



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 17TH AUGUST 2005 AT 17:00.

(RESERVE DATE : THURSDAY 18TH AUGUST 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 27 July 2005 (attached).
3. Public Question Time
4. CHURCHSTANTON - 10/2005/012
REMOVAL OF CONDITION 18 OF PERMISSION 10/04/020 TO ALLOW GARAGES TO BE LIVING ACCOMMODATION AND ALTERATIONS TO ELEVATIONS AT FRONT AND REAR AT TRENTS VIEW, TRENTS FARM, CHURCHINFORD
5. MILVERTON - 23/2005/017
CHANGE OF USE OF LAND FROM PADDOCK/ORCHARD TO RESIDENTIAL CURTILAGE/GARDEN AT LAND TO REAR OF SOAP HOUSE, SAND STREET, MILVERTON.
6. NYNEHEAD - 26/2005/007
RETENTION OF CHANGE OF USE ON AGRICULTURAL LAND TO DOMESTIC CURTILAGE, ASHMORE, 1 MONUMENT VIEW, NYNEHEAD.
7. STOKE ST MARY - 37/2005/007
CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR VEHICLE RESTORATION AND STORAGE AT DAIRY HOUSE FARM, STOKE HILL, HENLADE
8. TAUNTON - 38/2005/221
ERECTION OF EXTENSION TO CREATE ADDITIONAL RETAIL FLOORSPACE, FORM ATRIUM AND TRAVELLATOR LOBBY AND ERECTION OF DECKED CAR PARK OF 123 SPACES AT TESCO, WELLINGTON ROAD, TANGIER, TAUNTON
9. TAUNTON - 38/2005/248
ERECTION OF TWO DWELLINGS ON LAND TO REAR OF 99/101 STATION ROAD, TAUNTON.
10. TAUNTON - 38/2005/275
ERECTION OF DWELLING, GARAGE AND ACCESS THERETO ON

LAND AT 29 CALWAY ROAD, TAUNTON AS AMPLIFIED BY
AGENTS LETTER RECEIVED 14TH JULY, 2005

11. TAUNTON - 38/2005/290
ERECTION OF GATEHOUSE AND 2 NO. SECURITY BARRIERS,
TAUNTON SCHOOL, STAPLEGROVE ROAD, TAUNTON.
12. TRULL - 42/2005/023
CHANGE OF USE OF HOUSE FROM RESIDENTIAL TO
EDUCATIONAL USE D1 AT CANONSGROVE HOUSE, STAPLEHAY,
TRULL
13. TRULL - 42/2005/024
OUTLINE FOR THE ERECTION OF 14 HOUSES, ERECTION OF
STUDENT/STAFF ACCOMMODATION ON THE TENNIS COURT,
ERECTION OF THEATRE WORKSHOP BUILDING AND
FORMATION OF ASSOCIATED CAR PARKING AT CANONSGROVE
HOUSE, STAPLEHAY, TRULL
14. TRULL - 42/2005/025
RETENTION OF TWO STOREY FRONT EXTENSION AT
SWEETHAY COURT, SWEETHAY, TRULL.
15. WELLINGTON - 43/2005/081
ERECTION OF BUILDING FOR EMPLOYMENT USE (B1, B2 AND B8
USES) AND PROVISION OF PARKING AREA AT UNIT 18,
RYLANDS FARM INDUSTRIAL ESTATE, BAGLEY ROAD,
ROCKWELL GREEN, WELLINGTON (AMENDED SCHEME)
16. 38/2002/286 - BREACH OF CONDITION - OUT OF THE BLUE,
GALMINGTON ROAD, TAUNTON. Enforcement item
17. E402/38/2004 - INSTALLATION OF UPVC DOUBLE GLAZED
WINDOWS ON SECOND FLOOR OF LISTED BUILDING, 82
STAPLEGROVE ROAD, TAUNTON. Enforcement item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

09 August 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 Mrs Allgrove
Councillor Miss Cavill
Councillor Clark
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
Councillor Hindley
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Wedderkopp



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:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

Planning Committee –27 July 2005

Present: Councillor Miss Peppard (Chairman)
Councillors Mrs Allgrove, Miss Cavill, Croad, Denington, Floyd, Guerrier, Henley, C Hill, House, Lisgo, Phillips, Stuart-Thorn and Wedderkopp

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

No press were present at this meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Denington, Wedderkopp, Phillips, Miss Cavill and Lisgo arrived at the meeting at 5.05 pm, 5.08 pm, 5.18 pm, 5.34 pm and 6.09 pm respectively)

86. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillors Hindley and Mrs Smith.

87. Minutes

The minutes of the meeting held on the 6 July 2005 were taken as read and were signed.

(Councillor Floyd declared a personal interest in the matter covered by Minute No. 88 below.)

88. Erection of 144 dwellings and associated roads and open space, Taunton Vale Sports Club, Lisieux Way, Taunton (38/2000/237)

Reported that the Planning Committee had granted the above application in April 2001. The approved plans had indicated the position of five play areas on the Boundary Park Development – four Local Equipped Areas for Play (LEAP's) and one Neighbourhood Equipped Area for Play (NEAP) (the latter being for older children).

The developer, Persimmon Homes, had completed the NEAP and two of the LEAP's during 2004, although none had yet been adopted.

In addition to undertaking to provide the five play areas, the developer had also entered into a Section 106 Agreement to provide £48,456 towards an extension to the Hamilton Gault Pavilion. However, in recent months it had become evident that this contribution would not be sufficient to carry out the Pavilion extension.

Further negotiations had therefore taken place with the developer who had suggested that they would supplement the funds available for the Hamilton Gault project if they were not required to construct the remaining two play areas.

Reported that the Council's current Local Plan Policy for play provision was 20 m² of play space per family dwelling. On this basis five play areas were required on the Boundary Park site.

However since drafting the Local Plan Policy, the Council had developed a Greenspaces Strategy which included work on the reasonable and actual walking distance from a child's home to a play area. This had been calculated at 300 m.

Noted that currently a development such as Boundary Park would only be asked to provide equipped play areas to ensure that every home was within 300 m walking distance of one. In these circumstances, only two play areas would be required.

A cost of £53,500 had been agreed as the value of the two outstanding play areas, which combined with the earlier contribution would mean that just over £100,000 would be available to fund improvements to sports and leisure facilities in the immediate area for the benefit of the wider community.

A consultation exercise had been undertaken with local residents which had shown that most respondents felt that the development already had sufficient play areas. Most also wished to see the other two ear-marked areas left as grass for casual recreation.

RESOLVED that the Section 106 Agreement of the 31 May 2000 and made between Taunton Deane Borough Council (1), Beazer Homes (2), Taunton Vale Sports Club (3) and Somerset County Council (4) be varied such that the obligation to provide two play areas on site be replaced by the obligation to pay a sum of £101,956 to be used to provide/enhance sports and play facilities in the vicinity of the development.

89. Applications for Planning Permission

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

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

(Councillor Denington declared a personal interest in the following application and left the meeting during its consideration).

23/2005/019LB

Installation of solar panels at Fort Gate, St Michaels Hill, Milverton.

Condition

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

Reason for granting listed building consent:-

It was considered that the proposal was in line with Taunton Deane Local Plan Policy EN16 in respect of proposals relating to listed buildings.

Reason for granting listed building consent contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the proposal would not detract from the character or appearance of the listed building.

24/2005/017

Retention of field access with new field gate and stone entrance at Broad Lane, North Curry.

Conditions

- (a) Within one month of the date of this permission, the access over the first 4.5 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The gradient of the access hereby approved shall be no steeper than 1:10 and shall be amended accordingly within one month of the date of this permission;
- (c) Within one month of the date of this permission, 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;
- (d) Any entrance gates or barriers erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge and thereafter maintained as such;
- (e) Within one month of the date of this permission, no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2 m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 20 m either side of the access shall be provided. The visibility splay shall thereafter be maintained;
- (f) Within one month of the date of this permission, the access onto Stoke Road shall be permanently closed by the creation of a

bank across the gap and details of native hedge planting shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed hedge planting shall be carried out within the first available planting season and shall be maintained for a period of five years.

(Notes to applicant:- (1) Applicant was advised that the piping of the ditch needs approval under the Highways Act 1980. There are concerns that the pipe installed is inadequate for the purpose and you are requested to contact the Highway Services Manager to discuss the matter further; (2) Applicant was advised that in order to provide the necessary visibility splay you will need to cut back the roadside hedge and keep it trimmed to make sure there is adequate visibility in both directions; (3) NO61A – Highways Act – Section 184 Permit.

Reason for granting planning permission:-

The access provided a safer entrance/exit into the field than existing, in accordance with the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A).

26/2005/003

Erection of single storey extension at rear of 3 Court Cottages, Nynehead.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) Details of any extraction from the breakfast room/kitchen shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) P010 – no further windows.

(Notes to applicant:- (1) NO24 – development in accordance with the approved plans; (2) NO40A – drainage/water.

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity and was therefore considered to be acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

38/2005/213

Erection of inflatable Sports Hall on tennis courts at Richard Huish College, South Road, Taunton.

Conditions

- (a) The inflatable Sports Hall hereby permitted shall be removed and the land restored its former condition on or before the 31 July 2010;

- (b) Before the commencement of any works hereby permitted, details/samples of the colour of the lower part of the hall shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the commencement of any development works, the applicant shall at his own expense appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works;
- (d) C201A – landscaping;
- (e) The inflatable Sports Hall shall not be used, or internally illuminated, between the hours of 9 pm and 9 am the following day;
- (f) Before the commencement of any works hereby permitted, full details (including colour) of the proposed chain link/wire mesh fence shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) NO24 – development in accordance with approved plans; (2) Applicant was informed that the proposal will be reassessed at the end of five years. This does not mean that renewal will be automatic.)

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

(Councillor Guerrier declared a personal interest in the following application and left the meeting during its consideration).

20/2005/007

Erection of dwelling at land adjacent to Millfield House, Parsonage Lane, Kingston St Mary.

Reasons

- (a) The site is located outside the limits of a settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicle and would compromise sustainable development, which is contrary to advice contained within Planning Policy Guidance Note No 13 and Regional Planning Guidance 10 and to the provisions of the Somerset and Exmoor National Park Joint Structure Plan

Review Policies STR1 and STR6 and contrary to Taunton Deane Local Plan Policy S1(a);

- (b) The site is located outside the limits of a settlement within the open countryside, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need and would therefore be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S7.

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

38/2005/227

Residential development of 24 one bedroomed flats on site of dwelling to be demolished at 5-7 Compass Hill, Taunton.

Reason

For further discussions with the County Highway Authority.

90. Erection of extension above study and garages at Willow Gardens, Hillcommon (27/2005/009)

Reported this application.

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

- (a) C001 – time limit;
(b) C102A – materials;
(c) P011 – no windows on the eastern elevations;
(d) The window in the wall to serve bedroom 6 shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
(Note to applicant:- N024 – development in accordance with the approved plans).

Reason for planning permission, if granted:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H17, subject to conditions as no detriment would be caused by the proposal.

91. Erection of 2 No one bedroomed flats on land to rear of 99/101 Station Road, Taunton (38/2005/248)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No further representations raising new issues by the 9 August 2005;
and
- (2) No adverse views from the Environment Agency, 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) C014 – time limit;
 - (d) C101 – materials;
 - (e) The site levels on the site shall not be increased without the prior written consent of the Local Planning Authority;
 - (f) Before any part of the development hereby permitted is begun, detailed drawings showing a fully sheltered lockable cycle parking facility for six to eight bicycles shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the units. Such cycle parking shall be provided on site for use by 99/101 Station Road and the properties hereby permitted;
 - (g) There shall be no first floor windows inserted into the eastern or southern elevations of the proposed building.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N116 – disabled access; (5) N114 – meter boxes; (6) Applicant was advised that the reserved matters design will need to ensure that the amenity of the existing occupants is protected.)

Reason for outline planning permission, if granted:-

The proposal would constitute infilling within an existing settlement limit in accordance with Taunton Deane Local Plan Policies S1, S2, H2, H4 and M4.

92. Demolition of agricultural building and erection of domestic garage to be used in connection with former barn to be converted to dwelling (Pound House), Trents Farm, Royston Road, Churchinford (10/2003/018)

Reported that planning permission for this development was granted in September 2003.

In recent weeks an application for a minor amendment had been received to allow the approved garage to be turned through 90° to enable the ridge to line-up with the proposed extension thus creating more of a courtyard area.

Details of the minor amendment had been circulated to the Churchstanton Parish Council and details of its strong objection to the proposal were submitted.

In the view of the Development Control Manager however, the rotation of the previously approved garage block through 90° was not considered to adversely affect the character of the proposed barn conversion on the site. No neighbouring amenity was affected by the change and the alteration was therefore considered to be an acceptable one.

RESOLVED that the minor amendment be approved.

93. English Heritage “Buildings at Risk Register 2005”

Reported that the latest edition of the Buildings at Risk Register had recently been published by English Heritage.

Noted that England had 30,491 buildings or groups of buildings listed either Grade I or Grade II*. Nationally, 34% of these buildings were included in the Register.

It was pleasing to note that within Taunton Deane only four properties were included on the Register. These were:-

Sandhill Park, Bishops Lydeard – Grade II*;
Gatehouse at Cothelstone Manor, Cothelstone – Grade I;
Cloth Finishing Works at Tone Mills, North Range, Langford Budville – Grade II*; and
Tonedale Mills (West Complex), Wellington – Grade II*.

It was further noted that three of these buildings had recently been subject to positive planning proposals which, if implemented, would secure the futures of the buildings concerned.

RESOLVED that the report be noted.

94. Unauthorised erection of timber buildings for storage purposes at the Taunton Motor Company Limited, Priory Bridge Road, Taunton

Reported that despite a retrospective planning application for the retention of a covered storage area at the rear of Taunton Motor Company Limited, Priory Bridge Road, Taunton being refused during May 2005, no action to remove the unauthorised structures had been taken to date.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised timber buildings used for storage purposes at the Taunton Motor Company Limited, Priory Bridge Road, Taunton; 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.

95. Erection of fence and change of use of land at 45 Venn Close, Cotford St Luke, Taunton

Reported that a complaint had been received concerning the removal of vegetation and the erection of a fence around an area of land to the front of 45 Venn Close, Cotford St Luke.

Although the owners of the property were in possession of a letter from the Council informing them that no planning permission was required for the work, further investigation had revealed that the change of use of the land and the erection of a fence did, after all, require planning permission.

The owners of the property had therefore been asked to submit a planning application but to date this had not been received.

In the view of the Development Control Manager, neither the impact on neighbouring properties of the change of use and the fence, or the character of the adjacent open space was such to warrant enforcement action. Indeed, if a retrospective application were to be submitted, it was likely to be viewed favourably.

RESOLVED that no further action be taken.

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

The Chairman reported that she had certified that the item covered by Minute No 98 below should be dealt with as an urgent matter.

97. Exclusion of press and public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 98 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

98. Enforcement item – Notification to install Telecommunications Mast on land at Shoreditch Road, Taunton (Application No TEL/1/05)

Considered report previously circulated, concerning the proposed installation of a Telecommunications Mast on land at Shoreditch Road, Taunton.

A notification under Part 24 of the General Permitted Development Order 1995 had been received in early January 2005 from the company 02 stating their intention to erect a Telecommunications Mast on highways land at Shoreditch Road, Taunton.

On the 14 February 2005 the Council, well within the 56 days it had to consider the application, forwarded its decision to refuse the notification to the Agents acting for 02.

In early March 2005, shortly after the expiry of the 56-day period, the Agents contacted the Council to say that as no Decision Notice had been received, 02 would therefore be proceeding with the proposal. The Council made it clear to the Agents that the notification had been refused and that if work did proceed, enforcement action would be taken.

As a result, a meeting with the Agents took place where the possibility of other sites was discussed.

Nothing further was heard in respect of this matter until earlier in the month when the contractors McAlpines appeared on the site and began preparatory works in advance of the mast being installed.

Faced with this situation, the Development Control Manager, in consultation with the Chairman, authorised the service of a Temporary Stop Notice. The Notice was served on the 20 July 2005 and work had now stopped for the period of up to 28 days.

Since then, communications had been received from solicitors acting for 02 reiterating that a Decision Notice from the Council had not been received and, in the circumstances, requesting the withdrawal of the Temporary Stop Notice.

Reported in detail on the three options now open to the Council. Members were strongly of the view that the Council had acted entirely properly in this matter. As such, it was felt that action to prevent the mast being erected should be taken, even if it meant that the Council could leave itself open to claims for compensation.

RESOLVED that:-

- (1) The authorisation by the Development Control Manager, acting in consultation with the Chairman, to serve a Temporary Stop Notice on 02 to stop works to erect a mast at Shoreditch Road, Taunton be endorsed; and
- (2) The Solicitor to the Council be authorised to serve a further Stop Notice and an Enforcement Notice to ensure that the Telecommunications Mast would not be erected on the site at Shoreditch Road, Taunton pending the determination of any appeal made against the service of the Enforcement Notice.

(The meeting ended at 8.06 pm)

10/2005/012

MR M DAVIES

REMOVAL OF CONDITION 18 OF PERMISSION 10/04/020 TO ALLOW GARAGES TO BE LIVING ACCOMMODATION AND ALTERATIONS TO ELEVATIONS AT FRONT AND REAR AT TRENTS VIEW, TRENTS FARM, CHURCHINFORD

21461/12573

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Removal of Condition 18 of Permission 10/04/020 to allow garages to be living accommodation and alterations to elevations at front and rear at Trents View, Trents Farm, Churchinford.

The proposal allows for the garages to be used as living accommodation and includes the changing of the door openings to be used as windows and doors and the provision of a rooflight on the east elevation to allow light to an en suite bathroom. The applicant points out that the reason for the original condition was to ensure parking standards were adhered to. While the removal of the condition would remove the garaging there is a substantial area for driveway and parking set back from the road and as a result it is unlikely that cars would park on the surrounding rural roads as a result of the loss of garaging.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY have no objections to this proposal providing that alternative parking can be provided within the curtilage to compensate for the loss of parking resulting from the garages being converted into living accommodation. In the event of permission being granted I would recommend conditions be imposed concerning plans for the parking of two vehicles be submitted and approved and no subdivision of the single residential planning unit.

PARISH COUNCIL strongly opposed to the proposals. Please refer to my Council's comments of 14 April in response to application 10/04/020 and my Council comments e-mailed on 10th September. My Council comments of 18 April 2003 in response to application 10/03/006 make particularly interesting reading. My Council feels that if the applicant is in need of additional living accommodation, that is what the original application should have requested not an attached garage. My Council would like to see this application rejected. Summary of comments on 10/04/020 dated 10.9.04 (Revised conversion of Barn to Dwelling with attached garage) - The Council wish to see the application refused for reasons of property has approval for a garage suitable for its needs; this will be the only property on the development with an attached garage; it will be unacceptably close to the adjacent property; it will involve an abnormal amount of excavation work; it will destroy the visual integrity of the original structure. In addition there have been alterations to the layout and elevations contrary to the TDBC Guidance

on Rural Building Conversions. The original approval was sympathetic to the simplicity of the original structure whereas current proposals compromise/eliminate it totally. The need to avoid suburbanisation was emphasised and it is felt the proposal creates such an undesirable effect. Comments on 14.4.05 (A minor amendment for a door and window on the rear of the garage) - The Council must object to the proposal as it "flies in the face" of policy guidance set out in TDBC's Rural Building Conversions document. The guidance suggests that people living in converted buildings should adopt their lives to the building not vice versa; attached garages detrimentally affect the original form of the building and thus harm its intrinsic character, every effort should be made to retain the original simplicity of the building and creation of new openings should be avoided during conversion. The Council feels the property is in grave danger of becoming an exact replica of drawing on page 3 of the Guidance which purports to be an illustration of an unsympathetic residential conversion which bears no resemblance to the original barn. It is felt that what was a very attractive collection of old barns is now a collection of new houses. The Council was unanimous in its objection to the latest amendment.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 Development Outside Towns, Rural Centres and Villages, POLICY 3 Areas of Outstanding Natural Beauty, POLICY 48 Access and Parking.

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, H7 Conversion of Rural Buildings, M4 Parking Requirements.

ASSESSMENT

The proposal is to remove a condition on the previous permission in 2004 which restricted the garage to be kept available for the parking of motor vehicles for domestic purposes. The reason for the condition was to ensure satisfactory parking facilities were maintained to comply with policy. The issue in removing the condition is whether there is satisfactory space within the site for the parking and turning of vehicles. The County Highway Authority raise no objection subject to the conditioning of parking for 2 vehicles. The objections of the Parish Council to this specific application are noted as are their previous concerns in relation to the development of this site as a whole. Each application, however, has to be considered on its merits and in this instance given that the garage building has been constructed and there is sufficient parking on site for two vehicles there is inadequate ground to object.

A similar condition on a property at Ford Barton, Moor Lane was considered on appeal by a Planning Inspector earlier this year. The outcome in that case was the appeal was allowed and the condition removed as the Inspector considered it not necessary as there was parking clear of the road which would not cause harm to the character of the

area. The current application site is set well back from the road and is well screened from it and it is not considered that parking outside the building would have any adverse visual impact on the character of the area. In light of this the application is recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of parking and turning for two vehicles. Note re need to comply with conditions on original permission.

REASON(S) FOR RECOMMENDATION:- The proposal will still enable adequate parking provision on site in line with Taunton Deane Local Plan Policy M4 and material considerations do not indicate otherwise.

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:

23/2005/017

MR P H BOUND & MRS N M BOUND

CHANGE OF USE OF LAND FROM PADDOCK/ORCHARD TO RESIDENTIAL CURTILAGE/GARDEN AT LAND TO REAR OF SOAP HOUSE, SAND STREET, MILVERTON.

12062/25727

FULL PERMISSION

PROPOSAL

The proposal comprises the change of use of a paddock/orchard, classed as agricultural land, to form an extended garden to the east of the applicants existing garden to the rear of properties at Sand Street and Fore Street. The area of land measures roughly 55 m x 30 m.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the proposed change of use would alter the character of the area (Conservation Area) which is one of an unmanaged paddock but with considerable local amenity in a quiet area of the Conservation Area. The change of use would alter its historic character and potentially open up the possibility of future residential development or at least that of proliferation of garden structures such as swings, sheds, greenhouses etc. In my opinion the proposals would be contrary to EN14. CONSERVATION OFFICER the proposed change of use could have a very different impact than the existing orchard and hence detrimentally affecting the character of the Conservation Area. Objections raised.

PARISH COUNCIL no objections.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- provided the one residential property is to be built then no objection; parking will be difficult.

POLICY CONTEXT

Taunton Deane Local Plan Revised Deposit Policies S1 and S2, (safeguard visual and residential amenity), EN12 (Landscape Character Areas), EN14, (Conservation Areas) Development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area.

ASSESSMENT

Planning policy generally restricts the change of use of agricultural land to garden due to the subsequent detrimental visual impact on the land due to the siting of domestic structures, sheds etc and planting of domestic shrubs and trees. Furthermore the site is

located within the designated Milverton Conservation Area where proposals should maintain or enhance its character. The proposed change of use would alter the character of the area which is one of an unmanaged paddock but with considerable local amenity in a quiet area of the Conservation Area. The change of use would alter its historic character due to the likely proliferation of garden structures such as swings, sheds, greenhouses etc. The proposal is therefore considered not to maintain or enhance the character and appearance of the Conservation Area and as such is contrary to Policy EN14 and would be at odds with the established/historical, open spaces of the village and this pattern of development should be respected.

The letter of representation received refers to the erection of a dwelling, however no such development is proposed in this backland position.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposal would constitute an undesirable intrusion into an attractive open space to the detriment of the visual amenities of the locality and character and appearance of the Conservation Area and as such would be contrary to Policies S1, S2, EN12 and EN14 of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

26/2005/007

MR & MRS G BURT

RETENTION OF CHANGE OF USE ON AGRICULTURAL LAND TO DOMESTIC CURTILAGE, ASHMORE, 1 MONUMENT VIEW, NYNEHEAD.

14576/22894

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal comprises a retrospective application for the change of use of agricultural land to form an extended garden to the west of the applicants existing garden. The area of land measures approximately 30 m x 27 m with a timber post and rail boundary, and the proposal will double the size of the existing curtilage. The existing hedgerow boundary has been removed.

The dwelling, and neighbouring property, was granted outline planning permission (26/1998/014) on the 8th March, 1999. Condition 12 of this permission stated that the existing hedgerows on all boundaries should be retained to the satisfaction of the Local Planning Authority.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the proposal would be out of character with the surrounding countryside and therefore contrary to Policy EN12 and S2.

PARISH COUNCIL no objection to suitable screening and removal of development rights. We note that the site is outside the 'village envelope' and a bank containing TPO trees has been removed.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR 6 restricts development outside development limits, Policy 5 (Landscape Character) seeks to safeguard the character of the countryside of Somerset.

Taunton Deane Local Plan Policies S1 and S2 seek, inter alia, to safeguard visual amenity. Policy S1 (D) is relevant as it seeks to ensure that the appearance and character of any affected landscape would not be harmed as a result of the development. Policy S7 restricts development outside development limits. Policy EN12 states that development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

ASSESSMENT

Planning policy generally restricts the change of use of agricultural land to garden due to the subsequent detrimental visual impact on the land due to the siting of domestic structures, sheds etc and planting of domestic shrubs and trees. Furthermore, the shape of the curtilage is considered too large a projection into the agricultural land, making an intrusive feature.

The Local Planning Authority would however consider this form of development favourable where extensions to garden areas would logically round off an existing garden, with minimal impact upon agricultural land and visual intrusion.

For the above reasons the proposal is considered to materially harm the rural character and appearance of the locality, and would not be in accordance with Local and Structure Plan policies.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposal would constitute an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality, and landscape character of the area. Furthermore the proposal would create a precedent for the neighbouring property. Therefore the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 5, and Policy STR6 and Taunton Deane Local Plan Policies S1, S2, S8, and EN12.

The Chief Solicitor be authorised to take enforcement action to proceed for the removal of the fence and for the hedge to be reinstated to the satisfaction of the Local Planning authority, as planning condition 12 of application 26/1998/014.

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:

37/2005/007

MR S HILL

CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR VEHICLE RESTORATION AND STORAGE AT DAIRY HOUSE FARM, STOKE HILL, HENLADE

27462/22975

FULL PERMISSION

PROPOSAL

Change of use of land and erection of Building for the Vehicle Restoration and Storage at Dairy House Farm, Stoke Hill, Henlade, Taunton. The site of the current application was originally granted planning permission for a storage and distribution centre for cylinder gas in 1982 subject to a legal agreement. A further application to extend the area to the south east of the farm house for the open storage and distribution of cylinder gas together with the parking for 3 lorries was granted in 1992. The legal agreement originally tied the use to the then applicant, however this element of the agreement was deleted in 2003. The gas storage use has now ceased and the current proposal is for the erection of a large agricultural building 27 m x 18 m and 5.4 m to the ridge over part of the concrete yard for use of light vehicle restoration and storage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is currently used for gas storage and distribution and the applicant has advised that this use employed one member of staff and represented quite heavy traffic flow of at least two distribution and one delivery lorry per day. The proposed use would require two staff with very limited traffic flow, as it will be a storage facility mainly used for classic vehicles. The proposed use would be better suited to a an industrial area rather than a rural location and I have great concern that in the event of a general industrial use being allowed on this site it could set a precedent for this type of development in what I consider to be an unsustainable and inappropriate location. Whilst it is anticipated by the applicant that the use will not result in an increase in traffic, as stressed in my comment above my concern would be that once such a use has been allowed we would have great difficulty in controlling the amount and type of traffic generated. I note from a previous permission on this site, 37/91/016, that the use was strictly limited to the use that had been applied for and for no other purpose within that use class. If the current proposal could be conditioned in the same way and on the basis that the development is unlikely to generate more traffic than the previous use of the site, it would be unreasonable to raise an objection. In the event of permission being granted I would recommend conditions are imposed re limiting the use to vehicle restoration and storage, use for the applicant only and the permission granted shall relate to the use applied for.

LANDSCAPE OFFICER as proposed the development will have some impact on the landscape character of the area. However, the applicant on site said he wanted to set the building down another 2m. Along with the use of dark grey cladding for the roof this would reduce the local landscape impact considerably. ENVIRONMENTAL HEALTH

OFFICER I have the following observations due to the previous use as a depot. A contaminated land condition and note should be imposed.

PARISH COUNCIL support the proposal.

1 LETTER OF OBJECTION has been received raising the following issues:- previous refusal on site and this is a commercial use in an area of landscape value and no special need has been shown; there will be a detrimental impact by reason of traffic along approach roads.

3 LETTERS OF SUPPORT from neighbours submitted with the application advising there will be less noise, interruption, visually better and less risk.

1 LETTER from adjoining owner not objecting in principle but advising there should be restriction on use to avoid noise nuisance outside normal working hours. This is a quiet rural area and there should be a restriction on hours of operation.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 Development Outside Towns, Rural Centres and Villages, POLICY 5 Landscape Character, POLICY 19 Employment and Community Provision in Rural Areas, POLICY 48 Access and Parking, POLICY 49 Transport Requirements on New Development

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, S7 Outside Settlements, EC7 Rural Employment Proposals, EC8 Farm Diversification, M1 Transport, Access and Circulation Requirements of New Development, M2 Car Parking, M3 Accessibility and Parking.

ASSESSMENT

The main issues with this application are the location in the countryside and the relevant policy, the visual impact of the new building and the traffic issues.

The site lies outside the recognised settlement limits within the countryside where policy S7 applies to new development. This states new building will not be permitted unless it maintains and enhances the environmental quality and landscape character of the area and a) is for the purposes of agriculture or forestry; b) accords with a specific development plan policy; c) is necessary to meet a requirement of environmental or other legislation; or d) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The proposed building is intended to be set into the ground and the Landscape Officer considers that this, with a dark clad roof, will limit any significant adverse visual impact. The building is an agricultural building with blockwork and timber cladding, however its use is not for agricultural or forestry purposes. The use is not compatible with agriculture and it is not necessary to meet other legislation. While in terms of the local economy it could be argued that the use would support it there is no reason why this use cannot be sited within a defined settlement and consequently the proposal is considered to be contrary to this policy.

The use will result in traffic visiting and leaving the site and once granted it would not be possible to control such movements. It is noted that the use is indicated as being less than the open storage use previously existing on site and in light of the Highway Authority comments it would be unreasonable to object on traffic grounds. I would agree with the Highway Authority comments that this use would be better suited to an industrial location rather than a rural one, which is inappropriate and unsustainable. If the use were to be allowed here then the use would need to be limited to that applied for as well as a limit on the hours of use given the proximity to residential properties. A contamination condition would also be required if all other matters were considered acceptable.

While there have been limited objections to the proposal the development is for a new building in the countryside for commercial purposes. Visually the impact is considered to be an acceptable one, however the policy issue here in relation to its location is seen to be the overriding one and the application is recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason of new commercial building outside defined settlement limits contrary to policy S7 of the Taunton Deane Local Plan and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

38/2005/221

TESCO STORES LIMITED

ERECTION OF EXTENSION TO CREATE ADDITIONAL RETAIL FLOORSPACE, FORM ATRIUM AND TRAVELLATOR LOBBY AND ERECTION OF DECKED CAR PARK OF 123 SPACES AT TESCO, WELLINGTON ROAD, TANGIER, TAUNTON

22122/24590

FULL PERMISSION

PROPOSAL

The proposal is to erect an extension on the front (projecting 7 m) and north western side of the existing store (18m projection) and forming an area of 2055 sq m of additional floorspace. This includes an atrium and part mezzanine floor to give access at first floor level to a proposed decked car park over the existing, providing an increase from 334 to 457 spaces, that is an additional 123 parking spaces. The net sales area will increase by 1301 sq m, from 2764 sq m to 4065 sq m. In total the convenience goods area will increase by 372 sq m while the non-food goods floorspace will increase by 929 sq m.

The submitted Transport Assessment indicates the ratio of parking to gross floor area will alter from 13.4 sq m to 14.5 sq m with the new proposal which is in line with the need to reduce the reliance on the private car for journeys to the store and in line with guidance in PPG13. The capacity analysis of the junctions in the vicinity indicates that the proposal will present no material highway capacity or safety implications for existing road users and is consistent with sustainable development objectives.

In the submitted Retail Statement in paragraph 6.63 it states that "the effects of the proposed extension will not significantly alter shopping patterns within the local area. Whilst it is forecast that comparable stores are likely to experience a marginal reduction in turnover, the implications will not result in any store closures. As a result it is not considered that the extension will adversely affect the vitality and viability of the town centre. The conclusion in the Landscape Supporting Statement is that the proposals are entirely in keeping with the character of the local area and that the proposed built form and design of the building extension and car parking, coupled with the proposed landscaping will contribute positively to the character and quality of the local environment and street scenes.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited. COUNTY ARCHAEOLOGIST: No objections on archaeological grounds. ENVIRONMENT AGENCY objects to the proposed development on the following grounds:- The Flood Risk Assessment submitted in support of the proposal does not adequately address the flood risk issues or the necessary mitigation. The Agency must advise that this application should be reviewed within the context of the Taunton UDF with respect to flood risk and the aim of

strategic mitigation to Taunton. WESSEX WATER the proposal extends the retail store and car park provision and will have no impact on our apparatus. Drainage gullies serving the car park must discharge to the foul system. RIGHTS OF WAY TEAM the development should not affect the footpath.

LANDSCAPE OFFICER I am concerned the proposals will have a detrimental affect on the amenity of the local area through loss of existing tree cover, impact of new building on existing tree roots of protected trees and contrary to BS5837, loss of views across the site to the Quantocks from the south and to Compass Hill from the north east and limited mitigation proposals for the above due to limited development space. The proposals would not meet Policies EN8 or S2. Although I agree with the technical arguments of the tree survey I consider the loss of the amenity of the setting of the trees to be detrimental to the local area. Along the Mill Stream there are newly planted trees that will not have the opportunity to reach their full amenity because of the proposed proximity to the new building line. There will also be an impact on the Green Wedge, Policy EN13, in that the extra layer of parking will obscure a significant part of the Green Wedge and the openness of views from the Wellington Road. FORWARD PLAN UNIT in detail, the proposal would increase the existing trading area by 47% (from 2764 sq. m. to 4065 sq. m.). Currently approximately 79% of the net floorspace is used for food sales, 16% for cafe', checkouts, toilets and lobby etc and 5% for comparison goods (videos, CD's socks, stationary, picnic goods etc). Under government and Local Plan policy, the sale of comparison goods are not permitted under conditions attached to the existing permission in the interests of the vitality and viability of the town centre. However at only 5% of net trading area this is currently considered de minimus. The bulk of the increased net floorspace (71%) is proposed for comparison (non food) retailing (929 sq. m.). This would increase the extent of comparison retailing to some 26% of net trading floorspace in the Tesco store. This could not be regarded as 'incidental' and would result in a significant departure from the existing permitted operation of the store. In order to assess the current proposal against the adopted Local Plan and any other 'material considerations' a number of policy matters need consideration. The Local Plan:- The proposal lies within the Tangier site, allocated under policy T2 of the adopted Taunton Deane Local Plan for a mixed use development to include a food store, retail warehousing, offices, leisure and residential. The foodstore element has been implemented through the development of the Tesco store which opened for trading in 2001. The central tenet in the Supporting Statement accompanying the application is that: "In view of the sites allocation for a food superstore ... and given its location less than 300m from the town centre (which the Local Plan confirms is within easy and attractive walking distance of the town centre) there is no requirement for the applicant to demonstrate need or apply the sequential test ..." (para3.66). This statement is misplaced. Paragraph 8.36 of the adopted Local Plan defines Tangier as a site within 300 metres of the town centre. Whilst Tesco forms part of the Tangier site it is at its western extremity. Government guidance in PPS 6 defines any location beyond 300 metres of the primary shopping area as "out of centre". This site lies just under 600 metres from the edge of the defined primary shopping area which government policy specifies as the area to be defined as the town centre. In this regard it cannot be regarded as a town centre site and the proposal cannot be regarded simply as 'acceptable in principle'. Comparison (Non food) Proposal:- The adopted Local Plan identifies the principal appropriate use for the Tesco site for a foodstore, as built. Conditions were attached to the outline application restricting the use to "a retail foodstore and for no other purpose ..." (condition 15) in the interests of vitality and

viability of the town centre. Without this condition the proposal would not have been considered acceptable in relation to government and Local Plan policy restrictions on edge/out of centre retailing where town centre sites are available. As noted above, the bulk of the current proposal is for comparison rather than convenience retailing, potentially raising the proportion of non food sales area to around 26%. This is a significant change in emphasis from the current foodstore permission. To assess whether the proposal is acceptable in policy terms a number of issues need to be considered. a) Part of the Tangier site was allocated for a "small scale" retail warehouse development to meet demand before the larger Firepool allocation was available. The Tesco site is not referred to as suitable for retail warehousing in the adopted Local Plan; b) Retail warehouses are larger format stores for what are frequently termed 'bulky goods' such as furniture and carpets; often harder to locate in town centres and thus the small allocation at Tangier. The comparison element of the current proposal which the applicant refers to as 'clothing, home entertainment, toys and homeshop' can in no sense be considered as 'bulky'. Government and Local Plan policy (e.g. EC 13) is very firm that such goods as proposed should be located within town centres. One caveat however is whether town centre sites are available; c) The Local Plan allocates a major site at The Crescent for a major retail development (policy T23). An additional site is also identified at Wood Street (policy T24); d) Work on the Taunton Vision/Urban Design Framework (UDF) has identified the potential for up to 50,000 sq. metres of additional retail space within the town centre. The Councils recent Retail Capacity Study (2005) identifies that this is more than sufficient to accommodate all of the additional retail floorspace requirements until at least the end of the Plan period (2011). e) Government guidance refers to the suitability of a site for development if available within five years. The Council considers that as landowner of The Crescent and with an interest in the other sites identified in the UDF such as Firepool and West of High Street, sites will be available within five years, although paragraph 2.44 of PPS6 refers to "available within the development plan document period" which in this instance is longer; f) PPS6 requires that uses that attract a large number of people should be located within centres (para 2.41) and that a sequential approach should be applied, less central sites only being considered after all options in the centre have been thoroughly assessed (para 2.44). These principles are reflected in policy EC10 of the adopted Local Plan. The above points confirm that town centre sites have been identified and are available. g) PPS6 advocates that 'flexibility' should be adopted in decision making, such as disaggregation of certain uses within one proposal rather than simply following a 'format' driven approach to proposals. Thus for example proposals for sale of CD's, toys etc could be accommodated in a separate store(s) from the food element, within existing vacant units within the town centre. The supporting statement provides an assessment of trading impact etc from the new proposals. It is not considered necessary or appropriate to comment on these since these are matters of detail once the principle has been established. From a policy perspective the sale of comparison goods from this location should be resisted. It is contrary to government and Local Plan policy and could contribute to undermining implementation of sites identified in the recently adopted Local Plan and more recently through the Urban Design Framework/Vision. Convenience Proposal:- The current application also proposes to extend the net convenience goods trading area by 372 sq. m. equivalent (approximately a 17% increase on existing convenience goods space). The 2005 Retail Capacity Study commissioned by the Borough Council indicates that Tesco takes 21% of the market share of convenience expenditure in the Wellington area. A large element of this would simply be displaced from other Taunton stores such as ASDA which was

an important food shop destination for the Wellington catchment in the previous (1999) survey. However, the need to stem the leakage of expenditure out of Wellington has long been recognised, hence the Local Plan allocation for retailing (including large foodstores) at Bulford/High Street (policy W11). Nevertheless, it is considered that the proposed convenience extension would not prejudice the implementation of proposals for Wellington town centre since only a small proportion of the additional expenditure is likely to be generated from Wellington and there will be sufficient surplus expenditure by 2008 to accommodate the extension.

Design:- PPS1 makes it clear that good design is indivisible from good planning and that design should contribute positively to making better places for people. Paragraph 36 of PPS 1 states that key objectives should ensure that design 'responds to local context, reinforces local distinctiveness and is visually attractive'. This is reflected in policy S2 of the Local Plan. At the present time Tesco is set back from the road frontage and is framed to the rear by a tree belt (part of the adjoining green wedge) with mid distance views to Taunton School tower and distance views to The Quantocks. The proposed upper level car park extending to the Wellington Road frontage would undoubtedly result in the loss of these 'feature' views and is thus totally in conflict with policy S2(A) which requires the landscape setting to be "reinforced". Moreover, this site is a key gateway into Taunton. The site is bounded on each side by rendered Victorian villas on Wellington Road. Some are listed and some lie within a Conservation area. All of these properties provide a vertical emphasis to the street scene. The proposed raised car park deck to the Wellington Road frontage is distinctly horizontal in emphasis with materials, scale and massing totally at odds with the existing street scene. As such, it is in conflict with policy S2 of the Local Plan, requiring a 'reinforcement of the local character and distinctiveness'. The proposed additional (raised) car parking represents an over-development of the site contrary to government and local plan design policy. This reinforces the need to diasaggregate the comparison elements from the food store to a town centre location (rather than out or edge of centre) as advocated in PPS 6, in order to achieve a satisfactory solution consistent with national and Local Plan policy.

Conclusion:- There is no Local Plan policy objection to the principle of additional convenience (food) retailing from the Tesco site. The extent proposed is not considered likely to undermine the adopted development plan strategy. There is a fundamental in principle policy objection to the proposed comparison (non food) element. The existing conditions attached to the foodstore was required in order to make the proposal acceptable with government and Local Plan policy, (ie restricting sales to food only). Government policy has not been relaxed since the 2001 reserved matters permission. Moreover, in terms of policy compliance, sequentially there are more appropriate identified town centre sites where comparison retailing could and should locate. Some of these sites are identified in the adopted Local Plan and others have been identified more recently through the Urban Design Framework. Acceptance of this element of the proposal would constitute a 'departure' and would need to be referred to the Government Office. It would undermine the principles of government policy and the development plan strategy and more recently identified additional opportunities for enhancing the role and function of the town centre through the UDF/Vision work. In planning policy terms the application is unacceptable. Finally the scale form and massing of the proposed raised car park decking undermines the local character and distinctiveness of the area and the landscape setting of the site and general street scene, contrary to policy S2 of the adopted Local Plan.

TAUNTON TOWN CENTRE PARTNERSHIP considers that a cautious approach should be followed in the determination of the application particularly in respect of the following:-

1. There is likely to be an increased risk of flooding arising from

the loss of flood storage capacity on the site. 2.The site borders an important approach route into town and the visual impact of the proposal, particularly the decked car park, is of some concern. 3.Our main concern is the likely adverse impact on town centre retailing arising from the proposed sale of comparison goods, when no such goods may be sold under the existing planning permission for the store. The TCP is concerned that this would affect the level of trade in existing shops and could also deter developers from investing in the High Street Shopping Redevelopment Scheme as promoted by the Vision for Taunton and the Urban Development Framework.

22 SIGNATURE PETITION OBJECTING AND 17 LETTERS OF OBJECTION raising the following issues:- site unsuitable for the proposal; over development; concern over car park lighting; height of building; negative visual impact; existing store is architectural eyesore with poor landscaping and deck will exacerbate problem; visual impact of extra height of store; lift shaft and decked car park will dominate surroundings; previous sign was refused on amenity grounds; impact on stream, adjoining properties and Marshalsea Walk which will be made a daunting alley; car park under the decked area could be intimidating; ramp to car park will increase noise particularly in the evenings, night and early morning; car deck too low; tree screening not adequate and will take years to establish; will increase traffic and congestion which is already gridlocked at peak afternoon periods; problem of exiting car park will be worsened; development contrary to Council's traffic management policies; proposal will increase delivery lorries and increase pressure on loading bay and inadequate service yard; will increase HGVs and obstruction in Castle Street; increase in noise and pollution; will impact trees on the north and west side of the store; security measures required to prevent car park being centre for anti-social behaviour; traffic flow needs to be improved and development should be refused until 'park and ride' and other management schemes have been implemented; increased space on edge of town will effect performance of stores in town centre; change in use and purpose of store; development will be twice the size and will dominate the site and surroundings; additional parking inadequate; will create a traffic hazard within the store; speed limit sign needs moving and pedestrian right of way sign required; concern over security and safety of car park; loss of view and airy atmosphere of existing car park; an alternative car park arrangement should be found such as underground parking to prevent the visual impact; query over use of the Youth and Community Centre site; a link over the road the multi-storey proposed in the Vision would be a good option; Tesco could improve parking by limiting the use of car park to real customers; trolley security an issue; the car park structure is overbearing and the lighting would be intrusive to nearby dwelling; retail space already adequate; increase in litter problems; loss of property value.

POLICY CONTEXT

PPS1 Delivering Sustainable Development, PPS 6 Planning for Town Centres, PPG13 Transport.

RPG10 Regional Planning guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR4 Development in Towns, Policy 20 The Retail

Framework, Policy 21 Town Centre Uses, Policy 48 Access and Parking, Policy 49 Transport Requirements of New Development, Policy 60 Floodplain Protection

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, EC10 Accessibility of New Development, EC12 Major Retail Developments, EC13 Restrictions on Unit Size and Range of Goods to be Sold, EC14 Modernisation of Floorspace, M1 Transport, Access and Circulation of New Development, M2 Car Parking Provision, M3 Accessibility and Parking, EN8 Trees in and around Settlements, EN13 Green Wedges, EN28 Development and Flood Risk, T2 Tangier Development Site, T23 The Crescent Site, T34 Approach Routes into Taunton.

ASSESSMENT

The proposal is for the extension of the existing store at the site off Wellington Road with access onto Castle Street. The main considerations with the proposal are whether the scheme complies with retail policy, whether the increase in parking and servicing needs of the store are acceptable in highway safety and sustainability terms, whether the development of the site would safeguard against further flooding in the area, whether the design of the proposal is acceptable in terms of its visual impact and impact on the adjacent footpath and adjacent property.

Retail Policy:- The application site lies in an edge of centre location and paragraph 3.9 of PPS6 advises that need must be demonstrated for a town centre use which would be in an edge of centre location and is not in accordance with an up-to-date development plan document strategy. Paragraph 3.29 of PPS6 relates to extensions and states "The impact on existing town centres of the proposed extension should be given particular weight, especially if new and additional classes of goods or services for sale are proposed." The sequential approach is only a relevant consideration in relation to extensions where the gross floor space of the proposed extension exceeds 200square metres. That is certainly the case with the current application.

The original outline permission for the site limited the use to a retail foodstore only in order to safeguard the vitality and viability of the town centre. The current proposal seeks to extend the range of goods sold to include a significant level of comparison goods. This is considered to be contrary to policy EC10 of the Local Plan in terms of the siting of the development and policy EC12 in terms of there being preferable sites identified and it being contrary to the Local Plan document and the recent Urban Design Framework. While policy EC14 seeks to support refurbishment or redevelopment that would create more modern retail floor space this has to be balanced against other policy considerations. In this instance the existing retail unit is limited in its sales to being a retail foodstore due to its edge of centre location in line with policy EC13. The proposal would introduce a range of comparison goods for sale which would be contrary to this policy.

Parking and Servicing:- The proposal involves an extension to the existing store in terms of retail floor space and also involves the creation of a decked car park over the existing open car park area. The store extension will result in the loss of certain disabled and parent and toddler parking spaces, however these will be made up for within the

new parking layout which provides an additional 123 spaces. In terms of parking to floor space ratio this means a reduction in the ratio from one space per 13.6 sq m to one space per 14.5 sq m. This reduction is consistent with the objectives of sustainable development set out in national guidance of PPS6 and PPG13 as well as in the Local Plan. The initial Transport Assessment confirms that the local highway junctions in the vicinity of the store operate within capacity and that there are no material capacity or safety implications for existing road users. There will be an increase in queues within the site however the initial verbal response on this issue from the Highway Authority was that this did not affect safety on the highway network. The extension to the store and range of goods for sale is likely to involve an increase in service deliveries and this has been addressed in the proposed green travel plan which indicates speedier turn around time for HGV's as well as a tracking system to ensure the loading bay is clear for delivery vehicles. The comments of the County Highway Authority are still awaited in respect of the proposal. As this is a major application reaching its deadline for determination it was considered necessary to report this to Members rather than delay determination.

Flooding:- The application site lies within an area of flood risk identified by the Environment Agency and a Flood Risk Assessment was submitted with the proposal. The original outline permission for the food store on the site required significant off site works to mitigate against flooding. The submission indicates that the impermeable area of the development will be unchanged and there will be no increase in surface water discharge for the site. A minor loss of flood storage is identified at high flood levels and it is claimed that this will not have any significant effect on flood levels elsewhere. The Agency has objected on grounds that the assessment submitted does not adequately address the flood risk or the necessary mitigation measures required and in light of these comments it is considered that the proposal should be resisted on this basis as contrary to Policy 60 in the Joint Structure Plan Review and Policy EN28 of the Local Plan.

Design:- The development proposes a new extension, atrium entrance to the store and decked parking area over the majority of the existing ground floor car park. The store extension design is considered in keeping with the existing which has brick clad side elevations and clean crisp glazing and cladding to the front. The existing building is set back some 80 m from the Wellington Road frontage and is 8 m in height. The proposal will involve the new glazed atrium extending to a height of 10.5 m and the decked car park to a height of 5.4 m high. The extension to the side will involve tree work to a TPO group, however given the mitigation of new planting proposed to replace that lost this is not considered grounds to object. The replacement of the planting here and retention of the existing is also considered to preserve the impact in terms of the Green Wedge. The main impact of the development is not the store extension and atrium, given the distance set back from the road, but the impact of the decked car park area. While this decked car park is designed to be in keeping with the store and a light weight structure and is set back some 10 or 11 m from the Castle Street frontage, it is proposed to extend right up to the boundary with Marshalsea Walk and extends from Wellington Road down Marshalsea Walk adjacent to the footpath for around 90 m to the corner with the access to the ATC headquarters. The decked parking area will also be only 12 m away from the boundary with a new bungalow on the opposite side of Steps Water. It could be argued that the height and proximity of the decked car park to the footpath in particular and new dwelling would be overbearing and although new planting is

proposed it is not considered that this would be sufficient to offset the impact of the decked area. The decked car park will also impact on the street frontage of Wellington Road. This is a relatively open area at the present time which is bounded by properties with a vertical emphasis and the proposed horizontal emphasis of the decked car park could be considered to detract from the character distinctiveness and landscape setting of the existing street scene contrary to policies S1(D) and S2(A) of the Local Plan.

In summary the proposed development is considered to be at variance with Local Plan policy in terms of the retail use and its location, has not adequately addressed the Environment Agency concerns in relation to flooding and has raised concerns over the visual impact of the decked parking area on the road frontage and the footpath along Marshalsea Walk. The impact of the development in terms of highway issues is still to be clarified by the Highway Authority.

RECOMMENDATION

Subject to the views of the County Highway Authority by 22nd August, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for reasons of a significant proportion of non-food sales in this edge of town location contrary to the original outline condition and policies EC10, EC12 and EC13 of the Taunton Deane Local Plan as well as advice contained in PPS6. The proposal would not adequately address flood risk issues or the necessary mitigation and would be contrary to Policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review or Policy EN28 of the Taunton Deane Local Plan. The proposed decked car park by reason of its visual impact on Wellington Road and Marshalsea Walk would detract from the character of the street scene contrary to policies S1(D) and S2(A) of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

38/2005/248

MR M TUCKER

**ERECTION OF TWO DWELLINGS ON LAND TO REAR OF 99/101 STATION ROAD,
TAUNTON.**

22673/25287

OUTLINE APPLICATION

PROPOSAL

This planning application was reported to the Committee at its meeting on 27th July, 2005 where a resolution was agreed that, subject to the views of the Environment Agency, planning permission be granted.

The proposal would erect two houses on land 8.5 m x 17 m to the rear of 99/101 Station Road. The site would be accessed from a single-track roadway serving various properties. The site would be within 1-10 m of the rear of the existing properties in Station Road. These properties have various uses at ground floor level including Chinese takeaway and dental lab both with residential above. To the north of the site is a Chinese restaurant that runs along the corner of Whitehall and Station Road. To the south of the site there is an access to a parking area to the rear of 93 -95 Station Road with a residential unit, Penny Cottage beyond. Opposite the site there are commercial properties used as a funeral directors and roofing company.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is within a sustainable transport area of Taunton and it is not essential to provide parking in these areas. The applicant does not own or have control over the access and this would be essential to allow the homes to be accessed. I would recommend the refusal of the application on this basis. If an access can be provided then I would have no objection, subject to a condition for a fully lockable cycle parking facility. ENVIRONMENT AGENCY the Agency objects to the proposed development, as submitted, on the grounds that it is within a high risk flood area. The developer will need to produce a Flood Risk Assessment in accordance with Appendix F of PPG25 to prove that engineering and mitigation works are possible to prevent the proposal from unacceptably increasing the risk of flooding over the lifetime of the development. A copy of Appendix F has been forwarded to the applicant's agent for information. A flood risk assessment should prove that a newly developed site will not:- a) contain habitable dwellings that are in danger of flooding during the design event, b) cause an overall loss of flood storage volume during the design event, c) cause obstruction to the flow of water during the design event, d) increase the rate of run-off that might worsen flooding elsewhere during the design event, e) obstruct existing watercourses or defences, or access to them, f) include buildings/situations that may be dangerous during extreme flooding. The design event will be the predicted 1:200 year (Fluvial) event for the future lifetime of the development, taking into account the best information on the effects of climate change which are available at the time.

This will involve adding 20% to the predicted flows. The applicant has included a Flood Risk Assessment based on an extension within Flood Zone 3, according to Agency mapping. However, the proposal involves the construction of two new residential dwellings, not an extension. New development in the floodplain should be resisted unless an appropriate minimum standard of flood defence can be provided and an emergency access is available. As the development site is close to the edge of the predicted floodplain, the Agency would suggest that the applicant undertakes and submits a detailed topographical level-survey of the existing and proposed sites, with contours at 0.5m intervals, (or a grid of spot-levels for small sites). The surveys should also show the floor-levels of all existing and proposed buildings on the site. All levels should be shown relative to Ordnance Datum. The Agency will then compare these levels to predicted flood levels in the area. The District Council's Technical Services Department should be consulted to ensure that the proposal does not affect its flood defence responsibilities. Unfortunately, insufficient information regarding the sites previous uses has been submitted to determine whether or not contaminated land may be an issue. Accordingly, this matter should be clarified and, if necessary, appropriate remediation measures agreed and undertaken, prior to any development commencing.

ENVIRONMENTAL HEALTH OFFICER no observations.

4 LETTERS OF OBJECTION have been received raising the following issues: parking in Whitehall is already difficult and the added burden of cars from this development would make parking near impossible; the proposed development would be an eyesore; these houses will not be needed when the Firepool development goes ahead; the red-brick would be out of keeping and should be stone; the site currently provides parking in Whitehall which is already oversubscribed; the houses would have the proportions of two large postage stamps and would back on to 2 Chinese food outlets, 1 fish and chip shop and a cafe leading to a nasty smell for those living in the new properties; extra parking in Whitehall will reduce the width of the road making it difficult for emergency access should the need rise.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 General Requirements Criteria; S2 Design; H2 Housing within Classified Settlements; H4 Self-contained Accommodation; M4 Residential Parking Requirements, EN28 (Development and Flood Risk).

ASSESSMENT

The principal of development was agreed on 27th July, 2005. The Environment Agency have now raised an objection to the application as it is within a high risk flood area and has not been accompanied by an adequate flood risk assessment. This is essential to enable adequate flood protection to be provided within the development proposal.

RECOMMENDATION

Permission be REFUSED for the reason of lack of adequate flood risk assessment and flood prevention works.

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:

38/2005/275

MR R IVES

ERECTION OF DWELLING, GARAGE AND ACCESS THERETO ON LAND AT 29 CALWAY ROAD, TAUNTON AS AMPLIFIED BY AGENTS LETTER RECEIVED 14TH JULY, 2005

23615/23462

FULL PERMISSION

PROPOSAL

The site forms part of the garden of No. 29 Calway Road, which lies within the identified settlement limits for Taunton. An outline planning application was refused in June 2004 for a dwelling within the garden of No. 29 for the following reason: "It is considered that the proposed dwelling would be likely to cause damage to the roots of the Ash tree and the Poplar tree, which are both protected by a Tree Preservation order. This damage may lead to the loss of these trees, which are of high amenity value, a loss which would be to the detriment of the visual amenities of the locality. Furthermore ... the trees may be considered a threat to the dwelling during sever weather events" However, since this time the Poplar tree has been felled due to poor health. The current application is an attempt to overcome these previous concerns. The proposal is for the erection of a dwelling and a detached garage. The application site is larger than that of the previous refusal. The proposed house measures 11.7 m x 8.6 m x 7.4 m to the ridge of the roof. The materials are to be dealt with via planning condition. Access is to be gained from Fouracres Close.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection in principle to this application. Given the volume of traffic already using Calway Road the addition of one dwelling is unlikely to affect the current road traffic. Conditions are recommended regarding:- visibility; access/parking/turning to be provided as per plan; surface water; entrance gates; drop kerbs and a note re the Highways Act 1980. WESSEX WATER recommend in formatives.

LANDSCAPE OFFICER subject to landscape details the proposals are fine.

6 LETTERS OF OBJECTION have been received raising the following issues:- it will visually detract from the area and harm its character; increased traffic flow, which would increase noise and be to the detriment of highway safety; noise and disruption during construction; it is similar to the previous refusals and should be treated in the same manner; the proposal is large, intrusive and will have virtually no garden; the new driveway is dangerous as it exits onto a steep hill; over the last few months trees have been removed from the site, which has been to the detriment of the area; it will set a precedent; the applicant has put No. 29 up for sale with the option to purchase additional land (the garden), however claims he wishes to live in the proposed house, this does not make sense; its too close to the neighbouring boundary; it is out of keeping with other properties in the area; we understood the area was fully developed

and we do not believe that the plot is sufficiently large to accommodate a property; overlooking and loss of privacy; the applicant simply wishes to make as much money as he can; there are a number of houses used for the homeless and troubled youths within the area; we have more than our fair share of difficult youngsters, and there have been many burglaries and attempted burglaries in the area; the properties on the plot could be let to an association for housing socially unacceptable people resulting in the risk that crime and associated anti-social behaviour within this locality would increase and give rise to public perception of such risk, which would be harmful to the level of amenity; the pupils of Bishop Fox School should also not come close to a potentially bad influence; the residents have taken measures to reduce crime and this area is not bad at all at present and I want it to remain this way; a condition stating that neither property may ever be let to house homeless or youngsters such as those in Sedgemoor College should be put in place; it is our duty to create a safe environment and protect the right for law-abiding citizens to go about their business without having to look over their shoulder and worry all the time.

POLICY CONTEXT

Policies S1 (general), S2 (design) and H2 (housing within settlement limits) of the Taunton Deane Local Plan stipulate that, inter alia, proposals should be of a suitable design, not harm the character or appearance of an area, or harm neighbouring amenity.

Policy EN6 (protection of trees) stipulates that proposals that harm trees of amenity value will not normally be permitted.

ASSESSMENT

The site lies within the settlement limits for Taunton, where there is a presumption in favour of development. The plot is of sufficient size to accommodate a dwelling and there is adequate amenity land associated with the proposal. The scale of the proposal is thought to be acceptable and the design is not out of character with the area to detract from the street scene.

The poplar tree previously felled was done so with the permission of the Landscape Officer, due to its poor state of health. The other trees which have been removed from the site were done so without the need for consent. The ash tree remains protected by a Preservation Order, and the Landscape Officer considers that the current scheme would not harm this tree.

Whilst the proposal is only 1.4 m away from the shared boundary with No. 31 Calway Road at its nearest point the siting of the house is largely dictated by the need to ensure that the Ash tree is not harmed. It is acknowledged that the siting of the house will have some impact on the neighbour, but this impact is not considered sufficiently detrimental to justify refusal.

There are 4 windows and 2 rooflights proposed on the south elevation, facing towards the garden of No. 31. The 2 rooflights serve bathrooms and as such are not likely to lead to an unreasonable level of overlooking. The 4 windows are at ground floor level and only one of them serves a habitable room (the dining room). All 4 windows are to be obscure glazed and the dining room and hall windows are to be fixed shut. There is a fence along the southern boundary, that will also limit the impact of the windows. In light of this it is considered that the proposal would not lead to an unreasonable loss of privacy for the neighbour.

The Highway Authority consider the proposed access to be acceptable and have raised no concerns regarding increased traffic flow or highway safety.

Any future applications in the area would be assessed on their own merits.

An advisory note is recommended advising the developer to ensure that care is taken during construction to avoid causing undue nuisance to nearby residents.

It is considered unlikely that one additional dwelling in the area would significantly increase the rate of crime.

The profit motivation of the application is not a planning consideration. Nor can the Local Planning Authority reasonably control the future tenancy of the dwellings.

Overall, it is considered that the proposal would not be unduly intrusive, significantly harm the character or visual amenities of the area or unreasonably harm neighbouring amenity. Furthermore, it is considered that the current proposal overcomes the previous reasons for refusal and as such is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees, hedgerow to be retained along eastern boundary, boundary treatment, visibility, access/parking/turning as per plan, drop kerbs to be installed, entrance gates, dining room and hall windows to be fixed and obscure glazed, wc/utility windows to be obscure glass with restricted opening and no further windows. Notes re Disabled Persons Act, energy conservation, meter boxes, water conservation, Rowntree Foundation, Part M of B regulations, works to be carried out in accordance with approved plans, surface water, Wessex Water Connection Points, Highways Act 1980, protection of Wessex Water infrastructure, advising that there is a public water main and surface water sewer near to the site and that care should be taken during construction to avoid causing nuisance to neighbours.

REASON(S) FOR RECOMMENDATION:- The site lies within the settlement limits for Taunton , is large enough to accommodate a dwelling and meets the requirements of Taunton Deane Local Plan Policy H2. Furthermore, the protected Ash tree will not be

harmful and as such the proposal also accords with Taunton Deane Local Plan Policy EN6.

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:

38/2005/290

GOVERNORS, TAUNTON SCHOOL

ERECTION OF GATEHOUSE AND 2 NO. SECURITY BARRIERS, TAUNTON SCHOOL, STAPLEGROVE ROAD, TAUNTON.

21819/25686

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a small gatehouse constructed of render and Welsh slate, together with a dormer on each of the 2 No. driveways into the school off Staplegrove Road. The gatehouse would be set back some 50 m from the main vehicular access into the School Site.

Application 38/2005/290 relating to the same gatehouse but sited only 22 m from Staplegrove Road was withdrawn in April this year because the applicant understood that the county Highway Authority recommended refusal on the basis that the location of the barriers within 22 m of the highway would only allow a maximum of four to five vehicles to exit the adopted highway and would be likely to cause further queuing of the Staplegrove Road thereby adding to congestion

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the previous application No 38/2005/078 proposed barriers much closer to the highway. This resulted in fears over the possibility of vehicles queuing back onto the main highway. This current proposal generally overcomes those concerns but there is still the concern that vehicles entering the grounds and not being allowed past the barriers will require sufficient turning space to be able to regain access to the main road in a forward gear. To enable this it is important that the existing internal roadways are widened as indicated on the block plan. I assume the central island where the internal roadway splits is to be removed and the area surfaced as roadway. I recommend that the resulting junction is marked out as a mini roundabout. If required I could supply details of suitable road markings. Recommend conditions.

CONSERVATION OFFICER no objection subject to conditions.

5 LETTERS OF OBJECTION have been received raising the following issues:- road danger would be exacerbated and that the proposal would result in all traffic using the Greenway Road entrance which suffers from flooding.

POLICY CONTEXT

Policies S1 and S2 seek to safeguard, inter alia, landscape setting, and road safety. Policy EN16 seeks to safeguard the setting of listed buildings.

ASSESSMENT

The proposal is now acceptable on road safety grounds, it would not adversely affect the setting of adjacent listed buildings, and the design is acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, window detailing, sample render panels, road undermining and road making to be implemented prior to the barriers, and full details of any alteration to the walls at the junction with Staplegrove Road be submitted for approval.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual amenity, the setting of the adjacent listed buildings, or road safety. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2 and EN16.

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:

42/2005/023

MR JANI TEHRANI

**CHANGE OF USE OF HOUSE FROM RESIDENTIAL TO EDUCATIONAL USE D1 AT
CANONSGROVE HOUSE, STAPLEHAY, TRULL**

21057/21071

FULL PERMISSION

PROPOSAL

Change of Use of House from Residential to Educational Use D1 at Canonsgrove House, Staplehay, Trull.

The property is located approximately 2 miles south of Taunton and comprises a Georgian style country house with a staff flat set in grounds of around 15 acres with its own driveway and parking. The building was used as a police training college until 1994 and reverted to a family dwelling in 1995. To the immediate north of the site lies the two storey student accommodation for SCAT. There is also a bus stop serving the SCAT premises.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN although originally built as a single residence, this property appears to have been an 'educational' type use between 1960 and 1994 when used as a police training college. It is assumed that the adjoining Halls of Residence (now occupied by SCAT) were constructed during this period. The proposed change of use back to educational use raises policy concerns. Despite a bus route into the town centre, educational uses tend to draw from a dispersed wide catchment and, being located beyond the defined Taunton and associated settlement limit (policy T1), it is probable that such a use will attract significant car usage unless operating in conjunction with the adjoining Halls of Residence. Since the Halls of Residence are used by SCAT who the developers have confirmed are in no way committed to using Canonsgrove House, even if a change of use is accepted, the proposal would be contrary to PPS1 and PPG13 which seek to influence development and reduce the need to travel. The proposal would also be contrary to the principles of policy S7 of the adopted Local Plan which seeks to prevent development in the countryside unless for the purpose of agriculture or forestry or unless the use supports the rural economy and couldn't be accommodated within the defined settlement limit. The proposed change of use should therefore be refused unless conditioned to ensure the educational use operated only in conjunction with the adjoining Halls of Residence.

PARISH COUNCIL support the application.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 Development Outside Towns, Rural Centres and Villages, Policy 48 Access and Parking, Policy 49 Transport Requirements for New Development.

Taunton Deane Local Plan Policies S1 General Requirements, S7 Outside Settlements M1 Non-residential Parking and Access, M2 Parking Guidance, M3 Non-residential Transport and Parking, T1 Defined Extent of Taunton

ASSESSMENT

The application site lies outside the defined settlement limits of Taunton in a countryside location where new development is not permitted unless it maintains and enhances the environmental quality and landscape character of the area and (a) is for the purpose of agriculture or forestry; (b) accords with a specific development plan policy; (c) is necessary to meet a requirement of environmental or other legislation; or (d) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

The use of the building for an educational use is not necessary in this rural location and the need could be provided for within a settlement if necessary. While reference is made to the use of the site to the north by SCAT students this is in no way linked to the proposed use and the house could be used by anyone for educational purposes. It is in separate ownership and it is not possible to condition its use in relation to the adjacent site. In the circumstances the use as a dwelling would give rise to potentially less traffic movement than the proposal and therefore in terms of sustainability the existing use is better than the proposed.

In summary the change of use here is considered contrary to guidance in terms of sustainability contained in PPS1 and PPG13 and is considered to be contrary to policy S1 and S7 of the Local Plan and policies STR1 and STR6 of the Joint Structure Plan which seek to strictly control development in the countryside and limit the growth in the need to travel. The application is therefore recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason of development outside the defined settlement limits without sufficient justification and contrary to policies S1 and S7 of the TDLP and policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

42/2005/024

MR JAMI TEHRANI

OUTLINE FOR THE ERECTION OF 14 HOUSES, ERECTION OF STUDENT/STAFF ACCOMMODATION ON THE TENNIS COURT, ERECTION OF THEATRE WORKSHOP BUILDING AND FORMATION OF ASSOCIATED CAR PARKING AT CANONSGROVE HOUSE, STAPLEHAY, TRULL

21057/21071

OUTLINE APPLICATION

PROPOSAL

Outline application for the erection of 14 houses, erection of student/staff accommodation on the tennis court, erection of theatre workshop building, and formation of associated car park at Canonsgrove House, Staplehay, Trull.

The application site lies around 2 miles to the south of Taunton beyond the identified settlement limits and consists of three separately identified areas. The site of 0.24 ha for the theatre workshop and parking lies to the west of the existing Georgian style country house, now a dwelling. The proposed staff accommodation is intended to be sited on the tennis court area (0.16 ha) to the south east of the main house while the 14 new houses are proposed on the southern and western boundaries of the parkland area of the site with a new access to Sweethay Lane. To the north of the theatre workshop site lies the two storey student accommodation for SCAT.

It is claimed that in order to support the costs of providing educational facilities there is a need to provide residential development. It is also claimed that if SCAT premises were to be vacated then another residential educational establishment acquiring SCAT's existing facilities would be interested in acquiring or leasing Canonsgrove for expansion purposes.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to the proposal and we therefore have no objections. WESSEX WATER the proposal is not located in a Wessex Water sewered area. The developer has proposed to dispose of foul and surface flows to 'mains via statutory suppliers.' As there are no public foul or surface water sewers in the vicinity it is advised the developer investigate alternative methods for the satisfactory disposal of foul and surface water flows from the site (e.g. septic tank or soakaways). It is advised the Council be satisfied with any arrangement for the disposal of foul and surface water flows. Part of the site is subject to an adoption agreement under Section 104 of the Water Industry Act 1991. Sewers are private and you should contact the appropriate party for further details. There is a public water main crossing the site and a three metre easement is normally required. Diversion or protection works may need to be agreed. An informative should be placed on any consent to require the developer to protect Wessex systems.

LANDSCAPE OFFICER my main concerns are detrimental impact on the parkland setting of Canonsgrove House; detrimental impact on the wider and immediate landscape character of the area - 'Low Vale'. Loss of 'important' hedgerow due to visibility splay requirements; detrimental impact on setting of TPO trees and woodland. In my opinion the proposals are contrary to EN6, EN8, EN12, S2 and S7. NATURE CONSERVATION OFFICER my particular concern on this site is that tree roost for bats may be lost. I advise that a comprehensive survey is requested. FORWARD PLAN the proposal lies beyond the settlement limit of Trull as defined under policy T1 of the adopted Taunton Deane Local Plan. Beyond settlement limits there is a presumption against development other than for agriculture and forestry or unless it supports the rural economy and which couldn't be accommodated within the settlement limits (policy S7). The proposal appears to be speculative. There is no educational end user requiring the scheme or any assessment as to why the development could not be accommodated within the defined settlement limit if the need for such space were demonstrated. The proposed private residential element (14 houses) is sought as an enabling scheme to finance the educational element. Since there is no proven need for the educational proposal and no financial appraisal demonstrating the need to subsidise the development through a residential element, there can be no planning justification to relax adopted policy to resist such development beyond the defined settlement limit. Notwithstanding the above, the proposed dwellings lie at the south western extremity of the site, set in open countryside, nearly 600m from the settlement limit and 400m from the halls. The proposal is contrary to policies S1 and S7 of the adopted Taunton Deane Local Plan and should therefore be resisted.

PARISH COUNCIL the Council objects to this application for the following reasons. 1. In breach of the Local Plan, 2. Development not appropriate to the area, and 3. Difficulties with highway related matters.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 Development Outside Towns, Rural Centres and Villages, Policy 1 Nature Conservation, Policy 5 Landscape Character, Policy 17 Mixed Use Developments, Policy 48 Access and Parking, Policy 49 Transport Requirements for New Development.

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, S3 Mixed Use Developments, S7 Outside Settlements, M1 Non-residential Parking and Access, M2 Parking Guidance, M3 Non-residential Transport and Parking, M4 Residential Parking Requirements, C4 Standards of Recreation and Play Provision, EN5 Protected Species, EN6 Protection of Trees, Woodlands and Hedgerows, EN8 Trees in and Around Settlements, EN12 Landscape Character Areas, T1 Defined Extent of Taunton.

ASSESSMENT

The site lies outside the settlement limits of Taunton and the issue is whether there are sufficient grounds to overcome the planning policies set out in the development plan to warrant a decision other than refusal of the application.

The proposal for the theatre workshop and staff/student accommodation are educational linked uses. At the present time there are halls of residence for SCAT on land to the north of the site. However although there is reference in the submission about the possible expansion of SCAT in the future, there is no link proposed in terms of the current application tying the use to SCAT and the sites are in separate ownerships. Indeed reference is made to a potential future educational user possibly acquiring the site. This is pure supposition at the present time and without any identified need for the educational uses in this location they are likely to lead to additional non-sustainable traffic movements to a site in the countryside. Consequently the use here is not justified and is considered contrary to policy S7. The same can also clearly be said in relation to the residential use. The only justification of this is to support the educational use. A residential development in this rural location would be contrary to policy even if it were argued that there was a need to subsidise the educational use. Without such a need the situation is still clearly contrary to policy.

The site for the housing is on the edge of the parkland setting south of the main house and is close to a number of trees. The wildlife that may exist within this area may well be affected by the proposed residential development and a wildlife survey is required. The applicant has been notified of this, however the delay in determining this application is not considered warranted given the other policy objections to the proposal. A note is considered appropriate drawing attention to this issue should the applicant wish to pursue the matter.

The new residential development proposed will require a new access into the site off Sweethay Lane. This Lane is narrow and the proposal will involve the provision of a new access to serve the new housing. This will involve the loss of certain trees and part of the hedgerow to allow for access and this is considered to be contrary to policies EN6, EN8 and EN12 of the Local Plan. The Highway Authority comments in relation to this proposal are currently awaited and will be reported to Members at the meeting.

In summary the proposal is for a number of uses on a site outside the defined settlement limits within the countryside. The uses would be contrary to policy in this location and the alterations likely to be required for the access would detrimentally affect the existing tree and hedge cover along Sweethay Lane and would not be sustainable.

RECOMMENDATION

Permission be REFUSED for reasons of development in the countryside without justification contrary to policies S3 and S7 of the Taunton Deane Local Plan and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, adverse impact on hedgerow and trees contrary to policies EN6, EN8 and EN12 of the Local Plan and

POLICY5 of the Joint Structure Plan review, and unsustainable development outside a defined settlement contrary to policies S1 and S2 of the Local Plan and STR1 and POLICY49 of the Somerset and Exmoor National Park Joint Structure Plan Review. Note re the need for a wildlife survey and it being a material consideration.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

42/2005/025

MR & MRS HEDDERWICK

**RETENTION OF TWO STOREY FRONT EXTENSION AT SWEETHAY COURT,
SWEETHAY, TRULL.**

20464/21339

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is retrospective and comprises a two storey front extension to an imposing detached house in Kibbear.

Planning permission was granted for a similar extension in March 2004 reference 42/2004/002, which was later amended by 42/2004/022. The current proposal differs insofar as the extension now immediately abuts/adjoins the highway boundary wall which has accordingly been rebuilt. The previous approval set back the extension 150 mm so that the attractive highway boundary wall would remain unaltered in order to safeguard the street scene.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL objects.

POLICY CONTEXT

Policies S1, S2, and H17 of the Taunton Dean Local Plan seek to safeguard, inter alia, the character of buildings and visual and residential amenity.

ASSESSMENT

Notwithstanding that a section of boundary wall has been rebuilt, with the two storey extension immediately abutting it, it is not considered that the street scene has been adversely affected. The wall could not be built in its original position due to underground pipework and it would be unreasonable to resist the proposal.

RECOMMENDATION

Permission be GRANTED.

REASON(S) FOR RECOMMENDATION:- The proposed development does not adversely affect the character of the building, or visual and residential amenity, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

43/2005/081

MR D HUNT THE FIRS BAGLEY ROAD

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

12519/19326

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of a building for employment use (B1, B2 and B8 use) together with the provision of a parking area. The proposed building measures 54 m x 24 m with height to the ridge of 8.3 m. The site is part of an established employment area and there has been a previous outline planning permission for employment use covering this area. Planning permission was also granted by the Planning Committee on 26th January, 2005 for the same size of building on this site. The only difference between that permission and the current proposal is that the current proposal provides for an additional vehicle door and repositions the personnel doors. The applicant has submitted an amended planning application rather than a minor amendment.

CONSULTATIONS AND REPRESENTATIONS

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

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

TOWN COUNCIL in favour subject to conditions over noise levels and hours of work, landscaping and colour scheme so that building is in keeping with existing buildings. Also advisory note to applicant for the provision of better signage for the estate.

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

POLICY CONTEXT

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

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

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

ASSESSMENT

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

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, parking, no outside storage, details of surface water drainage, noise emissions not to exceed background levels at any time by more than 3 decibels when measured at any

point 1.5 m from any residential or other noise sensitive boundary, noise emissions having tonal characteristics not to exceed background levels at any time and other than within areas used for B1 use no work to be carried out on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 hours on Mondays to Saturdays. Notes re energy and water conservation, disabled access, landscaping light pollution, advice re signage and CDM regulations.

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

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

PLANNING COMMITTEE – 17 AUGUST 2005

Report of the Chief Solicitor

Enforcement Item

Breach of Condition - Out of the Blue, Galmington Road, Taunton (38/2002/286)

Background

In September 2002 permission was granted (Application No. 38/2002/286) for the change of use of shop premises at 193 Galmington Road, Taunton to an A3 use (takeaway). As a consequence of concerns raised by Environmental Health and local residents about potential odour problems two conditions were imposed.

The first required the installation of filtered air extraction equipment to vent the premises prior to commencement of the use. The second required that "Odours arising from the cooking shall not be detectable at the façade of any residential or other odour sensitive premises".

The premises subsequently opened as a fish and chip shop under the name "Out of the Blue". Details of the filtration system were submitted for approval with the proprietor of the business stating that the system installed "was powerful enough to ensure that no frying odours could possibly contaminate the adjacent area". He did however acknowledge that if complaints were received "further improvements.....would likely have to be made".

However, the system installed does not appear to have been adequate and complaints of odour which were first received in June 2003 have continued since. Negotiations were entered into with the owner and further improvements made to the system, but these did not resolve the problem.

In June 2004 a breach of condition notice was served alleging breach of both the odour conditions, following which further improvements were made to the system. Environmental Health also investigated the odour as a possible statutory nuisance and although they had difficulty in witnessing the odour, in December 2004 the Environmental Health Officer was satisfied that nuisance did exist and an Abatement Notice was served under Environmental Health legislation, requiring the nuisance to be abated.

The proprietor appealed against the notice and the appeal was heard in the Magistrates Court in May 2005. The proprietor won the appeal on the grounds that although the Court accepted that there was a nuisance arising from odour, as a commercial premises, best practicable means had been used to abate the nuisance and therefore it was not reasonable to expect any further steps to abate the nuisance. Therefore, whilst the Court was not requiring the proprietor to take further steps to abate the nuisance, it acknowledged that there was an odour problem.

During the course of the Court proceedings evidence was given by the Environmental Health Officer that an increase in the height of the existing vent combined with a robust cleaning programme, should prevent the problem.

Following the hearing, the proprietor indicated that he would be prepared to discuss and implement such measures. A meeting was arranged but the owner failed to attend. He has subsequently received written confirmation of the steps the Council believes are required to resolve the problem and an indication that a planning application to increase the height of the vent would, subject to the details of the application, be likely to receive support from the Development Control Manager.

As complaints continue to be received, the proprietor was asked to submit an application for the raising of the height of the vent by the 8 August 2005, failing which the matter would be reported to this Committee for consideration of further action. No response has been received to that letter.

Although the Council is no longer able to deal with this odour problem as a statutory nuisance, the Council can still take action for failure to comply with the breach of condition notice served in June 2004. The local residents continue to complain of odour nuisance.

RECOMMENDATION

It is therefore RECOMMENDED that the Solicitor to the Council be authorised to issue proceedings against the proprietor of Out of the Blue, Galmington Road, Taunton under S187 A of the Town and Country Planning Act 1990 for failure to comply with the breach of condition notice served in respect of the premises known as Out of the Blue on the 18 June 2004.

Chief Solicitor

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

PLANNING COMMITTEE – 17 AUGUST, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E402/38/2004
2. **Location of Site** 82 Staplegrove Road, Taunton.
3. **Names of Owners** Mr Bosworth
4. **Names of Occupiers** Mr Bosworth

5. **Nature of Contravention**

Installation of uPVC double glazed windows on second floor.

6. **Planning History**

The aforementioned windows were installed on 16 November, 2004. Contact was made with the owner by the Conservation Officer while the installers were on site and assurances were given that the windows would be removed and replaced with wooden sash 12 pane windows with details to be formally agreed/approved. From that initial contact with the owner nothing happened and so the Enforcement Officer wrote to the owner, with a copy sent to the window company on 28 February, 2005 advising that the windows should be replaced in order to avoid listed building enforcement action being taken. To date no response has been made by the owner to rectify the situation and the unauthorised windows remain.

7. **Reasons for taking Action**

The windows by reason of their design and materials used are detrimental to the appearance and character of this Grade II building and the Conservation Area of which it forms an important integral part of the street scene, contrary to national guidance, Taunton Deane Local Plan Policies EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

8. **Recommendation**

The Solicitor to the Council be authorised to take listed building enforcement action to secure the reinstatement of timber vertically sliding sash windows and to authorise prosecution in respect of the owner and the installers Taunton Windows and Conservatories.

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