system has capacity to meet the expected demand. There is a public water main crossing the western side of the site. An easement width of 3 m either side is normally required. Agreement will be required where works alter the depth of cover and diversion if feasible could be carried out at the developer's expense. Costs of infrastructure charges for linking the site to Wessex systems will be payable by the developer. CHIEF FIRE OFFICER means of escape and access for appliances should comply with the approved document of the Building Regulations 2000. Water mains installed should be of sufficient size to permit installation of fire hydrants conforming to British Standards. SPORT ENGLAND have considered the application in light of its Playing field policy. The aim of this is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for sports pitches in the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being are laid out as pitches. The policy states "Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the

use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies". Playing fields have been given greater protection and recognition by Government through revised PPG17. Our 5 exception Clauses have been modified and incorporated into PPG17 and paragraph 15 states that:- "Where a robust assessment of need in accordance with this guidance has not been undertaken planning permission for such developments should not be allowed unless i .the development is ancillary to the use of the site as a playing field and does not adversely affect the quantity and quality of pitches and their use; ii.the development only affects land which is incapable of forming a playing pitch; iii. the playing fields that would be lost would be replaced by playing fields of equivalent or better quantity and quality and in a suitable location; or iv. the development is for outdoor or indoor sports facilities of sufficient benefit to the development of sport to outweigh the loss of the playing field. Open space sport and recreational land have been given greater protection by Government through the revised PPG17. Paragraph 10 states "Existing open space, sports and recreational buildings and land shall not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space 'surplus to requirements' should include consideration of all the functions the open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up to date assessment by a local authority an applicant for planning permission may seek to demonstrate through an independent assessment that the land and buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them. From the information that we have been sent to consider there appears to be a lack of evidence of any exceptional circumstances that justifies the permanent loss of these playing fields to new housing development. We would strongly support the retention of these playing fields unless one of the five exceptions to nationally adopted Playing Field Policy applies. In light of the above Sport England objects to the proposal on the grounds that the development will lead to the permanent loss of part of the existing playing field. A copy of this letter has been forwarded to the Government Office in accordance with the Town and Country Planning (Playing Fields) (England) Direction 1998. I trust the application will be referred to the Government Office under this direction should your Council be minded to grant planning permission.

LANDSCAPE OFFICER concerns are impact on existing trees, the trees along Greenway Road are protected but the developer should be aware of restrictions to new dwellings of Council guidance for new dwelling distance from trees. The public park is provided as I understand it, with no landscape proposals and would rely on this Council to plant it and maintain it. Its position provides limited access and as presented would only be useful as a limited kick-about area. Overall I'm supportive of most of the comments and proposals but would appreciate a plan before making detailed comments on the tree schedule. With regard to the proposed housing I think it will be important to provide planting along the northern line of the proposed housing to soften its impact. The eastern boundary will also require planting to soften the impact of housing on the adjacent public footpath. The Astro turf to the west should be moved further south to avoid damaging existing tree roots. The security fencing on the boundaries should be landscaped to reduce its impact. Is there scope for opening up the stream as a landscape feature within the site. DRAINAGE OFFICER discussions have taken place

and the Flood Risk Assessment dated January 2005 has been accepted. However there are still some details that need addressing before full permission is given. No outline permission should be granted until the points raised have been addressed or suitably conditioned on any approval. It should be noted that not only is the site within a floodplain but flooding occurs on a frequent basis. A section 106 agreement will be required for the maintenance of the proposed screen and flood restriction device with an accompanying commuted sum. HOUSING OFFICER the Housing Service will be overlooking for 35% social housing on this valuable site where there is a proven need. This will provide 21 social housing units. LEISURE DEVELOPMENT MANAGER this application for 60 dwellings will address two areas of community need identified in recent studies - additional football pitches for young players and public open space with lay facilities. These are required to comply with Policy C4 of the Local Plan. The Playing Pitches Strategy identified an undersupply of junior and mini football facilities. The proposal provides community access to 3 football pitches and the changing pavilion on site. There will be community access to the astroturf pitches on another part of the site. The pavilion must cater for 3 officials, 2 junior teams changing rooms and a communal changing area for use by mini footballers along with toilets. The Section 106 Agreement must include a clause that enshrines the public access to pitches and requirement to keep the charge for hiring in line with that applied to other public pitches by the Council. The parking area shown would be inadequate and should be capable of accommodating 20 cars. There should be a condition on the application that perimeter fencing be landscaped to soften its impact from the park. The Greenspaces Strategy identified a lack of accessible open space and play provision in this part of town. The new neighbourhood park will provide a new public open space for the local community. A capital contribution of £1785 per new dwelling of 2 bedrooms or more will be required for play and activity equipment. If more than 60 dwellings are eventually built there must be provision for an additional contribution to be made towards facilities in the park. This funding will enable the construction of facilities for children and young people as well as some general seating, bins, etc. It is intended to use a small percentage of this sum for the cost of consultation to develop the design of the layout of the park. The new housing must have access to the park perhaps from the north east corner of the site onto the footpath between Greenway Road and Turner Road. There are a number of issues that need to be addressed before the area could be adopted: There is evidence of illegal entry to the Uppers from the fields to the north. This boundary should be made good before this land is adopted as public open space. The stream to the west of the site must be cleared of debris. The soil mounds dumped along the northern boundary to be spread across the adjacent lower area. The rubbish dumped adjacent to the fence of 23 Wyndham Road must be removed and the boundary along the north side of the site clearly identified and ownership clarified. Taunton School to retain ownership of security fencing around the playing fields. A sum towards maintenance for the next 20 years will be required.

30 LETTERS OF OBJECTION have been received raising the following issues:- concern over loss of on road parking; sufficient parking in new development; congestion and extra traffic on main road already overloaded at peak times; greater tailbacks at busy times; queuing will make drive access impossible; access should be adjacent to the public footpath; building on elevated site would lead to overlooking; loss of light and residential amenity; loss of wildlife; loss of quality of life; loss of view; loss of value; detrimental loss of green fields; loss of recreational space; no need; no detail of houses or fences; brownfield sites should be used; affect level of water table; increase risk of

flooding; concern over change in levels; possible detrimental effect on effective financial planning of and operation of schools; transport and health centres; query over need for open space or community facilities; access for emergency vehicles; the layout for social housing should be agreed before the application is considered and the height of housing agreed; if allowed there should be an amenity strip 15 m wide and nothing built within 25 m of the eastern boundary; more detrimental vehicular use of Stanway Close; infrastructure not suitable for further residential development and impact on vulnerable residents; road access will be more difficult; more noise and pollution with traffic lights and heavy lorries; Northern Relief Road should be in place first; trees on Greenway Road should be protected; children shouldn't be playing football uphill; the fields have been well used; concern over park ownership and maintenance; boundary treatment and lighting of AstroTurf and other pitches; floodlighting should be resisted; noise from park 24 hours a day; loss of character and views to the green wedge and Quantocks; contrary to Policy EN13 of Local Plan; lack of detail as to how the land will be used or secured for community playing field; concern over management of trees on northern boundary; loss of habitat and effect on wildlife; fencing would obstruct movement of wildlife; loss of views to the south and security of the public park boundary; need for park when there are alternative children's play areas; park area should be larger; park will attract vandals and noise; pavilions may attract trouble; fencing will cut off avenues of escape for anyone attacked; damage due to ball sports next to housing; unsuitable 'dead' corner to park; park will need to be patrolled; it is isolated, insecure and will attract unsocial groups after dark and would be better sited next to Greenway Road or next to stream; appropriate boundary fencing to park boundary should be provided; dogs should not be allowed on park or play areas; consultation with all local residents to determine local requirements and discuss issues in terms of public park.

POLICY CONTEXT

RPG10

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 1 - Nature Conservation, Policy 13 - Locally Important Archaeological Remains, Policy 14 - Archaeological Strategies, Policy 33 - Provision for Housing, Policy 35 - Affordable Housing, Policy 37 - Facilities for Sport and Recreation, Policy 49 - Transport Requirements of New Development, Policy 60 - Floodplain protection.

Taunton Deane Local Plan Policies S1 - General Requirements, H1 - Housing within Classified Settlements, H12 - Affordable Housing within General Market Housing, H12a - Indicative Targets for Affordable Housing, H21 - Designing Out Crime, M3a - Residential Parking, C1 - Education Provision, C3 - Protection of Recreational Open Space, C4 - Standards of Recreational Provision, EN3 - Local Wildlife and Geological Interests, EN7 - Trees in and Around Settlements, EN13 - Landscape Character Areas, EN24 - Areas of Archaeological Potential, EN30a - Land Liable to Flood, EN31a - Flooding Due to Development, T25M - Small Residential Allocations.

ASSESSMENT

The site was allocated as part of the recent Taunton Deane Local Plan and the Inspector recommended the allocation on the basis that the remainder of the Uppers

area was available for community use, rather than the private use of the school. The residential site therefore lies within the settlement limit of Taunton and the area of green space to be retained beyond is considered not to detract from the existing green area of open space. The proposal is therefore considered to comply with Policy T25M of the Local Plan subject to a Section 106 to secure the community use of the land and the provision of adequate play facilities in relation to the new housing.

The Leisure Development Manager has undertaken surveys to identify local needs within the area and the application proposes junior play pitches and open space in the form of a park to address these needs. Sport England was initially objecting to this development on the basis of the loss of playing fields. However the Borough Council has undertaken a survey of playing field needs as required by PPG17 and therefore the exceptions referred to by Sport England in their response are not considered relevant. Sport England did not object to the allocation of the site as part of the Local Plan and part funded the survey of need undertaken. This survey concluded that in most respects the provision of pitches is adequate and that one of the few deficiencies identified was in the provision of junior soccer pitches. There is no public access at present and if the application were to be refused there is no reason to believe that the site would be made available for community use. A Section 106 Agreement will ensure the community use of playing pitches and the provision for a public park in line with the Green Spaces Survey and Strategy. Consequently the Council consider the proposal accords with advice in paragraph 12 of PPG17 in that in return for the loss of a limited part of an inaccessible playing field, substantial community benefit will be secured that will help meet existing and identified deficiencies in the provision of playing fields and recreational open space.

The Flood Risk Assessment submitted has been accepted by the Environment Agency and a number of conditions have been recommended. A flood attenuation area either side of the stream by lowering the land levels up to 3m is proposed. A flow restriction device is proposed within the attenuation area to ensure no downstream flooding occurs. The stream is maintained by the Council and a sum for maintenance of the flow restriction device and screen proposed will be required as part of the legal agreement.

The Local Plan requires a 35% contribution of affordable housing in relation to this site. The principle of this has been agreed by the applicant and a legal agreement will be necessary to ensure this is provided in line with policy H12a.

The County Highway Authority have raised no objection in principle to the development but recommend a Grampian condition to ensure the provision of the junction to the appropriate standard prior to the development commencing. This junction is the same as was approved under the permission for the land to the south of Greenway Road. A number of objections have been raised in terms of the loss of parking for properties in Greenway Road. The extent of parking restrictions to be imposed in relation to the junction has yet to be finalised however in light of the restrictions being on the public highway and the junction being the same as that previously approved it is not considered that this is a reason for rejection of the scheme.

The trees on the Greenway Road frontage have been assessed as part of the proposal and subject to remedial works are intended to be retained. Additional landscaping is also proposed and the Astro turf pitches have been moved south away from the root

system of the large trees on the boundary as requested by the Council's Landscape Officer. A wildlife survey is proposed as a condition to ensure any remediation necessary can be incorporated into future landscaping and an archaeological survey is also considered a necessary condition.

RECOMMENDATION

Subject to the completion of a satisfactory archaeological survey and a Section 106 Agreement relating to the donation of the public park area to the Borough Council, the provision of community access to the playing field and AstroTurf pitches, a capital contribution for play and activity equipment, a commuted sum for the maintenance of the screen and flood restriction device and the provision of 35% affordable housing provision by 13th April, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject conditions of time limit, reserved matters, drainage, submission of details, materials, landscaping, boundary treatment, tree protection, wildlife survey, scheme of attenuation of flows from stream, scheme of flood storage works, surface water run-off limitation, estate road details, design statement, fencing details to park, fields and footpath, footpath link between housing and park area, no development until traffic junction provided, details of parking area and design of pavilions, no service trenches within canopy spread of trees, scheme of archaeological investigation and notes re Environment Agency letter, grey water recycling, disabled access, energy rating, meter boxes, secure by design and need for Section 106 for highway works.

REASON(S) FOR RECOMMENDATION:- The site is located in the settlement limits of Taunton where residential development is considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4. The proposal is considered to meet the requirements of the Taunton Deane Local Plan Policies S1, H1, H12 and C4 (Revised Deposit numbering) and material considerations do not indicate otherwise.

Should the Section 106 not be completed by 13th April, 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: 2456 MR G CLIFFORD

NOTES:

38/2005/016

MR E JOHN BAKER

ERECTION OF 2 NO. 2 BEDROOMED FLATS AT 14 GREENWAY ROAD, TAUNTON.

22527/25833

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a new building containing 2 No. 2 bedroomed flats. The proposed building would be erected on land to the west of 14 Greenway Road and is currently tarmaced and used for the parking of cars for the existing dwelling. The site is to the north of Greenway Road on land elevated above the highway. 14 Greenway Road is used as a unit of multi-occupation providing 5 bed-sits. No on-site parking provision is proposed.

Planning permission was refused in June 2004, reference 38/2004/172, for an identical application. It was refused on the basis that the loss of existing parking facilities would lead to road safety problems. This decision was effectively superseded however by the decision on appeal which granted permission for use of a similar building on the site as a unit for multiple occupation (6 bedrooms) (38/2003/650). In his statement of November 2004 the Inspector states:- "The issue of a lack of parking has also been cited by local residents, but the absence of provision and the proposal for cycle storage facilities would be fully in accordance with the policies for sustainable development, including Policy M3a, in the Revised Deposit Plan." Planning permission has also recently been refused on 17th December, 2004, for the same building of two flats, reference 38/2004/510, because the proposed on-site parking provision could not be made in a satisfactory manner, and would be likely to create additional hazards to traffic.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies adjacent to the principal road A358 which is designated as a County Route in the Somerset Structure Plan. The proposal is to utilise an existing parking area adjoining No. 14 Greenway Road and to construct two self-contained flats on the site. Whilst there are no highway objections in principle to the proposal parking is at a premium along this well used section of principal road. The removal of the parking space for Nos. 14 together with the absence of any parking for the two flats will exacerbate the problems along this road. Accordingly I am not in favour of the proposal and would recommend that the application be refused for the following reason:- The proposal would result in the loss of vehicle parking facilities and would, therefore, encourage parking on the highway with consequent risk of additional hazards to all other users of the road.

ENVIRONMENTAL HEALTH OFFICER recommends condition relating to the fitting of suitable double glazing.

1 LETTER OF OBJECTION has been received on the grounds that loss of light and privacy would result; disruption would occur during building works, and devaluation of property values would result.

POLICY CONTEXT

Policies S1, S2 and H1 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy M3a seeks to encourage a significant reduction in the average of 1.5 car parking spaces per dwelling on any residential development, and car free developments in appropriate locations, such as within Taunton town centre.

ASSESSMENT

Despite the County Highway Authority recommendation of refusal, it is now clear, following the Inspector's decision in relation to 38/2003/650 (6 bedroomed multiple occupancy), that the current proposal cannot be reasonably resisted on the basis of either loss or lack of on-site parking facilities.

In terms of impact on residential and visual amenity, the proposed building is almost identical to that already approved (38/2003/650) and accordingly cannot be resisted in these terms either.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, cycle racks and refuse storage to be provided.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity, or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, M3a or H1 (Revised Deposit numbering).

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:

38/2005/040

GADD HOMES LTD

CHANGE OF USE AND CONVERSION OF BUILDING TO 17 RESIDENTIAL APARTMENTS AT THE OLD MALTHOUSE, CANON STREET, TAUNTON AS AMENDED BY LETTER DATED 2ND MARCH, 2005 AND PLAN 0448.102C, PLAN 0448.111 AND LETTER DATED 10TH MARCH, 2005 AND PLANS 0448.103C, 104C, 105C, 106C AND 110B

22979/24846

FULL PERMISSION

PROPOSAL

Change of use and conversion of existing brick building with tiled roof to form 17 No. apartments consisting of 11 No. 2-bedroomed units, 3 No. 3 bedroomed units and 3 No. 1 bedroomed units. There is also the provision of 17 parking spaces, cycle parking, landscaping and bin storage.

The buildings original function was as a malthouse and was part of a larger brewery complex. There is therefore a low proportion of openings to masonry. In order to convert the building the introduction of additional light and ventilation will be required to make use of the expansive roof void areas. The approach of using relatively large single areas of flush roof glazing is proposed to maintain the overall roof form and express as a contemporary intervention the building's rejuvenation for a new function in a new time. As such it is considered this solution would be sensitive to the original structure allowing the latest stage in its historical development to be clearly read.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY given the location within the urban area the development would be considered sustainable in terms of transport policy. Adequate visibility can be achieved from the existing entrance due to the wide footway. Compared to previous use it is not envisaged there will be substantial increase in traffic flows. I would expect to see secure cycle storage for 17 bicycles. I would seek clarity for the sweep paths of parking spaces adjacent to the entry/exit point and manoeuvring past the existing tree to remain. Why is the refuse store not situated adjacent to the entry/exit point. From a highway point of view there is no objection to the proposal in principle. In the event of permission being granted I would recommend conditions re secure cycle parking, access/parking as shown, surfacing of parking area, parking as shown only, disposal of surface water. Note re highway permit. COUNTY ARCHAEOLOGIST the site lies in an area of high archaeological potential. It is within the medieval priory and almost certainly within the lay cemetery. Recent investigation of the adjacent site has shown a large number of burials. Any groundwork is likely to impact on human remains other remains associated with the medieval use of the site. The applicant should provide monitoring of the development and any discoveries made and this can be secured by use of model condition 55 attached to any permission granted. WESSEX

WATER the development is located in a sewered area with foul and surface water sewers available. The developer has proposed to dispose of surface water to existing arrangements. It is recommended that a condition or informative be placed on any consent to ensure protection of Wessex systems prior to commencement. It will be necessary to agree points of connection onto our systems for the satisfactory disposal of foul flows and surface water flows generated by the proposal and this can be agreed at the detailed design stage. FIRE SAFETY OFFICER means of escape and access for appliances should comply with the approved document of the Building Regulations. New water mains installed should be sufficient to allow fire hydrants to British Standards. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY no objection. The Architects have developed the proposals that are very sympathetic to the original form and construction of the building. Malhouses are very specialised structures and this fact has been recognised and includes reinstatement of some original features where possible. We support proposals for the roof. These retain the overall form but adapt it for new use without ambiguity; there would be no confusing semi-disguised new features.

LANDSCAPE OFFICER subject to detailed landscape proposals it should be possible to integrate the proposals into the local urban environment. CONSERVATION OFFICER no objection to principle. Clarification required of ventilation/natural light for units in east (maltings) section at 2nd floor. (Bedrooms without ventilation/natural light). Whilst the extensive roof glazing appears an intrusion, this approach, if sensitively handled, will retain the roof profile which a series of rooflights would not. Suggest a condition re precise details of the latter. WILDLIFE SPECIES CO-ORDINATOR I am concerned a more comprehensive survey has not been undertaken and I have consulted English Nature for comment. Further survey work should be conditioned if approval goes ahead. ENVIRONMENTAL HEALTH OFFICER noise emissions during construction should be limited to hours of Monday - Friday 0800-1800, 0800-1300 Saturdays and no working Sundays or public holidays. A contamination condition and note are required. LEISURE DEVELOPMENT OFFICER the development does not make provision for children's play although it will generate additional needs. In accordance with the Council's policy a contribution of £777 per 1 bed dwelling and £2562 per each 2+ bed dwelling giving a total of £38,199 should be sought. This contribution to be used for improvement and/or provision of recreational facilities.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review STR1 - Sustainable Development, STR4 - Development in Towns, POLICY 1 - Nature Conservation, POLICY 9 - The Built Historic Environment, POLICY 13 - Archaeological Remains, POLICY 33 - Provision for Housing.

Taunton Deane Local Plan S1 - General Requirements, S2 - Design, H1 - Housing in Classified Settlements, H4 - Residential Conversions in Town Centres, H21 - Designing Out Crime, EC6 - Employment Land, EC7 - Major Travel Generators, M3a - Residential Parking Requirements, C4 - Recreational Space Provision, EN4 - Wildlife in Buildings, EN15 - Conservation Areas, EN24 - Areas of High Archaeological Potential.

ASSESSMENT

The site lies within Taunton central area on the edge of a conservation area in a prominent location with views to it down St. James Street. The site is on a corner with a high stone wall to the Canon Street frontage and abuts the pavement on the Priory Avenue side. The application proposes a change of use from two commercial properties to provide 17 flats. This use is considered to comply with policy H1 of the Local Plan as this a central site adjacent to and well related to other residential properties. Similarly this use is a beneficial one to the town centre and would reduce the need to travel so is a sustainable use. This benefit is considered to outweigh the loss of the limited employment use of the site and the works will improve access and result in the loss of a substandard access onto Priory Avenue.

The impact of the appearance and character of the building is important here and it is considered that the approach taken by the developer does reflect the traditional nature of the building and does not adversely affect its character or appearance. The new roof glazing will be visible from public vantage points but given its design it will read as part of the building.

There is an existing tarmac area around the building and this will be retained with parking for each unit provided together with secure cycle parking and refuse store to the south of the retained conifer tree. Access is proposed off Canon Street only. The Highway Authority has not raised objections subject to conditions. The site is in an area of archaeological interest and subject to the standard condition to cover any ground works the scheme is considered appropriate. A bat survey has been undertaken which identifies that the proposal is unlikely to detrimentally affect local bat populations. Specialist advice has been sought and it is recommended that a further survey is undertaken prior to any conversion commencing. The proposal creates a number units beyond the threshold for the provision of sport and recreation facilities and as there is no scope for on site provision a Section 106 is required to secure adequate provision.

In summary the re-use of this building for residential purposes is a sustainable town centre use that complies with policy and subject to conditions is considered acceptable.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement relating to sport and recreation contributions by 2nd May, 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, roof glazing details, timber windows and doors, landscaping, boundary treatment, surface materials, parking, discharge of water to highway, cycle parking, details of cycle and refuse stores, protection of tree and hand digging within canopy spread, programme of archaeological works, bat survey, contamination investigation, colour of external joinery, removal of rights for satellite dishes and notes re contamination, noise, Wessex Water infrastructure, highway permit and provision of communal satellite dish.

REASON(S) FOR RECOMMENDATION:- The development subject to conditions is a sustainable town centre use that complies with Taunton Deane Local Plan Policies S1, S2, H1, H4 and EN15 (Revised Deposit numbering) and material considerations do not indicate otherwise.

Should the Section 106 not be completed by the 2nd May, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission as contrary to policy C4 of the Taunton Deane Local Plan.

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:

42/2005/002

SOMERSET REDSTONE TRUST

ERECTION OF SIX DWELLINGS FOR THE ELDERLY AND DISABLED ON SITE OF FORMER TENNIS COURTS, GATCHELL HOUSE, HONITON ROAD, TRULL.

21299/22067

FULL PERMISSION

PROPOSAL

Gatchell House lies to the south of Taunton on the Honiton Road just north of Staplehay. The site lies within the Trull Conservation Area and the trees along the road frontage are covered by a Tree Preservation Order.

Following a succession of refusals and a dismissed appeal, permission was granted in January 2004 for the demolition of the former Health and Fitness Club and its replacement with 28 dwellings for the elderly with associated support services. In July 2004 permission was granted for 10 dwellings within a walled garden at the rear. This current application adds a further 6 dwellings forward of the previously approved development wrapped around a courtyard on what is currently a tennis court.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY I would refer you to my letters dated 23rd January, 2002 and 6th September, 2000 in connection with planning applications 42/2001/0023 and 42/2000/039. I would advise you that these comments apply equally to the present application. I refer to the above mentioned planning application for a additional six dwellings within a site previously granted consent for residential development and would advise you that from a highway point of view there is no objection to this proposal. However it is imperative and I would stress that the conditions previously imposed with regard to access, parking and turning are fully complied with and discharged prior to the occupation of the six dwellings that form this latest application. WESSEX WATER The development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to soakaway. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. ENGLISH HERITAGE this proposal, in conjunction with the previously approved development on the site, will contradict the inspector's decision (paragraph 51) in the previous appeal on this site. In fact this element of the scheme was specifically removed from the last proposal on this site in response to English Heritage's concerns. It will be damaging to the setting of Gatchell House, particularly in views from the north and will thereby be harmful to the conservation area in general. English Heritage accordingly objects to this scheme and recommended that it be refused.

LANDSCAPE OFFICER I've now had a chance to consider the impact on the conservation area of the six proposed units with the help of the additional cross sections provided by Novell Tullett and would make the following comments as way of objection to the proposals: (1) The landscape buffer that the site was afforded has unfortunately been degraded by the necessary tree management works which have reduced the height of the main Holm Oak tree to a skeleton tree structure approximately 6 m high. This has opened up the site considerably which along with the necessary visibility splay requirements will mean that the existing screening is poor. (2) It will be possible through a carefully designed planting of Cherry Laurel, Portugese Laurel and Holm Oak to repair the landscape screening from the nearside pavement within 3 to 5 years. However, from the far side of the road, Wyatts Field and the Gatchell Meadow opening my opinion is that it will take at least 8 to 10 years before the proposed building would be adequately screened. (3) Policy EN15 requires new development to "conserve or enhance" the character of the Conservation Area which would not be possible in the short term. However given good growth of an agreed landscape buffer I consider it might be possible to at least conserve that character in 8 to 10 years. (4) From the vantage of the Gatchell Meadow opening there is a clear impression of Gatchell House, certainly during the winter months, which provides a useful landscape setting. The proposed buildings with additional landscape screening would take away this view.

CONSERVATION OFFICER (1) principle and design acceptable; (2) 2.2 m high walls a bit claustrophobic, giving an image of a defensible/no entry space. Wall only needs to be high enough to hide cars; (3) yew hedge 2 m high will also be harsh and take at least 5 years to reach this height. Suggest faster growing softer species. (4) concrete tiles specified - I do not believe we have sanctioned their use elsewhere on the site. HOUSING OFFICER the housing service would be looking for 25% of the total numbers built. Therefore we require 1 unit plus 50% of 1 unit in the form of a commuted sum.

PARISH COUNCIL the Council approves of this application but request that no more additional units of this type are permitted on this site.

10 LETTERS OF OBJECTION have been received raising the following issues:- total number of units is excessive in the Conservation Area and will have a detrimental impact on the setting of Gatchell House; refuse dump and electricity sub-station too close to boundary with Gatchell Meadow; overdevelopment; traffic generation; above local plan allocation; inadequate parking; limited access if fire; loss of trees and shrubs.

8 LETTERS OF SUPPORT received. In addition the applicants have submitted a petition which shows 30 signatures in favour of the development.

POLICY CONTEXT

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

development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock. Policy EN15 Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

ASSESSMENT

Development in this tennis court area has previously been resisted, including at appeal when the Inspector had concerns over the length of the terraces then proposed, particularly in relation to the long views of the site from Dipford Lane.

This scheme differs from the earlier in that there is now a significant gap shown between the previously approved building and the six dwellings proposed. Whilst English Heritage's comments are noted I do not agree that this element will have any significant impact when viewed from the north. In addition the Council's own Conservation Officer does not object in principle.

The impact upon neighbouring properties or upon highway safety have not previously been identified as issues that have warranted refusal of permission at this site, including in relation to proposals of similar scale. The proposal is not considered objectionable for these reasons.

The Council's Landscape Officer is satisfied that the conifer screen is dense enough to prevent undue impact being caused to properties in Gatchell Meadow by the electricity sub-station and bin store proposed.

Discussions have taken place to overcome the detailed concerns of both the Conservation Officer and Landscape Officer. Revised drawings are awaited.

RECOMMENDATION

Subject to the receipt of revised proposals addressing concerns of the Conservation Officer and Landscape Officer and amendment to S.106 agreement to provide affordable housing in accordance with the Housing Officer's observations, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, rainwater goods, mortar, landscaping, hard landscaping, levels, phasing of access

works. Notes re CDM Regs, Wessex Water, Fire Officer, compliance and construction noise.

REASON(S) FOR RECOMMENDATION:- The proposal respects the character and appearance of Gatchell House and its setting and will not have any adverse impact on nearby dwellings or upon the Trull Conservation Area. The proposal therefore accords with Taunton Deane Local Plan Policies H1 and EN15 (Revised Deposit numbering).

Should outstanding issues not be resolved satisfactorily by the 27th April, 2005, then the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED.

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:

45/2005/002

MR & MRS C L POPHAM

**DEMOLITION OF AGRICULTURAL AND EQUESTRIAN BUILDINGS AND
ERECTION OF 2 STOREY DWELLING WITH GARAGING, STABLES AND STORES,
BASHFORD RACING STABLES, WEST BAGBOROUGH**

17112/33426

OUTLINE APPLICATION

PROPOSAL

The application is in outline and provides for the demolition of existing buildings and their replacement with a two-storey dwelling with garaging. Although no details of the proposed dwelling are submitted at this stage, the applicants envisage that the dwelling will be constructed using natural materials to a local design, to give the appearance of a traditional farmhouse style dwelling. The 'farmhouse' would be accompanied by garaging and other outbuildings, erected on the site of the existing stable yard. The buildings would be arranged around a central courtyard, in order to seek to maintain the rural character of the site and to preserve the privacy of the adjoining property to the southwest. An area of private garden would be laid out to the rear of the site. Access would be gained via the existing driveway serving Bashford Racing Stables. The site is largely located beyond the limits of West Bagborough. The applicant's agent contends that as there is existing residential properties on three sides, there are a number of genuine material considerations in favour of the development proposed:- (a) the site is presently occupied by a range of agricultural and equestrian buildings and has a highly developed appearance; visually the property is very much part of the built up area of the village and is therefore a natural and logical location for development without encroaching into open countryside; the proposal may therefore be regarded as acceptable infill development or a minor extension to an existing group of houses; (b) the site is in a sustainable position, with convenient access to local services and public transport links available within West Bagborough; the distances concerned are conveniently negotiable on foot or by cycle and therefore the occupiers of the proposed dwelling will not be entirely reliant upon use of the private car; (c) existing buildings on the site are in mainly equestrian use and the site can therefore be regarded as a brown field site, a preferred location for residential development under established policy; making effective use of previously developed land in this way can also be regarded as sustainable development; (d) the site is located within the AONB where priority is given to preserving and enhancing the natural beauty of the area; the proposal will result in the removal of not only the stable yard, but also a very substantial agricultural building, which presently dominates the site and has considerable landscape impact; the comprehensive redevelopment of the site for a single dwelling as proposed will considerably enhance both near and distant views of the site; (e) the present use of the land as a racing stables generates considerable amounts of vehicular and equine traffic on the local highway network; the narrow village roads and the predominance of vehicles parked on the highway have caused particular problems for horses being ridden through the village, with a number of accidents and near misses in recent years; the site is served by large vehicles transporting the horses themselves, other livestock, feed and equipment; the development proposed will substantially reduce the level of

vehicular and equine activity generated from the site, to the considerable benefit of highway safety and road users in general; (f) there is potential for considerable nuisance to arise from the current proximity of the agricultural and equestrian activities to neighbouring residential properties; the current proposal will eliminate any potential for such nuisance to arise.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site lies outside the recognised settlement limit for West Bagborough, which has only limited facilities and services. As a consequence the site is a significant distance from adequate services, facilities, education and employment opportunities, schools and there is limited public transport services. The development proposal would therefore be harmful to sustainable transport objectives, which seek to reduce the reliance on the private car. The proposal is therefore contrary to PPG13, RPG10 and the provisions of policies STR1 and STR6 of the County Structure Plan and refusal is recommended on highway grounds. WESSEX WATER points of connection will need to be agreed for the disposal of foul drainage and water supply. SOMERSET ENVIRONMENTAL RECORDS CENTRE no statutory and non-statutory sites and species at the site. SSSI, County Wildlife Sites and one or more legally protected species within 1 km of the site.

LANDSCAPE OFFICER subject to suitable landscaping it should be possible to integrate the proposals into the local landscape. CONSERVATION OFFICER the demolition of the buildings in question is acceptable in principle as they are of no intrinsic quality either historically or visually. However the granting of Conservation Area Consent for demolition would be subject to an acceptable scheme to have been granted planning permission for the replacement. ENVIRONMENTAL HEALTH OFFICER requests contaminated land investigation/remediation report. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365.

PARISH COUNCIL would be a new dwelling outside the settlement limits of the village. If approved it would disregard the policy set down. Would set a precedent for future planning applications. Although do not object to the concept of this new dwelling, do object to the fact that it would be outside the settlement limits and within the Conservation Area.

ONE LETTER OF OBJECTION raising the following issues:- site is outside the settlement limits and within the Conservation Area therefore any approval would be wholly unjustifiable as this would require overruling normal policy; not a brownfield site as it is used for equestrian and agricultural activities; would wish to ensure that the boundary wall is retained to ensure privacy; should be no damage to boundary wall or other property; disruption to adjacent bed and breakfast business due to noise, mess and increased traffic therefore should be restriction of working hours; would expect to be compensated for any loss of business; would need to ensure that property is not out of keeping with the existing settlement; foul drain connection would require an easement with adjoining property owner; contention of potential smell and noise nuisance is misguided.

ONE LETTER OF REPRESENTATION in favour of demolishing existing buildings, but reluctant to fully endorse the building of a new house outside the village boundary; the

village is within an AONB and has a carefully thought through Village Design Statement; in future years, the remaining stable block could be converted to residential use using this application as a precedent.

6 LETTERS OF SUPPORT raising the following points:- present buildings are an eyesore and their demolition and replacement with a house will be of great benefit to the village; within a Conservation Area and the existing buildings are a blot on the landscape; would open up views of the hillside; a sympathetic development would blend in with the existing buildings and new occupants are needed to keep the village flourishing rather than stagnating; will enhance this part of the village and is in keeping with recent developments that have been allowed; proposed garaging will keep vehicles off the road; natural materials should be used; reduction of traffic, both cars and lorries; will remove the danger of racehorses in a very congested village and a very ugly tin building; will not intrude further into the countryside; proposal will blend in admirably; the proposed dwelling will be far more visually acceptable to neighbours, residents and those visiting the village and the Quantock Hills; site is already built on and redevelopment should be encouraged; privacy of adjacent property will be ensured; proposal could be considered as infill and does not encroach further on the AONB.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy 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, none of which are met with the current proposal.

ASSESSMENT

Although buildings currently occupy the site, it is not a greenfield site in planning policy terms. The site is located outside the settlement limits of the village and consequently there is a policy presumption against new residential development. No special justification has been put forward for the proposed development. The removal of the existing buildings on the site is not considered to be sufficient justification to set aside the normal planning policies for the area. The County Highway Authority raises objection on transport sustainability grounds.

RECOMMENDATION

Permission be REFUSED for the reasons of (1)The majority of the application site is identified in the Taunton Deane Local Plan as being outside the limits of a recognised 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 need or benefits economic activity. The Local Planning Authority is of the opinion that the proposal does not satisfy the above criteria and is therefore contrary to Taunton Deane Local Plan Policy S8 (Revised Deposit numbering). The proposal is also contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6; and (2) The proposal would be located where it is remote from adequate services, employment, education and public transport and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG10 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

49/2005/010

DR J L REES

ERECTION OF DWELLING AND GARAGE WITH ALTERATIONS TO DRIVE, LAND AT HARTSWELL HOUSE, WIVELISCOMBE (RESUBMISSION OF 49/2004/022).

08123/27296

OUTLINE APPLICATION

PROPOSAL

The proposal comprises the outline erection of a dwelling on land to the east of Hartswell House, a Grade II Listed Building. All matters are reserved for future consideration other than improvement details to the existing access. The proposal is identical to the previous application 49/2004/022 that was refused at committee on 7th July, 2004. However an indicative illustration/photo montage has been submitted showing how the dwelling would fit within the site. An appeal against the earlier refusal is currently being held in abeyance.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection, subject to conditions relating to visibility. WESSEX WATER no objections subject to informative notes relating to surface water.

CONSERVATION OFFICER as per previous observations - The setting of Hartswell House has already been compromised by the dwelling Orchard House, to the east. This substantial dwelling, allowed in 1988, occupies a former orchard (as the name suggests) and is of contemporary design. Whilst the application site is well screened from public views and the approach drive, any dwelling here would be viewed in the immediate foreground of the approach to Hartswell House itself. In addition, the site forms part of the historic walled kitchen garden to the main house, the character of which would disappear if developed for a dwelling. Objection raised due to detrimental impact on setting of Hartswell House, a Grade II listed building.

PARISH COUNCIL support the application however it was felt that the proposed new dwelling does not compromise the facade, setting or frontage of Hartswell House. Given that there is already a new house along the driveway it was felt that this application was both understandable and reasonable.

POLICY CONTEXT

Policy 9 (listed buildings) of the Somerset and Exmoor National Park Joint Structure Plan Review.

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), Policy H1 (housing), Policy M3a (access and parking standards), Policy EN17 (listed buildings).

ASSESSMENT

The site is located within the defined settlement limits of Wiveliscombe and therefore there is a presumption in favour of development unless material considerations indicate otherwise. Any effect upon the setting of a Listed Building is an appropriate material consideration. The site is located in the garden of and east of Hartswell House, a Grade II listed building, the west boundary of which is 23 m from the rear of Hartswell House and the east boundary is located 17 m away from a modern dwelling known as Orchard House. The submitted illustration/photo montage shows how the a dwelling could fit within the site. However all matters have been reserved for future consideration. The illustration/photo montage is therefore for indicative purposes only.

The overall area of the existing garden to be assigned as residential curtilage for the new dwelling is 600 metres square. In planning terms it is considered that a dwelling could be comfortably accommodated on the site, affording an appropriate area of amenity/garden area for any future occupants.

Furthermore, it is considered that a dwelling could be accommodated on the site that would not cause a detrimental loss of amenity to the neighbouring properties, subject to positioning of windows. A dwelling on the site could be positioned so as not to form an overbearing relationship with the neighbouring properties.

The submission of the illustration/photo montage has not changed the previous objections from the Conservation Officer on the grounds that the setting of the listed building would be detrimentally affected and the proposal is therefore contrary to policy EN17 of the Taunton Deane Local Plan Revised Deposit. Policy EN17 states:- "Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. The proposal has not altered from the previous refusal and therefore it would appear reasonable to maintain the objections to the proposal.

The improved highway access is considered acceptable to the Highway Authority.

RECOMMENDATION

Permission be REFUSED for reason that the development of this site, as proposed would adversely affect the setting of the adjacent property which is a Grade II listed building by reason of its siting and as such is contrary to Taunton Deane Local Plan Policy EN17 (Revised Deposit numbering) and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

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:

52/2005/004

QUEENS COLLEGE

**ERECTION OF WICKER SCULPTURE AT THE FRONT OF QUEENS COLLEGE,
TRULL ROAD, TAUNTON**

21832/23129

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a sculpture on the grassed area to the front of the college. The sculpture will be woven from wicker, have a steel skeleton, and a height of between 4 - 5 metres. It will depict a human figure, the artist has submitted sketches illustrating the likely appearance of the sculpture. The sculpture is required in connection with an arts festival that the college is to host.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations. ENGLISH HERITAGE do not wish to make any representations ... this case should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally.

CONSERVATION OFFICER no objection.

PARISH COUNCIL support the application in principle, subject to (i) the sculpture being no more than 4 m in height, due to its effect on the neighbourhood; (ii) the sculpture not having an adverse visual impact on the street scene; and (iii) the sculpture not affecting the listed building status of the college.

POLICY CONTEXT

Policy S1 (general) of the Taunton Deane Local Plan stipulates that proposal should not harm the appearance of any given street scene or be prejudicial to highway safety. Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, as well as Policy EN17 of the Taunton Deane Local Plan seek, inter alia, to safeguard the setting of listed buildings.

ASSESSMENT

Neither English Heritage or the Conservation Officer raise any concerns regarding the impact of the sculpture on the setting of the listed building. The site frontage is relatively well screened and it is not considered that the proposal would harm the appearance of the street scene, nor would it be prejudicial to highway safety. The Parish Council support the scheme on the basis that the sculpture does not exceed 4 m in height, however, according to the artist the height may be as much as 5 m. A height of 5 m is considered to be reasonable, as it would not harm the street scene. A condition is

recommended requiring full details of the height of the sculpture to be agreed prior to being erected on site For these reasons the proposal is considered to be acceptable.

RECOMMENDATION

Subject to the receipt of no letters of representation raising new issues by 1st April, 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, full details of height and appearance. Note re works to be carried out in accordance with approved plans.

REASON(S) FOR RECOMMENDATION:- The proposal will not harm the setting of the listed building, the appearance of the street scene, or be prejudicial to highway safety. Therefore the proposal accords with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies S1 and EN17 (Revised Deposit numbering).

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

CONTACT OFFICER: 356468 MR A GRAVES

NOTES:

52/2005/006

MR & MRS B PEARSON

**ERECTION OF SINGLE STOREY EXTENSION TO REAR OF THE BEECHES,
COMEYTROWE LANE, TAUNTON, AS AMPLIFIED BY AGENTS LETTER DATED
9TH MARCH, 2005**

20480/23640

FULL PERMISSION

PROPOSAL

Consent is sought to erect a utility room on the rear elevation of the property measuring 3.5 m x 2.4 m. A kitchen extension has previously been added to the dwelling under permitted development rights and this extension will be built along side the kitchen. The existing property is a detached dwelling constructed of red brick under a tiled roof - the materials that will be used on the proposed extension is to be controlled by condition. The bricks used on the kitchen extension do not match the existing dwelling (as this addition was permitted development the Local Planning Authority had no control over the materials used) and therefore render may be an option.

Permission has previously been approved for the conversion of the brick built coach house at the rear of the property. None of the alterations to this building are being considered as part of this planning application.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL oppose the application on the grounds that the extension is inappropriate development and could lead to this part of the house being used as an independent dwelling in the future, by having its own facilities. The Council feel that the house should remain as one dwelling.

POLICY CONTEXT

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

ASSESSMENT

The proposed extension will have no material impact on neighbouring amenities and complies with Policy H19. Any proposal for the creation of a separate dwelling would require further permission and is not therefore part of the consideration of this application.

RECOMMENDATION

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

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

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

CONTACT OFFICER: 356462 MRS S MELHUISH

NOTES:

PLANNING COMMITTEE- 30 MARCH, 2005

Report of the Development Control Manager

COUNTRYSIDE ITEM

OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO. 1) TREE PRESERVATION ORDER 2005 AT 63 NORMANDY DRIVE, TAUNTON (TD968)

PROPOSED OBJECTION

An objection has been received to a Tree Preservation Order that was placed on two trees at 63 Normandy Drive.

BACKGROUND

The order was placed on the trees in January 2005, when it was discovered that an application had been made to build a house in the garden of 63 Normandy Drive (Application No. 38/2004/582). If consent had been given, one tree would have needed to be felled and the other tree would have been severely affected by development. The two trees were regarded as having sufficiently high amenity value to require the serving of the order. The presence of the order contributed to the decision to refuse planning permission to develop the site.

OBJECTION TO THE ORDER

The owner of the property and the agent of the owner have objected to the order. They object for the following reasons:-

- The trees will reach a mature height in excess of 18 m and are only 8 m from the house. They are too close to the property as set out in Planning Guidance and they will ultimately overshadow the building.
- The trees are close to the property and likely to cause future damage to the building structure.
- The trees are too close together and one tree is suppressing the other.
- The trees are not native, they are invasive and consequently not appropriate to the situation.

ASSESSMENT

The trees are Normandy Maples approximately 20 years old. They are highly visible from the adjacent road and pedestrian route and provide valuable amenity. They are in a healthy condition, with no major problems. The trees are approximately 8 m away from the house. Norway Maples are not an invasive species and their character is appropriate to an urban context. It is unlikely that the trees are causing any damage to the building currently. In the future, the tree nearest to the property is likely to affect the house. The bulk of the objections against the order relate to this

issue, however, the problem can be alleviated by doing one of the following, when the time comes, in say 10 - 15 years time:-

- The tree could be removed allowing the tree furthest away from the house to remain and to grow on to maturity.
- The tree could be replaced with a new tree.
- The tree could be reduced in size.

RECOMMENDATION

That the Order be confirmed.

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

CONTACT OFFICER: Paul Bryan Tel. 356493 (Wednesdays, Thursdays and Fridays)

PLANNING COMMITTEE - 30 MARCH 2005

REPORT OF THE CHIEF SOLICITOR

MISCELLANEOUS ITEM - PROPOSED ENFORCEMENT ACTION IN RESPECT OF FOXMOOR NURSERIES, CHELSTON, WELLINGTON

PLANNING HISTORY

In 1996 planning permission was granted to Foxmoor Nurseries to erect two glass houses at Haywards Lane Chelston to enable the re-location of the business from Rockwell Green (planning permission no. 46/1996/022). The permission was subject to a Section 106 (S106) Agreement that required some widening of Haywards Lane and the provision of a right hand turning land from the A38 to be constructed prior to the commencement of the use of the second glass house, or within a year of commencement of use of the first glass house.

Whilst the first glass house was under construction in 2000 an application was received to change the use of 50% of the glasshouse under construction to B1 use for the design, production, assembly and distribution of small garden products (application no. 46/2000/022). This application was refused on the grounds of industrial intrusion into the open countryside and the possibility of precedent.

Subsequently a further application was made (application no. 46/2000/034) for the same use with supporting information that the permission was needed to permit the production of "Flower Towers" by Foxmoor Nurseries. Flower Towers are a plastic form of hanging basket.

Members of the Planning Committee were anxious to ensure the unit did not acquire an unfettered B1 use and accordingly another S106 Agreement was sought restricting the use in the following ways:-

1. No more than 50% of the existing glass house to be used for the B1 use;
2. No retail sales to take place from the site;
3. The permitted use to be carried out only by Foxmoor Nurseries or an associated user; and
4. The area to revert to horticultural use if Foxmoor Nurseries or an associated user ceased to trade from the premises.

(The interpretation of this agreement has subsequently been a point of contention between the Council and the owners, some elements of which have been resolved through mediation, and others which remain as live issues.)

Following the granting of the permission, an application was made to vary the 1996 S106 Agreement, to the extent that the right hand turning lane need not

be provided. This application was supported by the County Highway Authority and the variation was completed in October 2001.

There were subsequently complaints that the terms of the S106 Agreement were not being complied with and that various unauthorised uses were taking place at Foxmoor Nurseries. It was alleged that this resulted in large vehicles using Haywards Lane with a frequency that would not have been expected from the authorised use of the site.

There have been various meetings with the owners of Foxmoor and their advisers as to what uses are, or are not, authorised at the site and some level of agreement has been reached. Arbitration has taken place, which has further narrowed the issues. There are still however concerns that unauthorised uses are taking place.

The glass house has in part been sub-divided into individual lock up units which are occupied by a variety of different users. Information as to the individual uses has been collected by visiting the site and by the service of Planning Contravention Notices. The situation is not however static and the exact mix of uses on the site varies.

THE PRESENT POSITION

It is agreed between the parties that the permitted use, subject to any further restrictions that may be imposed by the S106 Agreement, is B1 (light industrial). There is no consent for B8 (storage and distribution) although it is accepted that under Permitted Development Rights a total of 235 sq metres of floor space could be used for B8 use.

The question of whether or not an occupier is an associated user has been resolved through mediation such that occupiers are required to have either a 10% shareholding in Foxmoor Nurseries or be a Director of Foxmoor Nurseries with 5% voting rights.

It is accepted that not more than 50% of the glasshouse area is being used for the non-horticultural use, and there is currently no evidence of retailing.

However, there are still two main areas of disagreement:-

1. It is not accepted that all the users on the site are B1; and
2. The Council believes that any B1 user is further restricted by the Section 106 Agreement to a use related to planning permission 46/2000/034, referred to in the Section 106 Agreement as the "permitted user".

INDIVIDUAL UNITS

At the date of writing this report the situation in respect of each unit is as follows:-

Unit 1 - Occupied by Fleetwood Fox

The occupying business is involved in weaving. This is accepted as a B1 use.

Unit 2 - Occupied by RH Fibreboards

RH Fibreboards have a unit on the Chelston Business Park and produce fibreboard packaging. The unit at Foxmoor is used for palletising and labelling of packaging, storage and distribution. This is considered a B8 use.

Unit 3 - Occupied by Riverford Organics

This business involves the overnight storage of organic vegetables which are packed and distributed from the site to individual customers. This use is considered B8.

Unit 4

Currently unoccupied

Unit 5 - Occupied by Scholastic Books

The business involves the packaging of books for School Book Fairs. The main business is located on Chelston Business Park and the unit at Foxmoor is used essentially for storage of the books between fairs. The use is considered to be B8.

Unit 6 - Occupied by Cards and Stationery SW

This business has its main business in a unit at Chelston Business Park. This unit is used as a satellite where storage of cards and stationery takes place with some packaging. It is considered to be B8.

Unit 7 - Occupied by Patrick Simpson

The business involves the assembly, distribution and storage of flues. The use is considered mixed B1/B8. The B8 element of the use is unauthorised.

Unit 7a - Occupied by Beers Direct

This business is used for the storage and distribution of beer to clubs and pubs. It is considered to be B8.

Unit 7b

This unit has recently been used for the storage of tiles. The occupier is not yet known, although the deliveries are made by vehicles marked as Gregory Distribution. The use is considered to be B8.

Unit 8 - Occupied by Cider Woods

Research and development of “novelty” beds. This is considered a B1 use.

Unit 9 - Occupied by Essex Finishers

The business involves the re-finishing of printed articles. This is considered a B1 use.

Unit 10 - Occupied by Aquaid

The business involves the storage and distribution of water coolers. The use is considered to be B8.

Unit 11

Currently unoccupied.

The positions of the units is shown on the plan appended to this report.

Foxmoor Nurseries

Activities carried out by the company itself involve:-

- Fitting out of ex-shipping containers. This would be considered a B1 use but it is carried out in the yard which is outside the permitted area for B1 use. The use is therefore unauthorised.
- Cleaning and assembly of various items. Considered to be a B1 use.
- Horticulture. This use does not require permission.

GROUNDS FOR ENFORCEMENT

There are two issues to be considered in relation to the uses at Foxmoor Nurseries. Firstly, it is accepted that B8 uses are not permitted (other than the element permitted under Permitted Development Rights). Action could therefore be taken against all those occupiers carrying out a B8 use provided that there is sufficient evidence of that use.

Secondly, there is disagreement between the Council and the landowner as to the extent to which the S106 Agreement restricts the B1 use of the site. The landowner believes there is an unfettered B1 permission for the glasshouse.

The Council believes that the B1 use is restricted by the terms of the S106 Agreement to the B1 use specifically referred to in the agreement and that there is evidence that at the time the agreement was concluded that was the intention of both parties. If this difference cannot be resolved by negotiation between the

parties, an application will need to be made to the Courts for a declaration as to the status of the planning permission and the S106 Agreement.

THE ECONOMIC DEVELOPMENT POSITION

It is accepted that there is a need for the type of units provided at Foxmoor Nurseries which provides flexible accommodation at a modest price which assists small businesses in the area. Detailed comments from the Economic Development Officer will be reported verbally.

THE EXPEDIENCY OF TAKING ENFORCEMENT ACTION

The taking of enforcement action is discretionary and should only be taken where the taking of such action is considered expedient. In reaching any decision therefore Members must give consideration to the impact the taking of such action might have on the businesses involved. If enforcement action is authorised, consideration must be given to the needs of the businesses in deciding the period for compliance with any enforcement notice and sufficient time allowed to re-locate.

OTHER FACTORS TO CONSIDER

Members should also consider complaints received from local people as to the amount of traffic generated by the uses and the nature of Haywards Lane which is a narrow country lane providing the only means of access.

The County Highway Authority is concerned at the damage being caused to the edges of the carriageway by the level of use and in a report prepared in 2003 the Traffic Examiner for the Vehicle and Operator Services Agency considered that Haywards Lane was unsuitable for the volume and type of traffic using the road at that time.

Traffic accessing Foxmoor Nurseries also has to cross Haywards Bridge which has a load carrying capacity of 40 tonnes. In early 2004 it was reported that although some defects at the bridge had been identified, these were not at that time causing a problem. Any additional information in this respect will be reported verbally to the Committee.

THE VIEWS OF THE WEST BUCKLAND PARISH COUNCIL are currently awaited and will be reported verbally to the Committee.

RECOMMENDATIONS

It is therefore **RECOMMENDED** that:-

1. The Solicitor to the Council be authorised to serve individual enforcement notices in respect of unauthorised B8 uses at:-

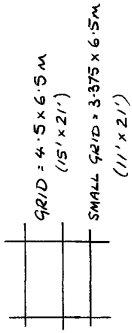
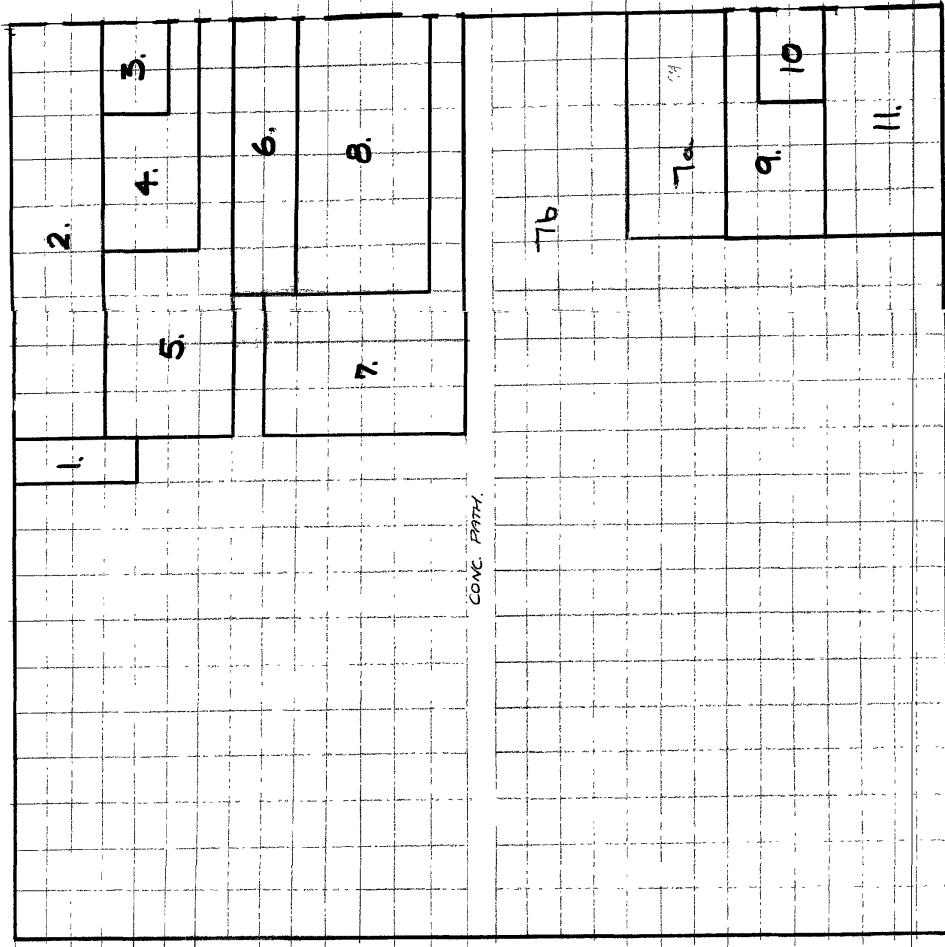
Unit 2 (RH Fibreboard);
Unit 3 (Riverford Organics);
Unit 5 (Scholastic Books);
Unit 6 (Cards and Stationary SW);
Unit 7 (Patrick Simpson);
Unit 7a (Beer Direct);
Unit 7b (Details of tenant being sought); and
Unit 10 (Aquaid);

provided he is satisfied at the date of service that there is sufficient evidence of such unauthorised use. The period for compliance in each case to be six months from the date of service.

2. The Solicitor to the Council be authorised to negotiate amendments to the S106 Agreement to reflect to the satisfaction of both parties the agreement reached at the time of the granting of planning permission.
3. In the event that no such amendment can be agreed within four weeks the Solicitor to the Council be authorised to make an application to the Court seeking a determination as to the status of planning permission no. 46/2000/034 and the S106 Agreement.
4. On the receipt of satisfactory evidence of future letting of any units for other than authorised uses, the Solicitor to the Council be authorised to seek an injunction against Foxmoor Nurseries Limited restraining any such further lettings.

Chief Solicitor

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



UNITS AT FOXMOOR NURSERIES
HAYWARDS LANE
WELLINGTON.

PLANNING COMMITTEE – 30 MARCH 2005

Report of the Chief Solicitor

Miscellaneous Item - Trenchard Park Gardens, Norton Fitzwarren

Background

At its meeting on the 7 July 2004 the Committee considered an application for the erection of an extension to form special needs accommodation and the change of use of the property to special needs at Trenchard House and Meadow Court, jointly known as Trenchard Park Gardens, Norton Fitzwarren (application No 25/2004/007).

The application was refused and the Committee resolved to take enforcement action to ensure compliance with the permitted use of the premises which was as a hotel or bed and breakfast accommodation.

However, since the Borough Council had an existing contract with the owner to house homeless persons in the building which ran until the 31 March 2005, it was resolved that the action should not become effective until 1 April 2005. An appeal against the refusal of planning permission has been lodged and a public inquiry is due to take place on the 23 August 2005.

There were two reasons for refusal of the permission. The first related to the proposed extension only. The second was as follows:-

The proposal will result in a risk that crime and associated anti-social behaviour within the locality will increase and also give rise to a justifiable public perception of such risk which would be harmful to the level of amenity which the occupiers of properties in the area should reasonably expect to enjoy. The proposal will therefore be in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Policy S8).

Members will recall there was a strong objection from the Police as well as from local residents and the Parish Council relating to the activities at Trenchard Park Gardens and concerns over crime and disorder. Appended to this report are the comments made by the Police at the time of the application, the comments of the Parish Council and the individual representations.

However, since that time the Police and the owner of Trenchard Park Gardens have been working to improve the situation, with additional measures being taken.

In particular, a house contract has been introduced which sets out rules for the residents and in particular prohibits the use of Trenchard Park Gardens as a bail address. Other steps have been taken and as a consequence whereas before July 2004 the Police were attending the property on a weekly basis and had arrested 34 people at the premises, since August 2004 the Police

have only attended the property on six occasions and one of those was to speak to a resident who was a victim of crime.

The Police have now written giving details of the changed circumstances and withdrawing their objection to the proposed use under Section 17 of the Crime and Disorder Act. A copy of the letter from the Police is appended to the report.

In the light of this, Members need to re-consider the decision to take enforcement action, and the reasons for refusal of the planning permission.

Without support from the Police it is difficult to sustain the decision to pursue enforcement action and refuse planning permission on the grounds of conflict with Section 17 of the Crime and Disorder Act .

The Parish Council and those who made representations at the time of the application have been notified that this matter is being further considered by the Committee.

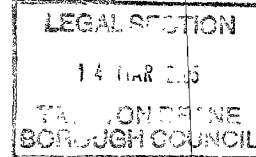
RECOMMENDATION

It is therefore RECOMMENDED:-

1. That no further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel; and
2. In respect of application No 25/2004/007 the appellant and The Planning Inspectorate be advised that the reason for refusal based on conflict with the aims of Section 17 of the Crime and Disorder Act will no longer be pursued.

Chief Solicitor

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



AVON AND SOMERSET CONSTABULARY

Sergeant 1353 Andy Whysall, Team 3
Taunton Police Station
Shuttern, Taunton
TA1 3QA

'E'Mail andy.whysall@avonandsomerset.police.uk

Tel: 01823 363105

Date: 10 March 2005

Taunton Deane Solicitors Department
The Deane House
Belvedere Road
Taunton
Somerset
TA 1 1HE

Dear Mrs Jackson

Ref : Trenchard Park Gardens Planning Applications.

Since the Planning Meeting in July 2005 when Mr Eaton had his original planning application refused, the police and Mr Eaton have been working closely together in order to improve their working relationship and also the reputation of Trenchard Park within the local community.

A number of new measures have subsequently been put in place. The most important one of these was a house contract that all new resident's sign. This not only outlines the house rules but more importantly informs the resident that if they are charged with any criminal offence then Trenchard Park cannot be used as a bail address and that Mr. Eaton will no longer allow them to reside at the establishment.

Mr Eaton has also received a visit from Police Constable Holman a Crime Reduction Officer. It was established that Mr Eaton already had a "state of the art" CCTV system in place and that security in general was good. Mr Eaton readily accepted any other recommendation that Police Constable Holman gave.

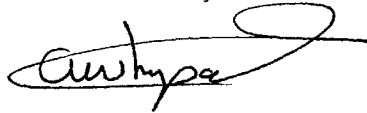
An open day took place in December 2004. Both the Parish Council and local community were invited to attend to speak to both Mr Eaton and the police about their concerns in the future and also about what had been achieved over the previous months.

The Community Police Officer attends Trenchard Park Gardens once a week in order to speak to Mr Eaton about any of the residents he feels are a potential problem or about any matter that is relevant.

Before July 2004 the police were attending Trenchard Park Gardens on a weekly basis and arrested 34 people during this period. Since all of these measures have been implemented the Police have only attended Trenchard Park Gardens 6 times since August 2004. One of those occasions was to speak to one of the residents who was a victim of crime.

As a result of this any objections the Police originally had under Section 17 of the Crime and Disorder Act are now withdrawn. The police look forward to working closely with both Mr Eaton and the local community in the future to make Trenchard Park Gardens an asset to the local area.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Andrew Whysall', with a large, stylized flourish extending to the right.

PS 1353 Andrew Whysall
Team 3
Taunton Police Station

REPRESENTATIONS MADE TO THE PLANNING COMMITTEE AT
ITS MEETING ON THE 7 JULY 2004.

development derives direct access from a National Primary Route/County Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site."

County Archaeologist

I repeat my advice on the earlier (withdrawn application 4/25/03/014) that the site is located very close to a nationally important monument and for this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

Wessex Water

"The above proposal is not located within a Wessex Water sewered area.

The developer has proposed to dispose of surface water to 'soakaways'.

It is advised that your Council should be satisfied with any arrangement for disposal of foul and surface water flows generated by the development.

Turning to water supply, there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

It is recommended that the developer should agree with Wessex Water prior to the commencement of any works on site."

Avon and Somerset Constabulary

"With reference to the above planning applications. The Avon and Somerset Constabulary have very serious concerns regarding the current situation at Trenchard House, Norton Fitzwarren, Taunton, and will object, in the strongest terms, to any proposed extension to this establishment.

Since 01/01/2003 there have been 23 Police Communication Centre reports/logs made relating to Trenchard House. Complaints/calls have included allegations of burglary, criminal damage, theft, assault and disorder.

During the same period there have been 27 crimes recorded relating to the premises. These crimes include allegations of theft, criminal damage, burglary, assault, sexual assault, and domestic incidents.

Police records would indicate that numerous Police officers have attended at the address, either in response to calls for the Police, or to make enquiries where arrests have been made.

It is quite apparent that this premises is a huge drain on Police resources and therefore we would request that our objections are given serious consideration."

The following further response was received subsequent to the view of consultation and representation response (see next section of this report).

"From mid 2002 in excess of 35 arrests have been made of residents at the premises. I can obtain exact up to date numbers if required.

The Police Warrants Officer, Mr. Nicholls, regularly calls at the premises 3/4 times each week. These details may be available if required.

As the result of a recent request by Sergeant Whysall, 9 Police officers, from our Police district, confirmed that the premises had been visited 17 times whilst making crime enquiries.

Devon and Cornwall Police officers have attended the premises to make crime enquiries."

The following further information has been received from the Avon & Somerset Constabulary:-

I can now inform you of the following:

Since 10-08-2003 Communication Centre logs show that the Police have been called to Trenchard Park Gardens 31 times. This figure includes; reports of burglary x 8, assault x 2, criminal damage x 1, and 20 others. Records show that a total of 44 arrests have been made at the premises. Since 01/04/2002 41 prosecution case files for court proceedings have been produced that relate to occupants of the premises.

I am not able to give you any details of Court results or convictions without looking into personal records, which is not possible.

I do hope that this will be sufficient information to evidence our objections.

Landscape Officer

"My main concern is the proximity of the proposed dwelling(s) on the existing sycamore and beech trees and the impact on the approach to Trenchard Park Gardens. However, I believe both the above could be mitigated by appropriate distances and landscape detail."

Environment Health Officer

Trust any of the proposed developments will be subject to Building Regulation approval and any fire detection system, including the sprinkler system will be interlinked as appropriate with the existing building.

Drainage Officer

No observations to make.

Housing Officer

"There are enough B and B rooms in the existing house. I do not believe more rooms are required. I feel that a better option would be move-on accommodation taking the form of one bedroom flats let on assured shorthold tenancies at rents compatible with housing benefit payment levels. I support the existing level of B and B rooms."

Parish Council

The Parish Council would like to emphasise the importance of the fact that no planning permission has been granted for the use of this property as a hostel despite it being used as such since 2002. Therefore this application must not be regarded merely as an extension of an existing legitimate operation. Had the change of use application submitted in 2002 been properly processed the Parish Council would have strongly objected then. However it was not given the opportunity.

The Parish Council would raise the strongest possible objections to the above applications. Due regard has been taken of the views expressed by local residents and police representatives. The Council feel there are very serious concerns in the following areas :-

1.0 Crime and Disorder (Section 17) and Anti-social behaviour

This is seen as a major issue. Confirmed reports have been received from the police and residents describing worrying incidents of crime and disorder arising from the use of Trenchard Park as a hostel. Surrounding properties have reported intrusions by residents of Trenchard Park and there is evidence of discarded hypodermic syringes found in the vicinity.

Clearly any increase in hostel usage would only add to an already serious situation. Furthermore there are the following additional concerns.

The proposed new playing fields for the primary school (situated behind Burnshill Drive off Taylor Close) will only be a field away from this property. In addition there is a well used footway from Trenchard Park running adjacent the proposed school playing fields.

There are fears that the supervision and control of residents when outside the site will be inadequate.

The site is very close to the St Martin's Rehabilitation Centre and there are serious concerns that the good work being done here could easily be undermined by the proximity of Trenchard Park residents.

There is high degree of worry amongst residents based upon a fear of what might happen, as well as actual events.

Valuable police resources are already being taken up with incidents connected with this property. Police report visiting the property at least three times a week sometimes with a riot van and regular arrests are made. The proposals would seriously escalate the problem.

2.0 Location in Open Countryside

The site is in open country and outside of the normal settlement area in existing planning terms. The proposals do not meet any known criteria as there would be no benefit economically or otherwise for the local area. Indeed quite the contrary as there would be a detrimental impact on the character of the area. Moreover the appearance and character of the existing building would be adversely affected by the proposed extensions.

3.0 Sustainability

There is no sustainability for the proposed use of the properties in this location. There are no immediate facilities for grocery or other shopping and no leisure or recreational areas.

4.0 Highway Issues

There are very real safety concerns. Residents are regularly seen walking along the busy main A358 Taunton/Minehead road, including at night whilst wearing dark clothing. Even with the provision of a footway, the safety of these residents and of passing motorists cannot be guaranteed.

The Council most strongly feel that these serious issues far outweigh any advantage that the Housing Officer may suggest arises from this proposal."

25/2004/007

County Highway Authority

There are no objections in principle to this proposal for the change of use of the property to special needs. A residential care home with 30 bedrooms

9.0 **REPRESENTATIONS**

7 individual letters of objection and one signed by the residents of 3 nearby dwellings have been received.

1. Effect on objector's son, who has special needs.
2. Private drive used by residents of both House of St Martin and Trenchard Park Gardens with associated bad language and discarded rubbish. Beer cans and cider bottles are thrown down in the driveway and hypodermic needles, drug taking equipment and syringes have been found.
3. Aware of a strong police presence in the area and have been told the police now consider the area to be a trouble hot-spot. If approved, the development will escalate the problems as this is a small community with no local facilities and cannot cater for the residents currently housed and therefore the crime rate is bound to rise.
4. Has already been an increase in crime in the area.
5. Although proposal is to offer care for special needs but suspect will simply be used as bed-sits for the homeless, which is what the present property is being used for.
6. People with special needs covers a wide spectrum and therefore a very varied staff with specialist skills would have to be employed to cater for the residents and it is doubtful that this is intended.
7. No guarantees that crime will not increase.
8. This previously quiet village will be turned into a no go area which has already started to happen.
9. To increase the traffic of both people and vehicles entering and exiting this busy road is extremely dangerous. Individuals will inevitably walk along the verge to and from the town, as there is no pavement. In the winter people walk on the road because the verge is so muddy, which is dangerous and a distraction to drivers.
10. Few facilities for residents, they are not in a community and they inevitably make their way into town, thus increasing the flow of activity on this road.
11. Also have concerns that residents will be those who need care, support and help, people with tremendous difficulties and problems.

12. There is a home of a similar nature at the top of Langford Lane and the mix and increased number of this type of people could create a very nasty situation.
13. The continued use of Trenchard House is in contravention of their present permission.
14. The proposed applications will increase the number of available beds to at least 55 and legalise an unsatisfactory position.
15. A proposed hostel on the edge of an employment area will increase the present residential/industrial conflicts.
16. Proposed extension will over-develop the site.
17. Noise from the industrial area will affect the property.
18. Current occupants play football in the entrance splay to the employment area.
19. Activities and perceived intimidation.
20. Proposal is incompatible and a health risk.
21. Development in the open countryside outside the area designated by the local plan.
22. The development is residential, and will not benefit from any facilities nearby, thus fostering the need to travel, and thus be unsustainable.
23. The development is not of such benefit to the area such as to justify an exception to policy.
24. Section 17 of the Crime and Disorder Act imposes a duty on local authorities to minimise crime, and also to minimise the perception of crime. Tenants of adjacent employment area are very concerned that crime, in particular robbery and violence, are likely to increase.
25. The only planning permission previously granted at the property was for hotel/bed and breakfast, but it is openly operating as a hotel.
26. Understood that a considerable number of offences have already been committed by residents and there are frequent visits by the police.
27. The term 'special needs' covers a very wide area. Special needs units are very expensive to run and query who will meet this funding. No details of staffing levels, specialities, care levels, qualifications etc. Query whether subject to the Care Standards Act. Query whether will home 'out-of-County' people who have been found 'difficult' by other authorities who find it easier to 'pass them on'.

28. Sense of fear amongst the nearby mainly elderly householders.
29. Evidence of discarded needles would suggest that cure and rehabilitation are either not the purpose or are at the very least not being effective.
30. Generally known that drug users are most often unable to control their addiction and resort to a variety of crimes to support their habit, which inevitably places the local community at risk.
31. Query what measures will be put in place to protect the local community and will residents have recourse to the Council if crimes to property or community members occurs as a result.
32. The only accessible form of recreation is a public house – which cannot be considered best practice in rehabilitating those who are mentally challenged.
33. Property should revert to its intended use – bed and breakfast for the tourist industry.
34. Facilities for special needs already exist at this site and at House of St Martin nearby.
35. The northern access is dangerous.

Letter of objection from Ward Member making the following points:-

1. Join and fully support the Parish Council and several owners and occupiers of neighbouring properties in strongly objecting to the applications.
2. Planning permission has been granted for hotel/bed and breakfast use. No planning permission has been granted for use of property as a hostel, despite it being used as such since 2002. Officers recognise that there is a difference between hotel/bed and breakfast and hostel/bed and breakfast. The existing use of the premises is not, in planning terms, a legitimate operation, so the application must be treated as a new use for the premises.
3. Crime and Disorder Act (Section 17) and Anti-social behaviour. Police report that they attend the premises at least 3 times a week. Incidents at the premises require anything from one officer to six officers in a riot van.
4. Have been informed of several neighbouring property intrusions by residents from Trenchard Park Gardens. On one occasion a neighbour observed some 'obviously stolen' goods being hidden in their garden hedge by persons he knew to be residents.

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5. Residents have made regular court appearances for a variety of offences. Residents have also been observed to be abusive and intimidating on the local bus service. Several discarded syringes have been found in the verge next to the public pavement immediately outside the property.
6. Concerns over the possible detrimental effects some known drug addicts housed in Trenchard Park Gardens might have on residents at the nearby House of St Martins (ex-offenders, vulnerable people).
7. The Local Plan recognises the need to expand the village primary school and it is currently proposed to move the school playing field to behind Taylor Close, which is within one field of the property.
8. Would need assurances that the establishment is properly managed with staffing levels and management arrangements exceeding the minimum standards for special needs people.
9. The premises are outside the Local Plan settlement limits.
10. Norton Fitzwarren is a village with a community just beginning to pick itself up after the loss of 550 jobs at Taunton Cider. The area around Langford Lane and Pen Elm is a microcosm within the village, a small cluster of about 30 houses and bungalows, many of the occupants being retired. The provision of hostel accommodation for at least 55 'special needs' residents (essentially drug addicts) is not in keeping with this area.
11. Sustainability. Proposal will lead to a substantial increase in traffic to and from the site. There are no immediate shopping facilities for this number of residents, most of whom will not be drivers and will therefore have to either walk or rely on public transport. There are no leisure facilities or recreational areas close by.
12. There is no economic benefit to the application.
13. Concerns over the entrance to and exit from the site onto a busy main road.
14. There is no footpath between Cross Keys roundabout and Trenchard Park Gardens and residents, vulnerable people, have been observed on many occasions walking out on the road. At night, in the winter, this is particularly dangerous, and there is a significant risk of serious injury or even death.
15. Applicant has indicated that it would not be viable to continue operating at the current scale.

16. The building, whilst not listed, is of significant historic importance, being the former home of Lord Trenchard, founder of the RAF. This application is not in keeping with such an historic building.

Letter received from applicant responding to points raised in local press makes the following points:-

1. Only two references to a Trenchard Park Gardens client in court news in local paper in the last 20 weeks, both offences recurring prior to occupation.
2. 'Leaving Care' is a scheme run by Social Services to help and support 16-18 year olds after they leave care or they can have a greater chance of maturing and achieving independence after years of the absence of parental control, care and guidance. Difficult for them to adapt from childhood to adulthood within a stable environment. To regard these vulnerable young adults as 'tearaways' is inappropriate and offensive.
3. Denies that any residents found on property of nearby householders.
4. It is well known that villages have problems, as do towns and cities. The syringes are nothing to do with Trenchard Park Gardens and illustrate how juxtaposing issues can be used to create a negative impression that they were from Trenchard Park Gardens.
5. Use of terms such as 'police riot van' are inappropriate.
6. Police visit the property in the main for people who have committed offences prior to coming to Trenchard Park Gardens, and as a matter of procedure.
7. No parish councillor has ever directly contacted Trenchard Park Gardens to ask or to enquire about activities.
8. The project at Trenchard Park Gardens is a positive one and we work with a variety of agencies, all satisfied with the service offered.
9. Take safety and security seriously.
10. Wish to offer 'move on' accommodation for those whose needs take a little longer to define and find available. The planning application is part of a solution to house vulnerable people with special needs, which should be viewed positively in the light of the facts, not fiction.
11. Hope that those who needed to vent their feelings and anger have now done so and we can now go about our work quietly out of the limelight and for the benefit of vulnerable people of all ages, races and genders.
12. Considers the police must answer the following questions:-

- a) how many arrests were due to suspected criminal actions while at Trenchard Park Gardens;
- b) how many arrests of these people lead to convictions in the courts;
- c) how many arrests were there for suspected criminal actions prior to the person coming to Trenchard Park Gardens;
- d) how many arrests of these people lead to convictions in the courts.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the Development Plan? **POLICIES**
- B. Will the proposals result in an increase in crime and disorder in the area? **CRIME AND DISORDER**
- C. Is the access to the site suitable? **ACCESS**

A. Policy

Application 25/2004/006 is an outline planning application for new units for special needs accommodation within the grounds of Trenchard Park Gardens. Application 25/2004/007 provides for two elements. Firstly the change of use of the existing properties comprising Trenchard House and Meadow Court to special needs accommodation. Individual bedrooms would be provided, together with shared facilities. I consider this form of accommodation to be akin to a hotel use. The other part of this application provides for extension to provide additional bedrooms for the same special needs use, together with one unit of self contained family living accommodation.

The existing premises have had previous uses for residential purposes, both a single dwellings and as a nursing home. There is also a valid planning permission on the Trenchard House part of the building for hotel/bed and breakfast use. A residential use is consequently considered to be greatly acceptable. The proposal, the subject of application 25/2004/006, provides for some self-contained accommodation and therefore Policy H4b of the Taunton Deane Local Plan applies. This states that conversion of homes to bed sits, hotels or other types of use to self-contained accommodation will be permitted provided that certain criteria are met. The Local Plan recognises that Homes In Multiple Occupation are a difficult issue in some parts of Taunton in that the intensity of use associated with them can cause noise and nuisance problems in residential areas, particularly if they become concentrated in formerly settled residential areas of single family dwellings. However it is also accepted that bed sits, hotels and other forms of non self-contained accommodation are an increasingly common form of cheap rental housing and therefore provide a form of affordable housing, particularly for the homeless or young single people. The Local Plan Inspector considered that the Plan should refer to the benefits of arrangement of this type of accommodation by Registered Social Landlords. PPG3 advises that conversion of the existing stock to meet new requirements is welcome, subject to the protection of residential character and amenity.

PLANNING COMMITTEE – 30 MARCH 2005

Report of the Chief Solicitor

Miscellaneous Item – Section 106 (S.106) Agreement - Hancock's Brewery, Wiveliscombe - Application No. 49/2004/013

Background

At its meeting on the 29 September 2004, the Committee considered an application for the partial demolition, partial new build, conversion and restoration of the former Hancock's Brewery at Wiveliscombe to 14 residential units.

The Committee resolved to grant permission subject to the applicant entering into a S.106 Agreement to provide "an agreed sum of money for affordable housing and an agreed sum towards the provision of off site recreational facilities".

In fact the agreement that had been negotiated in relation to the affordable housing was not for a fixed sum contribution but provided that 30% of any profit from the scheme in excess of £300,000 over a two year period should be paid over as a contribution towards affordable housing. The levels of profit to be permitted without the making of a contribution were to be increased pro rata if the scheme took in excess of two years to complete, with a maximum payment of £172,000.

A S.106 Agreement reflecting these requirements was drafted but two queries were raised by solicitors acting for the applicant.

Firstly, the basis for requiring the affordable housing payment was said to be unlawful in that the Circular Guidance 1/97 states: "Planning obligations should never be used as a means of securing for the local community a share in the profits of development". There is therefore some doubt over the lawfulness of trying to secure a contribution in the way envisaged.

Secondly, and of more practical importance, the solicitors raised the issue of the viability of the scheme if a contribution towards affordable housing is to be required. The Council had commissioned a report in December 2003 on the basis of which the contribution referred to above had been negotiated. The solicitors were advised that before the matter could be considered further, that report would need to be updated.

This has now been done and a copy of this document, together with the original report and a calculation of the net profit from the scheme based on the updated figures, has been circulated as confidential appendices to this report – see agenda item no. 26. A net profit of 18% would be the usual threshold at which a full affordable housing contribution would be expected.

The Hancock's Brewery is a significant building within the townscape of Wiveliscombe which would be retained and enhanced by this proposal. The need to provide affordable housing therefore needs to be balanced against the contribution that the proposal will make in terms of ensuring a long term use for this important building.

RECOMMENDATION

It is therefore RECOMMENDED that the resolution of the Committee of the 29 September 2004 be varied such that planning permission 49/2004/013 be granted subject to the applicants entering into a S106 Agreement to secure a contribution to off site recreational provision only.

Chief Solicitor

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

PLANNING COMMITTEE - 30 MARCH, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Bishops Hull

1. **File/Complaint Number** 05/2004/037 - E235/05/2004
2. **Location of Site** 14 Great Mead, Bishops Hull, Taunton
3. **Names of Owners** Mr Lloyd Morgan
4. **Names of Occupiers** Mr Lloyd Morgan
5. **Nature of Contravention**

Removal of hedge and erection of fence.

6. **Planning History**

It was brought to our attention in July 2004 that a section of mature hedge was removed and a number of 1.8 m high fence panels provided adjacent to Waterfield Drive. Discussions took place with the owner informing him that planning permission was required as the fence was over 1m high. He was also informed that any application received to retain the 1.8m high fence was unlikely to be successful. Following further discussions to find an acceptable solution it was agreed that a new hedge should be planted and the fence reduced in height.

The owner decided however to apply to retain the 1.8m high fence for a temporary period whilst the new hedge was growing. A retrospective planning application was submitted on 14 September 2004 to retain the fence for a period of 5 years. There was considerable objection to the application and on 21 October 2004 the application was refused. Following the refusal the owner contacted the Planning Officer and it was agreed by letter dated 17 January 2005 that the new hedge would be planted by the end of March and the fence would be reduced to a height of 1m within 28 days from the date of the letter. To date the fence has not been reduced in height.

7. **Reasons for taking Action**

It is considered that the fence by reason of its siting, height and design, constitutes an intrusive feature within the street scene and is out of keeping with the particular character of the area to the detriment of the visual amenities of the area. Therefore contrary to policies S1, S2 and EN5 of the Taunton Deane Local Plan Revised Deposit.

8. **Recommendation**

The solicitor to the Council be authorised to serve an Enforcement Notice and take 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

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 30 MARCH 2005

1 The following appeals have been lodged:-

Appellant	Date Application Considered	Proposal
Metstores Ltd (38/2004/415LB)	DD	Removal of grills from ground floor windows, 25 Fore Street, Taunton
W M Morrison (38/2004/557A)	DD	Display of various internal illuminated and non-illuminated signs at Safeway Superstore, Priory Bridge Road, Taunton

2 The following appeal decisions have been received:-

(a) Erection of two sheet advertisement display panels, Bathpool Bridge, Taunton (48/2004/060A)

The Inspector felt that the main issue, on amenity grounds only, was the impact of the proposed display on the site and its mixed-use surroundings.

The panels would be sited on either side of the A38 on top of the embankment to Bathpool Bridge, fairly close together and facing South. The Inspector felt that although the area had a mixed character of residential and low-key business premises, the commercial profile was contained by roadside trees and bushes.

The panels would stand in isolation and because of their size and exposed siting, would become unduly obtrusive advertising in a semi rural location.

When travelling in a northward direction, the panels would be seen in quick succession, together with two existing roadside signs for local business. The proposed display would create an impression of advertising clutter on Bathpool Bridge.

In conclusion, he felt that the display of both or either of the proposed panels would be detrimental to the interests of amenity.

The appeal was dismissed.

(b) Relocation and extension of boundary wall to enclose side access to property at 36 Venn Close, Cotford St Luke (06/2004/011)

The Taunton Deane Local Plan sought to protect the character and appearance of the street scene and, in the new village of Cotford St Luke, gaps had been retained between the edge of built development and the footpath to provide for planting to soften the appearance of the development. The appeal scheme would take the hard development up to the back of the footpath with no space for planting.

The appeal site was at the end of a close and the verge proposed to be enclosed was about 1.2 m in width. The proposal would align with the existing gateposts and would not be intrusive in the view along the street.

The Inspector felt that even with the enclosure of the verge the open character of this part of the estate would be maintained, as the verge made no significant contribution to the character or appearance of the area.

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

(c) Retention of first floor windows at 4 Highland Place, High Street, Wellington (43/2004/034)

The Inspector considered the main issue to be the effect on the privacy of neighbours.

The windows, which would be re-instated in the rear of the appeal property, if the appeal was allowed, would look directly towards the rear windows of numbers 68 and 70 High Street and would overlook their gardens. Even if the glazing were to be opaque, the Inspector thought it would be likely that the occupants would wish to open them, either for fresh air or to look out. He also felt that it was unlikely that any measures that could be attempted to maintain the privacy of numbers 68 and 70 High Street would be enforceable, particularly in view of the size of the windows.

Although there were other examples of windows, which were located opposite other windows in the town centre, those which the Inspector observed at a distance, appeared significantly smaller and had been designed to be close to one another.

In conclusion the Inspector felt that the proposal would cause significant harm to the privacy of the residents of 68 and 70 High Street.

The appeal was dismissed.

(d) Erection of first floor extension to the rear of 15 Raps Green, Taunton (38/2004/120)

The Inspector felt that the main issue was the likely affect of the proposed extension on the amenities of adjoining residents.

The appeal property was one side of a pair of two-storey semi-detached houses, with No 13 attached to it on the north west side.

The appeal property had an existing single storey extension at the rear, almost on the common boundary with No 13 and the proposal would add an additional storey to this extension.

The Inspector felt that any addition to the height of the existing rear extension would have two adverse affects on the adjoining house and garden. He was concerned that there would be an increase in the degree to which the development extended the shadow of the house over the rear garden of No 13, particularly in the mornings. This would reduce sunlight to the garden and daylight to the rear windows of the house, although this would vary with the season and time of day.

Secondly the proposal would have an overbearing influence on No 13. This would have a significantly harmful impact on the outlook and aspect from the rear of the adjoining house.

In conclusion, the Inspector noted that the proposal would not physically encroach on the adjoining property, nor would there be any material loss of privacy. However, he felt that the prevailing site conditions, including the orientation of the houses, would cause unacceptable harm to the amenities of adjoining residents.

The appeal was dismissed.

(e) Erection of village hall, formation of access, driveway and car parking for hall, church and school at land to north east of St Peter's Church, Langford Budville (21/2004/004)

The site was outside the settlement limits of Langford Budville, adjacent to the churchyard of the Grade I listed St Peter's Church and the Landford Budville Conservation Area and within the High Vale Landscape Character Area. Vehicular access would be from the lane leading to the village from Langford Gate and the B3187 to the north-east of the site.

Although the site was only visible from three houses in the village, when viewed from Langford Gate, the site lay in the foreground of the Church, which was prominent on the skyline. The Inspector felt that the field was an important part of the rural setting.

The proposal included the introduction of an access road and car parking for 50 cars. Although the hall was at a lower level and the parking could also be used by the school and church, the Inspector considered that the access road and extensive parking would extend an urban element and built form into the countryside and foreground of the Church, which would have a detrimental effect. The Inspector felt that whilst landscaping might provide some screening, it would take many years to mature and would not adequately mitigate the impact of the proposal.

The formation of a new access would involve the removal of 70 m of hedgerow to form visibility splays, which would have a detrimental impact on the enclosed character of the rural lane.

The Highway Authority had concerns about safety and the Inspector felt that a less enclosed

road might encourage some drivers to travel faster. Also, the proposal would introduce a number of turning movements at a place where accidents had occurred. It was therefore felt that there would be no material improvement in highway safety.

The appeal was dismissed.

(f) Change of use and conversion of barn to form dwelling on land to north-east of Bedruthan, Bull Street, Creech St Michael (14/2004/012)

The Inspector felt that the main issue was whether there would be an unacceptable risk of flooding which could mean additional burdens on the emergency services.

The appeal site was in a high risk flood area and although there were some flood defences, there was no established warning and evacuation procedure in place.

The appellant had proposed doorway flood protection shields to reduce the risk of internal flooding, but whilst this might reduce the impact of a flood within the property, there could be problems in gaining access.

The Inspector considered that by preventing the flow of water through the building, there would be a reduction in flood storage volume. Although this might be unquantifiable in scale, every loss of flood storage volume was undesirable and the cumulative effect of many small encroachments was to progressively worsen flood risk.

The appeal was dismissed.

(g) Siting of two mobile homes and two touring caravans for single gypsy family and appeal against enforcement notice at Two Acres, Ford Street, Wellington (44/2003/019)

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

The appeals were dismissed.

(h) Illuminated and non-illuminated fascia signs and projecting sign at Rileys, 1 Kingston Road, Taunton

The Inspector felt that the main issue was the effect the signs would have on the amenity of the area.

The appeal site was situated in a generally commercial area and the two storey building was used as a snooker hall. Items 3, 4 and 5 were lettered signs and were sited above the inset entrance. Item 8 was a 'R' logo sign fixed to the inset exit door. The Inspector felt that all these signs were small and, in his view, not excessive in relation to the overall size of the building.

They were displayed at fascia level or below and when seen in this context were not unduly intrusive in the street scene.

Item 14 was a poster box which was originally displayed within the reveal in the front elevation. It was now on the main facade, but still at a low level where it was seen in the same commercial context.

Items 11, 15/16 comprised a projecting sign and wall sign both measuring 3.7m x 0.7m. Item 12 was a round logo sign measuring 2m in diameter. These signs were to be displayed at first floor level and in the Inspector's opinion would appear overlarge. The signs would also be visible from either direction and would be sited above the level of commercial activity. The Inspector felt that they would stand out as unduly intrusive features in the street scene, particularly at night when illuminated.

He concluded that the display of items 3, 4, 5, 8 and 14 would not be detrimental to the interests of amenity, but that the display of items 11, 12 and 15/16 would.

The Inspector dismissed the part of the appeal that related to items 11, 12 and 15/16, but allowed the appeal in respect of items 3, 4, 5, 8 and 14.

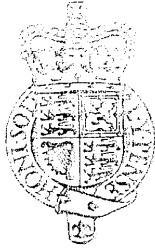
(i) Change of use from ancillary accommodation to separate dwelling unit at Bussells Farm, Blackmoor, Wellington (46/2003/035)

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

The appeal was dismissed.

Contact Officer: Donna Durham Telephone: 01823 356382 or
e-mail: d.durham@tauntondeane.gov.uk

APPENDIX A



Appeal Decisions

Hearing held and site visit made on 22 February 2005

by **Paul Taylor BSc (Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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Date

02 MAR 2005

Appeal Ref: APP/D3315/A/04/1147390

Two Acres, Ford Street, Wellington TA21 9PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Isaacs against a decision of Taunton Deane Borough Council.
- The application Ref 44/2003/019, dated 22 August 2003, was refused by notice dated 17 October 2003.
- The development proposed is the siting, on a permanent base, of 2 mobile homes and 2 touring caravans for gypsies.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/D3315/C/04/1165776

Two Acres, Ford Street, Wellington TA21 9PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr J Isaacs against an enforcement notice issued by Taunton Deane Borough Council.
- The Council's reference is 44/2003/019.
- The notice was issued on 6 October 2004.
- The breach of planning control as alleged in the notice is, without planning permission, the change of use of the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.
- The requirements of the notice are:-
 - (i) Stop using the land at Two Acres, Ford Street, Wellington for the stationing of a mobile home and touring caravans.
 - (ii) Remove from the land the mobile homes and touring caravans and restore the land concerned to the condition it was in before the breach of planning control.
- The period for compliance with the requirements is 'by 30 April 2005'.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. (Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.)

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variation.

Planning Policies

1. Policy 36 of the adopted Structure Plan for the area says that the provision of sites for gypsies should be made where the site is within reasonable distance of a settlement providing local services and facilities. Policy H16 of the adopted Taunton Deane Local Plan
-

-
- says that, outside the defined limits of settlements, sites for gypsies will be permitted provided that various criteria are complied with. In my view these are clear and realistic criteria. Criterion (B) is that there is safe and convenient access by bus, cycle or on foot to schools and other community facilities. Criterion (C) is that a landscaping scheme is provided which screens the site from outside views. Criterion (I) is that the site is not within an Area of Outstanding Natural Beauty (AONB).
2. Government policy in Circular 1/94, Gypsy Sites and Planning, provides that the planning system recognises the need for accommodation consistent with gypsies' nomadic lifestyle but also reflects the importance of the plan-led nature of the planning system in relation to gypsy site provision. The Circular says that local plans should make a quantitative assessment of the amount of accommodation required and should, wherever possible, identify locations suitable for gypsy sites. Where this is not possible they should set out clear, realistic criteria for suitable locations. The Circular indicates that while many gypsy sites may be found in rural or semi-rural settings it will not as a rule be appropriate to make provision for gypsy sites in Areas of Outstanding Natural Beauty.

Main Issues

3. As Circular 1/94 and Policy H16 indicate that gypsy sites can be located outside settlements I do not consider that normal open countryside planning policies apply. The main issues raised are:-
 - (a) The impact of the development on the Blackdown Hills AONB.
 - (b) The suitability of the local highway network for the development
 - (c) The availability of local services and facilities
 - (d) The general need for, and availability of, sites for gypsies
 - (e) Personal circumstances
 - (f) The period for compliance with the notice

The impact of the development on the Blackdown Hills AONB

4. The appeal site is in the countryside close to the small hamlet of Ford Street in the Blackdown Hills AONB. Permission is sought for the stationing of 2 mobile homes and 2 touring caravans for gypsies. There would also be 2 or 3 vehicles parked on the site. At the time of my inspection there was only one static caravan on the land though there were other domestic items present including play equipment and a rotary clothes drier. The caravan was sited some distance back from the road on elevated land next to a new hardstanding. Some roadside hedgerows provide a degree of screening but the caravan and other domestic items are readily seen by anyone passing by. In my view they are clearly unsympathetic additions to the landscape, seriously harming its natural beauty.
5. There are, I accept, factors that do, and could in the future, mitigate the harm caused. The appeal site is relatively close to houses in Ford Street and it does have, lower down and close to the road, some old piggery buildings and structures and a stable block. A scheme of landscaping might, to some extent, be able to screen the development further. However, the mobile homes and caravans and the associated vehicles, and the domestic paraphernalia and residential activity would still cause harm to the AONB. That harm would be both the inherent harm to the intrinsic natural beauty of the area and the harm that would still be perceived by people passing by. A particular problem is that much of the site is elevated

making it difficult for the development to comply with criterion (C) of Policy H16 by being satisfactorily screened from outside views.

6. As the development is within an AONB it is not in an appropriate location according to Circular 1/94 and Policy H16, criterion (I). This clear, consistent policy presumption against this gypsy site, and the harm caused, weigh heavily against the grant of planning permission either for the development as proposed or for a reduced proposal involving one mobile home and one touring caravan.

The suitability of the local highway network for the development

7. The appeal site has an access on to a minor country lane that that meets the main road through Ford Street a little to the north. The local highway authority maintain that as the minor lane is narrow, and has limited forward visibility, it is unsuitable for the traffic likely to be generated by the proposed development. There are no traffic counts before me but I see no reason to doubt the appellant's evidence that this minor lane carries very little traffic. Due to it bends and narrow width traffic speeds are likely to be low. It may well be the case that, at times, a vehicle towing a caravan between the appeal site and the main road might cause a degree of inconvenience to another road user but, in my view, no more than that which often arises along narrow country lanes.
8. I am much more concerned about highway safety where the minor lane joins the main road. This main, but still relatively narrow, road carries more traffic and it is fairly fast-moving, perhaps about 40mph. The minor lane has two junctions with the main road, one to the south of a house called The Island and one to the north of The Island. Visibility to the right at the southern junction is so extremely bad that I doubt that it would be used because the visibility to the right at the nearby alternative northern junction is better. Having said that, however, this forked junction is not without its problems. Visibility to the right is still substandard. A vehicle towing a caravan and turning right out of the junction into the main road would have to make the manoeuvre slowly and carefully because of the acute angle of the fork. It could impede the free and safe flow of traffic. Furthermore, a vehicle turning right into the minor lane might have to stop to let oncoming traffic go by. However, a vehicle stopping at this point in the main road could well be hidden from the view of a following driver due to the bend in the road. I do, therefore, share the view of the local highway authority that this particular junction is one that could lead to highway safety problems, especially with use by a vehicle towing a caravan. Given the limited number of journeys likely to be made by drivers towing caravans I recognise that dangerous incidents might only arise infrequently. Nonetheless, because of the fairly high speed of traffic on the main road I consider that there is a valid objection to the proposed development on highway safety grounds. I do not, therefore, consider that the local highway network is suitable for the proposed development.

The availability of local services and facilities

9. Criterion (B) of Policy H16 requires there to be safe and convenient access from the site by bus, cycle or on foot to schools and other community facilities. Ford Street has no such facilities. The nearest facilities are in Wellington about 3k away. It is not possible to reach these facilities safely and conveniently on foot or, in my view, by cycle. There is only an infrequent bus service between Ford Street and Wellington and the appellant did not argue that he found this service useful. Children are taken by private vehicle from the appeal site to a school at Rockwell Green. In these circumstances I consider that criterion (B) is not

satisfied and that the lack of easily available local services and facilities is a disadvantage of the site.

10. In relation to Policy 36 of the adopted Structure Plan the Council consider that Wellington is not a reasonable distance from the appeal site which is therefore, in their view, in an unsustainable location because the appellant relies upon travel by private vehicle. The gypsy way of life, however, being nomadic, inevitably involves travel by private transport. Gypsy sites can, in principle, be appropriate in rural areas where there is often a need for some travel by private vehicle. I do not, therefore, consider the site is unacceptable on the basis that it involves the need for travel by private vehicles.

The general need for, and availability of, sites for gypsies

11. Local planning authorities in Somerset, including Taunton Deane Borough Council have not made any recent quantitative assessment of the amount of accommodation needed for gypsies in the locality. Nor have they identified any specific locations suitable for gypsy sites. The appellant says that the Council have not, so far, assisted the appellant in his search for a site. He maintains that these are serious failings which support the grant of planning permission. I have borne these matters in mind and return to them later.
12. The appellant maintains that the Count of Gypsy Caravans published by the Office of the Deputy Prime Minister (ODPM) seriously underestimates the need for gypsy sites in the locality. He was supported in this view by the evidence from a local member of the Romani Gypsy council. I am aware of general concern about the accuracy of the ODPM Counts. I cannot quantify the general need for gypsy sites in the locality but based on the appellant's evidence I consider that there is probably some need for further sites to be made available in the District. The grant of planning permission for the appeal site would go some way to meeting that likely need and that is a factor in its favour.
13. I also accept the appellant's evidence that he has been looking earnestly for a suitable site for several years and that, while the Council now consider that it might be possible to find an alternative, less intrusive, site closer to Wellington, outside the AONB, no alternative site can currently be readily identified by the Council or the appellant as being available locally for him and his extended family.

Personal Circumstances

14. The appellant has always been based in Somerset and Devon but he has never had a lawful site of his own to occupy. The appeal site, which he owns, would be home and a settled base, for him and his wife, their two daughters, his sister and his sister-in-law's daughter. The appellant says that his sister and his sister in-law's daughter are currently living in unsatisfactory conditions. The three children would benefit from having settled, continuous education at their local schools where they are all making progress, although one is, at present, several years behind her chronological age in ability and knowledge. The schools indicate that it would be disadvantageous for the children to have to leave. I have no doubt that there is a clear and significant benefit in the children having a settled home base for the education. Equally, it would clearly be very undesirable for them to withdraw from school or to have an education severely interrupted by frequent moves.
15. The appellant has medical problems including some arthritis, a liver condition and a need for blood pressure and cholesterol to be monitored. He is, according to his doctor, otherwise

currently fit and well. Apparently his liver is in no way dangerous and there is no sign of chronic liver disease. His doctor considers that it is important for him to remain in one place while she tries to sort things out. In my view, however, the medical problems are not so special or serious as to constitute a strong factor supporting the grant of permission.

16. I acknowledge that the appellant and his family are responsible and caring people and that they keep the site tidy, as neighbours who support the proposal testify. Several neighbours are concerned about what will happen to the children and their education if planning permission is refused.
17. The grant of planning permission would bring considerable personal benefits to the appellant and his family and I have borne that in mind.

The Period For Compliance with the Notice

18. Bearing in mind the likely date of this appeal decision the notice gives a period for compliance of about 6 weeks. At the Hearing the Council recognised that this was too short. The Council indicated that, in the context of possible likely changes soon in Government planning policy, as referred to by the appellant, they were setting up a Working Party to consider the need for gypsy accommodation. They said they would now regard a compliance period of 18 months as being appropriate, believing that there is a reasonable likelihood that an alternative site can be found in the locality, and promising to engage in discrete discussion about alternatives with the appellant.

Overall Conclusion

19. The main factors against the grant of planning permission are the policy presumption against the development due to its AONB location, the harm to the natural beauty of the AONB and the highway safety problems. On the other hand the site would contribute to gypsy provision in the locality and it would have the clear and considerable benefit of providing a settled base for the children's education. The lack of an alternative site readily available also weighs in favour of the appellant.
20. The personal benefits for the appellant are considerable but, in my view, they are not special or unusual and they are benefits that could be pleaded in many similar cases. Similarly, the lack of an up-to-date quantitative assessment of the need for gypsy accommodation, unsatisfactory though that is, and the possibility of a change nationally in planning policy, are general considerations they do not outweigh the demonstrable harm caused in terms of the impact on the AONB and highway safety.
21. I am nevertheless very concerned about the possibility that dismissal of the appeal could result in the appellant and his family having to live on the road or on other unauthorised sites. However, with a period for compliance of 18 months there would be a reasonable opportunity for the appellant, in discussion with the Council, to obtain a more suitable site within the locality. Circular 1/94 says that local planning authorities considering possible enforcement action against gypsy caravan sites should be guided by the policy advice in PPG 18, Enforcing Planning Control. They should regard gypsies in the same manner as small businesses. PPG 18 indicates that if a small business is to be compelled to relocate then the local planning authority should aim to agree on a timetable for relocation which will minimise disruption. I conclude that planning permission should not be granted but that, to minimise disruption, the period for compliance should be extended to 18 months.

22. In reaching this conclusion I have had regard to an appeal decision concerning a site in the borough of Hertsmere (The Pylon Site), and to other documents concerning gypsies generally, submitted on behalf of the appellant, but I consider that this appeal raises specific over-riding objections regarding development in an AONB and highway safety.

Human Rights Act

23. Submissions were made relating to Article 8 of The European Convention on Human Rights (ECHR). I recognise the need to have regard to common humanity and that dismissal of the appeal will cause hardship and will interfere with the appellant's home and family life. However I have weighed this against the wider public interest. Moreover, where a home has been established without planning permission there is a conflict of interest between the rights of the individual under Article 8 and the right of others in the community to environmental protection. If the establishment of the home in a particular place is unlawful the position of an individual objecting to a requirement to move is less strong than if the home is lawful.¹
24. For the reasons given above I have found that this proposal would be harmful to the need to protect the AONB and to highway safety and I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission. The requirements of the notice would be effective in protecting the AONB. On balance, I consider that the dismissal of the appeal would not be disproportionate.
25. Reference was also made to Article 2 of Protocol 1 of the ECHR but the requirements of the notice do not, in themselves, deny the children the right to education. Nor, in my view, is there any evidence that in the issuing of the enforcement notice the Council have discriminated against the appellant on any ground referred to in Article 14 of the ECHR.

FORMAL DECISIONS:-

Appeal Ref: APP/D3315/A/04/1147390

26. I dismiss the appeal.

Appeal Ref: APP/D3315/ C/04/1165776

27. I vary the enforcement notice by changing the period for compliance to 18 months. Subject to this variation I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul Taylor

Inspector

¹ Case of Chapman v The United Kingdom ECHR January 2001 (application no, 27238/95)



Appeal Decision

Hearing held on 20 January 2005

Site visit made on 20 January 2005

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Date

20 JAN 2005

Appeal Ref: APP/D3315/A/04/1146809

Bussells Farm, Blackmoor, Wellington, Somerset, TA21 9LJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Richard Turk against the decision of Taunton Deane Borough Council.
- The application Ref. 46/2003/035, dated 5 August 2003, was refused by notice dated 9 October 2003.
- The development proposed is the change of use from ancillary accommodation to separate unit of accommodation.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. There is a discrepancy in the appeal site area shown on the submitted site plans. At the Hearing both main parties agreed that the correct area was that shown on the 1:500 scale site plan. I have determined the appeal on the basis of the site area shown on that plan.

Main Issues

2. There are three main issues:
 - a) the effect upon the character and appearance of the area, which forms part of the Blackdown Hills Area of Outstanding Natural Beauty (AONB);
 - b) whether the proposal would provide adequate living conditions for the occupiers of the proposed dwelling and the residents of Bussells Farm, having particular regard to overlooking and privacy;
 - c) whether the proposal would accord with established planning policies that aim to reduce the need to travel.

Planning Policy

3. The development plan includes the Somerset and Exmoor National Park Joint Structure Plan Review (SP) adopted in 2000 and the Taunton Deane Local Plan (LP) adopted in 2004.
4. SP policy STR1, amongst other things, seeks to develop a pattern of land use which minimises the length of journeys and the need to travel. SP policy STR6 applies strict control over development outside settlements and restricts it to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. SP policy 3 gives priority to the conservation of the natural beauty of the AONB.

5. LP policy H20 provides that where ancillary accommodation is permitted within the curtilage of a dwelling control will be exercised over any subsequent use as a separate dwelling. LP policy EN10 relates to the AONB and is similar to SP policy 3. The appellant has drawn my attention to LP policy H9 which relates to the conversion of rural buildings. As the proposal does not involve adapting the building for new purposes I consider that this policy is not determinative to this appeal.

Planning History

6. In 1999 planning permission was granted to convert the appeal site building into an annexe (Ref. 46/1999/008). A planning condition was imposed limiting its use to accommodation solely in connection with the existing house as a single family dwelling and not as a separate unit. [At the Hearing the appellant informed me that until fairly recently he had not been aware of this restriction and the building had been let for use as a separate dwelling.] An earlier appeal to convert the building into holiday accommodation was dismissed by another Inspector in 1990 (Ref. T/APP/D3315/A/90/155176/P4). Prior to that planning permission was granted in 1983 to convert another building nearby into a dwelling (Ref. 4/46/83/013). That dwelling is known as Little Bussells. I have taken these matters into account in determining the appeal.

Reasons

Character and Appearance

7. Bussells Farm comprises a complex of farm buildings and surrounding agricultural land on the northern slopes of the AONB. It includes a stone and slate barn that has been converted into a self-contained two bedroom annexe for use in connection with the farmhouse. This annexe includes an integral garage. It is a short distance to the north west of the farmhouse on the opposite side of a tarmaced farmyard/parking area. Some adjoining land to the north and north east of the annexe has been laid out as garden. This garden space is enclosed by walls and various types of fencing. A public footpath runs alongside the annexe.
8. The Council has argued that due to the proximity of the annexe to the farmhouse the proposal would result in pressure to erect fencing or some form of "privacy boundary treatment". It is concerned that this would entail the sub-division of the farmyard and would be detrimental to the character and appearance of the area. No changes are however proposed as part of the scheme and the site already forms part of the domestic curtilage to the main farmhouse. This curtilage includes walls, fences and domestic paraphernalia.
9. Due to the need to maintain access through the site, to the land and farm buildings to the west of the annexe, I consider it unlikely that the farmyard/parking area would become subdivided in the manner envisaged by the Council. Furthermore, this farmyard has already been altered and makes only a very limited contribution to the integrity of this group of buildings. Even if there were pressure in future for additional boundary treatment the impact of such development would be very small. If this appeal were allowed a planning condition removing permitted development rights for the erection/construction of walls/fences and other means of enclosure could also be imposed to ensure that there would be no adverse effects. This would provide adequate safeguards over any such development.
10. In my opinion the proposal would have no harmful impact upon the natural beauty of the AONB. It would not detract from the integrity of the existing farm complex or the physical

relationship that this group of buildings has with the surrounding open countryside. The development would maintain the qualities of the existing landscape.

11. I therefore conclude on the first main issue that the proposal would not harm the character or appearance of the area. It would accord with SP policy 3 and LP policy EN10.

Living Conditions

12. The existing annexe is approximately 16 metres from the main farmhouse. A first floor balcony on the annexe overlooks part of the garden and some windows in the appellant's house. Oblique views can also be obtained of the farmhouse from some windows in the annexe. During my site inspection I looked out of the various windows in the two buildings and stepped out onto the balcony of the annexe to note the extent of overlooking between the farmhouse and converted barn. I agree with the appellant that the orientation of these two buildings to one another and the degree of physical separation would not result in any harmful overlooking from inside the two buildings or from the balcony.
13. The ground floor living room and dining room in the annexe face onto the existing parking area. This area is elevated in relation to these rooms. I noted during my site inspection that when standing in this parking area or sitting inside a parked vehicle facing the annexe it was possible to clearly see into these habitable rooms from close quarters. I consider that the use of this space by residents of the farmhouse would result in some overlooking of these main rooms in the annexe building. This would limit the privacy available within this part of the building. It would not however be so significant as to justify withholding permission.
14. I therefore conclude on the second main issue that the development would provide adequate living conditions for the occupiers of the proposed dwelling and the residents of Bussells Farm.

Need to Travel

15. SP policies STR1 and STR6 are consistent with important Government objectives that aim to reduce the need to travel¹ and promote sustainable development in the countryside². The supporting text to LP policy H20 also recognises the importance of avoiding the creation of new dwellings outside settlements.
16. The appeal site does not form part of any recognisable settlement and is remote from services and facilities, including public transport. As a consequence, residents of the proposed dwelling would be dependant upon the use of a car for accessing employment centres, shops, healthcare and leisure facilities. Friends and relatives visiting future occupiers of the dwelling would also have to travel by car. In my opinion it is not an appropriate location for new open market housing.
17. At the Hearing there was agreement between both main parties that whilst the permitted use of the annexe could generate some car use in all probability this need to travel would be less than that associated with the proposed development. I agree with the Council that those occupying the annexe in accordance with the permitted use of the building would most likely be members of the same family living in the farmhouse. I consider this would result in many trips being shared. Additional trips by visitors would also be less likely.

¹ Planning Policy Guidance Note 13 'Transport' (PPG13)

² Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7)

18. In my opinion this increased need to travel would be relatively small. Nevertheless it would not be insignificant. PPG13 advises that the consistent application of planning policies that aim to reduce the need to travel have a key role in delivering the Government's objectives. The requirement to avoid fostering growth in the need to travel also underpins the SP. These are important considerations that justify the Council's decision to refuse permission.
19. I therefore conclude on the third main issue that the proposal would fail to accord with established policies that aim to reduce the need to travel. It would conflict with the provisions of SP policies STR1 and STR6, and the aims and objectives of LP policy H20.

Other Matters

20. At the Hearing both main parties agreed that there had been a material change in planning policies since permission was granted for the dwelling known as Little Bussells. I consider that this permission does not set a precedent that I am bound to follow. Whilst the appellant has also drawn my attention to other dwellings that have been permitted elsewhere in the countryside the circumstances of these cases may be materially different to the appeal before me. In any event I am required to determine this case on its own planning merits.

Conclusions

21. The proposed development would not harm the character or appearance of the area and would provide adequate living conditions for incoming residents and the occupiers of Bussells Farm. These matters do not however overcome or outweigh my findings in respect of the need to travel. For the reasons given above and having regard to all other matters raised, I conclude on balance that the appeal should not succeed.

Formal Decision

22. I dismiss the appeal.



Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Collier BA(Hons), DipTP, MRTPI, Turner Holden Planning Consultants, Hawkrigde House, Chelston Business Park, Wellington, Somerset, TA21 8YA.

Mr R Turk Appellant.

Mrs L Turk The appellant's wife.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Hamer BSc, DipTP, MRTPI Area Planning Manager for the Council.

Miss H Vittery HND, DipCSM Principal Planning Liaison Officer, Somerset County Council, County Hall, Taunton, Somerset, TA1 4DY.

DOCUMENTS:

Document 1 List of persons present at the Hearing.
Document 2 The Council's letters of notification of the Hearing.

DRAWINGS:

Plans A1-A2 The application drawings.

