



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 20TH APRIL 2005 AT 17:00.

(RESERVE DATE : MONDAY 25TH APRIL 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes (TO FOLLOW)
3. Public Question Time
4. BISHOPS HULL - 05/2005/011
ERECTION OF 4 NO. 2 BED HOUSES WITH ASSOCIATED PARKING AND REAR ACCESS ROAD ON LAND ADJACENT TO 18 NORTHFIELDS, BISHOPS HULL AS AMENDED LETTER DATED 4TH APRIL, 2005 WITH ATTACHED DRAWING NOS. 03027/101A, 102A AND 103A
5. CHIPSTABLE - 09/2005/001
ERECTION OF CONSERVATORY TO REAR OF ELMS GREEN, CHIPSTABLE
6. CHURCHSTANTON - 10/2005/004
CHANGE OF USE, CONVERSION AND EXTENSION TO FORM DWELLING AT THE POUND HOUSE, TRENTS FARM, CHURCHINFORD
7. CREECH ST MICHAEL - 14/2005/015
ERECTION OF EXTENSION AT 24 DILLONS ROAD, CREECH ST MICHAEL AS AMENDED BY AGENTS LETTER DATED 30TH MARCH, 2005 WITH ATTACHED DRAWING NOS. 24/13, 24/14, 24/15, 24/16, 24/17, 24/18
8. KINGSTON ST. MARY - 20/2005/004
ERECTION OF DWELLING ADJACENT TO HILLSIDE, NAILSBOURNE, KINGSTON ST MARY.
9. KINGSTON ST. MARY - 20/2005/005
ERECTION OF 5 NO. LOG CABINS FOR TOURISM/EDUCATION AT LAND AT MILLFIELD NURSERY, PARSONAGE LANE, KINGSTON ST MARY AS AMPLIFIED BY APPLICANTS LETTER DATED 4TH APRIL, 2005
10. SAMPFORD ARUNDEL - 32/2005/002
CONVERSION OF OUTBUILDINGS TO CLASSROOMS AND

CONSTRUCTION OF TOILET FACILITIES AT MARLANDS,
SAMPFORD ARUNDEL, WELLINGTON

11. TAUNTON - 38/2005/038
DEMOLITION OF PLAY ZONE BUILDING AND REDEVELOPMENT
OF FORMER PETROL STATION TO PROVIDE 24 FLATS, 3
RETAIL UNITS (1 WITH ALTERNATIVE A3 USE) AND PARKING AT
43 STATION ROAD, TAUNTON AS AMENDED BY PLANS ...
12. TAUNTON - 38/2005/052
DEMOLITION OF GARAGE BUILDINGS AND ERECTION OF
BLOCK OF 13 FLATS AND ASSOCIATED PARKING AT EASTWICK
FARM COTTAGE, EASTWICK ROAD, TAUNTON AS AMENDED BY
AGENTS LETTER DATED 24TH MARCH, 2005 AND ATTACHED
PLAN NOS. 5130/6/D1, D2, D3, D4 AND 5130/6/02A
13. TAUNTON - 38/2005/055
ERECTION OF DWELLING, TWO FLATS AND THREE GARAGES
ON LAND TO REAR OF 51-53 CHEDDON ROAD, TAUNTON AS
AMENDED BY AGENTS LETTER DATED 5TH APRIL, 2005 WITH
ATTACHED DRAWING NO. 0447701A
14. TAUNTON - 38/2005/075
ERECTION OF SINGLE STOREY REAR EXTENSION AT 125
REDLAKE DRIVE, TAUNTON AS AMENDED BY PLAN RECEIVED
6TH APRIL, 2005
15. TAUNTON - 38/2005/086
REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS,
FRONTING STAPLEGROVE ROAD, 24 FLATS WITH ASSOCIATED
PARKING AND THE FORMATION OF AN ACCESS OFF WOOD
STREET, 7/11B STAPLEGROVE ROAD, TAUNTON.
16. TAUNTON - 38/2005/094
CHANGE OF USE AND CONVERSION OF COACH HOUSE TO
DWELLING AT 87 STAPLEGROVE ROAD, TAUNTON
17. WEST BUCKLAND - 46/2005/013
ERECTION OF SINGLE STOREY REAR EXTENSION AT 3 THE
MALTINGS, HAM (RE-SUBMISSION OF 46/2004/034)
18. WEST MONKTON - 48/2005/008
ERECTION OF DWELLING AND DETACHED GARAGE,
CONSTRUCTION OF NEW ACCESS, DRIVEWAY AND PARKING
AREAS AT LAND ADJACENT TO TANFIELD COTTAGE, WEST
MONKTON.
19. PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990 - LINHAY AT WHITE'S FARM, LOWTON, WEST
BUCKLAND (PITMINSTER CIVIL PARISH) - BUILDING
PRESERVATION NOTICE. Miscellaneous item
20. POSSIBLE NON-COMPLIANCE WITH APPROVED PLANS -
ERECTION OF TWO DWELLINGS ON LAND AT THE MANSE,
FORD ROAD, WIVELISCOMBE. Enforcement item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

13 April 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 – 30 March 2005

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

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

(The meeting commenced at 5.00 pm).

(Councillor Bowrah arrived at the meeting at 5.42 pm).

27. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillors Miss Cavill, Denington, Guerrier, Phillips and Weston.

28. Minutes

The minutes of the meeting held on the 2 March 2005 were taken as read and were signed.

29. Applications for Planning Permission

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

- (1) That outline **planning permission be granted** for the under-mentioned 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:-

07/2005/003

Demolish dwelling and erect two dwellings at Cosy Nook, Bradford-on-Tone.

Conditions

- (a) C007 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;

- (h) Soakaways shall be constructed in accordance with Building Research Digest 365 (September 1991)
- (i) P010 – no further windows;
- (j) P001A – no extensions;
- (k) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site beyond the forward-most part of the front of the dwelling houses unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (l) Proposed dwellings shall be constructed as one and a half storey buildings with first floor accommodation provided within the roof space;
- (m) No part of the development hereby permitted shall be carried out until a plan at a scale of not less than 1:500 showing the proposed layout of the site has been submitted to, and approved in writing by, the Local Planning Authority;
- (n) At the proposed accesses, there shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access, and extending to points on the near side carriageway edge 60m either side of the accesses. Such visibility splays shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (o) Before the accesses hereby permitted are first brought into use, properly consolidated and surfaced turning spaces for vehicles shall be constructed in accordance with details, which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning spaces shall be kept clear of obstruction at all times;
- (p) Plans showing a parking area and/or garage providing for two vehicles for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The said spaces and/or garages shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (q) The proposed accesses over the first 5m of their length as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (r) The existing footway, which at present stops at the northern extremity of the site, shall be continued across the entire site frontage for that of the two new dwellings and Stony Croft. This shall be fully provided prior to the new dwellings being occupied;

- (s) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the edge of the carriageway;
- (t) The gradient of the new access shall not be greater than 1:10;
- (u) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the accesses first being brought into use.
(Notes to applicant: (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (2) N112 – energy conservation; (3) N115 – water conservation; (4) Applicant was reminded that the approved drawing was for illustrative purposes only and the positioning of the garages adjacent to the highway would appear undesirably intrusive. It is recommended that you discuss an appropriate location for the garages prior to the submission of the detailed Reserved Matters application; (5) N061A – Highways Act Section 184 Permit.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The proposed accesses 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 was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H1, EN15 and M3a.

49/2005/010

Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe (resubmission of 49/2004/022).

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C104 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;
- (h) C205 – hard landscaping;
- (i) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back from the carriageway edge on the centre line of the access, and extending to the extremities of the site frontage. Such visibility splays shall be fully provided before the access hereby

- permitted is first brought into use and shall thereafter be maintained at all times;
- (j) The proposed access over the first 4.5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (k) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the edge of the carriageway;
 - (l) Provision shall be made within the site for the disposal of surface water to prevent discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (m) Before the access hereby permitted is first brought into use, the turning space for the new dwelling shown on the submitted plan, shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
 - (n) The dwelling hereby permitted shall not be occupied until two parking spaces for the dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access shall not be used other than for the parking of vehicles or for the purposes of access;
 - (o) The gradient of the new access shall not be greater than 1:10;
 - (p) P001A – no extensions;
 - (q) P003 – no ancillary buildings;
 - (r) P006 – no fencing;
 - (s) P011 – no windows on the first floor eastern elevations.
- (Notes to applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N100 – design.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged and the development would not have a detrimental impact on visual or residential amenity and did not adversely affect the setting of the listed building. It was therefore considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2, H1, M3a and EN17.

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

The Committee felt that although the proposed new dwelling would have an impact on the nearby listed building, Hartswell House, it would not be such to warrant planning permission being refused.

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

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.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) The first floor window in the south elevation (bedroom three) shall be obscure glazed and shall thereafter be maintained in obscure glazing, and no other window shall be installed in this elevation;
- (d) P011 – no windows in the south elevations;
- (e) The proposed workshop shall be for domestic purposes ancillary to the dwelling.

Reason for granting planning permission:-

The proposed extension did not give rise to any unacceptable visual or neighbour impact and it was in accordance with Taunton Deane Local Plan Policies H19, S1 and S2.

08/2004/030

Erection of five dwellings with garages and parking at Mill Court, Tudor Park, Priorswood, Taunton.

Conditions

- (a) C001 – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) (including the proposed mortar) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C201 – landscaping;
- (d) Before any part of the permitted development is commenced, a scheme of hard landscaping, including the drive and parking areas, showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) Prior to the commencement of works on site, details of the arrangements to be made for the disposal of foul and surface

- water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (f) C910B – archaeological investigation;
 - (g) C927 – remediation investigation/certificate;
 - (h) Prior to the commencement of construction works on site, full plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (i) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
 - (j) The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
 - (k) The boundary walls surrounding the parking bays shall not exceed a height of 900mm above road level unless agreed in writing by the Local Planning Authority;
 - (l) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials and shall be recessed into the wall to match the adjacent Maidenbrook Farmhouse barn conversations, 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;
 - (m) Prior to the commencement of works on site, full manufacturer's details of the proposed Velux rooflights and their means of fitment shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (n) C112 – details of guttering, downpipes and disposal of rainwater;
 - (o) All areas of weatherboarding and the wooden windows/door lintels shall be finished to match in all respect those of the adjacent Maidenbrook Farm barn conversations (known as Tudor Court) unless agreed in writing by the Local Planning Authority;
 - (p) P002 – no extensions;
 - (q) P003 – no ancillary buildings;
 - (r) P010 – no further windows;
 - (s) P006 – no fencing.
- (Notes to applicant:- (1) N112 – energy conservation; (2) N114 – meter boxes; (3) N111 – disabled access; (4) N117 – crime prevention; (5) N045 – encroachment; (6) Applicant was advised that if it is intended to drain any surface water from the site into an existing watercourse, the County Highway Authority will require proof of the granting of any rights of discharge into the

watercourse; (7) Applicant was advised that it had come to the County Highway Authority's attention that a 10m high natural stone wall was to be built immediately adjacent to the cycleway running along the eastern boundary of the application site. You are advised to ensure that the wall is set behind all areas of land associated with the cycleway including any verges/service margins. (8) In regard to condition (f), applicant was advised that the County Archaeologist is able to provide a specification for the work and a list of suitable archaeologists to undertake it; (9) N126 – contaminated land; (10) With regard to condition (c), applicant was advised that a landscaping scheme should include details of boundary and inner courtyard planting. You are advised to contact the Council's Landscape Officer.)

Reason for granting planning permission:-

The proposal provided 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 met the requirements of Taunton Deane Local Plan Policies S1, S2, EN17 and H1.

12/2005/003

Erection of dwelling on land adjacent to Meadows Edge, Corfe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C111 – materials – for drives;
- (d) C113 – details of structure and colour of mortar;
- (e) C201 – landscaping;
- (f) C208A – protection of trees to be retained;
- (g) C215 – walls and fences;
- (h) C208B – protection of trees – service trenches;
- (i) The parking and turning as shown on Drawing No 200, Revision A, shall be properly consolidated and surfaced (not loose stone or gravel), before the dwelling is first occupied. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access;
- (j) C306 – access – gradient;
- (k) No entrance gate shall be provided without the prior written approval of the Local Planning Authority;
- (l) At the proposed access, there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access as shown on Drawing No 200, Revision A. Such visibility splays shall be

- constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (m) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
 - (n) C416 – details of size, position and materials of meter boxes;
 - (o) C654A – windows;
 - (p) P001A – no extensions;
 - (q) Works on the development hereby approved shall not commence until the access approved by planning permission No 12/2004/009 is implemented to the satisfaction of the Local Planning Authority;
 - (r) There are no public water sewers in the vicinity. No surface water shall be discharged to the public foul sewers. Details of proposed surface water drainage shall be submitted to, and approved in writing by the Local Planning Authority before any works commence;
 - (s) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site edged both red and blue on the submitted drawing (that is, to include Meadows Edge as well as the proposed dwelling) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (t) Before the development hereby permitted is commenced, a type 'A' waiting bay for vehicles shall be formed at the point of access in accordance with the attached diagram and specification. Such bay shall be available for the parking of vehicles at all times. The bay shall at no time be used other than for the parking of vehicles on a short-stay basis.
(Notes to applicant:- (1) Applicant was advised to protect the integrity of Wessex Water's systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Applicant was advised to agree with Wessex Water a connection onto Wessex Water systems; (2) N024 – development in accordance with approved plans; (3) N037 – drainage/water.)

Reason for granting planning permission:-

This revised proposal satisfactorily addressed the previous appeal Inspector's concerns. The proposal was acceptable in highway safety terms, would not have undue impact on neighbouring properties and preserved the character of the Conservation Area. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies H1 and EN15.

38/2005/016

Erection of 2 No two-bedroomed flats at 14 Greenway Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) Prior to the commencement of works on site, details of the proposed cycle racks incorporating no less than parking facilities for four cycles shall be submitted to, and approved in writing by, the Local Planning Authority. Such cycle parking shall be provided on the site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained;
- (d) Prior to the commencement of works on site, details of the provision of external refuse storage shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided on site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained.

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, or road safety, and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, M3a or H1.

52/2005/006

Erection of single-storey extension to rear of The Beeches, Comeytrove Lane, Taunton.

Conditions

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

Reason for granting planning permission:-

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

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

23/2005/004LB

Retention and erection of woven reed panels fixed to iron railings, Little Fort, St Michael's Hill, Milverton.

Reason

The woven reed panels are considered to have a detrimental effect on the character of the railings that form part of the boundary to the Grade II listed building, within the Milverton Conservation Area, contrary to Taunton Deane Local Plan Policies EN15, EN17 and EN18 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

Also RESOLVED that no enforcement action in relation to the woven reed panels be taken for a period of five years from the date of the decision to refuse listed building consent.

45/2005/002

Demolition of agricultural and equestrian buildings and erection of two-storey dwelling with garaging, stables and stores, Bashford Racing Stables, West Bagborough.

Reasons

- (a) 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 Policy 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. The proposal is also contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6;
 - (b) 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 Planning Policy Guidance Note No.13, Regional Planning Guidance 10 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR 1 and STR 6.
- (4) That **advertisement consent be granted** for the under-mentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

34/2005/006A

Display of signs 3, 4, 5, 6 8, 9 and 10 upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton.

Conditions

- (a)-(f) C801-C805A - standard conditions for advertisements;

- (g) The illumination of the signs shall be constant (not flashing);

Reason for granting advertisement consent:-

This was a split decision having regard to Policy EC21 of the Taunton Deane Local Plan and the Council's Advertisement Control Guidance. Some of the proposed signs fell within the Policy Guidelines and some were contrary to the policy including the illuminated signs, flags and totem/pylon signs.

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

34/2005/006A

Display of signs 1, 2, 7, 11 and 12 upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton.

Reasons

- (a) Proposed signs 1, 2 and 7 are illuminated signage opposite residential properties and would be detrimental to the visual amenities of the area and nearby residential properties contrary to Taunton Deane Local Plan Policy EC21(A) and contrary to Supplementary Planning Guidance 'Advertisement Control';
- (b) Proposed signs 11 and 12 by reason of the size, design and siting would constitute an intrusive element within the street scene to the detriment of the visual amenities of the area, thereby prejudicing the Local Planning Authority's endeavours to achieve good standards for the display of advertisement material, and furthermore, sign 11 appears to be within the visibility splay and could be hazardous to motorists, contrary to Taunton Deane Local Plan Policy EC21(A), (C) and (D) and contrary to Supplementary Planning Guidance 'Advertisement Control'.
30. Continued use of land for the siting of a residential caravan (renewal of 24/1999/001) and the siting of two additional mobile homes for family use at Woodside Caravan, Newport Hill, North Curry (24/2005/002)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 6 April 2005, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C017 – temporary permission;

- (b) The caravans hereby permitted shall be occupied by Mr J Holland (the applicant) and his spouse and members of their immediate family only and not for the benefit of the land;
- (c) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (d) No more than four commercial vehicles shall be parked on the site at any one time;
- (e) Within one month of the date of this permission, plans showing a parking area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The existing hedges and trees on all boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
- (g) No caravans shall be sited within 2m of the southern boundary of the site (with Woodside);
- (h) Within one month of the date of this permission, details of a new fence, not less than 2.5m in height, to be placed between the caravan and southern boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved fence shall be constructed on site within three months of the date of this permission and shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) There shall be no outdoor storage of any materials, linked with landscaping or other business activities of the occupants, on the site;
- (j) No business activities shall be conducted at the site unless otherwise agreed by the Local Planning Authority.

Reason for planning permission, if granted:-

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.

31. Application to fell two Willows, four Alders, two Poplars, nine Ash Trees and carry out tree work to one Sycamore all the subject of Tree Preservation Orders at Taunton Trading Estate, Silk Mills Road, Taunton (25/2005002T)

Reported this application.

RESOLVED that subject to Norton Fitzwarren Parish Council withdrawing its objection, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if consent to fell were granted, the following condition be imposed:-

CO19 – time limit;

(Councillor Wedderkopp declared a personal interest in the application covered by Minute No 32 below and left the meeting during its consideration.)

32. Residential development, neighbourhood public park, reorganisation of sports pitches, erection of new pavilion extension to existing pavilion, formation of two Astro turf pitches, road junction access, parking,, flood attenuation and landscaping on land north of Greenway Road, Taunton (38/2005/013)

Reported this application.

RESOLVED that subject to:-

- (1) the completion of a satisfactory archaeological survey; and
- (2) the applicants entering into a Section 106 Agreement by 13 April 2005 relating to the donation of the public park area to the Borough Council, provision of community access to the playing field and Astro turf 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,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C010 – drainage;
- (d) C014 – time limit;
- (e) C101 – materials;
- (f) No development shall take place until a landscaping scheme, including planting of trees, shrubs, herbaceous plants and areas to be grassed has been submitted to, and approved in writing by, the Local Planning Authority. The landscaping shall be carried out in the first planting season after commencement of the development, unless agreed otherwise, by the Local Planning Authority, and shall be maintained for a period of five years, such maintenance to include the replacement of any trees or shrubs that die;
- (g) C215 – walls and fences;
- (h) Prior to commencement to any works on site, or other development activities, a scheme of tree protection shall be submitted to, and approved in writing by, the Local Planning Authority. Where relevant, such schemes shall also take “off site” trees into consideration. The Local Planning Authority’s Enforcement Officer shall be informed of the proposed commencement date a minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection shall be kept in position throughout the development period until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made, without the written consent of the Local Planning Authority;

- (i) No development approved by this permission shall be commenced until a scheme for the provision and implementation of attenuation of flows in the Mill Lease Stream from the upstream catchment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include legal and financial provision to ensure the long term maintenance of the volumes within the storage area and shall be implemented in accordance with the approved programme and details;
- (j) No development approved by this position shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include legal and financial provision to ensure the long term maintenance of volumes within the storage area and shall be implemented in accordance with the approved program and details;
- (k) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run off limitation from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (l) The proposed estate roads, footways, footpaths, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved in writing by the Local Planning Authority before the construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (m) A design statement relating to new dwellings to be built on the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (n) Details of the height and design of the boundary fencing to the public park, playing fields and footpath shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be implemented and agreed prior to the use commencing or dwellings are occupied;
- (o) Details of a public footpath link through the new housing development to the public park shall be submitted to, agreed and provided prior to the occupation of any dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority;
- (p) No development shall take place until a traffic signal junction on Greenway Road generally in accordance with drawing 6225/10C has been completed to the satisfaction and in accordance with details to be submitted and approved by the Local Planning Authority;
- (q) Details of the position of the 20 parking spaces in association with the sport use and the design of the pavilions to be erected shall be

- submitted to, and approved in writing by, the Local Planning Authority prior to work commencing unless otherwise agreed in writing;
- (r) No service trenches shall be dug within the canopy spread of any existing tree within the site without the prior approval of the Local Planning Authority;
 - (s) Prior to work commencing on site, a wildlife survey of the area shall be undertaken and details of any mitigation measures required to address the findings of the survey shall be submitted to, and agreed in writing and implemented in a scheme to be agreed by the Local Planning Authority;
 - (t) The site is within an area of known archaeological interest and no development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Local Planning Authority;
- (Notes to applicant:- (1) Applicants attention is drawn to the advice in the Environment Agency letter of 9 February 2005 concerning the adoption of pollution prevention measures during construction; (2) Applicant was advised that grey water recycling and other means of achieving no increase in surface water run off over and above the existing situation should be investigated; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) N117 – crime prevention; (7) Applicant was advised of the need to enter a Section 106 Agreement with the County Highway Authority for the proposed highway works.)

Reason for outline planning permission, if granted:-

The site was located in the settlement limits of Taunton, where residential development was considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4. The proposal was considered to meet the requirements of the Taunton Deane Local Plan Policies S1, H1, H12 and C4 and material considerations did not indicate otherwise.

Also RESOLVED that if the Section 106 Agreement was not completed by 13 April 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse outline planning permission.

33. Change of use and conversion of building to 17 residential apartments at The Old Malthouse, Canon Street, Taunton (38/2005/040)

Reported this application.

RESOLVED that subject to the applicants entering into Section 106 Agreement by 2 May 2005 relating to sport and recreation contributions, 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) Any alterations to the external fabric of the building shall be made good in materials to match the existing unless otherwise agreed in writing by the Local Planning Authority;
- (c) Details, including a profile and cross section of the proposed roof glazing, shall be submitted to, and approved in writing by, The Local Planning Authority prior to work commencing;
- (d) The windows and doors of the development hereby permitted shall be timber framed and, thereafter, timber framed windows and doors shall be retained;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) Details and samples of the materials to be used for the surfaces of the courtyard, access and parking areas 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;
- (h) The proposed access, parking and turning area shall be constructed and marked out in accordance with details shown on drawing No 0488.102B and shall be available for use before occupation of the dwellings hereby approved;
- (i) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided before the development is first brought into use;
- (j) Before the development hereby approved is occupied, a lockable, sheltered, cycle parking facility shall be provided within the site;
- (k) Details of the external appearance of any refuse and cycle storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (l) Details of the means of protection of the conifer tree on site during construction shall be submitted to, and agreed in writing by, the Local Planning Authority and any trenching within the canopy spread of the tree shall be hand dug unless otherwise agreed in writing by the Local Planning Authority;
- (m) C684 – site within known area of archaeological interest;
- (n) Prior to commencement of works on site, further survey work for bats including an emergence survey, shall be undertaken by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;
- (o) C926B – remediation investigation/certificate;
- (p) Details of the colour of the external joinery 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;
- (q) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) there shall be

no installation of satellite dishes on the building unless an application for planning permission in that path is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N048A – remediation strategy; (2) N123 – noise emissions; (3) Applicant was advised of the need to contact Wessex Water concerning the protection of their infrastructure and connection to it; (4) N061 – Highways Act Section 184 Permit; (5) Applicant was advised to seek provision of a communal satellite dish to serve flats within the building.)

Reason for planning permission, if granted:-

The development, subject to conditions, was a sustainable town centre use that complied with Taunton Deane Local Plan Policies S1, S2, H1, H4 and EN15 and material considerations did not indicate otherwise.

Also RESOLVED that if the Section 106 Agreement was not completed by 2 May 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission.

34. Erection of six dwellings for the elderly and disabled on site of former tennis courts, Gatchell House, Honiton Road, Trull (42/2005/002)

Reported this application.

RESOLVED that subject to:-

- (1) the receipt of revised proposals to address the concerns of the Landscape Officer; and
- (2) the amendment to the existing Section 106 Agreement to provide affordable housing in accordance with the Housing Officers observations, 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) C201 – landscaping;
 - (c) C112 – details of guttering, down pipes and disposal of rainwater;
 - (d) C101 – materials;
 - (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. All relevant parts of such a scheme shall be completely implemented before each phase of the development hereby permitted is commenced;
 - (f) C2016A – existing and proposed levels;
 - (g) Phasing of access works shall be in line with planning permission Nos 42/2003/049 and 42/2004/109;

(Notes to applicant:- (1) N051B – health and safety; (2) N040A – drainage/water; (3) N052 – fire safety; (4) N024 – development in accordance

with approved plans; (5) N123 – noise emissions.)

Reason for planning permission, if granted:-

The proposal respected the character and appearance of Gatchell House and its setting and would not have any adverse impact on nearby dwelling or upon the Trull Conservation Area. The proposal therefore accorded with Taunton Deane Local Plan Policies H1 and EN15.

Also RESOLVED that should the outstanding issues not be RESOLVED satisfactorily by 27 April 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission.

(Councillor House declared an interest in the application covered by Minute No 35 below and left the meeting during its consideration)

35. Erection of wicker sculpture at the front of Queens College, Trull Road, Taunton (52/2005/004)

Reported this application.

RESOLVED subject to the receipt of no further representations raising new issues by 1 April 2005, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) Prior to the erection of the sculpture hereby permitted, full details of its height and appearance shall be submitted to, and approved in writing by, the Local Planning Authority;

(Note to applicant:- N024 – development in accordance with approved plans.)

Reason for planning permission, if granted:-

The proposal would not harm the setting of the listed building, the appearance of the street scene, or be prejudicial to highway safety. Therefore, the proposal accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies S1 and EN17.

36. Taunton Deane Borough (Taunton No. 1) Tree Preservation Order 2005

Reported that a Tree Preservation Order had been made earlier in the year in respect of two Normandy Maple trees on land at 63 Normandy Drive, Taunton.

Objections had been received from the owner of the property and the agent acting for the owner, details of which were submitted, together with the Development Control Manager's responses thereto.

RESOLVED that the objections be noted and the Tree Preservation Order be confirmed.

37. Proposed enforcement action in respect of Foxmoor Nurseries, Haywards Lane, Chelston, Near Wellington

Reference Minute Nos 19, 36 and 114/2004, reported on the present position relating to the use of the site at Foxmoor Nurseries, Haywards Lane, Chelston.

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

The glasshouse had in part been subdivided into individual lock up units which were occupied by a variety of different users. Information as to the individual uses had been collected by visiting the site and by the service of Planning Contravention Notices. The situation was not, however, static and the exact mix of uses on the site varied.

It had been agreed between the parties that the permitted use, subject to any further restrictions that might be imposed by the Section 106 Agreement, was B1 (light industrial). There was no consent for B8 (storage and distribution) although it was accepted that under permitted development rights, a total of 235 m² of floor space could be used for B8 use.

The question as to whether or not an occupier was an associated user had been resolved through mediation such that occupiers were required to either have a 10% shareholding in Foxmoor Nurseries or be a director of Foxmoor Nurseries with 5% voting rights.

It was also accepted that not more than 50% of the glasshouse area was being used for the non-horticultural use and there was currently no evidence of retailing. However, there were still two main areas of disagreement:-

- (1) It was not accepted that all the users on the site were B1; and
- (2) The Council believed that any B1 user was 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".

Of the 13 units which had been created within the glasshouse, 11 were currently occupied by a range of different companies, seven of whom were undertaking uses considered to fall within the B8 (storage and distribution) category. These uses were unauthorised.

Three companies were carrying out businesses within the B1 category whilst one business was considered to be a mixed B1/B8 use.

Activities being undertaken by Foxmoor Nurseries itself on the site included:-

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

Reported that as it was accepted that B8 uses were not permitted at Foxmoor Nurseries, action could be taken against all those occupiers carrying out a B8 use provided sufficient evidence existed.

As far as the B1 uses were concerned, the Council believed these to be restricted by the terms of the Section 106 Agreement, whilst the owners of the nursery believed there was an unfettered B1 permission in existence. Noted that if this difference could not be resolved between the parties, an application would need to be made to the courts for a declaration as to the status of the planning permission and Section 106 Agreement.

Further reported the views of the Economic Development Officer, the West Buckland Parish Council and the Vehicle and Operator Services Agency.

A paper in response to the Chief Solicitors report, which had been prepared by Messrs Bond Pearce (Solicitors) on behalf of Foxmoor Nurseries, had been circulated in advance of the meeting to all members of the Committee.

The taking of enforcement action was discretionary and was only taken where such action was considered expedient. In reaching any decision, the impact the taking of action might have on the businesses involved, in term of compliance periods and sufficient times to relocate, had to be considered.

RESOLVED 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);
Unit7a (Beer Direct);
Unit 7b (Details of tenant being sought);
Unit 10 (Aquad);

provided that at the date of service there was 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 Section 106 Agreement to reflect to the satisfaction of both parties the agreement reached at the time of the granting of planning permission; and
- (3) In the event that no such amendment could be agreed within eight 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 Section 106 Agreement.

38. Proposed enforcement action – Trenchard Park Gardens, Norton Fitzwarren

Reported that at its meeting on 7 July 2004, the Committee refused to grant planning permission for the erection of an extension to form special needs accommodation and a change of use of the property to special needs at Trenchard House and Meadow Court, jointly known as Trenchard Park Gardens, Norton Fitzwarren (application number 25/2004/007).

The Committee also 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.

As the Council had an existing contract with the owner of Trenchard Park Gardens to house homeless people which ran until 31 March 2005, the Committee agreed that the enforcement action should not become effective until 1 April 2005.

Noted that an appeal against the refusal of planning permission had been lodged with The Planning Inspectorate and a public inquiry was due to take place later in the year.

Reported that there had been two reasons for refusal of the application. The first related to the proposed extension only, whilst the second related to the proposal being in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Policy S8).

In the months since the application was turned down, the Police who had originally strongly objected to the proposal, had been working with the owner of Trenchard Park Gardens to improve the situation. In particular, a house contract has been introduced which set out rules for the residents and prohibited the use of Trenchard Park Gardens as a bail address. This together with a number of other steps had resulted in a dramatic reduction in the number of times the Police had had to attend the property.

In the current circumstances, the Police had recently written to withdraw its objection to the proposed use under Section 17 of the Crime and Disorder Act. In the light of this, the decision to take enforcement action and the reasons for refusal of the planning permission needed to be reconsidered.

Without support from the Police, it was 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.

Noted that the Norton Fitzwarren Parish Council and the Ward Councillor continued to oppose the use of Trenchard Park Gardens as a hostel for homeless people and felt enforcement action should be pursued.

RESOLVED that:-

- (1) No further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel: and
- (2) Subject to confirmation from the Police that the withdrawal of their objection would also apply in respect of the proposed extension (application number 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 would no longer be pursued.

39. Section 106 Agreement – Hancock’s Brewery, Wiveliscombe (49/2004/042)

Reported that at its meeting on 29 September 2004, the Committee granted planning permission for the partial demolition, partial new build, conversion and restoration of the former Hancock’s Brewery at Wiveliscombe to 14 residential units, subject to a Section 106 Agreement to provide “an agreed sum of money for affordable housing and an agreed sum towards the provision of off site recreational facilities”.

Submitted details of the agreement that had been negotiated with the applicant in relation to the affordable housing based on a contribution being made from the anticipated profits from the scheme. This had been calculated from information contained in a report on the costs of converting the brewery which had been commissioned by the Council in December 2003.

A draft Section 106 Agreement had subsequently been drafted but the following significant queries had been raised by Solicitors acting for the applicant:-

- (1) It appeared from Circular Guidance 1/97 that the basis for requiring the affordable housing payment from the profits of the development were unlawful; and
- (2) The viability of the scheme was questioned if a contribution towards affordable housing was required.

Submitted for information a copy of the December 2003 report which had recently been updated. A calculation of the net profit from the scheme based on the updated figures was also presented. Noted that a net profit of 18% or more would be the usual threshold at which a full affordable housing contribution would be expected.

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

RESOLVED that the resolution of the Committee of 29 September 2004 be varied such that planning permission No 49/2004/042 be granted subject to the applicants entering into a Section 106 Agreement to secure a contribution to off-site recreational provision only.

40. Removal of hedge and erection of fence at 14 Great Mead, Bishops Hull, Taunton

Reported that during the summer of last year, a section of mature hedge was removed from the boundary of 14 Great Mead, Bishops Hull and a number of 1.8 m high fence panels provided in its place. Noted that the boundary of the property ran alongside Waterfield Drive where fencing over 1 m high required planning permission.

Although retrospective planning application to retain the fence was submitted, this had been refused in October 2004.

It had subsequently been agreed with the owner of the property that the fence could remain if it was reduced to a height of 1 m and a replacement hedge planted by the end of March 2005.

Although the fence had not been reduced in height to date, reported that some hedging plants had been planted on the day of the Committee.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised fencing panels which had been installed on the boundary of 14 Great Mead, Bishops Hull, adjacent to the highway; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with

41. Appeals

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

- (a) Removal of grills from ground floor windows at 25 Fore Street, Taunton (38/2004/415LB)
- (b) The display of various internally illuminated and non-illuminated signs at Safeway Superstore, Priory Bridge Road, Taunton (38/2004/557A)

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

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

Decision

The Inspector considered that the panels would stand in isolation and because of their size and exposed siting, would become unduly obtrusive advertising in a semi rural location. He felt the proposed display, together with two existing roadside signs for local businesses would create an impression of advertising clutter on Bathpool Bridge. He concluded 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)

Decision

Although he acknowledged that the Taunton Deane Local Plan sought to protect the character and appearance of the street scene at Cotford St Luke, 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)

Decision

The Inspector considered that the proposed windows would look directly towards the rear windows of Nos 68 and 70 High Street and would also overlook their gardens. Even if the glazing were to be opaque, he felt that occupants would be likely to open them either for fresh air or to look out. He concluded 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)

Decision

The Inspector felt that any addition to the height of the existing rear extension would have two adverse effects on the adjoining house and garden. Firstly, the proposal would reduce sunlight to the garden and daylight to the rear windows of No 13 Raps Green, and secondly the proposal would have an overbearing

influence on the neighbouring property. This would have a significantly harmful impact on the outlook and aspect from the rear of the adjoining house. He concluded 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 Peters Church, Langford Budville (21/2004/004)

Decision

The Inspector noted that although the site would only be 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 the field was an important part of the rural setting. Although the hall would be at a lower level and the parking would also be used by the school and church, he 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 removal of 70 m of hedgerow to form visibility splays would also have a detrimental impact on the enclosed character of the rural lane. The appeal was dismissed.

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

Decision

The Inspector noted that 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. Although the proposed dwelling would have doorway flood protection shields to reduce the risk of internal flooding, 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 was submitted for the information of members of the Committee. The appeals were dismissed.

- (h) Illuminated and non illuminated fascia signs and projecting sign at Rileys, 1 Kingston Road, Taunton (38/2005/025A)

Decision

The Inspector noted that the appeal site was situated in a generally commercial area and the two storey building was used as a snooker hall. Although several of the signs were acceptable to the Inspector, those to be displayed at first floor level would be, in his opinion, overlarge. The signs would also be visible from either direction and would be sited above the level of commercial activity. He also felt that they would stand out as unduly intrusive features in the street scene, particularly at night when illuminated. He therefore dismissed the part of the appeal that related to signs 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 was submitted for the information of members of the Committee. The appeal was dismissed.

(Councillors Croad, Henley and Bowrah left the meeting at 7.17pm, 7.50 pm, and 9.53 pm respectively)

(The meeting ended at 10.15 pm)

05/2005/011

REDLAND HOUSING ASSOCIATION

ERECTION OF 4 NO. 2 BED HOUSES WITH ASSOCIATED PARKING AND REAR ACCESS ROAD ON LAND ADJACENT TO 18 NORTHFIELDS, BISHOPS HULL AS AMENDED LETTER DATED 4TH APRIL, 2005 WITH ATTACHED DRAWING NOS. 03027/101A, 102A AND 103A

20967/24351

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a terrace of 4 No. two storey houses adjacent to No. 19 Northfields, at the end of a new arm to the existing road. Northfields is a cul-de-sac off Mountway Road Bishops Hull. The properties would be either facing brickwork or render with pitched tiled roofs. Two replacement parking spaces have been shown for No. 18 Northfields, and one for No 19. The site is currently a grassed area, accessed from the rear of the Royal Crown Public House and part of the side garden of No. 18 Northfields. The larger area has been fenced off and has been used by the pub in the past, and picnic type tables from the pub occupy part of this area. There are two windows in the pub's skittle alley, which overlook the site. There are three fruit trees and one holly tree within the site; it is proposed to retain the Holly tree. In 1995 planning permission was granted for the change of use from kitchen garden (part) to beer garden with children's play equipment; the play equipment has not been installed, but the area has been used by the pub.

The original plans had a terrace of 4 dwellings and a detached house sited to the rear of the skittle alley, with 8 parking spaces for the development and one space for No 18.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raises concerns with regard to parking and estate road layout, 1.5 spaces per dwelling required and parking for Nos. 18 and 19 Northfields, access to the site needs to be widened to 4.5 m to meet minimum standard required for safe entry and exit, road to be adoptable standard, no objection in principle to development of the site provided details are amended, suggest conditions if permission granted. WESSEX WATER within sewered area, foul and surface water sewers available, points of connection to be agreed.

LANDSCAPE OFFICER there are no significant trees within the site. HOUSING OFFICER these five houses are for rented social housing and the housing service is happy to see this piece of land being put to good use. These houses will help towards providing a proven need in this area.

PARISH COUNCIL (on original application) feels that this will be overdevelopment of the site, concern over the access being too narrow, and associated safety issues, passing so close to houses.

19 LETTERS OF OBJECTION have been received raising the following issues comments on the original application:- high density development; area already a high density with little green area, narrow streets; severe traffic problems in the area; overlooking to existing dwellings; loss of privacy of gardens; decrease in natural light and views; noise from additional vehicles and people to side and rear of existing properties would be intrusive; loss of value; possible difficulties in marketing; overdevelopment; site too small; no provision for turning of emergency/delivery vehicles; notice was not in a public place; all of Northfields affected by the proposal; danger to children in the street; excessive traffic, large lorries along street , ground clearing machinery; parking problems in the street causing congestion; should be a playing field or playground; too far and too dangerous to cross Silk Mills Road to get to the playing field; or have to cross New Wellington Road to get to Galmington Park; it's a narrow road which will get blocked with parked cars and lorries and workers while the building is ongoing; difficult access for disabled people; not enough parking spaces for the new houses; insufficient parking for visitors; current occupier has had parking reduced from 2 to 1 space and this is too small given needs of disabled person; new access runs straight in front of existing houses causing danger; lack of consultation; don't develop the site for the sake of a balance sheet; the refuse vehicle has to reverse as there is no provision to turn; existing parking problems in the street; what will happen when Mountway Road becomes a no parking area and a bus lane?; existing private driveways are used as turning areas; cars often park and block residents' cars in the drives; should take note of the existing homeowners and tenants who object to the proposals; the Council is due to introduce parking restrictions in associated streets, increased housing will exacerbate the problem; construction noise and pollution; the fabric of the community will be altered; the proposal is contrary to the existing residents human rights, especially those residents adjacent to the site; drainage services would be overloaded; loss of privacy, overlooking and loss of light to Smithy properties; increase in noise, disturbance and lighting to Smithy; loss of security to rear gardens; inaccuracies in boundary.

POLICY CONTEXT

S1 General requirements, S2 Design criteria, H1 Housing developments within classified settlements H11 Affordable housing. The site is within the settlement limits of Taunton Deane Local Plan.

ASSESSMENT

The site is located within a developed area within Bishops Hull Parish. It is surrounded on three sides by housing and by a public house on the fourth side. Vehicular access is provided via an existing road. The majority of the housing in Northfields has two or more parking spaces in situ or the ability to provide such space. Northfields was constructed in an age of low density development when larger gardens were more common and most properties have side gardens and/or garages/parking. The revised plans remove the proposed property which was sited closest to the Pub and houses on Wellington New Road, and inserted extra parking spaces. The distance between the Smithy houses and the proposed dwellings is approximately 30 m, although the gardens of the new dwellings are shorter than those in Northfields and Smithy, being about 9 m. The gardens of Wellington New Road adjacent to this site are between 10 m and 15 m. The distances between the dwellings are considered acceptable, and should not give rise to

overlooking issues. It is considered that the proposal meets the criteria set down in Taunton Deane Local Plan policies H1 without detriment to the amenities of the local residents. It is not considered that the amount of traffic likely to be generated would be excessive, there is sufficient parking on site for the new dwellings and the existing dwellings have for the most part parking spaces within their curtilages. The proposal accords with the Governments advice promoting high density development. The revised details result in the existing windows to the skittle alley looking onto the car-parking area. The site is an undeveloped space within a build up area. Amended plans reducing the number of units to 4 overcomes some of the concerns about parking.

RECOMMENDATION

That subject to no adverse comments from County Highways Authority, and no new issues being raised by the end of the consultation period on the amended plans 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, landscaping, tree protection, no trenches under trees, provide parking/turning on site, cycle parking, no further windows, personal permissions to Housing Association. Notes meter boxes, secure by design, encroachment, contact Wessex Water

REASON FOR DECISION:- The site is within the settlement limits of Taunton Deane Local Plan and is in accordance with Taunton Deane Local Plan Policies S1, S2, H1 and H11 (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: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

09/2005/001

MR & MRS WHITMARSH

ERECTION OF CONSERVATORY TO REAR OF ELMS GREEN, CHIPSTABLE

04306/27018

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a conservatory, measuring 3.5 m x 3 m and 3 m to the ridge on the rear elevation of the dwelling. Materials to match existing.

The applicant is a Ward Councillor.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL no objection.

POLICY CONTEXT

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

ASSESSMENT

Proposed conservatory is to the rear of the property, screened by existing boundary wall and fence. Proposal will not harm the visual or residential amenity of the area, and therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and materials. Notes re compliance, building over sewer.

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

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

10/2005/004

CARDINAL DEVELOPMENTS LTD

CHANGE OF USE, CONVERSION AND EXTENSION TO FORM DWELLING AT THE POUND HOUSE, TRENTS FARM, CHURCHINFORD

21471/12606

FULL PERMISSION

PROPOSAL

Previous planning permission was given for conversion of this barn to a dwelling with new access in May 2003. The current proposal adds an extension 3.5 m x 6 m on the northern side of the building providing a hall toilet and stair to the first floor. The extension is designed in stone and slate to match the existing barn.

CONSULTATIONS AND REPRESENTATIONS

ENGLISH NATURE have records of bats nesting in the near vicinity and bats and their roost are fully protected under British and European Wildlife law. A survey ideally should be undertaken. In the circumstances of the previous permission a reasonable way forward would be to condition bat roost provision. The solution would be to attach two artificial bat boxes designed for buildings to the new build. This is in line with the mitigation suggested in English Nature's bat mitigation guidelines. SOMERSET WILDLIFE TRUST recommend a survey be conditioned and if bats or birds are affected necessary mitigation measures are secured and incorporated into the proposals before granting permission. Measures might include avoiding work during nesting or bat roosting/hibernation period, amending plans to accommodate bats/birds in the roof void or providing bat/bird boxes nearby.

ENVIRONMENTAL HEALTH OFFICER a contaminated land condition and note is required.

PARISH COUNCIL comments awaited.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 sustainable development, STR5 development outside towns, rural centres and villages, Policy 1 nature conservation, Policy 3 areas of outstanding natural beauty.

Taunton Deane Local Plan Policies S1 general requirements, S2 design, H9 conversion of rural buildings, EN4 wildlife in buildings, EN4a protected species.

ASSESSMENT

The proposal is to convert the northernmost stone barn with a complex of farm buildings to a dwelling. Previous planning permission has been granted for a scheme and the

current proposal differs in that it includes an extension on the northern side enabling a stairway to first floor bedrooms.

The main consideration is whether the proposal complies with the conversion policy in terms of the proposed extension. The barn lies on the edge of a complex of barns some of which have previously been extended. The proposal is for an extension projecting 3.5 m from the northern wall in stone with a central arched opening to replicate the character of the existing barn. The roof level is subservient to the main barn roof although it projects 1 m above eaves level to allow stair access to the first floor. The barn is considered to be in keeping with its surroundings and on balance is not thought to be a significant extension in size terms to harm the quality of the existing building. On this basis it is considered to comply with Policy H9. The previous permission had no provision for bat roosts and in consultation with English Nature a condition to ensure bat roost provision is considered appropriate

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, hardsurfacing, guttering, landscaping, boundary treatment, services underground, no extension, no fencing/walls, no further windows, timber windows and doors, details, contamination, venting details, schedule of works, visibility, provision bat roost. Notes re conversion, energy conservation, foul water soakaways and contamination.

REASON(S) FOR RECOMMENDATION:- The proposal by reason of the details of the conversion and extension is considered to accord with policies.

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:

14/2005/015

MR S P J & MRS A J LARCOMBE

ERECTION OF EXTENSION AT 24 DILLONS ROAD, CREECH ST MICHAEL AS AMENDED BY AGENTS LETTER DATED 30TH MARCH, 2005 WITH ATTACHED DRAWING NOS. 24/13, 24/14, 24/15, 24/16, 24/17, 24/18

27337/25846

FULL PERMISSION

PROPOSAL

The proposal is for the erection of a side extension to a bungalow, measuring 11.3 m x 4 m x 5.6 m to the ridge of the roof. There are to be 21 pitched roof dormer windows to allow for accommodation with the roof space (one on the east and the other on the west elevation). The materials used for the extension will match the existing bungalow. There is a footpath adjacent to the proposal, which will not be obstructed by the extension.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL application is not supported because we feel it would be overdevelopment and would overlook other dwellings. We feel that its character would not be in keeping with its vicinity.

POLICY CONTEXT

Policies S1 (general), S2 (design), and H19 (extensions) of the Taunton Deane Local Plan (Revised Deposit numbering) stipulating that extensions should not harm neighbouring amenity, or harm the character of any given area/street scene.

ASSESSMENT

The current proposal does not constitute overdevelopment when considered in relation to the overall plot size. The design of the extension is considered to be acceptable and thus it will not harm the appearance of the street scene or character of the area. The side elevation of the proposed extension is blank and the dormer window on the east elevation faces towards the road and the open plan front gardens of the properties opposite (of which there are already clear public views). Therefore these should not lead to an unreasonable loss of privacy or overlooking. The existing high conifer hedge should ensure that this is also the case for the dormer on the west elevation.

For these reasons the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, no further windows. Notes re works to be carried out in accordance with plans and drainage.

REASON(S) FOR RECOMMENDATION:- The proposal does not give rise to any adverse 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 MR A GRAVES

NOTES:

20/2005/004

MR R M BURFORD

ERECTION OF DWELLING ADJACENT TO HILLSIDE, NAILSBOURNE, KINGSTON ST MARY.

21785/28499

OUTLINE APPLICATION

PROPOSAL

The proposal comprises the erection of a two storey dwelling on the site of an existing garage on land currently being used as domestic curtilage to Hillside. Parking is proposed to the front of the dwelling with the use of a shared drive with the Hillside. The site measures approximately 26 m x 10 m, with a parking area to the front.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY objections raised on the grounds of sustainability and insufficient frontage to incorporate visibility splays. WESSEX WATER points of connection to foul water and water supply can be agreed at detailed design stage; Council should be satisfied with arrangements of disposal of surface water.

LANDSCAPE OFFICER existing beech tree has limited amenity value and has been 'topped' in the past, so will not grow much larger; therefore dwelling could be built without damage to it, subject to protection of root system during construction. DRAINAGE OFFICER no objections.

PARISH COUNCIL support this application in the absence of any views to the contrary.

ONE LETTER OF OBJECTION has been received raising the following issues:- lane into Nailsbourne is very narrow at the point where drive to development meets lane; access and manoeuvring would be difficult due to narrowness of lane; size of plot would not allow for a property in keeping with those around it, insufficient room for car parking and fear lane would become a car park; property and neighbour already suffer subsidence; lane already busy; granting permission would set a precedent; any new building would be in line of sight of our windows.

POLICY CONTEXT

Somerset & Exmoor National Park Joint Structure Plan Review 1991 - 2011; Policy STR1, amongst other things, seeks to develop a pattern of land use which minimises the length of journeys and the need to travel; 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; Policy 49 states that proposals for development should be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard.

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 requires that 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 S8 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy and supports the viability and viability of the rural economy.

ASSESSMENT

Nailsbourne is not identified as a settlement in the Local Plan. The nearest settlement is the village of Kingston St Mary, approximately 1.5 km away. The proposal is therefore contrary to Policy S8 which strictly controls new development outside of identified settlements.

Furthermore due to its isolated location, remote from services including public transport, the proposal is considered to be unsustainable. The proposal would therefore be at odds with sustainable planning policy that aims to avoid fostering growth in the need to travel.

In terms of meeting the criteria of policy S1(D) the proposal would result in a cramped form of development when compared with the character of the other properties in the area, detrimental to the visual amenity of the area.

The site also suffers from sub standard visibility with the Highway Authority expecting at least 60 m visibility in either direction as measured 2 m back from the centre point of the access. This is clearly not possible as the site has insufficient frontage, adequate visibility is essential in the interests of highway safety.

RECOMMENDATION

Permission be REFUSED for the following reasons:- (1) The site is located outside the confines of any identified settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicles and would compromise sustainable development, which is contrary to advice contained within PPG13 and RPG10 and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 - 2011 and contrary to Policy S1(a) of the Taunton Deane Local Plan; (2) The proposal would lead to a cramped form of development when compared with the character of the existing properties in the surrounding area, detrimental to the visual amenity of the area; (3) The sites lies outside of a defined settlement where it is policy to resist new development unless it is demonstrated that the proposal serves a genuine agricultural need or benefits the economic activity. The Local Planning Authority is of the opinion that the

proposal does not satisfy the criteria, and therefore contrary to policy; (4) The site has sub-standard visibility with insufficient frontage to enable satisfactory visibility splays essential to highway safety.

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:

20/2005/005

MILLFIELD NURSERIES LTD

ERECTION OF 5 NO. LOG CABINS FOR TOURISM/EDUCATION AT LAND AT MILLFIELD NURSERY, PARSONAGE LANE, KINGSTON ST MARY AS AMPLIFIED BY APPLICANTS LETTER DATED 4TH APRIL, 2005

22241/29200

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of 5 log cabins. Two proposed log cabins measure 5.71 m x 8.81 m and 3.43 m to the ridge, incorporating two bedrooms and is of single storey construction. Two further 1 and 1 and a half storey log cabins measure 5.9 m x 8.4 m and 5.32 m to the ridge, incorporating two bedrooms with an open plan first floor with balcony within the roofspace. One further 1 and a half storey log cabins measures 7.71 m x 9.81 m and 5.32 m to the ridge, also incorporating two bedrooms with an open plan first floor with balcony within the roofspace. The design of each log cabin is typical for this form of development, incorporating natural timber walls and a tiled roof.

The site is located in the northern section of the nursery curtilage that is currently used for the cultivation of trees that are proposed to be retained. The nurseries existing access from Parsonage Lane is proposed to be used as well as an existing access drive through the nursery site. The latter driveway is proposed to be extended along the south west and north west boundaries of the site. The cabins are proposed to be fanned out across the site with a network of footpaths serving each unit linking them to the existing lake and parking facilities near the nursery entrance.

In response to the objection letters and Parish Council comments received, a letter dated 4th April, 2005 has been received from the applicant amplifying the proposal as follows. With regard to the Parish Council comments I can only reiterate that the aim is that "the car" will be discouraged. So far as I am aware there have been no incidents involving pedestrians or cyclists at the junction of Parsonage Lane and Kingston Road, or elsewhere in the village. Access to and from the site has been relatively trouble free for 14 years since we have been on the site. We have an average of 150 movements a day and have experienced just one minor incident at Mill Cross and none on Parsonage Lane. Somerset County Highways confirm that there have been no reported incidents at Mill Cross in the past 3 years. There are 3 passing places on Parsonage Lane adjacent to Mill Cross. One at the junction opposite Mill Corner, the second within 50 m and the third by the BT exchange. There are no recorded incidents relating to traffic reversing from Parsonage Lane onto Kingston Road during the past 3 years. On the matter of the concern raised by a neighbour regarding use of the existing swimming pool I can confirm that there is no intention to involve the pool in this project. The possible use of the pool was considered prior to formal application but the health and safety aspects were considered too onerous and the impact on the privacy of the occupants of Millfield House and others unacceptable. The pool, and area of lawn behind it, are for private domestic use only and do not form part of the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. The site experiences adequate visibility at the existing entrances onto Parsonage Lane for the usage proposed. However, my main concern is with the junction at Mill Cross, where visibility is adequate in a southerly direction but is restricted to approximately 30 m in a northerly direction within the 30 mph speed limit. I would normally expect to see visibility of 90 m within such a speed limit. However, the proposals do not substantially increase traffic flows when compared to the existing usage of the site, and therefore it would be unreasonable to recommend refusal on the visibility concern raised above. Although the location of this proposal is within an area that is unsustainable in transport terms (i.e. outside settlement limits), it is generally accepted that tourism creates its own traffic within these locations, and therefore I have no objections to this proposal in principle. However, I would expect to see designated parking for the proposed holiday accommodation. Although the proposals for 5 cabins do not substantially increase traffic at this location, any further development of the site would give me cause for concern in terms of highway safety. Therefore I would not wish to see any further development of the site without highway safety improvements. In response to the previous informal advice given to the siting of a Post Office at the nursery site; concern was raised as the perceived traffic movements associated with such a use would be far greater than holiday let use. Holiday let use would generate less traffic movements per day and would also be on a seasonal basis. COUNTY ARCHAEOLOGY no objections. WESSEX WATER no objections. The applicant must agree points to connect to WW infrastructure.

LANDSCAPE OFFICER no objections, subject to the retention of the existing planting, the site is well landscaped and should help to soften the impact of the proposed development. CONSERVATION OFFICER no objections, the area is well screened and with the retention of some trees will have no adverse impact on the Conservation Area. TOURISM are happy to support this application. Current demand supports this type of accommodation in this area and links to the Community Tourism Section of the Taunton Deane Borough Council Tourism Strategy. DRAINAGE OFFICER no objections, soakaways should be constructed in accordance with the relevant standards.

PARISH COUNCIL Objects to the proposal as the development is outside the settlement limits and contrary to policy KM2. Tourism is not consistent with the fragile nature of the Quantock AONB, the North Eastern end of this area is already subject to, and suffering from considerable pressures from adjoining villages. This application is not environmentally friendly or sustainable. The proposal conflicts with the Taunton Deane Local Plan Chapter 2 Strategy-Aims and objectives paragraph 2.5(v) that says "again the emphasis is on concentrating facilities within town centres and at other locations well served by public transport". The bus service is infrequent and there is no cycle route to Taunton. The Parish Council believes that the holiday visitors will predominantly use cars. Parsonage Lane is hazardous for cyclists and pedestrians due to the nature of the road and volume and speed of traffic. The location is not well served by public transport (TDLP-EC19). Parsonage Lane and the Mill cross junction is substandard and therefore contrary to policy EC19. The proposal may be a prelude to a larger development in the form of a holiday park or conversion to residential use which would be detrimental to the character of this area which is on the fringe of the Conservation Area. The Parish Council urges refusal of the application.

CHAIRMAN OF PARISH COUNCIL has written separately to the Parish Council comments in a letter dated 2nd April, 2005 highlighting that informal advice was given to the applicant, with regard to locating a post office on the site. That previous advice stated that the Highway Authority would resist any proposal for a post office on highway grounds.

COUNTY COUNCILLOR (STAPLEGROVE DIVISION) Elaine Waymouth telephoned to request that the issue regarding the previous County Highway comments relating to informal advice given regarding a Post Office be taken into consideration, (as raised in a letter dated from the Chairman of Kingston Parish Council dated 2nd April, 2005).

FIVE LETTERS OF OBJECTION have been received raising the following issues; visual intrusion and the spoiling of views over the Quantocks and Blackdown Hills, increase in noise nuisance if the holiday makers use the applicants swimming pool and garden area, concern that the proposal may herald a full scale holiday camp by the addition of more log cabins, concern that the existing agricultural use of the land would be changed to residential that will be turned over to housing development, the proposal would greatly detract from the charm of the village, the landscape would be changed by the very nature of changing planted areas to holiday let buildings, access from main road networks is a serious concern, access is of serious concern as the turning off Kingston Road onto Parsonage Lane allows single vehicle access only and has a blind spot for entering and departing vehicles, Kingston Road is extremely unsafe and dangerous for pedestrians and cyclists as it has no footpaths, cycle lanes, we have been involved in an accident last year at Mill Cross in which a speeding car skidded in the wet and struck out car whilst waiting at the junction to pull out, passing places or lighting and has urban speed limits, all lanes leading off Mill Cross are single lane with infrequent passing places, in peak summer months traffic frequently has to reverse back up Parsonage Lane towards Mill Cross to allow passing, peak agricultural months mean that associated traffic makes the lanes unsuitable for pedestrians and cyclists, lack of speed calming measures in Kingston St Mary is a concern for cyclists, the bus stop has an infrequent service to Taunton, the estimated 2 vehicle movements per day appears conservative as a car is required to access town and country, the current screening is insufficient, if this application is approved there should be some form of physical traffic control in the Kingston Road, the traffic at Millfield nursery would appear incompatible with a scheme for tourism, the proposed scheme can not be financially viable.

TWO LETTERS OF SUPPORT have been received from the same address.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan Review the following policies are considered relevant:- Policy STR1 on sustainable development is relevant. 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 49 states that proposals for development should be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard.

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 requires that 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 S8 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy and supports the viability and viability of the rural economy; Policy EC19 requires that proposals for holiday chalets will only be permitted provided that the proposal would not harm the landscape and be adequately screened and has good access to the main road network; Policy EN15 requires that development affecting a Conservation Area will only be permitted where it would enhance the appearance or character of the Conservation Area.

ASSESSMENT

The site lies outside the settlement limits of Kingston St Mary. However Policy S8 supports the principle of development where environmental quality is maintained/enhanced and the proposal accords with a specific Development Plan Policy, i.e. in this case Policy EC19 (holiday chalets). The site is well screened by mature trees on the north east and north west boundaries and there is an abundance of other trees within the site that are proposed to be retained. A landscaping condition is proposed to further bolster the screening of the development and a condition is also proposed for the developer to show precisely which trees are to be retained within the site. In terms of screening therefore the proposal accords with Policies S8 and EC19 and therefore the visual amenity of the area would not be detrimentally affected. The screening also provides an adequate buffer in relation to the adjacent Conservation Area, the character and appearance of which would be maintained/enhanced. The site is also located a significant distance away from the AONB and in visual terms, the development would be absorbed into the built up area of Kingston St Mary when viewed from the Quantock Hill.

The chalets are also located sufficient distance away from neighbouring properties not to cause any overlooking or overbearing affects and therefore the residential amenity of the area would not be detrimentally affected.

In order to satisfy the remaining criteria of policy EC19 the development should have good access to the main road network. The existing access to the site is located some 100m west of the Mill Cross junction with a main road that leads to Taunton and the Quantock Hills. This short distance to the highway network would therefore appear to satisfy the remaining criteria of Policy EC19.

Various representations have been received with regard to highway safety at Parsonage Lane and the junction at Mill Cross with Kingston Road. Whilst these comments are appreciated and understood, in the opinion of the Highway Authority, the proposals do not substantially increase traffic flows when compared to the existing usage of the site, and therefore it would be unreasonable to recommend refusal on

highway safety grounds. In response to the previous informal advice regarding the siting of a Post Office at the nursery site; concern was raised as the perceived traffic movements associated with such a use would be far greater than holiday let use. Holiday let use would generate less traffic movements per day and would also be on a seasonal basis.

As per the Highway Authority comments, it is generally accepted that tourism creates its own traffic within these countryside locations where public transport may be limited. This form of development is principally considered acceptable in this countryside location where development may be more reliant on the use of the car due to its promotion of the rural economy and accordance with policy EC19. Incidentally however, it is the applicants intention to promote the use of sustainable transport as much as possible. Furthermore this form of development is considered to accord with the Community Tourism section of the TDBC Tourism Strategy, one of the main aims of which is to maximise the economic opportunities and benefits of tourism.

Concern has also been raised that this proposal may be the start of additional similar proposals. The Highway Authority have commented however that any further increase in the number of units would require improvements to the Mill Cross junction that would be out of the ownership and therefore control of the applicant. The possibility of any future development of the site should not however form part of any consideration when determining this application that should be treated on its own merits.

Concern has also been raised that the proposal will lead to housing development. Any change of use of the holiday chalets would require the benefit of Planning Permission that would be resisted in this location due to the conflict with planning policy with regard to housing in this location. The latter would also apply to any future application for individual housing applications, however again this form of speculation should not form part of the determination of this proposal. Policy KM2, housing outside the settlement limits of Kingston St Mary is not therefore relevant to the proposal. A standard condition is proposed to restrict the occupation of the chalets to bona fide holidaymakers for individual periods not exceeding 4 weeks in any period of 12 weeks. The chalets could therefore not be rented out for residential purposes. It has also been confirmed that holidaymakers would not use the swimming pool or the garden area adjacent to the applicants house.

The proposal description mentions the use of the chalets for educational purposes as well. In the opinion of the Local Planning Authority it is irrelevant that educational activities may be run at the site for the occupants of the chalets as the proposal is considered to accord with planning policy regardless. The proposal has been considered on the basis of full holiday let use regardless of whether the educational activities are implemented or not.

RECOMMENDATION

Subject to the receipt of confirmation that no archaeological structures will be disturbed, no adverse comments from the County Archaeologist 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, landscaping, trees to be retained, holiday let only, parking spaces, services underground, soakaways, removal of PD rights for extensions, gates, walls, fences, and outbuildings. Notes re Disabled Persons Act, energy and water conservation, health and safety and connection to Wessex Water infrastructure.

REASON(S) FOR RECOMMENDATION:- The site is adequately screened and the proposal is not considered to be harmful to the landscape and has good access to the highway network, the visual and residential amenity of the area would not be detrimentally affected and the character and appearance of the adjacent Conservation Area would be maintained/enhanced and therefore is compliant with Taunton Deane Local Plan Policy S1, S2, S8, EC19 and EN15 (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:

32/2005/002

MR & MRS P ETHERTON

CONVERSION OF OUTBUILDINGS TO CLASSROOMS AND CONSTRUCTION OF TOILET FACILITIES AT MARLANDS, SAMPFORD ARUNDEL, WELLINGTON

09838/18281

FULL PERMISSION

PROPOSAL

The proposal comprises the conversion of an existing two storey stable block to classroom accommodation and the extension of an existing garage to provide toilet accommodation. Accompanying the application is a statement that describes the school as an international study centre. The statement goes on to say that it is proposed to establish a proprietorial study centre for international students to improve their English language, who would then go on to study at other independent schools. The students would be placed in homestay accommodation with host families, preferably in the local rural environment. Mini-buses would collect students from their host families and drop them back in the evenings. Students would study most of their lessons at Marlands but would also attend Wellington School to use its science laboratories and sports centre.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY objections raised on the grounds of sustainability and substandard access lanes. ENVIRONMENT AGENCY no comment.

DRAINAGE OFFICER no objections. Recommend an advisory note re surface water discharge to soakaways and that Environment Agency approval is required for sewage treatment works

PARISH COUNCIL welcomes the proposed enterprise, which it is felt would benefit the local community, envisages no problems and supports the application unconditionally. It is recommended that planning permission be granted.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review 1991 - 2011; Policy STR1, amongst other things, seeks to develop a pattern of land use which minimises the length of journeys and the need to travel; 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; Policy 49 states that proposals for development should be compatible with the existing transport infrastructure and provide safe access to roads of adequate standard.

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 requires that 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 S8 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy and supports the viability and viability of the rural economy; Policy EC3 requires that the conversion of rural buildings outside of development limits for commercial or other employment generating uses will be permitted provided that the character of the building is respected and is not prejudicial to highway safety.

ASSESSMENT

In terms of meeting the criteria of policy EC3 for the conversion of rural buildings the former stable block that is currently used as ancillary domestic/annexe accommodation would not require any significant external alteration. The building is considered to be of permanent and substantial construction, and requires no extension, is in keeping with its surroundings and is sited near a public road. The extension to the existing garage block is not considered a significant extension and would be in keeping with the character of the building and its surroundings. The proposal is also considered not to cause any detrimental impact to the visual or residential amenity of the area.

In the opinion of the Highway Authority however, the lane from Sampford Arundel to Marlands is substandard in terms of alignment/width. New traffic movements would therefore be encouraged along a substandard highway and the proposal is therefore prejudicial to highway safety. In the latter respect, the proposal is therefore not considered to full comply with the conversion policy or policy S1 that also requires development not to cause road safety problems.

Furthermore due to its isolated location, outside of any recognisable settlement and remoteness from services including public transport, the proposal is considered to be unsustainable. In order to access the site students would be dependant on car/mini-bus use that would appear not to be consistent with planning policy, the objectives of which aim to reduce the need to travel and promote sustainable development in the countryside. Whilst it is accepted that the use of a mini-bus would reduce the frequency of traffic movements it is considered that the proposed use would be best served from within a recognised settlement, especially as the project is to collaborate with Wellington school. In terms of the control of such a development it would be difficult to enforce the use of a mini-bus for the collection of students and staff. Furthermore the proposal, even with a mini-bus collection service, does nevertheless result in a significant need to travel. The proposal would therefore appear to be at odds with sustainable planning policy that aims to avoid fostering growth in the need to travel.

The Parish Council has commented that the proposal would contribute to the rural economy of the area however there is no guarantee, or method of ensuring that the host families are all located within the local rural area. It would therefore appear that there are insufficient grounds to justify the proposed location, outside the limits of any identified settlement.

RECOMMENDATION

Subject to the receipt of no further letters of representation raising new issues by 25th April 2005, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for the reasons of (1) The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicles and would compromise sustainable development, which is contrary to advice contained within PPG 13 and RPG 10 and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 2011 and contrary to Taunton Deane Local Plan Policy S1(a) (Revised Deposit numbering); and (2) The access lane leading to and serving Marlands, by reason of its restricted width, poor alignment is considered unsuitable to serve as a means of access to the proposed development, contrary to Taunton Deane Local Plan Policy S1(a) (Revised Deposit numbering) and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

38/2005/038

CLAYBROOK DEVELOPMENTS SW LTD

DEMOLITION OF PLAY ZONE BUILDING AND REDEVELOPMENT OF FORMER PETROL STATION TO PROVIDE 24 FLATS, 3 RETAIL UNITS (1 WITH ALTERNATIVE A3 USE) AND PARKING AT 43 STATION ROAD, TAUNTON AS AMENDED BY PLANS ...

22519/25089

FULL PERMISSION

PROPOSAL

The proposal is for the demolition and the redevelopment of Tommy Taylor's play zone and the adjacent former Texaco filling Station. The development would comprise 2 separate buildings, a single storey retail unit adjacent to Laverock Court and a two and three storey building adjacent to Flook Gardens with its trees and the public open space. The main building would provide two A1 retail units on the ground floor (aimed at national retailers) with two residential flats to the rear, the remaining flats/ maisonettes would be provided at first, second and third floor levels. The single storey retail unit would include A1 or A3 uses. The existing access would be relocated further away from the Staplegrove Road and Station Road junctions. The proposed access off Station Road would retain an access to parking at the rear of Laverock Court and provide on site parking spaces for visitors to the retail units (final numbers to be confirmed). There is an existing vehicular access to the rear of the site that comes off a private access via the Elms Parade car park. This would be used to provide access to the proposed four residential parking spaces to the rear of the site. A covered cycle storage area would also be provided in this location. The ground floor of the development would have inbuilt flood protection measures comprising flood barriers within the window areas that would be raised in the event of a flood effecting the site. The proposed buildings would be brick, with areas of render to emphasize the retail units, with a slate roof (full details to be agreed).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle subject to amendments to the details and the omission of the rear parking areas(off the Elms Parade Car Park). COUNTY ARCHAEOLOGIST no objection subject to a condition for the archaeological monitoring of the site. ENVIRONMENT AGENCY no objection subject to a method statement and schedule of responsibility for the erection/use of the proposed flood defence system. WESSEX WATER the development is within a foul sewered area but there are no separate surface water sewers in the area so the developer should explore the use of soak ways. There is a water main in the vicinity of the proposal. A Wessex Water sewer crosses the site and the developer should contact Wessex Water to discuss the matter further.

LANDSCAPE OFFICER additional information and possible amendments if the development has a detrimental impact on the existing mature ash (located in Flook Gardens), developer to undertake off site tree works prior to construction works on site. CONSERVATION OFFICER no objection the proposal would not have an undue impact on the character or the Conservation Area. FORWARD PLANS OFFICER the proposal represents the redevelopment of an under used Brownfield site. It is not an allocated site and the residential units would be regarded as a "windfall site". The forward Plan unit supports the principle of retail units in this location and would not require a sequential test in this location. I am concerned about the design of unit 3 and the resultant street scene and consider that unit 1 should have an access onto Station Road. DRAINAGE OFFICER no observations. LEISURE DEVELOPMENT TEAM MANAGER I am concerned about the close proximity of the development to the Ash tree in Flook Gardens, the windows of the flats would be in close proximity to the Ash tree and will receive little natural light. I anticipate pressure from future occupants to prune the tree and this may result in the loss or reduction in the amenity of the tree in the future. LEISURE AND RECREATION OFFICER off site contributions will be required for recreation/sport and play provision.

1 LETTER OF OBJECTION has been received raising the following issues:- we are not opposed to the principle of development but consider that the increased use of the access to the rear of the site would cause a highway hazard contrary to the safety of the existing residents.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (sustainable development), STR2 (Development should be focuses within towns).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; EC7 Taunton and Wellington town centres will be the priority location for major retail development and other key town centre uses. Where such facilities cannot be located within these town centres, preference for site selection will be as follows: (i) edge of town centre sites, followed by (ii) local centres, followed by (iii) out of town centre sites in locations that are (or can be made) accessible by a choice of means of transport. Key town centre uses are defined as : major retail, leisure and entertainment facilities, and large scale offices. For Wellington, key town centre facilities will be limited to a scale which seeks to serve a catchment limited to that of the town and its dependant rural areas. H1Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a

significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock. M3a (Parking Requirements) EN5 Protection of trees in and around settlements, development that would harm trees will not be permitted unless provision is made for tree cover to compensate for the loss.

ASSESSMENT

The principle of the redevelopment of the site for retail and residential use is considered to be acceptable. The design of the main building will respect the existing street frontage and allow for maximum development of the land to the rear. The single story unit and the car parking adjacent to the unit is not considered to be acceptable in terms of its design and layout and amended plans are awaited to redress this. The proposed access onto Station Road is considered to be an improvement in road safety terms and the Highway Authority raise no objection, however the proposed parking spaces to the rear of the site are considered to be unacceptable due to the access arrangements across the car park and footpaths. Amended plans are awaited that reduce the parking to the rear to one disabled parking space only. This is likely to be acceptable as it reduces additional traffic and would serve the lift, which is sited at the rear entrance to the flats. There is a large Ash tree whose canopy spreads across the northeastern part of the site. The development has been designed to take account of the tree but the landscape officer and Leisure development manager remain concerned about the long-term implications of the proposed development on the tree. Amended details and additional information are awaited to clarify this. Proposal considered acceptable.

RECOMMENDATION

Subject to the applicant entering into a section 106 agreement for the provision of off site contributions for recreation/sport and play provision and improved play areas and the receipt of acceptable amended plans with no further letters of objection raising new issues within 14 days of the date of notification 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, landscaping, maintenance scheme, schedule of proposed tree works, details of foundations, cycle parking, bin storage, disabled persons parking only, archaeological watching brief, method statement and schedule of responsibility for flood defence scheme, proposed buildings to be built in compliance with flood details and plans numbered SBS22-01, Edition 1, sheets 1-12 received on 10th February, 2005, details of surface water disposal, cooking odour and noise (unit 3), contaminated land. Notes re contaminated land, off site waste disposal, energy conservation, secure by design, disabled persons, good quality materials.

REASON(S) FOR RECOMMENDATION:- The proposal provides for a Brownfield development of a good design, acceptable access situated in a sustainable location in keeping with the street scene. The proposal therefore meets the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2 and H1. In addition the proposal would maintain the character of the adjacent Conservation Area in compliance with Taunton Deane Local Plan policies EN15.

In the event that the Section 106 Agreement has not been concluded by 28th April, 2005 then permission be REFUSED due to inadequate recreation/open space and play area provision contrary to the requirements of the Taunton Deane Local Plan Policy C4.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2005/052

MITCHELL DEVELOPMENTS LTD

DEMOLITION OF GARAGE BUILDINGS AND ERECTION OF BLOCK OF 13 FLATS AND ASSOCIATED PARKING AT EASTWICK FARM COTTAGE, EASTWICK ROAD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 24TH MARCH, 2005 AND ATTACHED PLAN NOS. 5130/6/D1, D2, D3, D4 AND 5130/6/02A

23250/26473

FULL PERMISSION

PROPOSAL

Planning permission was refused in April 2004 for the erection of 15 flats as it was considered an over development of the site with inadequate parking and turning provision. The current proposal is for the demolition of the existing semi-detached dwelling and commercial garage buildings and the erection of 13 flats, (4 bed sits, 4 x 1 bed flats and 5 x 2 bed flats), 9 parking spaces and a turning area. The flats will be provided in a mix of two and three storey buildings. There is housing to the west, south and east of the site and the Waggon public house lies to the north. The site is at a lower ground level to the properties to the west and is slightly raised above the level of the public house car park. The existing access would be used to serve the site with 8 parking spaces being provided to the north on land formerly owned by the Waggon.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections in principle subject to the imposition of conditions. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER foul and surface water sewers are available in the area, there is a water main crossing the site and a three meter easement is required either side of the apparatus. CHIEF FIRE OFFICER means of escape and access for appliances should comply with building regulations 2000 and water mains should be of sufficient size for fire hydrants conforming to British standards

ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions on noise and contaminated land. DRAINAGE OFFICER no objections. LEISURE AND RECREATION OFFICER off site contributions will be required for children's play areas and the improvement and/or provision of active recreation.

3 LETTERS OF OBJECTION (one signed by 4 different people) have been received raising the following objections:- the wall on the southern elevation of block B will be approximately 1 m closer to the adjacent property and will have windows facing the property although these are shown as obscure glazed they will be open in the summer invading the neighbouring amenity; the increased use of the junction by 9 cars parking on the site will cause highway safety problems; there will be no turning for service vehicles or delivery vans which will have to reverse out into the road; the proposal still represents overdevelopment as before; insufficient parking for 13 flats resulting in the remainder being likely to park on the grass opposite 47 Eastwick Road; the proposed parking will be adjacent to a residential boundary and will result in fumes affecting the

quality of air in the garden and health of the residents; the new buildings will be overbearing causing a lack of privacy for residents; the access into the development involves a neighbour's land with only prescriptive rights of way over it; the access is 4 m wide not 6 m as shown on the application; the access drive is the subject of a court injunction preventing parking along the driveway; the proposed parking will be difficult to use as a 4 m width of drive will leave insufficient distance to reverse out of the spaces; the parking spaces will result in car fumes blowing into the adjacent dwelling resulting in an infringement of amenity/privacy; there is no direct access to the housing in the event of a fire; the proposal will overlook the neighbours rear garden resulting in a loss of privacy and amenity; the neighbours front garden is open plan and the development will result in a loss of privacy as occupants walk past the front door; the chimney of the adjacent dwelling is shared with the neighbour and would be greatly affected by the proposed demolition, spoiling the character of the cottage at the same time and devaluing it; where will the construction vehicles deliver? a more modest development would protect the amenity and privacy of the adjacent occupiers.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Policy STR4 -Development should be focuses within towns, Policy 49- transport requirements of new development. Taunton Deane Local Plan Policies S1- General Requirements, S2- Design, H1- Housing within classified settlements; M3a Residential Parking Requirements C4 recreation space provision.

ASSESSMENT

The proposed development would replace an existing garage business that is located in an awkward location and replace it with dwellings, in keeping with the surrounding residential use. The agent has shown that the proposed buildings have a similar footprint to the existing and although the height of the north-western block C has increased significantly the height of blocks A and B are similar to the existing. Block C would be located approximately 1 m from the boundary of the site with the sheltered housing that lies to the northwest. The houses themselves are approximately 6 m away from the boundary. To compensate for this close proximity, the design of the proposed block has been tailored to fit with high-level windows on the ground floor and velux windows in the roof for the bedrooms on the second floor. A glazed stairwell running the full height of the wall would be obscure glazed to avoid overlooking. The roof slopes up and away from the boundary and the wall would be 1.1 m above the height of the existing fence. A mended plans have been received that show obscure glazing to the glazed walling in the north-west elevation of block C, the insertion of an "emergency window" in the second floor window of the south-western elevation (non-opening accept in the event of an emergency when a locked seal can be broken), the elevations will now be brick, in keeping with the area. Additional plans have also been submitted that show details of the proposed car parking, cycle parking and bin stores; the agent has confirmed that the additional land required for parking has been secured with contacts already exchanged. The land ownership concerns cannot be taken into account as these are private legal matters. In the event that the development would encroach on land outside of the developer's control separate legal permission of the owner would be required

RECOMMENDATION

Subject to the completion of a S106 agreement for contributions to provide off-site children's play and recreational open space provision and the receipt of no additional letters raising new issues by... 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, one parking space for each 1 and 2 bed-roomed dwelling, turning area, drop kerbs, hard surfaced access, visibility splays, gradient, disposal of surface water, noise, contaminated land, non opening/emergency window on the second floor window of block A and B, obscure glazing of stairwell of block C, no additional windows, cycle parking, bin store. Notes re contaminated land, Wessex Water infrastructure, ownership dispute, disabled persons, energy conservation, meter boxes, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposal provides for a brownfield development of a good design, acceptable access situated in a sustainable location in keeping with the street scene. The proposal therefore meets the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2 and H1 (Revised Deposit numbering).

In the event that the Section 106 Agreement is not completed by 10th May, 2005, permission be REFUSED for the reason that the proposal makes inadequate provision for children's play area and a recreational open space as required by Taunton Deane Local Plan Policy C4 (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:

38/2005/055

MRS M VINE & MR M GIBBINS

ERECTION OF DWELLING, TWO FLATS AND THREE GARAGES ON LAND TO REAR OF 51-53 CHEDDON ROAD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 5TH APRIL, 2005 WITH ATTACHED DRAWING NO. 0447701A

22788/25791

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a 2 storey dwellinghouse with attached 3 storey building comprising 2 No. flats, with 3 No. garages on the ground floor.

The site currently comprises part of the rear curtilages of Nos. 51 and 53 Cheddon Road and this incorporates 3 No. existing garages.

Portman Street comprises largely 2 storey terraces, whilst Cheddon Road, including Nos. 51 and 53, includes many 3 storey terraces.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY The proposal is for three dwellings within the existing curtilage of 51 and 53 Cheddon Road at the rear of the property. At present three garages open into a track which is unadopted highway. As the garages are replaced like for like it may be unreasonable to refuse this application on these grounds. However, I would seek clarity of the turning paths of private motor vehicles entering and exiting the proposed garages. This could be demonstrated by showing the swept path perhaps of vehicles as per the attached template. I would also expect to see sufficient parking facilities within the curtilage of the site. Normally, I would expect to see one secure cycle storage per bedroom provided. With this proposal there are two flats and one new dwelling or with 2 bedrooms provided according to the plans. Therefore, I would expect to see cycle storage for six bicycles. The current access track is of insufficient standard to access a dwelling of this type and I would request the track is upgraded to a fully consolidated surface (not loose stone or gravel). However, this is currently not shown as within the control of the applicant and I would therefore seek clarity on the rights of access to this track. I would also expect the building to be set back approximately 450 mm from the existing highway boundary, doors should also open inwards and windows should be of the sash variety to prevent any obstruction on highway land. I would therefore request that you ask the applicant for revised plans taking the above considerations into account. I would advise you that from a highway point of view there is no objection to this proposal in principle, however, it is essential that the detail is revised in the interests of highway safety. In the event of permission being granted, I would recommend that conditions be imposed. WESSEX WATER recommends note.

1 LETTER OF OBJECTION has been received raising the following issues:- road safety and car parking problems would be exacerbated, and that loss of view would result.

1 LETTER OF SUPPORT has been received which also requests that consideration be given to re-naming the area.

POLICY CONTEXT

Policies S1, S2 and H1 of the Taunton Deane Local Plan seek to safeguard, inter alia, residential and visual amenity, and road safety. Policy M3a advises that no more than an average of 1.5 car parking spaces per dwelling will be allowed on any residential development, and that car free residential developments will be sought in appropriate locations, such as within or adjoining Taunton Town Centre.

ASSESSMENT

The mix of 2 and 3 storey development respects the character of the immediately surrounding area, and it is considered that the design is acceptable. With regard to residential amenity, it is recommended that several windows to the south western elevation be obscure glazed to avoid privacy problems, and given this safeguard, no neighbouring properties would be directly overlooked. In respect of car parking, the local plan seeks to promote sustainable travel by restricting, inter alia, car parking spaces in centre locations. In this particular case, the provision of 3 No. garages would not exceed this requirement.

With regard to the County Highway Authority observations, the agent has submitted amended plans which provide 6 No. bicycle parking spaces, he is looking into re-surfacing the rear access track, although he track is not within the applicants ownership, doors onto Portman Street already open inwards, the amended drawings propose vertical sliding sash windows, and he has clarified that there is a 6 m maneuvering space, in front of the garage doors. Finally, it is considered unreasonable to request the setting back of the building by 0.45 m, as existing buildings cornering Portman Street and Cheddon Road already front the back of pavement.

RECOMMENDATION

Permission be GRANTED subject to time , materials, cycle parking, hard landscaping, boundary treatment, obscure glazing of certain windows, windows, removal of PD rights, drainage details, windows to be recessed, and windows to be sash or opening inwards where fronting Portman Street.

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, H1 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: 356465 MR J GRANT

NOTES:

38/2005/075

MR R SALMONS

**ERECTION OF SINGLE STOREY REAR EXTENSION AT 125 REDLAKE DRIVE,
TAUNTON AS AMENDED BY PLAN RECEIVED 6TH APRIL, 2005**

24973/24382

FULL PERMISSION

PROPOSAL

Erection of a single storey extension measuring 4.8 m x 3 m on the rear of this existing terrace property. The property has numbers 1 and 3 Witham Close adjoining it along the eastern boundary. There currently is an undeveloped area next to the applicant's garage and the extension is proposed between this area and the Neighbour's boundary, which is currently separated by a 2 m fence. The neighbour's property is set back approximately 2 m and the proposed extension will be 75 mm away from this wall. Having visited the site it has been recognised that the extension cannot be built wholly within the boundary of No. 125 Redlake Drive (without the foundations encroaching) and the applicant has been notified and Certificate B has been served on the neighbour. This has been done in conjunction with serving Notice under the Party Wall Act.

CONSULTATIONS AND REPRESENTATIONS

3 LETTERS OF OBJECTION have been received raising the following issues:- concern over loss of light; the proposed extension will be too close to the adjoining properties; and encroachment issue.

2 LETTERS FROM COUNCILLORS raising concerns about the loss of light to windows and garden and maintenance of the side wall in the future.

POLICY CONTEXT

H19 Extensions to dwellings state:- Extension to dwellings will be permitted provided they do not harm:- A. The residential amenity of other dwelling; 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 project 1.6 m beyond the rear wall of the neighbouring house in Witham Close. The wall will be visible from the neighbours window and the extension will involve the removal of a shrub on the boundary.

The proposed extension is not however considered to have significant adverse material impact on neighbours and is considered to comply with Policy H19.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials. Note re encroachment.

REASON(S) FOR RECOMMENDATION:- The proposed single storey extension will have no material impact on neighbours and complies with Taunton Deane Local Plan Policy H19 (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: 356462 MRS S MELHUIH

NOTES:

38/2005/086

S J SHANBOROUGH HOMES LTD

REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS, FRONTING STAPLEGROVE ROAD, 24 FLATS WITH ASSOCIATED PARKING AND THE FORMATION OF AN ACCESS OFF WOOD STREET, 7/11B STAPLEGROVE ROAD, TAUNTON.

22476/25025

OUTLINE APPLICATION

PROPOSAL

An outline permission was granted in October 2002 for the redevelopment of the site for retail commercial units on the ground floor fronting Station Road with flats above and residential development to the rear. The current application is also an outline application for the redevelopment of the site but this application specifies a total number of 24 units on the site. An illustrative sketch indicates 24 flats to the rear of the site contained within two x three storey blocks with two storey development fronting Staplegrove Road but including 4 flats at first floor level that would require the provision of dormer windows or velux roof lights in the front elevation, Staplegrove Road. The illustrative sketch also shows that up to 14 car parking spaces could be provided within the site with the provision of a new access adjacent to 45a Wood Street.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST views awaited. ENVIRONMENT AGENCY objection raised, the application is not accompanied by a flood risk assessment as required by PPG25. WESSEX WATER foul, surface water sewers and mains are available adjacent to the site. CHIEF FIRE OFFICER means of escape and access for appliances should comply with Building Regulations 2000 and all new water mains should be of sufficient size to conform to British Standards.

CONSERVATION OFFICER dormers and roof lights are not characteristic of Staplegrove Road and if necessary to achieve the units would be considered detrimental to the setting of the Staplegrove Road Conservation Area. ENVIRONMENTAL HEALTH OFFICER views awaited. DRAINAGE OFFICER if surface water drainage is not suitable it may be possible to use the combined sewer. LEISURE AND RECREATION OFFICER off site contributions for children's play and active sport/recreation provision will be required.

1 LETTER OF OBJECTION has been received raising the following issues:- the proposal represents a substantial overdevelopment, each building plot is of double depth overlapping building lines in order to provide the numbers; the illustrative sketch shows small units with no idea of the locations of the proposed windows; the applicant suggests 40 movements a day along the narrow rear access road, which is also the main entrance to North Town Primary School, the road is already congested at times in spite of yellow lines and the proposal will make this worse; the rear access road should

be left unobstructed at all times to provide access for emergency vehicles; the site is within the floodplain of the River Tone and elsewhere this has resulted in floor levels being increased, if the development is three storey plus increased floor levels the buildings will be even taller and more out of keeping with the neighbouring properties; the site is overloaded with asbestos which will need to be removed by a specialist contractor; the plan makes no provision for a 3 m wide dividing wall between the site and 17 Staplegrove Road; the existing outline permission requires a 3 m high boundary wall to be provided with no overlooking windows, these conditions should apply equally here.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 sustainable development, Policy STR4 - development should be focuses within towns, Policy 49 - transport requirements of new development, Policy 60 - Floodplain Protection. Taunton Deane Local Plan Policies S1- General Requirements, S2- Design, H1- Housing within classified settlements, M3a - Residential Parking Requirements, C4- Recreation space provision, EN15 - Conservation Areas, EN30a - Land Liable to flood. T32 - secondary shopping area

ASSESSMENT

The proposed redevelopment of the site is located within the settlement limits of Taunton where new development is acceptable in principle. The site fronts onto (but is not within) the Staplegrove Road Conservation Area, but development is still expected to maintain or enhance the setting of the Conservation Area. In order to accommodate the 24 units the applicant has shown that three storey development would be required. The site is clearly located within an area characterised by two storey development and the increased height would be out of character with the area and be likely to result in a detrimental impact on the amenity of the occupiers of existing dwellings that border the site. The applicant proposed 14 parking spaces and whilst I still await the comments of the County Highway Authority on the proposal, the site is within the Town Centre where car parking is not essential. The application is within a flood risk area where a flood risk assessment is required. In this case no such assessment has been provided and the Environment Agency raise objection to the proposal on this basis.

RECOMMENDATION

Permission be REFUSED for the reasons of overdevelopment of the site detrimental to the setting of the Conservation Area and neighbouring amenity contrary to Policies S1(D), S1(E), H1(G) and EN15, insufficient information on the flood risk contrary to the requirements of PPG25, Somerset and Exmoor National Park Joint Structure Plan Review Policy 60 and Taunton Deane Local Plan Policy 30a.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2005/094

COUNTRYSIDE CONSTRUCTION LTD

CHANGE OF USE AND CONVERSION OF COACH HOUSE TO DWELLING AT 87 STAPLEGROVE ROAD, TAUNTON

22047/25158

FULL PERMISSION

PROPOSAL

The proposal is for the change of use and conversion of the Coach House, which is located within the grounds of 87 Staplegrove Road to a dwelling. The Coach House is a Grade II listed building by virtue of curtilage and lies within the settlement limits of Taunton, as identified within the Local Plan. The building in question was last used as ancillary accommodation/offices in connection with the main house. The scheme involves the removal of the existing cladding and windows from the south elevation and their replacement with fenestration, which reflects the original openings of the Coach House. The fenestration on the north and east elevations is to remain unaltered. 2 off street parking spaces are to be provided. Listed building consent has already been granted for the works. There are a number of other applications currently under consideration in relation to the adjoining site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER recommend informatives re connections onto the Wessex Water system and the need to protect/divert existing apparatus.

CONSERVATION OFFICER no objection.

11 LETTERS OF OBJECTION (from 7 local residents) have been received raising the following issues:- all of the applications that relate to the site should be treated as a whole, as together they constitute a significant development, directly affecting all local residents, who should be kept informed; there are bats and slow worms present on the site; the proposal will generate traffic in an already congested area, exacerbating existing parking problem, this may obstruct emergency vehicles; construction vehicles are a danger to pedestrians, particularly local school children; access to Weirfield Green should be unrestricted and commercial vehicles banned from parking in the area; the staggered hard-stand parking at the front is highly visible and unsightly; the lack of garage/garden is out of keeping with the area and provision of both would be beneficial, this would remove vehicles from the front of the building and the need to exit onto a corner or obstruct visibility; a garage at the rear would ma*** the integrity of the plot and facilitate a reconsideration of the associated high density scheme; the access should be clearly defined; no commercial vehicles or caravans should be parked on the forecourt; the access is on a corner and should this be altered it may affect the willow as well as other trees; increased surface water run off; no construction works should be carried out before 8 a.m. or after 6 p.m. on weekdays, after noon on Saturday, or on Sunday; the sewage system will need to be altered to cope; increase noise; the development is

solely to maximise profits; it will adversely effect the quality of life of local residents; the existing site is an eyesore and no attempt has been made to clear the rubbish, which is a fire risk; the rubbish, builder's hut and machinery should be moved from the site; if allowed the development would generate more rubbish and be an eyesore; the dwelling should not be used for commercial or business purposes.

POLICY CONTEXT

Policies S1 (general), S2 (design), and H1 (housing within classified limits) of the Taunton Deane Local Plan (Revised Deposit numbering) stipulate that new dwellings should not harm neighbouring amenity, or erode the character of any given area or street scene.

ASSESSMENT

Whilst the applicants piecemeal approach to development within the area is far from ideal, the planning authority have to consider the current proposal on its own merits.

The proposal is for one 2 bedroomed dwelling, and as such, in its own right, it will not generate a significant amount of additional traffic in the area. The scheme provides 2 off street parking spaces and utilises an existing access/hardstanding. Therefore, it should not worsen the existing parking situation or be prejudicial to highway safety. There is an area of amenity land to be provided to the front of the building and it is not considered that the lack of a garage would significantly harm the character of the area.

The proposal will improve the appearance of the building and as such enhance the character of the area and appearance of the street scene. It is not considered that the proposal would harm neighbouring amenity or quality of life. The window on the east elevation and the rooflights on the north elevation directly overlook adjoining land, however, as this is the applicant's land it is not deemed to be a sufficient ground on which to resist the proposal.

The works do not significantly alter the fabric of the building and as such are unlikely to disturb protected species. However, an advisory note is recommended to cover this eventuality, the scheme does not involve works to any of the trees, which are on adjoining land.

If at a later date the premises were to be used for commercial or business purposes then separate planning permission would be required. Drainage and disposal of sewage will be addressed at the Building Regulation stage. Advisory notes are recommended requesting the applicant to ensure that during works on site as little inconvenience as possible is caused to neighbouring properties and that the rubbish be cleared from the adjoining land. A number of the other concerns raised are either not planning considerations or relate to the proposal on the adjoining land.

For these reasons the proposal is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, details/samples of fenestration, landscaping, hard landscaping, parking as on plan, boundary treatment and second hard materials to be used where necessary. Notes re disabled persons act, energy conservation, meter boxed, water conservation. Rowntree Foundation, Part M, need to protect Wessex Water infrastructure, Wessex Water connection points, sewer diversion/protection works, development to be carried out in accordance with approved plans, attention drawn to needs of disabled, attention drawn to relevant listed building consent, rubbish to be cleared from adjoining site, care during construction to avoid inconvenience to neighbours and protected species.

REASON FOR RECOMMENDATION:- The proposed use is considered appropriate and the proposal will enhance the appearance of the building. The scheme will not significantly harm neighbouring amenity, the character of the area, or appearance of the street scene. Therefore it accords with Taunton Deane Local Plan Policies S1, S2 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: 356468 MR A GRAVES

NOTES:

46/2005/013

MISS J DICKINSON

**ERECTION OF SINGLE STOREY REAR EXTENSION AT 3 THE MALTINGS, HAM
(RE-SUBMISSION OF 46/2004/034)**

15681/21720

FULL PERMISSION

PROPOSAL

The previously approved proposal comprises the erection of a single storey extension to this converted former agricultural building incorporating a pitched roof gable extension that measures 3.5 m x 5 m and 3.4 m to the ridge. This previously approved scheme was approved at Committee on 3rd November, 2004. This revised application incorporates an additional porch attached to the latter extension that measures 2 m x 1.7 m and is attached to the dwelling by a lean-to roof.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

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

ASSESSMENT

The extension is simple in construction and the addition of a modest sized porch is considered acceptable in design terms. There are no surrounding views into the rear of the property and the visual amenity of the area will not be detrimentally affected.

The north east elevation of the extension is positioned 2.5 m from the neighbouring boundary, which is screened by a 2 m boundary fence that due to higher adjacent land levels, will screen the extension up to eave height. The proposal would therefore not result in overlooking, nor cause a loss of light to the neighbouring property. The proposal would therefore not cause a detrimental loss of residential amenity.

RECOMMENDATION

Subject to the receipt of no adverse comments by 21st 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 and materials.

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

48/2005/008

MR N F J BROWN

ERECTION OF DWELLING AND DETACHED GARAGE, CONSTRUCTION OF NEW ACCESS, DRIVEWAY AND PARKING AREAS AT LAND ADJACENT TO TANFIELD COTTAGE, WEST MONKTON.

26184/28580

FULL PERMISSION

PROPOSAL

Planning permission was granted in July 1990 for the erection of a dwelling in the garden of Tanfield Cottage. The existing access off the main road through the village was to be used. This has been renewed and is still valid. The current application is a full application for the erection of a dwelling to the west of Tanfield Cottage. This application proposes to re-open an old access onto the private drive, to Monkton House, for use by the new occupiers leaving Tanfield Cottage to use the existing access onto the main road through the village.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommend the refusal of the application as the proposal would result in the increased use of the inadequate junction of the drive to Monkton House and the main road running north-south through the village. COUNTY ARCHAEOLOGIST the site is within an area of high archaeological potential and a watching brief condition should be applied. ENVIRONMENT AGENCY no comments. WESSEX WATER there are foul sewers and water mains in the vicinity of the site, a public water main crosses the site and the developer should contact Wessex Water to discuss its protection or diversion.

LANDSCAPE OFFICER subject to details of screen planting proposals should avoid any damage to existing trees and their roots. CONSERVATION OFFICER the materials should be in keeping with the area. DRAINAGE OFFICER soakaways should comply with Building Research Digest 365 (September 1991).

PARISH COUNCIL views awaited.

2 LETTERS OF OBJECTION have been received raising the following issues:- the proposal makes no reference to the existing rights of way that exist for the use of the access drive to Monkton House; the windows will overlook the adjacent dwelling having a detrimental impact on privacy; there is no proposed screening or retention of existing screening between the dwelling and properties to the north west; the new access would allow access onto the shared drive, which is maintained at the cost of the existing properties, any use of this drive during construction and when the dwelling is occupied will increase wear and tear at the cost of other people; the plans show a laurel and yew hedge and this should be maintained at 6 ft to preserve neighbouring privacy; the existing access drive to Monkton House is a rough track, if this is upgraded then the track may be used as a new route through West Monkton; the Laurel bushes form a

"roof" over the existing drive and this should be maintained; headlights from traffic using the drive will shine directly into windows located at the bottom of the drive but this will be alleviated if the undergrowth is retained; where will rubbish be left for collection? the new access should be constructed to prevent right turn movements out of the access as this would stop occupants from using the lower part of the drive over which they have no access rights.

1 LETTER expressing the concern that the design should be both traditional and sensitive.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Policy STR1 - sustainable development, Policy STR5 - Development in rural Centres and Villages, Policy 9 The Built Environment, Policy 49 - transport requirements of new development. Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H1 - Housing within classified settlements; M3a-Residential Parking Requirements EN15 - Conservation Areas.

ASSESSMENT

The principle of a new dwelling has been established on appeal. The existing reserved matter approval is for a two storey dwelling with attached double garage located to the west of Tanfield Cottage. The current proposal reduces the new dwelling to a one and a half storey dwelling with first floor windows in the roof. The garage would be separated from the dwelling and placed to the west of the new dwelling a minimum of 4 m from the western boundary with the access drive to Monkton House. The applicant proposes to plant a Laurel and Yew hedge in this space to provide adequate screening when viewed from the west. The dwelling is now located with a distance of 18 m to its southern boundary, approximately 20 m to its western boundary and 28 m to its northern boundary and I do not consider that it results in any unacceptable overlooking of nearby dwellings. The new access would be located in between the Tree Preservation Order trees that run along the northern boundary of the site. The Landscape Officer has confirmed that this can be achieved without damage to the protected trees. On inspection this site shows signs of a former access and this would be reinstated to serve the new dwelling. The access drive is privately owned and has a substandard visibility with the main village road. The existing junction has the original entrance wall and railings to Monkton House and makes a positive contribution to the setting of the West Monkton Conservation Area. The County Highway Authority advised the applicant to remove the wall in order to provide improved visibility but, based on evidence of a previous access and the need to retain the wall and railings in the Conservation Area, the applicant has been advised by the Planning Officer to proceed without those alterations. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, site levels, landscaping, retention of the southern and western boundary hedges, new hedge, details of the construction of the new drive, car parking, new access, turning area.

Notes re Wessex Water infrastructure charges, Wessex Water equipment crosses the site, disabled persons, secure by design, lifetime homes, meter boxes.

REASON FOR RECOMMENDATION:- The dwelling is located within a recognised village where limited infilling is acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR5 and Taunton Deane Local Plan Policies S1, S2, H1 and EN15 (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:

PLANNING COMMITTEE – 20 APRIL, 2005

Report of the Development Control Manager

MISCELLANEOUS ITEM

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 **LINHAY, WHITE'S FARM, LOWTON, WEST BUCKLAND , PITMINSTER CIVIL** **PARISH (CP)**

1.0 Purpose Of Report

1.1 To seek Committee endorsement of the Vice Chair's authorisation for the service of a Building Preservation Notice (BPN) in respect of the linhay at Whites Farm, West Buckland (Pitminster CP).

2.0 BACKGROUND

2.1 The historic importance of the linhay was realised as a result of a pre application enquiry to convert it and associated buildings to residential use.

2.2 The agent and owner were advised of its importance and eligibility for listing. Amended plans were drawn up as a result and a planning application submitted. Officers were clearly reluctant to determine the latter without a concurrent Listed Building application, which could not be required without the BPN having been served.

2.3 In the particular circumstances, the Vice Chair authorised the service of the BPN and this was duly served on 24 February, 2005.

2.4 Service of the BPN means that the linhay, and its associated curtilage, structures, are now subject to the controls applicable to listed buildings, for six months from the date of service of the Notice, during which time the Secretary for Culture, Media and Sport must decide whether or not to add the linhay to the Statutory List of Buildings of Special Architectural or Historic Interest.

3.0 BUILDING DESCRIPTION

3.1 Linhay, late C17/early C18, subsequently altered (mainly C20). 4 bay linhay, with chert spine wall. Cattle entrances on north west and south east elevations. South west and north east gable walls of chert externally and brick internally. Corrugated iron hipped roof, over former combed wheat reed thatch. South east elevation:- modern timber cladding to first floor, modern timber doors and some blockwork to ground floor. 3 pairs of original sling brace trusses, with posts sitting on stone blocks. Strong similarities to the listed lincays at Lower Chelmsine Farm, Pitminster CP and Park Farm, Wellington, Without CP.

4.0 CONCLUSION

4.1 The linhay is clearly an historic building, with its main features hidden by later but reversible alterations, with the former capable of being better expressed/secured/retained by way of achieving a more sympathetic design for conversion to residential use.

5.0 **RECOMMENDATION**

5.1 Committee endorses the Vice Chair's authorisation to serve a Building Preservation Notice in respect of the linhay, Whites Farm, Lowton, West Buckland (Pitminster Civil Parish).

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

CONTACT OFFICER: Diane Hartnell Tel: 356492

PLANNING COMMITTEE – 20 APRIL, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Wiveliscombe

1. **File/Complaint Number** 49/2004/067 - E31/49/2005
2. **Location of Site** The Manse, Ford Road, Wiveliscombe
3. **Names of Owners** Mr G & Mrs J Coate, Lorna Doon, Ford Street, Wellington, TA21 9PE
4. **Names of Occupiers** Site under construction
5. **Nature of Contravention**

Possible non-compliance with approved plans.

6. **Planning History**

Planning permission was granted on 29 November, 2004 for the erection of two detached dwellings. Detailed plans indicated that the dwelling sited to the east of the site was to be a minimum distance of 7 m from the rear boundary fence of No. 20 Lion D'Angers. When the construction of this dwelling commenced it was noticed that the distance from the dwelling to the boundary fence was approximately 5.8 m. The Contractor was informed and said that it was possibly due to the garage to The Manse being plotted incorrectly and has caused the building to be slightly out of position. A request for a minor amendment was made and the contractor informed that it would be in his interest not to carry out any further work on the plot until the matter has been resolved. No amendment was received and work progressed on constructing the dwelling. A site visit was made and the measurement checked and again a request was made for the amendment. The Contractor contacted the Council on 31 March confirming that the amendment would be submitted the following week but to date nothing has been received and the work continues on building the dwelling.

7. **Reasons for taking Action**

It is considered that the dwelling sited closer than the stated 7 m would have an overbearing effect on the neighbouring property and would be detrimental to the amenities of both 20 and 22 Lion D'Angers

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