



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 28TH SEPTEMBER 2005 AT 17:00.

(RESERVE DATE : MONDAY 3RD OCTOBER 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 7 September 2005 (attached).
3. Public Question Time
4. OTTERFORD - 29/2005/011 REPORT ITEM
CHANGE OF USE OF LAND FOR THE STATIONING OF SIX GYPSY CARAVANS AT OTTERFORD, LAND TO WEST OF HIGHER YALHAM FARM, CULMHEAD.
5. BISHOPS HULL - 05/2005/037
RETENTION OF WALLS TO SIDE AND REAR, 16 STONEGALLOWS, TAUNTON.
6. BISHOPS LYDEARD - 06/2005/033
ERECTION OF ONE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE, EXTENSION TO NO.1 PIFFIN LANE AND ERECTION OF GARAGES FOR NOS. 1 AND 4 PIFFIN LANE, LAND ADJACENT TO NORTH SIDE OF PIFFIN LANE, BEHIND 1 - 4 CHURCH STREET, BISHOPS LYDEARD AS AMENDED BY
7. BRADFORD ON TONE - 07/2005/021
ERECTION OF 2 DETACHED HOUSES, ROSE COTTAGE, BRADFORD ON TONE AS AMPLIFIED BY LETTER DATED 13TH SEPTEMBER, 2005
8. CHEDDON FITZPAINE - 08/2005/012
ERECTION OF 5 DWELLINGS WITH GARAGES AND PARKING AT MILL COURT, TUDOR PARK, PRIORSWOOD, TAUNTON.
9. CORFE - 12/2005/008
ERECTION OF DWELLING HOUSE AND NEW ACCESS, LAND ADJACENT TO STONE ACRE, CORFE AS AMENDED BY AGENTS LETTER DATED 13TH SEPTEMBER, 2005 AND PLAN NOS. STS/298 AND 1705/7
10. OTTERFORD - 29/2005/014
ERECTION OF TWO STOREY EXTENSION ENLARGED PORCH

ALTERATIONS TO OUTBUILDING TO FORM ANNEX AT HIGHER
HOWSTEAD, OTTERFORD

11. RUISHTON - 31/2005/012
ERECTION OF A DETACHED HOUSE AND GARAGE AND
ALTERATIONS TO EXISTING ACCESS, ON LAND TO THE REAR
OF THE HYDE, HENLADE
12. TAUNTON - 38/2005/303
REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS
AND 24 FLATS WITH ASSOCIATED PARKING AND ACCESS INTO
WOOD STREET AT 7-11B STAPLEGROVE ROAD, TAUNTON AS
AMENDED BY LETTER DATED 24TH AUGUST, 2005 AND PLAN
NOS.14A AND 04G
13. TRULL - 42/2005/029CA
DEMOLITION OF BUNGALOW AND OUTBUILDINGS AT
SUNDENE, DIPFORD ROAD, TRULL AS AMENDED BY E-MAIL
RECEIVED 22ND AUGUST, 2005
14. WEST BUCKLAND - 46/2005/024
PROPOSED CHANGE OF USE OF DOUBLE GARAGE TO
FARRIERS FORGE WORKSHOP AT THE FORGE, BLACKMOOR,
WEST BUCKLAND, WELLINGTON AS AMENDED BY LETTERS
DATED 4TH SEPTEMBER, 2005 AND 9TH SEPTEMBER, 2005
15. WEST BUCKLAND - 46/2005/025
ERECTION OF EXTENSION TO PROVIDE ADDITIONAL
BEDROOM ACCOMMODATION TO CARE HOME, CAMELOT
HOUSE, TAUNTON ROAD, CHELSTON, WELLINGTON (PART
AMENDMENT TO PERMISSION 46/2004/035) AS AMPLIFIED BY
LETTERS DATED 5TH AUGUST, 2005 AND 13TH SEPTEMBER,
2005
16. WEST MONKTON - 48/2005/036
RETENTION OF SINGLE UNIT PORTAKABIN FOR USE IN
CHILDRENS SUNDAY SCHOOL & MINISTERIAL PREPARATION
AT LAND BETWEEN BATHPOOL CHAPEL & 103 BRIDGWATER
ROAD, BATHPOOL
17. APPLICATION FOR A CERTIFICATE OF LAWFUL USE - LAND TO
THE SIDE AND REAR OF YEW TREE COTTAGE, WRANTAGE
(APPLICATION NO. 24/2005/033LE). Miscellaneous item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

21 September 2005

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

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia 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:



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

Planning Committee – 7 September 2005

Present: Councillor Mrs Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington, Floyd,
Henley, House, Lisgo, Phillips, Mrs Smith and Wedderkopp

Officers: Mr J Hamer (Area Planning Officer (West)), Mr G Clifford (Area
Planning Officer (East)), Mrs D Hartnell (Conservation Officer),
Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support
Manager)

A member of the press was present for part of the meeting.

(The meeting commenced at 5.00 pm)

(Councillors Miss Cavill and Lisgo arrived at the meeting at 5.17 pm and 6.14 pm
respectively.)

107. Apologies

The Chairman (Councillor Miss Peppard) and Councillors Hindley and
Stuart-Thorn.

108. Minutes

The minutes of the meeting held on the 17 August 2005 were taken as read
and were signed.

109. Enforcement Item – Notification to Install Telecommunications Mast on land at Shoreditch Road, Taunton (Application no TEL/1/05)

Reference Minutes Nos 98 and 106/2005, reported that the expert advice as
to the likely level of compensation payable to the company O² which might
arise from the service of Discontinuance Order had still to be received.

Also reported that since the last meeting O² had agreed to undertake
discussions with the Council as to the possibility of finding an alternative site
for the new telecommunications mast.

Members recognised the important role local residents had played in
achieving these further talks.

RESOLVED that the matter be deferred to allow:-

- (i) The expert advice to be received; and
- (ii) The further discussions with O² to take place.

110. Applications for Planning Permission

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

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

14/2005/029

Erection of dwelling on land to south of Trehoot, North End, Creech St Michael.

Conditions

- (a) C005 - outline – reserved matters;
- (b) C009 - outline – time limit;
- (c) C014A – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C207 – existing trees to be retained;
- (g) C208A – protection of trees to be retained;
- (h) C215 – walls and fences;
- (i) The dwelling hereby permitted shall not be occupied until a turning area has been provided within the site in a manner as shall be agreed in writing with the Local Planning Authority;
- (j) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Sufficient space for one garage and one parking space, together with a vehicular access thereto shall be provided for the dwelling. The said garage (or garage space), parking space and access shall be constructed or hard surfaced before the dwelling hereby permitted is occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access;
- (l) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (m) P001A – no extensions;
- (n) P010 – no further windows.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N116 – disabled access; (6) Applicant was advised to contact

Wessex Water to agree points of connection onto the Wessex Water infrastructure; (7) N024 – development in accordance with approved plans; (8) N119 – Design Guide; (9) N118 – disabled access; (10) As there are no existing public/separate surface water sewers in the vicinity of the site, applicant was advised to investigate alternative methods for the disposal of surface water. Surface water should not be discharged to the foul sewer; (11) With regard to the design of the dwelling, applicant was advised that a single storey bungalow would be considered appropriate.)

Reason for granting outline planning permission:-

The application site lay within the recognised settlement limits of Creech St Michael and it was considered that a dwelling could be satisfactorily accommodated on the site in a manner which would accord with Taunton Deane Local Plan Policy H2.

38/2005/265

Erection of dwelling to rear of 26 Stoke Road, Taunton.

Conditions

- (a) C005 - outline – reserved matters;
- (b) C009 - outline – time Limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) There shall be no obstruction to visibility greater than 450mm above adjoining road level forward of a line drawn 2m back parallel to the nearside carriageway over the entire site frontage. Such visibility shall be provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (h) Before the access hereby approved is first brought into use, a properly consolidated and surfaced parking and turning space for a minimum of two vehicles shall be constructed in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (i) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) A recessed entrance 3m wide shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed at an angle of 45° towards the carriageway edge;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in

- writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwelling first being occupied;
- (l) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
 - (m) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross over constructed across the footpath fronting the site for the width of the access;
 - (n) P007 – no fencing in front of dwelling.

(Note to applicant:- Applicant was advised to contact Wessex Water to agree a point of connection to their systems prior to work commencing.)

Reason for granting outline planning permission:-

The proposed dwelling was considered to be in accordance with Taunton Deane Local Plan Policy H2.

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

(The Review Support Manager, Mr R Bryant, declared a prejudicial interest in the following application and left the meeting during its consideration.)

07/2005/019

Erection of first floor extension over existing garage at Fairfield, Bradford on Tone.

Conditions

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

Reason for granting planning permission:-

The proposed extension did not adversely affect the character of the existing dwelling, or visual and residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

25/2005/021

Erection of single storey extension to rear, 2 Stembridge Way, Norton Fitzwarren.

Conditions

- (a) C001 – time limit;

(b) C102A – materials.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water.)

Reason for granting planning permission:-

The proposed development would not adversely affect residential amenity and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

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

36/2005/016

Erection of Village Hall, Dark Lane, Stoke St Gregory

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) Before any part of the development is commenced, details of all boundary walls, banks, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, bank, fence or hedge so approved shall be constructed/planted before any such part of the development to which it relates takes place;
- (e) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) Prior to any works commencing on site, details of the construction and surface materials of the parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and such details shall be completed within six months of the completion of the development;
- (g) C010 – drainage;
- (h) The visibility splays shown on submitted plan No MTF-05-07-001A shall be constructed prior to the commencement of the use of the building and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) The proposed access shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) The gradient of the proposed access shall not be steeper than 1:10;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway,

details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;

(Note to applicant:- Applicant was advised to agree with Wessex Water prior to the commencement of any works on site, a point of connection onto Wessex systems.)

Reason for granting planning permission:-

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

37/2005/010

Removal of condition 05 of planning permission 37/1995/001 to allow for residential use and erection of 2m high fence/wall at barn adjoining Orchard Barns, Broughton Lane, Shoreditch

Conditions

- (a) C001A – time limit;
- (b) P001A – no extensions.

Reason for granting planning permission:-

The proposal was not considered to have an adverse impact on amenity given the existing holiday letting use of the building for 52 weeks a year, and the proposal was therefore considered to comply with Taunton Deane Local Plan Policies S1 and S2.

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

The Committee took the view that permanent residential use of the barn would have no adverse impact on amenity particularly as the barn was already able to be used as a holiday let for 52 weeks a year.

38/2005/295

Erection of single storey dwelling on land to rear of 36-40 Wellington Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C010 – drainage;
- (d) C201 – landscaping;

- (e) The development hereby permitted shall not be occupied until two parking spaces for the dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site, in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times;
- (f) Floor levels shall be set at least 17.51m above ordnance datum.

(Note to applicant:- Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems)

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, or road safety, or the setting of the adjacent listed building. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies H2, S1, S2 or EM14.

38/2005/296LB

Demolition of part of boundary wall and two garages and erection of new wall to allow for erection of dwelling to rear of 36-40 Wellington Road, Taunton

Conditions

- (a) C002 - time limit – listed building;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for the boundary wall shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority.

Reason for granting listed building consent:-

The garages and boundary wall were of no significance architecturally or historically and the new boundary wall would not adversely affect the character or appearance of the listed building. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies EN16, EN17 or EN18.

49/2005/047

Conversion of space over garage and store to form living accommodation at 28 West Street, Wiveliscombe

Conditions

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

- (c) The fences and walls shown on plan No 8902A to be 2m high from floor level shall be retained at such a height so long as the development remains in existence;
- (d) P010 – no further windows;
- (e) Full details of the glazed gable windows shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any work on the development hereby approved;
- (f) C404 – single family unit.

Reason for granting planning permission:-

The proposal accorded with Taunton Deane Local Plan Policies H18 and EN14 without detrimental to the character of the Conservation Area or the amenities of the neighbouring properties.

111. Erection of single storey extension at 1 Kendall Close, Creech Heathfield (14/2005/034)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 13 September 2005, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C102 – materials.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water.)

Reason for planning permission, if granted:-

It was considered that the proposal would not significantly harm the appearance of the street scene or neighbouring amenity and, as such, accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

112. Erection of 13 log cabins for holiday let at land at Millfield Nursery, Parsonage Lane, Kingston St Mary (20/2005/012)

Reported this application.

RESOLVED that subject to the receipt of a Wildlife Report regarding badgers on the site and no adverse comments from the Wildlife Species Co-ordinator in response to submitted survey, 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) C001A – time limit;
- (b) C101 – materials;

- (c) The recommendations of the Flood Risk Assessment received on the 18 July 2005 shall be carried out prior to the commencement of the development hereby approved to the satisfaction of the Local Planning Authority. Any variation to the recommended implementation shall be agreed and approved in writing by the Local Planning Authority;
- (d) C201A – landscaping;
- (e) C207 – existing trees to be retained;
- (f) C413 – restriction of occupation for holiday lets in permanent buildings;
- (g) Any holiday let cabin that is unoccupied for more than a 24 month period shall be demolished and/or removed including the removal of any foundations and/or floor slabs;
- (h) Before the development hereby approved is occupied, unobstructed visibility shall be provided above a height of 600mm from adjoining carriageway level in the areas hatched on the attached plan. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Soakaways shall be constructed in accordance with Building Research Digest 365 (September 1991);
- (j) Prior to the commencement of the development hereby approved, details of the western stream bank levels and the emergency stillway construction shall be agreed and approved in writing by the Local Planning Authority;
- (k) P001A – no extensions;
- (l) P003 – no ancillary buildings;
- (m) P006 – no fencing;
- (n) C215 – walls and fences;
- (o) Badgers were active in the vicinity of the development hereby approved, therefore operators shall be appropriately briefed in accordance with English Nature’s “Badgers : Guidelines for Developers”, and any open trenches shall be covered overnight.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was recommended to agree with Wessex Water prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (6) Applicant was advised that planning permission for any floodlighting or external illumination is required and is unlikely to be supported if it would result in any detrimental effect to the area; (7) With regard to Condition (n), applicant was advised that boundary treatment details are required that prevent access from the site to the spinney woodland area.)

Reason for planning permission, if granted:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and had good access to the highway network. The visual and residential amenity of the area would not be detrimentally affected and the character and appearance of the adjacent Conservation Area would be maintained/enhanced and therefore the proposal was compliant with Taunton Deane Local Plan Policies S1, S2, S7, EC24, EN6, EN12, EN14, EN25, EN29 and EN34.

113. Erection of seven dwellings to meet local housing needs on land at Polkesfield, Stoke St Gregory (36/2005/015)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement within six weeks from the date of the meeting to secure the affordable housing provision in perpetuity, 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) C001A – time limit;
- (b) C102A – materials;
- (c) The windows and doors of the development hereby permitted shall be timber only unless otherwise agreed in writing by the Local Planning Authority;
- (d) C201 – landscaping;
- (e) C215 – walls and fences;
- (f) C324 – parking;
- (g) C301 – highways – in accordance with the County Highway Authority’s booklet;
- (h) C111 – materials – for drives;
- (i) Details of the size and siting of any play equipment to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (j) P001A – no extensions;
- (k) P005 – no garages;
- (l) P006 – no fencing;
- (m) The cladding colour and shingle colour shall be as submitted unless otherwise agreed in writing by the Local Planning Authority;
- (n) C917 – services – underground.

(Notes to applicant:- (1) Applicant was advised that the footpaths across the site must remain open and easy to use at all times during the development. Any changes to the surfaces of the paths have to be approved by Somerset County Council’s Rights of Way Section and no barriers shall be installed on the paths; (2) Applicant was advised that a point of connection onto Wessex Water’s systems should be agreed prior to work commencing on site.)

Reason for planning permission, if granted:-

The proposal provided local needs housing in line with Taunton Deane Local Plan Policy H11 and there were no material circumstances to indicate otherwise.

Also RESOLVED that if the Section 106 Agreement was not completed within the six week period mentioned above, the Senior Solicitor be requested to report the matter back to Committee.

114. Conversion of former public house and creation of building on land adjoining to form four Class A1 (retail) units, four Class A2 (financial and professional services) units, two Class A3 (restaurant) units and 14 residential apartments together with access and parking, former Four Alls Public House and Castle Moat Chambers, Corporation Street and Bath Place, Taunton (38/2005/299)

Reported this application.

RESOLVED that subject to:-

- (i) The submission of a satisfactory Flood Risk Assessment; and
- (ii) The applicants entering into a Section 106 Agreement by the 30 September 2005 to secure sport and recreation contributions and the funding for the proposed highway works, 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) C001A – time limit;
 - (b) C101 – materials;
 - (c) C324 – parking;
 - (d) C331 – provision of cycle parking;
 - (e) C416 – details of size, position and materials of meter boxes;
 - (f) C911 – aerials – combined system;
 - (g) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting shall be so designed that the flue discharges not less than 1m above the roof eaves level;
 - (h) Prior to the occupation of dwellings to which this permission relates, the developer shall ensure that residential flats shall not be exposed to internal noise levels of 40dB(A) LAeq 16 hour in all rooms during the day (0700 – 2300 hours) and 30dB(A) LAeq 8 hour during the night. In addition, a 45 decibel LAmax applies in all bedrooms during the night;
 - (i) C910B – archaeological investigation;
 - (j) Before any part of the permitted development is commenced, the trees adjacent to the site within the footway along Corporation Street shall be protected by a chestnut paling fence 1.5m high, in a position to be agreed, and the fencing shall be removed only when the development has been completed. During the period of construction of the development, the existing soil levels around the boles of the trees so retained shall not be altered;

- (k) Details of the surfacing of the arcade shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;
- (l) Prior to the demolition works, a detailed measured survey and photographic record of the parts of the building to be demolished shall be submitted to, and approved in writing by, the Local Planning Authority;
- (m) No buildings shall be demolished before a contract is let to secure the redevelopment of the site.

(Notes to applicant:- (1) N123 – noise emissions; (2) Applicant was advised to protect the integrity of Wessex Water systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (3) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (4) Applicant was advised that the means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (5) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (6) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (7) N024 – development in accordance with approved plans; (8) N075 – Section 106 Agreement; (9) N118A – disabled access; (10) N051B – health and safety.)

Reason for planning permission, if granted:-

The mix of uses proposed was considered appropriate for this town centre location in accordance with Taunton Deane Local Plan Policies H1, H3 and S3. The proposed design would respect the character and form of both Corporation Street and the Bath Place Conservation Area to the rear. The proposal therefore complied with the requirements of Taunton Deane Local Plan Policies S2 and EN14.

Also RESOLVED that should the Section 106 Agreement not be completed by the 30 September 2005, the Development Control Manager be authorised to refuse planning permission for the reason of inadequate provision being made for sport and recreation facilities in accordance with Taunton Deane Local Plan Policy C4.

115. Demolition of existing house and replacement with building comprising 10 units for people with special care needs, 12 Moorland Close, Taunton (38/2005/322)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 14 September 2005, the Development Control Manager be authorise to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;

- (d) C010 – drainage;
- (e) The bathroom windows in the first floor of the rest room gable elevation shall be obscure glazed to the satisfaction of the Local Planning Authority;
- (f) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) The development hereby permitted shall not be commenced until the parking and turning area has been properly consolidated and surfaced (not loose stone or gravel) in accordance with details which have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m.

(Notes to applicant:- (1) Applicant was advised of a number of Wessex Water requirements; (2) N061A – Highways Act – Section 184 Permit.)

Reason for planning permission, if granted:-

The proposed development would not adversely affect visual or residential amenity, or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, H2 or H4.

116. Demolition of Building and erection of 13 flats of 1 and 2 bedroom at 46 St James Street, Taunton (38/2005/323)

Reported this application.

RESOLVED that subject to:-

- (i) The receipt of no further representations raising new issues by the 14 September 2005; and
- (ii) The developers entering into a Section 106 Agreement by the 13 October 2005 concerning recreation and play space provision, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
 - (a) C001A – time limit;
 - (b) C101 – materials;

- (c) Following approval of the brick sample, a sample panel of the brick wall and mortar shall be constructed on site and the details approved by the Local Planning Authority. The panel shall show the bonding and finish of the mortar joints and, once approved, further work shall match the approved panel;
- (d) Details and samples of the materials to be used for the surfaces of the courtyard and access drive shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (e) C112 – details of guttering, down pipes and disposal of rainwater;
- (f) C201 – landscaping;
- (g) The windows on the north-west side elevation shall be obscure glazed and fixed shut and no further windows or alterations to windows shall be inserted on this elevation without the prior written consent of the Local Planning Authority;
- (h) C684 – archaeological Investigation;
- (i) The windows and doors of the development hereby permitted shall be constructed of timber and thereafter timber doors and window frames shall be retained;
- (j) All external window frames shall have a minimum 80mm reveal unless otherwise agreed in writing by the Local Planning Authority;
- (k) C331 – provision of cycle parking;
- (l) Details of the provision of a bin storage area on site shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter provided prior to the first occupation of the building;
- (m) There shall be no surface water discharge to public foul sewers;
- (n) No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1700 hours on Monday to Fridays and 0800 and 1300 on Saturdays.

(Notes to applicant:- (1) Applicant was advised that conservation area consent for demolition of the existing building on site will be required; (2) Applicant was advised that during the construction of the development, consideration should be given to the elderly residents of St James' Court which adjoins the site.)

Reason for planning permission, if granted:-

The proposed development was considered to be in an appropriate sustainable location and subject to conditions to comply with Taunton Deane Local Plan Policies S1, S2, H2, N4, C4, EN14 and EN23.

Also RESOLVED that should the Section 106 Agreement not be completed by the 13 October 2005, the Development Control Manager

be authorised to refuse planning permission for reason of the proposal being contrary to Taunton Deane Local Plan Policy C4.

117. Erection of extension to factory rear of the former Wilscombe Melamine building, Ford Road, Wiveliscombe (renewal) (49/2005/043)

Reported this application.

RESOLVED that subject to:-

- (i) The receipt of no further representations raising new issues by the 21 September 2005; and
- (ii) The imposition of a noise condition to be recommended by the Environmental Health Officer, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
 - (a) C001 – time limit;
 - (b) C102 – materials;
 - (c) C708 – restrictive use – no storage except where stated;
 - (d) Plans showing a parking area shall be submitted to, and approved in writing by, the Local Planning Authority or, in default, by the Secretary of State for the Environment before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences before the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
 - (e) The area allocated as a rear yard on the approved plan shall not be used other than for the loading/unloading and manoeuvring of vehicles in connection with the proposed development unless otherwise agreed in writing by the Local Planning Authority;
 - (f) The surface water shall be discharged to the surface water sewer.

(Notes to applicant:- (i) N024 – development in accordance with approved plans; (2) With regard to the proposed noise condition, applicant was advised that background noise levels should mean that which occur in the absence of noise from the premises to which this permission refers, expressed in terms of an appropriately rated 90th percentile level and measured at a representative time of day and for a suitable time period of not less than 15 minutes; (3) Applicant was advised that with reference to the proposed noise condition, should the noise emission limits be exceeded, a statutory noise nuisance will take place. Should this occur, best practicable means to reduce noise emissions will be required. These may include sound proofing measures incorporated in the building, the closure of doors when not in use and limits on outside working.)

Reason for planning permission, if granted:-

The proposal accorded with Taunton Deane Local Plan Policies H18 and EN14 without detriment to the character of the Conservation Area or the amenities of the neighbouring properties.

118. Erection of a canopy at Old Post Cottage, Village Road, Hatch Beachamp

Reported that a canopy had been erected without planning permission to the front of Old Post Cottage, Village Road, Hatch Beachamp following a change of use and refurbishment of the property from a shop into a dwelling.

A retrospective application to retain the canopy had been submitted but this had been refused under delegated powers during the course of last year. Further negotiations had taken place between the Conservation Officer and the owner and it had been thought the canopy was to have been removed. However, the canopy was still currently in position.

During the discussion of this item Members considered that the canopy which disguised a lintel which ran above the former shop window did not look out of place.

RESOLVED that no further action be taken.

Reason for deciding not to take any further action, contrary to the recommendation of the Development Control Manager:-

The Committee took the view that the canopy was not detrimental to the street scene.

119. Erection of fence at 38 Tyne Park, Taunton

Reported that it had been brought to the Council's attention that a fence 1.8m high and adjacent to the highway had been erected without planning permission around the boundary of 38 Tyne Park, Taunton.

Noted that Tyne Park was predominantly an open plan estate and that permitted development rights had been removed in respect of gates, walls and fences.

Although it was agreed that the current fencing was unacceptable, Members asked for further negotiations to take place to see whether an alternative boundary treatment could be agreed.

RESOLVED that, if no permission was granted for an alternative boundary treatment within six months of the date of the meeting:-

- (i) Enforcement action be taken to seek the removal of the unauthorised 1.8m high fence erected around the boundary of 38 Tyne Park, Taunton; and

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

120. Erection of a wall 1.8m high adjacent to the highway at Abbeywood, West Hatch

Reported that earlier in the year it had come to the Council's attention that a wall 1.8m high had been constructed around the boundary of the property known as Abbeywood, West Hatch adjacent to the highway.

The owner was advised that as the wall was over 1m high, planning permission to retain it was required.

Although no planning application was received, the wall had been reduced in height and, therefore, there was no further action the Local Planning Authority could take.

Nevertheless, the County Highway Authority was still concerned about the lack of visibility the wall had caused and wished to see it either removed or set back from the edge of the carriageway.

RESOLVED that a letter be sent to the County Highway Authority informing them that, whilst Taunton Deane Borough Council could do nothing further as far as the wall was concerned, they might wish to take the matter further for road safety reasons.

(Councillor Henley and Miss Cavill left the meeting at 6.20 pm and 7.30 pm respectively.)

(The meeting ended at 8.17 pm)

29/2005/011

TAUNTON DEANE BOROUGH COUNCIL

CHANGE OF USE OF LAND FOR THE STATIONING OF 6 GYPSY CARAVANS AT OTTERFORD, LAND TO WEST OF HIGHER YALHAM FARM, CULMHEAD AS AMENDED BY E-MAIL DATED 30TH AUGUST, 2005 AND PLAN

22106/15830

FULL

1.0 **RECOMMENDATION**

The application be advertised as a departure from the Somerset and Exmoor National Park Joint Structure Plan Review Policy S1 and Policy 3 and Taunton Deane Local Plan Policy H14. Subject to the agreement by the Government Office of the South West Permission be GRANTED subject to the following conditions:-

- 01 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 30th September, 2008.
- 01 Reason: To enable the Local Planning Authority to monitor the effect of the use on the surrounding Area of Outstanding Natural Beauty and undertake a housing needs assessment to establish the demand and supply of gypsy accommodation in the area and provide for any shortfall in accordance with the requirements as contained in Circular 1/94 and 18/94 and Gypsies and Travellers Circular Consultation (December 2004).
- 02 The proposal shall provide temporary accommodation for a period of up to 3 months for gypsies who immediately proceeding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane.
- 02 Reason: To enable the Local Planning Authority to monitor the effect of the use on the surrounding Area of Outstanding Natural Beauty and undertake a housing needs assessment to establish the demand and supply of gypsy accommodation in the area and provide for any shortfall in accordance with the requirements as contained in Circular 1/94 and 18/94 and Gypsies and Travellers Circular Consultation (December 2004).
- 03 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried

out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 05 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 06 Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900 mm from adjoining carriageway level for a minimum distance of 90 metres on both sides of the point of vehicular access for a depth of 2 metres measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 06 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Note to Applicant

- 01 Prior to their erection on site details of the proposed fencing must be agreed in writing with the Local Planning Authority.

2.0 **APPLICANT**

Taunton Deane Borough Council (Housing Services)

3.0 **PROPOSAL**

The proposal is for the use of land adjacent to the existing gypsy caravan site at Otterford for emergency accommodation dealing specifically with unauthorised development. The site is situated to the east of the existing site and the existing access would be used. The site would be leased from and managed by Somerset County Council specifically for the use by gypsy families who are on unauthorised sites where their continued residence on the land would be totally unacceptable, even in the short term. The site would have minimal services with 6 plots each with a water and electric point. A car park would be sited adjacent to the road for up to 6 cars. A 1.8 m high fence would be erected along the eastern boundary where the site is adjacent to Higher Yalland Farmhouse. Elsewhere the existing post and wire fence will remain.

4.0 **THE SITE**

The land has an existing access in its north-eastern corner with a hard surfaced (stone/gravel) track running east west across the site. The land was used some years ago, to site the caravans from the adjacent gypsy site whilst the gypsy site was upgraded. Since that time the land has been rented by the County to a gypsy resident for general-purpose uses. The site is located within the Blackdown Hills Area of Outstanding Natural Beauty and has good roadside boundary hedges, which obscure views of the site from the highway. It is not within a reasonable distance of any recognised settlement (as defined in the Taunton Deane Local Plan).

5.0 **RELEVANT PLANNING HISTORY**

29/1993/017 Renewal of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary 1 year permission granted 2nd February, 2005.

29/1993/002, 29/1992/003 Renewals of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary 1 year permissions granted April 1993, July 1992.

29/1985/001 Permanent site for 18 gypsy caravans Otterford Gypsy Camp, Otterford. Permission granted 7th May 1995.

29/1977/013 Caravan site with toilets working and parking area former RAF Camp, Otterford. Temporary permission granted 16th December, 1977.

29/1977/011 Touring caravan site adjoining land at Yalhams Farm, Otterford. Permission granted 23rd November, 1977

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 Sustainable Development

STR8 Development Outside Towns Rural Centres and Villages

Policy 3

Areas of Outstanding Natural Beauty

In Areas of Outstanding Natural Beauty the conservation of the natural beauty of the landscape should be given priority over other planning considerations. Regard should also be had to fostering the economic or social well being of the locality. Provision should only be made for major industrial or commercial development where it is in the national interest and there is a lack of alternative

sites. Particular care should be taken to ensure that any development proposed does not damage the landscape character of the area.

Policy 36

Sites for Gypsies and Travelling People

The provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

Taunton Deane Local Plan

S1 General requirements

H14 Gypsy and Traveller sites

Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:

- (A) there is a need from those residing in or passing through the area;
- (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities and they are sited near a public road;
- (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
- (D) adequate open space is provided;
- (E) accommodation will enjoy adequate privacy and sunlight;
- (F) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents;
- (G) in the case of transit sites, there is convenient access to a County or National route;
- (H) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area; and
- (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN10 Areas of Outstanding Natural Beauty

Priority will be given to preserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs). Development which would adversely affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs, major industrial or commercial developments will not be permitted unless they meet the following additional criteria:

- (A) the development would meet a proven national need; and
- (B) the development cannot be located elsewhere.

The protection of views to and from Areas of Outstanding Natural Beauty will be an Important consideration.

7.0 **RELEVANT CENTRAL GOVERNMENT GUIDANCE**

Circular 1/94

Paragraph 13 In general it will not be appropriate to make provision for a gypsy site where development is severely restricted e.g. AONB's" this circular identifies three types of site provision:
- settled occupation; temporary stopping places and transit sites. Temporary stopping spaces should have a hard surfaced access, hard-standings for caravans and vehicles, connection to water supply means of sewage disposal and a refuse collection point

Circular 18/94 Planning for Gypsy and Unauthorised Camping

Deals with the issues of unauthorised camping. Paragraph 6 gives Local Authorities powers to evict gypsies camped unlawfully in the area if they refuse to move onto an authorised Local Authority site. (This application would create a Local Authority Site specifically to provide such short term sites to offer to gypsies in these circumstances). Such measures should only be considered if the unlawful encampment cannot be tolerated for a short period.

Gypsies and travellers Circular consultation document December 2004

As a consultation document this has limited weight as a material consideration. This document requires all Authorities to include the needs of Gypsies and Travellers in their housing needs assessment and requires sites to be allocated within the development plan. The aim is to avoid any gypsy becoming unintentionally homeless.

8.0 **CONSULTATIONS**

County Highway Authority

"The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

Pre-application advice was sought and given on this site to facilitate emergency accommodation whilst incidents of unauthorised development are investigated as an ad-hoc solution for a maximum of 3 months at any one time. However I note

that the application description does not indicate that this is now what the applicant is intending to do.

However, notwithstanding the above comments it may be unreasonable to raise an objection on sustainability grounds, whether it is a temporary or permanent arrangement considering that there is another Gypsy settlement on adjoining land.

The access is onto a classified unnumbered highway. It is a busy straight stretch of road where the average speed to vehicles is approximately 40 mph. It would be imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees, together with sufficient parking and turning within the site to avoid reversing out onto the road.

In the event of permission being granted I would recommend that the following conditions are imposed:-

1. There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of lines drawn 2.0 m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 120 m either side of the access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
2. To ensure the orderly parking and turning within the site for the 6 caravans and thereby decreasing the likelihood of vehicles reversing onto the highway, a plan showing the internal site arrangement including turning, shall be submitted to and agreed by the Local Planning Authority. Once agreed the said area shall be marked out in accordance with the approved plan prior to the change of use being brought into use.
3. The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.
4. A recessed entrance 3.0 m wide shall be constructed 4.5 m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved by the Local Planning Authority.
5. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge.

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

Note to Applicant:

Having regard to the powers of the Highway Authority under the Highways Act 1980 The applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Taunton, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.”

A further description of the proposal has been forwarded to the County Highway Authority and I await their views bearing in mind the low impact nature of the proposed use.

County Archaeologist

No archaeological implications to this proposal.

Forward Plan Unit

“Although a number of policies of the Taunton Deane Local Plan may be of some relevance to the consideration of this application the key policy, given the countryside location of the proposal, is Policy H14. This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy. It would not be appropriate for me to comment on the majority of the criteria, as they are concerned with matters of detail or address issues on which I am not the relevant person to comment. These are criteria (A), (C) - (G), and (I). The proposal fails to satisfy either of the two remaining criteria, (B) and (H), as the proposed site is located within the Blackdown Hills AONB, and cannot be considered to have safe and convenient access by bus, cycle or on foot to schools and other community facilities. In assessing the acceptability of the proposal, however, there are a number of other issues to be taken into account that are not included within the policy (which is designed with sites for permanent occupation in mind), but which weigh in favour of the proposal. These are:-

- The need for a temporary, emergency stopping place for gypsy/traveller families that would otherwise occupy unauthorized sites.
- The failure of an extensive search for potential locations for such a site within the Borough to identify any alternatives.
- The proposed site’s location adjoining an existing, well-established gypsy/traveller site.
- The short-term and intermittent pattern of usage likely to be made of the site.

- The low impact nature of the proposal, with only fencing, electrical points and water supplies to be provided.

In conclusion, in view of the difficulties in identifying suitable and available sites to meet the accommodation needs of gypsies and travellers and the low-key nature of the proposal, I consider that these factors outweigh the general policy presumptions against it in this location.”

Landscape Officer

“The site is discreet, off a minor road and appears to have a reasonable highway visibility and screening. Subject to hedgerow management and some tree planting it should be possible to integrate it into the Area of Outstanding Natural Beauty landscape.

Otterford Parish Council

“Oppose the application for the following reasons:-

1. The proposal directly contravenes Policy H14 of the Taunton Deane Local Plan, with regard to Areas of Outstanding Natural Beauty.
2. As a small parish, one of the few which is set entirely within an AONB, this development would be a gross intrusion and lead to an entirely disproportionate number of gypsy or traveller families within the boundaries of the parish.
3. The presumption on Planning Applications within an AONB is that they are likely to be rejected unless need can be established. Given that there are only approximately 300 parishioners (excluding children) in Otterford Parish and that some 20 of them (excluding children) are already accommodated on a gypsy site, within the parish, the Council feels that Otterford Parish is already fulfilling its obligations to the travelling community. The Council feels that, whilst there may well be need within Taunton Deane, there is no need within Otterford Parish.
4. Loss of amenity/attraction to tourists - the Blackdown Hills are being promoted as a desirable location for tourists and the creation of another gypsy site in close proximity to the already existing site will do nothing to further the development of tourism in the area.
5. The presence of transient residents on the site would certainly lead to the number of pupils at the local school increasing. This in itself is not a problem, but the school lies some 2.5 miles away from the proposed site and children cannot be expected to walk such a distance along roads which have no footpaths. Furthermore the road which passes the Holman Clavel is an acknowledged danger to pedestrians and several accidents have already taken place along it.
6. The boundary of the site along the line A/E/P is claimed by the owner of Higher Yalham Farm to be in the wrong place. He alleges that the

proposed site is largely across his property and until this matter is settled, any Planning Application is somewhat irrelevant.

7. Policy EN10 (page 68) of the Local Plan specifically states that developments which would adversely affect the landscape, character and appearance of any AONB will not be permitted.
8. The Council is of the opinion that any similar application from private individuals would be automatically rejected on the foregoing grounds. The Council feels that TDBC must keep to its own guidelines.

My Council is anxious to point out that there have been very few problems at the existing site, it feels however, that another six caravans and all the attendant people, dogs, children and noise would upset the equilibrium achieved over the past years. Indeed, the Council has received complaints from the current residents at Culmhead site making exactly this point.

The parishioners of Otterford have no ill will towards gypsies, but they ask me to reiterate that enough is enough.”

“Since I wrote to you about the reasons for my council objecting to application number 29/2005/011, Mr Ivor Salter of 14, The Caravan Site, Culmhead has contacted me. He told me that a short time ago he applied for permission to build an agricultural building on land which he owns and which abuts the land involved in the above application. His application was rejected, largely because it lies in an area of Outstanding Natural Beauty and he asked me to write and point this out. He feels that the same rules should apply to everyone including Taunton Deane Borough Council. I enclose a map to show where his land lies in relation to the proposed extension site.

There would appear to be a dispute between the neighbour and the County Council over the ownership of part of the application site”

Blackdown Hills Rural Partnership

Supports Local Authorities policy framework to ensure that any development permitted in the AONB meets the highest standards of design and to safeguard and enhance the beauty of the AONB. Policy H14 of the Local Plan is clear on proposals for gypsy and traveller sites in AONB's and other criteria relating to sites in the open countryside, specifically access to community facilities. As you will be aware an appeal was dismissed for a similar proposal in Ford Street was dismissed on appeal in March 2005.

9.0 **REPRESENTATIONS**

17 Letters of objection have been received raising the following issues:-

1. There's no supporting statement substantiating the need for an additional six sites at this location.

2. There is no site plan indicating the proposed layout of the site (i.e. no details of the pitches or ancillary buildings including the provision of laundry/toilet facilities) and no idea of the size of accommodation that is expected on the site.
3. This rural spot has a lack of community facilities within 300 m of the site, the nearest pub is access by inadequate roads with fast traffic speeds and is unsafe, as is access to the nearest school at Churchstanton 2-3 miles away;
4. The caravan site is unlikely to preserve or enhance the character of the AONB and is consequently contrary to Policies EN10 and H14 of the Taunton Deane Local Plan.
5. Gypsy sites need to have good boundary fencing and this would also have a negative impact on the AONB.
6. Taunton Deane Local Plan requires development to be located in sustainable locations and there have been many refusals due to unsustainability, this site is in a non sustainable location and should not be allowed.
7. Otterford already has its share of gypsy sites and should not be required to have more, especially with its environmental qualities; the proposal is likely to deter visitors to the area contrary to the objectives of the Blackdown Hills Partnership objectives
8. Local residents are afraid of potential increases in crime and reduced security in the area if the additional pitches are allowed.
9. The existing gypsies have settled into their site and are part of the local community, there are concerns that new gypsies using the site will have a less respectful view of us and our community, as they will have no roots here and will not be able to stay longer than three months.
10. There is a limited amount of fly-tipping in the area and this is likely to get worse increasing its negative affect on the area; the proposal is contrary to the objectives of the Blackdown Hills management plan 2004-9.
11. The proposal would be in breach of the CRoW Act which places a duty on Local Authorities to conserve the beauty of AONB's; the proposal would be contrary to Somerset and Exmoor National Park Structure Plan Review Policy 3 which requires the conservation of the Natural beauty of an AONB to take precedent over the economic or social well being of the locality.
12. Taunton Deane are setting out to breach this duty; we are concerned that planning will force this proposal through with no thought for the existing community.

13. The proposal is contrary to Taunton Deane Local Plan Policy H14 as it is in an Area of Outstanding Natural Beauty where such proposals will not be permitted, has no business use, children's play area, is not located near to a local school and there is not easy or convenient access to such facilities by bus.
14. The use of this land for the accommodation of travellers is likely to attract transients to the area thereby compounding the situation to the detriment of the Blackdown Hills AONB.
15. The siting of 6 caravans and any associated domestic "clutter" will be detrimental to the intrinsic natural beauty of the area and will be visible by passers by.
16. Other proposals for development of a Romany horse caravan business nearby were turned down.
17. As frequent visitors to the nearby touring site we have appreciated the relaxing and peaceful character of the area, having read the recent item in the times about the gypsy site in North Curry and the increase in crime within the area I am concerned that occupants of the proposed site will result in an increase in the levels of crime and theft in the area.
18. Additional transients will contribute nothing to the local community and their presence may deter people from visiting this lovely spot; security of caravans at Hollybush Park would be at risk.
19. The development would endanger the local wildlife and the environment.
20. Siting of 6 additional caravans would lead to increases in rubbish, criminal damage and theft in the area.
21. The additional gypsy population will put undue pressure on the existing services, such as the medical centres, local schools and police force.
22. The existing site has already been increased in size and includes several business that are run from the site, a further six caravans are likely to result in an increase of business activity causing problems due to noise/nuisance from scrap metal, burning tyres etc.
23. The neighbouring property would be of less value.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Would the site preserve or enhance the character and natural beauty of the Blackdown Hills AONB? (IMPACT)
- B. Does the need for the proposed development at this location out weigh the policy considerations for gypsy sites within the AONB? (POLICY)

- C. Would the use of the site by up to 6 caravans for a temporary period cause an unacceptable highway danger? (HIGHWAY)
- D. Would the proposal form Sustainable Development (SUSTAINABILITY)?

A. Impact

The proposed site would be located on a site within the Blackdown Hills Area of Outstanding Natural Beauty where development is strictly controlled by Structure and Local Plan policies.

The Somerset and Exmoor Structure Plan policy 3 and Taunton Deane Local Plan Policy EN10 requires any development within the Area of Outstanding Natural Beauty to ensure it does not damage the landscape character of the area. The proposed site is approximately 75 m to the east of an existing County Council Gypsy site where there are pitches occupied by gypsy families. This application site lies to the east, on a relatively flat site lying at the top of the hill. The site was part of a larger area of land used temporarily for the accommodation of the existing gypsy families when the existing site was refurbished some years ago. As a result it has a hard surfaced (loose gravel) access track and the grass is kept short. The roadside hedgerows and trees form an effective boundary to the site and help to soften and obscure views into the site from the highway. To the east of the site there is a farm and farm buildings. These are separated from the site by open fencing and it is proposed to erect a new 1.8 m high fence along this boundary to maintain privacy for the farmhouse. To the south of the site is land used by the owner to site a variety of pieces of machinery and old vehicles. Beyond that land are trees and hedges that again help to obscure the site from wider view. The Landscape Officer has visited the site and considers that, with some additional planting and the use of hurdles for the fencing, the development should be able to be integrated into the landscape of the Area of Outstanding Natural Beauty. Objections have been made that this proposal would damage the natural beauty of the area but, in purely visual terms I disagree and I conclude that this proposal would preserve the character of the area. There have also been concerns about the impact of this use on the character of the area. The introduction of up to 6 new caravans to the area would introduce additional activity on the site that would be bound to have some impact on character of the area. However it is anticipated that the proposed sites are used as a last resort only and I am advised by the Gypsy Liaison Officer that it is unlikely for these sites to be occupied and if they are this would be for up to 3 months only. In this case I would anticipate that the impact on the Character of the AONB would be minimal. It seems important to test the frequency of the use of these sites in order to properly assess the impact the site may have on the area and I would recommend that a permission, if granted should be temporary to enable a full and proper assessment of the impact of the proposal on the area.

B. Policy

A full Housing Needs Assessment is currently being carried out covering the whole of the Taunton Deane area. The aim is to identify and then plan for the housing needs of the Borough. This assessment will, for the first time, look at the

need to provide suitable caravan sites for gypsy families who reside or resort to the area and have no permanent site elsewhere.

While this is being completed there may be unauthorised gypsy encampments where the occupants have nowhere else to go and as a consequence occupy land without planning permission. The Borough Council have to consider each of these in terms of the conformity to its policies and ultimately if refused on a site where they cannot be tolerated the Council would need to take eviction measures. This application is designed to provide a site for such gypsies whilst they are preparing to move on. It will ensure that none become homeless as a result of the Borough's action but can return to their travelling or permanent bases elsewhere within the three months. The site would be managed by the County Council to ensure that the sites are not occupied beyond the permitted three months. Having thus identified a need for an emergency stopping place the Borough Council, in connection with its Housing Needs Assessment, has been carrying out an exhaustive search of alternative sites for the use by gypsies. This has included consultation with Government Agencies, Statutory Undertakers and Local Farmers. The only land that has been identified to date by this process has been the application site, which was identified as a result of negotiations to lease the existing gypsy site from the County. In my opinion the availability of this site and the failure to identify an alternative site, are material factors in favour of this application.

The Somerset and Exmoor National Park Structure Plan and Taunton Deane Local Plan both contain policies for the provision of gypsy sites within the district. These policies accept the provision of such sites outside of the defined limits of settlements. The Structure Plan Policy 36 requires sites to be within reasonable distance of a settlement providing local services and facilities but appeal history (e.g. Long Acre and Lords Wood) has shown that this is not always considered an essential requirement for gypsy sites. Taunton Deane Local Plan Policy H14 is a criteria based policy aimed at judging proposals for the provision of permanent gypsy sites (printed in full earlier in this report). Whilst I consider that the proposal would be compatible with criteria A, E, F and J. It is my opinion the proposed development would be contrary to criteria B,C, D, G and I. However the criteria in the list look to the needs of a permanent site and these are not the same as those required for an emergency site. This proposal is for the provision of an emergency stopping place that can be offered to gypsies living on an unauthorised site where their continued presence on the site cannot be "tolerated" by the Local Planning authority. For such sites the Gypsy Liaison Officer has indicated that there should be the bare minimum of facilities like fresh water, electricity, and a place to dispose of sewage available and he would resist the provision of additional open space and space for businesses to be carried out. In my opinion these differing needs have a material impact on the considerations of this site in terms of the strict application of the policy criteria. This view is supported, in part, by the comments of the Forward Plan Unit. In addition I consider that the proximity of the existing well-established and integrated Otterford gypsy site is also a material consideration. The sites are in close proximity and can be managed by the County to ensure that any restrictions placed on the use can be effectively enforced. The character of the area has already been affected by gypsy caravans and this additional site with its

short and intermittent use and low impact nature will be accommodated with minimum impact.

C. Highways

The site is located in the open countryside. It is accessed via a classified but unnumbered highway where the County Highways department consider that the average speed of vehicles is likely to be approximately 40 mph. As a result it is considered essential for highway safety that parking and turning are provided on site and that visibility splays are incorporated. The application includes parking and turning for 6 vehicles (one per caravan) on site so that they can enter and leave the site in forward gear. The suggested visibility splays (2 m back and 90 m in each direction) are based on full use of the site and traffic speeds of up to 40 mph. These are based on full and continuous occupation of the site by 6 caravans and would require the cutting back of the existing hedgerow and bank. Bearing in mind the expected limited use of the site (described above), the existing site access and visibility, I consider that visibility is acceptable in this location. Further views of the Highway Authority have been requested to take account of the expected low levels of use for the site and an update will be included on the update sheet.

D. Sustainability

The application site is located in the Blackdown Hills Area of Outstanding Natural Beauty and is distant from any facilities or services usually provided within defined settlements or towns. As a result access to all facilities is likely to foster the need to travel, contrary to aims and objectives of sustainability. The proposal is for temporary emergency accommodation only and, if granted, would be strictly controlled. It is envisaged that it would have minimal intermittent use. Gypsies as part of their cultural way of life, are dependant on travelling from place to place and it is not unusual for sites they accommodate to be in non sustainable locations. As a result I do not consider their occupation of this site for a short and temporary period would justify a refusal of this application.

The application site is located within an Area of Outstanding Natural Beauty where there is a requirement to conserve the natural beauty of the site for future generations. The character of the application site will alter to a degree as a result of this application. At present there is an existing access into and trackway through the site with the remainder of the site being covered in grass. Other more permanent physical alterations as a result of this application are minimal with the proposal providing six new electric/water connection points (spaced for use by up to 6 separate caravans) and a car park adjacent to the boundary hedge for up to 6 cars (one per caravan/family whichever is the least). In my opinion these alterations will not affect the retention of the natural beauty of the area. The application would allow for the siting of up to 6 caravans on the land for a temporary period. The sites are to be retained for emergency use and it is not anticipated that they are likely to be occupied on a permanent basis at any time. As a result I consider that their occupation of the land could be reversed at any time so that any impact on the natural beauty of the area would not affect the beauty of the area for future generations.

I conclude that whilst the site may be in a non-sustainable location but that the overall impact on sustainable objectives would be limited and acceptable in this case.

11.0 **CONCLUSION**

Whilst this application is contrary to the strict requirements of the Taunton Deane Policy H14, and Somerset Structure Plan policy 49 I consider that there are material factors, such as the existing access point, adjacent gypsy site and anticipated low level of use of the site, that weigh in favour of the application.

REASON(S) FOR RECOMMENDATION It is considered that the need for the provision of an emergency stopping facility to support enforcement action, its limited impact on the Area of Outstanding Natural Beauty and the shortage of alternative available sites outweigh the policy objections.

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

CONTACT OFFICER: Mrs J Moore Tel: 356467

05/2005/037

MR P VASSALLO

RETENTION OF WALLS TO SIDE AND REAR, 16 STONEGALLOWS, TAUNTON.

20188/24003

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The application property is a large detached dwelling located on the north side of the A38 at Stonegallows. Walls along the east and west boundaries to the rear of the property have been erected. To the west is a 15 m length of low brick wall, with a series of brick piers at intervals, with a 2.53 m section at right angles, and a 3.6 m section in the rear garden. To the east is a 8.8 m length of concrete block wall on the boundary. The height of this wall varies as it is stepped down, but generally the height is around 2 m, with a short section at 2.10 m. In side this wall the path is ramped up to a high level patio area running across the rear of the dwelling.

The walls are currently under construction, and the wall to the east is concrete block. The application forms states that materials will match the existing dwelling which is a brick plinth with render above.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL objects to the application as it stands at present. The construction in the west side nearest to the Stonegallows Inn is not visible either from there or from No. 14 Stonegallows. However, the wall between Nos. 16 and 14 which apparently has had no previous permission is very close to No. 14. There is a distance of approximately 12 inches between the walls under construction and No. 14. This makes it inaccessible for finishing off, i.e. rendering in keeping with neighbouring buildings. It has also made maintenance of the outside wall of No. 14 impossible. The wall is unsightly, rough and of amateurish construction and built of inappropriate materials - totally out of keeping with the area.

1 LETTER OF OBJECTION from adjoining owner raising the following issues:- concerned about the lack of access to physically maintain his own wall, and the final finished result of the new wall when viewed from his side; he would allow access for it to be finished and to match his property, the finish should be facing bricks with roughcast render (pea gravel) above and painted magnolia.

POLICY CONTEXT

Policies S1 (general), S2 (design) and H17 (extensions) of the Taunton Deane Local Plan seek, inter alia, to ensure that extensions do not harm the residential amenity of other dwellings.

ASSESSMENT

The brick wall along the western boundary has no impact outside the site, owing to substantial screening. The main issues relates to the concrete block wall built on the eastern boundary. At present it is unsightly, but when the finish has been applied, I consider it will be acceptable. It is necessary to apply a render finish to both sides of the wall for part of its length. The next door neighbour has indicated that he is willing to allow the applicant to go on his land subject to appropriate notice and conditions. The only difficulty would be in applying a render finish to the eastern side of the section of wall which is very close (approximately 300 mm) the neighbours extension. A waterproof coating could be applied, and the render finish to the neighbours extension could be painted. This would seem to be the appropriate solution.

RECOMMENDATION

Permission be GRANTED subject to condition re finishing off wall on eastern boundary in a protective coating and colour to match the existing dwelling.

REASON(S) FOR RECOMMENDATION:- When completed the wall would not have an adverse impact on visual or residential amenity, and therefore would not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: 356313 MRS H PULSFORD (MON/TUES/WED)

NOTES:

06/2005/033

MR P TROLLOPE

ERECTION OF ONE DETACHED DWELLING WITH INTEGRAL DOUBLE GARAGE, EXTENSION TO NO.1 PIFFIN LANE AND ERECTION OF GARAGES FOR NOS. 1 AND 4 PIFFIN LANE, LAND ADJACENT TO NORTH SIDE OF PIFFIN LANE, BEHIND 1 - 4 CHURCH STREET, BISHOPS LYDEARD AS AMENDED BY

16783/29672

FULL PERMISSION

PROPOSAL

The proposal provides for the erection of one 3 bedroom dwelling with integral double garage, the erection of an extension to an existing cottage on Piffin Lane and the erection of a detached double garage for the cottage and No. 4 Church Street, together with landscaped private gardens with new tree planting. An existing double garage is to be demolished. The proposed materials are to be self coloured lime render with a course red sand aggregate for the walls and natural slate for the roofs. Windows and doors are to be of timber. The site is located at the centre of Bishops Lydeard, adjacent to the churchyard and accessed from Piffin Lane off Church Street. A Design Statement has been submitted with the application. This sets out the planning history of the site, description of the site, relevant planning policies, criteria for development and a description of the proposed development. It indicates that important views will be preserved. Existing trees and shrubs adjacent to the site and the churchyard are to be retained and new planting proposed at the higher garden level. All new building is to be at the lower access level from Piffin Lane, thereby keeping visual intrusion from rooflines to a minimum. The proposal seeks to ensure that the view of the church tower is framed between the cottage and the proposed dwelling. It also seeks to ensure that the proposed dwelling will be carefully integrated with the surrounding buildings and continue the historic character of the area with cottage style housing set directly onto the street. The extension to the cottage has been designed with a glazed link in order to retain the existing cottage intact. There has been two previous applications at the site, both for the erection of two dwellings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER points of connection for water supply and foul drainage to be agreed.

LANDSCAPE OFFICER subject to protection of trees during construction the proposals seem reasonable. CONSERVATION OFFICER the submitted scheme, in the main, addresses my earlier concerns, therefore I am generally supportive of the same, subject to the following being considered/amended (a) dormers are not a common feature of the Conservation Area but where they do exist, are mainly gabled, with the pitch rising from eaves; mono pitched dormers are very rare and with the exception of one modern house, are likely to be so configured, as formerly thatched properties (dormers sited fully within the roof slope are also not common and later additions); (b) in addition, the proposed dormer pitch is less than 20 degrees, thus preventing the use of the specified

natural slate; (c) the ridge height of both the new house and more particularly the extension to the existing cottage, need to be lowered; in respect of the latter, this is most important, as it should clearly been seen as subservient to the cottage. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

4 LETTERS OF OBJECTION Piffin Lane is an historic lane containing a listed building and an attractive old cottage, all within the Conservation Area; the proposed development still contains house A similar in size, design and position to that refused on two previous occasions, instead of a second dwelling, the proposal includes a large extension to the existing cottage and the inclusion of two garages; the scale of the proposed dwelling is totally overpowering in its position in Piffin Lane, resulting in a long dark alley-way; will not enhance the existing setting; proposed dwelling not in keeping with the existing old dwellings in the lane and will not stitch together more recent developments; overbearing and visually obtrusive, detrimental to the visual and residential amenities adjoining; will not preserve or enhance the Conservation Area but rather cause harm contrary to policy; the view of the church tower will not be preserved, the extension to the cottage will obliterate it; the character of this established site is comprised of an attractive open space of landscaped gardens which provide a backcloth to the built environment within the Conservation Area; adverse impact on the historic development pattern; building works will obstruct free flow of vehicles at entrances to three other properties; the Parish Plan makes it clear that the community does not want any further development in the Conservation Area and that there is a traffic and parking problem particularly in Church/Mount Street; in recent years the occupier of No. 1 has had no car and No. 4 has been unoccupied therefore in realistic terms there will be a substantial increase in the vehicles requiring to use the lane; unrealistic to assume that all the garages will be used for cars; the occupiers of the proposed dwelling will have more than 2 cars and the cottages more than 1 car, so it is likely that cars will park on the highway exacerbating the existing problem; during weekdays and weekends, particularly during peak times, Piffin Lane has a dangerous visibility splay, due to parked cars drivers have to go completely onto the carriageway to get clear visibility; delivery lorries often block the lane; concern of County Highways in relation to proposed dwelling at 23 Mount Street should exist even more here with the far more dangerous visibility splay; the site is an area of historical importance adjacent to the church within the core of the mediaeval village; any development of this site would undoubtedly disturb remains related to mediaeval occupation; should be a thorough programme of archaeological work; the site has been gardens forming a semi open space for a very long time; the development would take up about a third of this space with a dominating high roofline house, extension, garages and driveway for vehicles, none of which will enhance or preserve the open space; if applicant is not satisfied with the existing planting and the run down state of the gardens caused by neglect, it does not need building works to put this right; the proposed development will not reinforce the local character and distinctiveness of the area or street scene; the development would have the reverse effect of minimising adverse impact on the environment; the Authority should only consider in the last resort development on such a sensitive site; will not help the social housing dilemma; an archaeological report should be prepared before the application is determined; previous refusals of permission still stand; would find it difficult to understand that the Conservation Officer could come to a different conclusion on this application compared to the earlier ones; there has been no dialogue with the community; the Conservation Officer has been

steadfast in her view that a chimney on a nearby listed building should remain, but this development would be a far greater desecration to the environment and historical character of Piffin Lane; development is completely unnecessary; unlikely that views of the church will be retained; proposed development will not be unobtrusively integrated into the Conservation Area; insufficient room on the site for the number of vehicles that the proposed development will generate; not an infill site; loss of hedge; concern at damage that may be caused to the surface of the lane, fabric of historic buildings and the drainage; already often several vehicles parked in the lane; building materials not in keeping.

POLICY CONTEXT

Policy STR1 of the County Structure Plan sets out criteria for sustainable development. Policy 9 requires that the character or appearance of a conservation area should be preserved or enhanced. Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments and includes a wide ranging set of criteria against which planning applications are assessed. Policy S2 sets out the broad parameters against which the design of all proposals will be assessed. Policy S4 defines Bishops Lydeard as a rural centre. Policy H2 sets out specific criteria against which new housing will be considered. It is considered that the criteria are met with the current proposal. Policy H17 states that extensions to dwellings will be permitted provided certain criteria are met. Subject to receipt of the required amended plan, I consider the criteria are met with the proposal. Policy EN14 states that 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. It is considered that the proposal meets the requirements of this policy. This is consistent with PPG15.

ASSESSMENT

The previous applications at the site have been for the erection of two dwellings. Both of these have been refused for reasons of the detrimental impact on the character of the Conservation Area and the adverse impact on trees. The concerns of the previous schemes for 2 dwellings have been on the basis of the form of development resulting in a backland form of development and associated access arrangements and accommodation. This was considered to undermine the open nature of the site. The current proposal keeps the form and position of the new dwelling tight to Piffin Lane. The conservation officer is generally supportive of the current scheme subject to certain amendments to the designs. The site is not within area which will be protected from development.

RECOMMENDATION

Subject to receipt of satisfactory amended plans and the views of the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, rainwater goods, landscaping (hard and soft), protection of retained trees, no service trenches beneath trees, no felling/lopping, means of enclosure, parking, turning, meter boxes, no increase in site level, timber doors and windows,

archaeology, underground services and removal of GPDO rights for extensions, ancillary buildings, walls/fencing and doors/windows. Notes re disabled access, energy/water conservation, meter boxes, compliance, CDM regulations, soakaways and contact Wessex Water.

REASON(S) FOR RECOMMENDATION:- The site is within the settlement limits and the proposed development will not have an adverse impact on the historic development/settlement pattern and will preserve or enhance the character and appearance of the Conservation Area and will therefore comply with Taunton Deane Local Plan Policies H2, EN14 and BL2.

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:

07/2005/021

MR ROBERTS

**ERECTION OF 2 DETACHED HOUSES, ROSE COTTAGE, BRADFORD ON TONE
AS AMPLIFIED BY LETTER DATED 13TH SEPTEMBER, 2005**

17287/22417

OUTLINE APPLICATION

PROPOSAL

It is proposed to erect two detached houses on land currently forming the side garden of Rose Cottage. Rose Cottage is a Grade 2 Listed Building. Also included within the application site is an area to the east, which was granted permission to change the use of part of the field to domestic use for drive and garden in 1992. The whole site is within the settlement limits as shown on the Taunton Deane Local Plan Revised Deposit plans, however on the latest published drawings in the Taunton Deane Local Plan, the old boundary not including the approved change of use, was taken as the settlement boundary line. The Local Plan Officers have confirmed that the Taunton Deane Local Plan Revised Deposit is the correct line in this instance, so all the site is within the settlement boundary. There are also has significant large trees on the site, alongside the road, and some other large trees within the site, including some in the immediate side garden of Rose Cottage, and more recently planted trees in an orchard to the south of the house.

Illustrative plans show two detached dwellings to the south-east of Rose Cottage. These are shown to be mainly on the area of the existing drive and area to its side. There would be a new drive site to the west towards the important trees, which would give access to Rose Cottage, its garage, and the two new buildings. There would be a distance of approx. 20m between the garage of the nearest new building and Rose Cottage.

Planning Permission and Listed Building Consent were granted for a garage and storage area in 1993, and Listed Building Consents have been granted for a couple of applications for alterations to the cottage in 1992 and 1993.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to conditions.

LANDSCAPE OFFICER main concern is the loss of agricultural land/open countryside and the impact of EN12. There may be scope for mitigation, but would need to be more substantial than proposed. The access road is close to the existing Ash and Birch, but subject to small changes it should be possible to avoid damaging roots. CONSERVATION OFFICER (verbal) no objection subject to very careful design having regard to the location adjacent to the listed building. DRAINAGE OFFICER note on surface water.

PARISH COUNCIL objection on grounds that part of the site is outside the settlement limits, if the houses were to be 4/5 bedrooms, it would be an overdevelopment of the site, the proposal does not fall within a policy of "infill", the increase in traffic movements on a bend bearing in mind the proposals at Cosy Nook which will result in additional traffic, from Bradford on Tone vehicular access will mean vehicles slowing and moving to middle of the road on a bend which may cause traffic problems, 2 new properties would spoil the charm of the adjacent Rose Cottage.

POLICY CONTEXT

S1 General requirements, S5 Villages, development in villages will be limited to small scale proposals which support their social and economic viability, maintain or enhance their environmental quality and are unlikely to lead to a significant increase in car travel. H2 Housing within classified settlements, will be permitted within settlements subject to criteria. EN12 landscape character areas, development proposals to be sensitively sited and designed to respect the distinct character and appearance of the Area.. EN16 Listed Buildings, development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. The Local Plan also shows "Important Trees " on the western edge of the site; EN8 Trees in and around Settlements, development which would harm the character, landscape or wildlife value of important tree groups will not be permitted unless conditions safeguard them or other factors override the importance.

ASSESSMENT

The buildings as proposed will be in the current garden/drive of the listed building. The site is within the settlement limit of a village, and has an existing access. The important trees would not be affected by the new access drive. It is considered that the site is capable of being developed for housing, without detriment to the amenities of any surrounding properties, without detriment to the important trees, and with little harm to the setting of the listed building.

RECOMMENDATION

Subject to the views of the County Highway Authority the Development Control Manager in consultations with the Chair/Vice Chair be authorised to determine and Permission be GRANTED subject to conditions of outline time, reserved matters, drainage, site levels, materials, landscaping including hedge, existing trees retained/protected, no trench under trees, walls/fences, access gates, parking, careful design having regard to listed building, care with drive having regard to trees, detailed tree survey, underground services, no permitted development rights. Notes re surface water discharge to soakaways, illustrative plans only, meter boxes, access, hedge planting, Wessex Water.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to accord with Taunton Deane Local Plan Policies S1, S5, H2, EN8, EN12 and EN16 subject to

conditions, as the proposed buildings would not cause detriment to the visual amenities of the area, to the listed building or harm to the important trees.

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

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

NOTES:

08/2005/012

GLENMILL HOMES

**ERECTION OF 5 DWELLINGS WITH GARAGES AND PARKING AT MILL COURT,
TUDOR PARK, PRIORSWOOD, TAUNTON.**

24674/26374

FULL PERMISSION

PROPOSAL

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

CONSULTATIONS AND REPRESENTATIONS

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

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

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

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

POLICY CONTEXT

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

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

ASSESSMENT

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

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposal provides for a development of a good design, respecting the character and setting of the adjacent listed building, in a sustainable location without undue adverse impact upon the amenities of surrounding

dwellings. The proposal therefore meets the requirements of Taunton Deane Local Plan Policies S1, S2, EN17 and H1.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

12/2005/008

MRS L DUNK

ERECTION OF DWELLING HOUSE AND NEW ACCESS, LAND ADJACENT TO STONE ACRE, CORFE AS AMENDED BY AGENTS LETTER DATED 13TH SEPTEMBER, 2005 AND PLAN NOS. STS/298 AND 1705/7

23273/19315

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a 4 bedroomed detached dwellinghouse with integral double garage, on a substantial parcel of land between Wembury House and Stone Acre. The land formerly comprises part of the curtilage of Stone Acre.

A belt of mature conifer trees which front the site would be felled, and a street scene drawing has been submitted which shows the relationship with the neighbouring properties either side. This demonstrates that the ground to ridge height of the proposed dwelling would be lower than Wembury House and the same as Stone Acre.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the village of Corfe does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Notwithstanding the aforementioned comments, it is noted that the site is located within the development limits of Corfe and as a consequence, there may be a presumption in favour of small scale development in this location. Therefore, it must be a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car. In detail, the site would derive access from the B3170, which is a busy classified road so it is imperative in the interests of highway safety that adequate visibility splays are provided. I would have ideally preferred 2 m x 120 m, however this would be difficult to achieve so in this instance I would be willing to accept 2 m x 90 m either side of the access. Notwithstanding the sustainable transport issue raised above, if the Local Planning Authority are minded to grant consent I would recommend that conditions are imposed. WESSEX WATER recommends note. SOMERSET WILDLIFE TRUST recommends that the site be surveyed prior to the granting of any planning permission.

LANDSCAPE OFFICER the proposed development of the site provides the opportunity to open up views to the wooded ridge line. However, the relatively large dwelling to narrow site will restrict any potential views and provide limited opportunity for good frontage tree and shrub planting. The existing conifers are now over mature with limited

life and form a dense block in the street scene which is otherwise of a more open character. DRAINAGE OFFICER recommends note.

PARISH COUNCIL no objection to the construction of the proposed dwelling provided that all the trees to the side and front of the property are removed and a hedge planted further back to provide a full width pavement up to six feet wide. Further the telegraph pole must be moved six feet in an easterly direction at the applicant's expense and the entrance pillars to Stone Acre must be set back to provide a decent splay line. There is no mention of materials of construction and the Parish Council would prefer materials of a traditional nature, thus slate or clay tiles for roofing. The Council wishes to be advised of what is proposed by way of materials of construction and also what hedging is to be planted.

1 LETTER OF OBJECTION has been received raising the following issues:- an additional house would increase road danger.

POLICY CONTEXT

Policy H2 of the Taunton Deane Local Plan accepts housing development within defined limits of settlements, provided, inter alia, residential and visual amenity would be safeguarded and road safety not prejudiced. Policies S1 and S2 also seek to safeguard, inter alia, visual and residential amenity. Policy EN10 seeks to safeguard the character and appearance of AONB's.

ASSESSMENT

The site is within the settlement limits of Corfe, and accordingly the proposal is acceptable in principle and with regards to design, the size, bulk and architectural detailing of the proposed dwelling is reflective of neighbouring properties.

In terms of road safety, the County Highway Authority's concern regarding sustainable travel is considered unreasonable in this instance, and their recommended conditions are implementable. The belt of mature conifer trees along the sites frontage would be felled in order to incorporate a suitable visibility splay and these trees clearly have a limited life span and are of limited amenity value. The belt of trees completely block the view towards the wooded ridge line eastwards, and therefore the Landscape Officer 's concern regarding a large dwelling restricting the view is somewhat irrelevant. Finally, the dwelling would be set back some 15 m from the highway and this is considered more than sufficient to provide a comprehensive and significant landscape scheme.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, landscaping, hard landscaping, walls and fences, drainage details, GPDO extensions, ancillary buildings, fencing, timber windows, highway conditions. Notes re soakaways, Wessex Water.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity, road safety, or the character and appearance of this Area of Outstanding Natural Beauty. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, H2 and EN10.

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:

29/2005/014

DAVID EATON-JONES

ERECTION OF TWO STOREY EXTENSION ENLARGED PORCH ALTERATIONS TO OUTBUILDING TO FORM ANNEX AT HIGHER HOWSTEAD, OTTERFORD

23303/15097

FULL PERMISSION

PROPOSAL

There are 3 elements to the proposal: the erection of a 2 storey side extension, measuring 6.6 m x 4.65 m, the ridge line of the extension is subservient and the materials will match the existing; a modest extension is proposed to the porch; and alterations are proposed to a detached barn, which lies within the domestic curtilage. The works comprise the installation of a window and 2 rooflights.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations providing the outbuilding annex is ancillary to the main dwelling and not a separate unit of accommodation.

PARISH COUNCIL no objections to the alterations to the main house, but the Council has grave concerns about the alterations to the attractive barn. Councillors are strongly opposed to alterations to the building, feeling they would in effect create a new dwelling. If allowed it would be desirable to make the proviso that the annex should not be sold separately from the house. Should any alterations to this outbuilding be approved, the work should be completed without allowing any major changes to the appearance.

POLICY CONTEXT

Policy H17 (extensions) of the Taunton Deane Local Plan seeks, inter alia, to ensure that extensions are designed to be subservient to the main house and that neighbouring amenity is not significantly harmed. Policy H18 (ancillary accommodation) seeks, inter alia, to ensure that annexes maintain a functional relationship with the main house.

ASSESSMENT

The proposal is for a two storey extension to the existing dwelling (4.65 m x 6.6 m) which is subservient in design, the scheme includes an enlargement of the existing porch and a new window and 2 rooflights on the barn which is already in use for domestic purposes within the garden. The Parish Council are concerned that possible changes to the barn would create a new dwelling. The size of the barn is not considered suitable for that, it is not the intention of the applicant and a condition restricting the use so it is ancillary to the main house is considered appropriate. The proposal is considered to comply with Policies H17 and H18 and is therefore recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, ancillary accommodation only, conservation rooflights. Notes re the need to ensure works comply with the approved plans.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies H17 and H18 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:

31/2005/012

MR & MRS L POPE

ERECTION OF A DETACHED HOUSE AND GARAGE AND ALTERATIONS TO EXISTING ACCESS, ON LAND TO THE REAR OF THE HYDE, HENLADE

26781/24185

RESERVED MATTERS

PROPOSAL

Outline permission was granted for a dwelling on land to the rear of an existing dwelling which fronts the north side of the A358 in Henlade. Access will be via the existing driveway to the house, with improvements. This application for the Reserved Matters shows a 2 storey 4 bedroom dwelling with attached garage, constructed in brick, with a grey slate roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to viability, parking and turning provision.

PARISH COUNCIL no objection in principle but still have concern over vehicle access.

1 LETTER OF OBJECTION has been received from agent on behalf of the owner of two recently constructed, (but unoccupied dwellings immediately to the east of the site, raising the following issues:-unacceptable loss of privacy from two bedroom widnows which directly overlook the dwellings, and loss of sunlight/overshadowing because of the orientation and site coverage of the proposed dwelling; it is suggested that this last point could be addressed by turning the dwelling through 90 degrees.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR5, Development in Rural Centres and Villages.

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design and H2 Housing within Classified Settlements.

ASSESSMENT

The site lies within the defined village limits for Henlade, and the principle of development has already been established with the granting of outline planning permission.

The main issues in this case is the relationship of the proposed dwelling to existing adjacent properties. Immediately to the south of the plot is The Hyde. This is a detached

dwelling with main windows in the front and rear elevations. To the east, are two recently constructed large detached dwellings. The proposed dwelling is orientated on a north-south axis with main living room windows facing east and west. Whilst this avoids overlooking and loss of privacy to the occupants of The Hyde, it will result in a serious loss of amenity to the future owner of one of the recent dwellings to the east.

Because there is open land to the west and north of the site, the problem could be overcome by a different orientation of the property, and a design which takes account of adjacent dwellings, in terms of windows.

Planning policies require new dwellings to be designed so that they do not harm the privacy and sunlight of existing dwellings,. This proposal does not comply with this policy and is unacceptable.

RECOMMENDATION

Permission be REFUSED due to the way the proposed dwelling is orientated on the site and its design, the proposal will result in direct overlooking and loss of privacy to the occupants of an adjacent property to the east. This would be detrimental to the residential amenity of the adjacent property and would be contrary to Taunton Deane Local Plan Policy H2(G).

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

CONTACT OFFICER: 356313 MRS H PULSFORD (MON/TUES/WED)

NOTES:

38/2005/303

S J HANBOROUGH HOMES LTD

REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS AND 24 FLATS WITH ASSOCIATED PARKING AND ACCESS INTO WOOD STREET AT 7-11B STAPLEGROVE ROAD, TAUNTON AS AMENDED BY LETTER DATED 24TH AUGUST, 2005 AND PLAN NOS.14A AND 04G

22470/25012

OUTLINE APPLICATION

PROPOSAL

The proposal is for the redevelopment of the existing retail/residential properties, 7-11B Staplegrove Road. The site stretches between Staplegrove Road and Wood Street and wraps around the existing residential properties, 45a and 46a Wood Street, lying to the south of the site. The proposal is for outline planning permission for the erection of 24 residential units with 4 retail units at ground floor level fronting onto Staplegrove Road, replacing the existing units. The siting and design are reserved matters and only illustrative details have therefore been included. The proposed scheme would be accessed off Wood Street, through an archway and would provide approximately 14 car parking spaces in a courtyard to the rear of the Staplegrove Road and Wood Street frontages.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle but parking space 14 should be deleted to provide a passing space, cycle storage must be provided and information on the proposed deliveries to the new units fronting Staplegrove Road must be submitted. COUNTY ARCHAEOLOGIST no objection . CHIEF FIRE OFFICER means of escape, access for appliances and water supplies will have to conform to the relevant Building Regulations. ENVIRONMENT AGENCY no objections in principle subject to recommended conditions. WESSEX WATER a water mains is available to serve the proposal, foul sewerage and surface water disposal are available although a sustainable urban drainage system should be investigated.

CONSERVATION OFFICER Primary interest is the effect on Staplegrove Road and the adjacent Conservation Area. I therefore welcome the amended details that remove the roof-lights and small dormers on the Staplegrove Road elevation. This said the elevations are clearly higher than the previous, withdrawn, application and I await a street scene plan, showing the relationship between the proposal and its neighbours to assess the impact of the proposed on Staplegrove Road. ENVIRONMENTAL HEALTH OFFICER no objection subject to construction noise and contaminated land conditions. DRAINAGE OFFICER the proposal is within the 100-year floodplain of the River Tone and the Environment Agency must be notified with a flood risk assessment. LEISURE AND RECREATION OFFICER the proposal does not make provision for children's play or active recreation/sport. I request the provision of a financial contribution towards the provision of additional facilities in the local area.

4 LETTERS OF OBJECTION have been received raising the following issues:- two walls of the existing houses adjoin the new development and the development is likely to damage the structure of my house with the heavy machinery digging next to the walls of my house to create the new foundations; the proposed windows would overlook the neighbouring properties; the existing planning permission is for 11 flats, to be contained within two storey buildings and is sympathetic to the adjacent building and area, the present application is for 24 flats and 4 retail units in three storey buildings and represents an over-development of the site with each of the buildings at double depth and well beyond the inner building line of the existing properties; the proposed units are very small and some units have no vertical windows to look out of, only Velux roof-lights in the roof slope, a desperate effort to achieve the desired numbers at the cost of existing residents and the environment; the development is likely to generate an additional 40 traffic movements along Wood Street, where children and their parents walk to the main entrance into North Town School, the road is already heavily congested at times and the additional use is likely to prove a danger for the pedestrians and existing road users and may lead to blocking of the road stopping essential access for emergency vehicles; the three storey development is out of keeping and will totally overpower and overshadow its neighbours; the use of a double pitched roof is out of keeping with the area; the proposed large first floor patio entrance to flats 5 & 6 will cause unacceptable overlooking of the rear of existing residential properties and their curtilages and will also lead to increased noise and pollution; the rear first floor windows of the front buildings and windows of the rear buildings are too close to the corner of the buildings and will enable unacceptable over-looking of the existing residential properties; the previous permission provided a 3 m high boundary wall around the site, this application makes no provision for this in spite of the applicant agreeing to the principle in the previous permission; the proposal will increase the height of the buildings adjacent to the existing single storey unit from single storey to three storey in height and this will overpower the existing backyard and make the windows into the kitchen very dark; the 3 m high wall with parking adjacent as previously suggested would be acceptable; the existing drains are ancient and unsuitable for the additional waste likely to be generated, the development of land to the rear of the domestic curtilages will reduce the security of the rear of existing properties, the rear development will be erected across an existing bathroom window prohibiting the window from being opened and becoming dark.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR 2 & 3 Development in Towns Policy 9 The Built Historic Environment, Policy 48 access and parking and Policy 49 Transport Requirements for new developments. Taunton Deane Local Plan policies S1 General Requirements, S2 Design, H2 Housing, C4 Open Space Requirements, M4 Car Parking Requirements, EN14 Conservation Areas, EN28 Development And Flood Risk, T12 Secondary Shopping Areas.

The site lies at the edge of Taunton Town Centre in a sustainable location. The secondary shopping frontage will be replaced with similar uses. Car parking is not essential although the applicant is proposing 14 parking spaces.

ASSESSMENT

The proposed scheme would represent an intensive form of development on previously developed land in line with government and local plan policy. The new buildings would be higher than the existing neighbouring properties (except in relation to 45a and 46a Wood Street (where the existing properties would be higher) and will have an impact on the existing residential and commercial properties. The applicant has taken this into account to a degree and is prepared to erect a 3 m high boundary wall around the site boundaries to protect the privacy and security of the adjacent buildings and land. Whilst the plans submitted with the application are illustrative only I do have some slight concerns that I have asked to be resolved prior to the committee meeting. The existing plans create a light well to an existing bathroom window in 45a Wood Street. This would extend across the window up to the apex of the roof. Whilst this would retain the ability to open the window it would result in a loss of light entering the room and revisions have been requested that set the elevation back behind that particular window. The original plans show an access from flat 5 onto the flat roofed extension. I consider that this would result in overlooking of properties fronting onto Staplegrove Road and the agent has been asked to replace the flat roof with a shallow pitch to avoid this happening in the future. The site is situated in a town centre location where car parking is not considered essential. Nevertheless the agent has indicated that 14 car parking spaces would be provided in a rear courtyard accessed from Wood Street. Amended Plans have been received to reduce the parking to 10 spaces and to indicate the provision of a minimum of 24 cycle parking spaces within the site. Proposal considered acceptable.

RECOMMENDATION

Subject to the receipt of no further letters of objection raising new issues by ... the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, reserved matters, materials including mortar, gutters down-pipes etc, maximum 24 residential units, 4 commercial units fronting Staplegrove Road, details of all boundary walls including a 3 m high boundary wall, details for the disposal of surface water, development brief, two storey only, materials for the courtyard, parking spaces and access, building shall not be demolished before a contract for the redevelopment has been let, plans showing the parking area, plans for the provision of a minimum of 24 cycle storage spaces (one per unit), no first or second floor windows on the western or eastern elevations of the buildings, contamination assessment, noise and vibrations must comply with building regulations standards, site levels, external lighting, details of a flood protection system, method statement and schedule of responsibility for flood prevention measures, Storage of fuels and chemicals, oil storage, no discharge of contaminated trade waste or effluent, submission of a desk study for ground contamination and if necessary a risk assessment, conceptual model and method statement to deal with any remediation.

REASON(S) FOR RECOMMENDATION:- The proposal would be located within the central area of Taunton where residential and commercial developments is acceptable. The proposed scheme is considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, H1, C4, M4, EN14, EN28 and T12.

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:

42/2005/029CA

GREATWORTH PROPERTIES LTD

DEMOLITION OF BUNGALOW AND OUTBUILDINGS AT SUNDENE, DIPFORD ROAD, TRULL AS AMENDED BY E-MAIL RECEIVED 22ND AUGUST, 2005

21328/22403

C.A. CONSENT - DEMOLITION OF UNLISTED BUILDING IN C.A.

PROPOSAL

The application is for demolition of modern bungalow and shed on site proposed for redevelopment. The scheme has been amended to delete the removal of the wall.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER no objection to scheme as amended.

PARISH COUNCIL we have no objection to the demolition of the bungalow and sheds. We object to the demolition of the old flint wall. This is an important part of the building setting of the conservation area, and adjacent listed buildings, and to demolish it would harm this setting contrary to local and national policies. If the opening in the wall needs to be widened for demolition and construction work, it should be a condition that it is reinstated in the original materials afterwards.

5 LETTERS OF OBJECTION have been received raising the following issues:- loss of flint walls on frontage; concern over impact on foundations of existing adjacent barn; demolition should be done by hand; impact on setting of Conservation Area.

POLICY CONTEXT

RPG 10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 sustainable development, Policy 9 The Built Historic Environment.

Taunton Deane Local Plan Policies S1 General Requirements, and EN15 Demolition Affecting Conservation Areas.

ASSESSMENT

The proposal is to demolish the existing bungalow and sheds on the site ready for a replacement scheme for residential development. At the time of writing this report such a scheme is yet to be submitted. The scheme has been revised to delete the inclusion or removing walls on the frontage from the application. The bungalow is of modern construction and its removal will enhance the character of the Conservation Area. A condition preventing demolition until redevelopment is agreed is considered appropriate as is a condition concerning details of alterations to walls to allow access for demolition

works. The proposal is considered acceptable in compliance with policy and is recommended for approval.

RECOMMENDATION

Consent be GRANTED subject to conditions of time limit, no demolition until permission granted and contract let and details of alterations and reinstatement of wall at front.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policy EN15 and materials 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:

46/2005/024

ANDREW FRANCIS DENNIS

PROPOSED CHANGE OF USE OF DOUBLE GARAGE TO FARRIERS FORGE WORKSHOP AT THE FORGE, BLACKMOOR, WEST BUCKLAND, WELLINGTON AS AMENDED BY LETTERS DATED 4TH SEPTEMBER, 2005 AND 9TH SEPTEMBER, 2005

16873/18479

FULL PERMISSION

PROPOSAL

This area of Blackmoor is a group of dwellings and buildings within the generally scattered area of Blackmoor. It is proposed to change of use of existing double garage sited to the north of the road on land which is adjacent to the house and grounds known as The Forge. The existing double garage building is a timber structure with 2 metal up and over doors. There is also a stable block and shed in close proximity of the garage, and parking area for a total of 5 vehicles, some being behind others. There is access to an agricultural field to the rear of the site. The applicant is intending to have an apprentice to learn the trade, and the main part of the business is carried out on the customers' sites and not at the application site. The applicant wishes to use the site for the use for making up stock of horseshoes.

The applicant has stated that he will include soundproofing to the building, although from his tests at the site, he doesn't consider soundproofing essential as the noise emanating from the building was at a low level.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY traffic movements will be minimal, but concerns if a general industrial use, need details of parking for the house, need turning area to be shown on plans, no objection subject to plans and conditions.

ENVIRONMENTAL HEALTH OFFICER suggests noise condition. ECONOMIC DEVELOPMENT OFFICER supports this application, help job creation and diversity, a business grant for growth and training of an apprentice has been awarded. TOURISM OFFICER no observations. DRAINAGE OFFICER no observations.

PARISH COUNCIL objects as an inappropriate use in a residential area.

THREE LETTERS OF OBJECTION have been received raising the following issues:- the workshop is only 22 m from front of house, concerned about noise levels, although has also discussed the matter with the applicant, and minimum noise is suggested, would prefer to have garage door moved to side; Blackmoor is a peaceful country hamlet, totally incompatible with industrial development; concern if a flue/duct is needed; concern about access at a hazardous location; however, if sound and pollution

screening, traffic calming, and only the garage used, then this is not a formal objection; increase in traffic as a cut through; concerns over extra traffic, and parked cars; smells/noise from new use.

POLICY CONTEXT

S1 general requirements, S2 design, EC4 working from home, relates to within the dwellinghouse, thus is not strictly relevant; EC6 conversion of rural buildings, relates to conversion of buildings outside settlement limits for uses such as employment uses; EC7 rural employment proposals, outside settlement limits, new small scale buildings for business, industrial etc. uses would be acceptable subject to criteria, such as access, near a village, and where no harm to residential amenity.

ASSESSMENT

The site is in open countryside, but proposes to use an existing building within a small complex of buildings. Most of the activity will be carried out at the customer's land/sites, but some adaptation and work on horseshoes will take place on site. The applicant has agreed to install soundproofing at the premises in order to minimise any potential noise. He has carried out a noise test, in order that the neighbours could hear if there was any noise. Given the agreement to provide sound proofing and changing the position of the doors to a personnel door only on the north side of the building, it is considered that the use is acceptable. In terms of traffic generation, the proposed use should not involve any increase in traffic. The use at present is a double garage with stables and parking spaces and thus could cater for a reasonable number of cars/horse boxes entering/exiting and parking without detriment to the amenities in the area. The proposal is considered to meet the criteria within the relevant policies, and is considered to be acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, specific noise, personal use, only, for use as farriers forge only, details of turning area, full details of sound proofing measures, full details of all external alterations, including flues/chimneys.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be acceptable and accords with Policies S1, EC6 and EC7 of Taunton Deane Local Plan as it enables the employment of a specialist crafts person, and subject to conditions, which should ensure no detriment to the amenities of local residents.

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

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

NOTES:

46/2005/025

MR & MRS J C TEASDALE

ERECTION OF EXTENSION TO PROVIDE ADDITIONAL BEDROOM ACCOMMODATION TO CARE HOME, CAMELOT HOUSE, TAUNTON ROAD, CHELSTON, WELLINGTON (PART AMENDMENT TO PERMISSION 46/2004/035) AS AMPLIFIED BY LETTERS DATED 5TH AUGUST, 2005 AND 13TH SEPTEMBER, 2005

16110/21321

FULL PERMISSION

PROPOSAL

The proposal provides for alterations and extensions to provide additional bedroom accommodation to the existing care home. 24 additional bedrooms are proposed. Materials will be render and roof tiles to match the existing. The proposal is mainly on land currently with agricultural buildings on it. It is intended that there will be 15 additional members of staff. A previous permission for the erection of extensions and alterations to provide additional living accommodation and associated facilities including day care unit was granted in December 2004.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle. In detail the access onto the A38 is acceptable across the garage forecourt to the left, but to the right is obscured by the existing boundary hedge. The development would add significantly to the amount of traffic using the sub-standard access and in consequence would require the first 10m of hedgerow to be removed and set back behind the visibility splay line. There should be no obstructions to visibility within the splay area in excess of 900mm above adjoining carriageway level and the visibility splays to be provided prior to the new extension coming into use. WESSEX WATER points of connection to infrastructure for water supply and foul drainage should be agreed. There is a public sewer crossing the site. Would normally require a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. Arrangements for the protection of infrastructure crossing site should be agreed with Wessex Water prior to commencement. CHIEF FIRE OFFICER means of escape and access for appliances should comply with the Building Regulations and water mains should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

PARISH COUNCIL object. Concern over the location of the laundry and boiler room and feel that this is a major departure from the approved plan. The Council also felt that the local residents should be informed of this application so that they can make their views known. Whilst not objecting to the additional bedrooms it is felt that the two changes to this application are hand in glove.

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 19 of the Somerset Structure Plan states that in rural areas provision should be made for development which creates or enhances local employment facilities.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy S7 states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria, which it is considered are met with the current proposal.

ASSESSMENT

The proposal provides for significant extensions to an existing nursing home. Design and materials are considered to be in keeping with the existing buildings. The applicant's agent confirms that the proposed accommodation is for existing residents and when the work is completed on site, the other part of the previous permission will be revisited and revised. The County Highway Authority does not raise any objection to the proposal. With regard to the Parish Council's concerns, the agent advises that the boiler will be linked to a conventional flue and not one requiring fan assistance. The ventilation of the boiler house will be carried out through the fitting of acoustic louvers and the structure will be cavity wall construction. The construction of the laundry will be similar to the boiler house and the only noise would be from the drier but this will also be fitted to a conventional flue. The agent considers that there will be no noise caused through vibration as the units will be fitted to a concrete floor. Advisory notes are recommended with regard to most of the points raised by other consultees.

RECOMMENDATION

Subject to the views of the Environmental Health Officer, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, removal and setting back of hedge and provision of visibility splay, not to be implemented in addition to previous permission and provision of equipment in the boiler room and laundry to be carried out in accordance with agent's letter. Notes re disabled access, energy/water conservation, encroachment, CDM Regulations, consideration to be given to providing accommodation for nursing staff, contact Wessex Water and access for fire appliances.

REASON(S) FOR RECOMMENDATION:- The principle of expanding an existing business use outside defined settlement limits is considered acceptable and the proposal is considered not to harm visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and EC1a

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:

48/2005/036

BATHPOOL CHAPEL

RETENTION OF SINGLE UNIT PORTAKABIN FOR USE IN CHILDRENS SUNDAY SCHOOL & MINISTERIAL PREPARATION AT LAND BETWEEN BATHPOOL CHAPEL & 103 BRIDGWATER ROAD, BATHPOOL

25187/25873

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

A 2 year temporary planning permission was granted in January 2003 for the siting of a portakabin for use by the Sunday school and for ministerial preparations in connection with Bathpool Chapel. The portakabin is sited on a flat area of land lying to the east of the church and approximately 14 m back from the highway. It is screened from the main road by the boundary hedge. To the north of the site is a domestic side garden (used as a main garden) of the adjacent dwelling. The current proposal is for the retention of the portakabin for similar purposes.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. ENVIRONMENTAL HEALTH OFFICER no objection subject to a condition limiting the noise emissions from the portakabin. ENVIRONMENT AGENCY no flood risk objection to this proposal. There is a landfill site within 250 m of the proposal.

LANDSCAPE OFFICER the building is incongruous within the local area and is partially screened by the existing hedgerows. I recommend tree planting and a hedgerow along the eastern boundary to soften its impact.

PARISH COUNCIL object to the proposal on the grounds of inadequate parking and road safety on the main A38 our previous objections were not taken into account when the proposal was refused due to a lack of flood risk assessment.

1 LETTER OF OBJECTION has been received raising the following issues:- the portakabin would be damaging to the visual amenity of the area, visitors to the church on Sundays and in the evenings still park along Bridgwater Road obstructing our view when leaving our drive and this is very dangerous

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan the following policies apply:- STR1, requiring proposals to be of a good design and reflect local distinctiveness; Policy 39 requires development proposals to be compatible with the road network or, if not, to provide an acceptable improvement.

Taunton Deane Local Plan the following policies apply:- S1 general requirements of all development especially relevant are criteria (A),(D) and (F); S2 requires a good design appropriate for the area, M2 requires adequate parking for non-residential uses M3 requires that the highway network to be able to cope with the expected traffic and on street parking pressure would not be significantly increased.

ASSESSMENT

The portakabin has been on site for the last three years. Its impact on the street scene is minimal and there are no records of any noise complaints or parking problems over that period. Additional planting along the eastern boundary will further assimilate the building into the street scene and a condition is suggested to enable that to be provided. The portakabin has residential properties lying to the south and northeast and I am concerned that the proposed use should not have a detrimental impact on the amenities of these properties and I intend to recommend the same conditions regarding noise and usage as on the previous temporary permission. The County Highway Authority do not raise objection due to the low scale use of the portakabin. In addition alternative parking is provided at Watermarque (on the opposite side of the road to Bathpool Chapel). The proposal is considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of temporary 10 year period, no amplified music or speech shall be audible at the boundary of any residential or other noise sensitive premises, use for Sunday Schools and ministerial preparation only.

REASON(S) FOR RECOMMENDATION:- The proposed portakabin compliments the existing Bathpool Chapel and is considered to be in accordance with Taunton Deane Local Plan Policy S1.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

PLANNING COMMITTEE – 28 SEPTEMBER, 2005

Report of the Chief Solicitor

Miscellaneous item

Application for a Certificate of Lawful Use - Land to the side and rear of Yew Tree Cottage, Wrantage (Application No 24/2005/033LE)

Background

In May 2004 planning permission was granted for the erection of a dwelling on land to the west of Yew Tree Cottage at Wrantage (application No 24/2004/007). Work subsequently commenced and two residential caravans were parked on adjacent land for occupation by the owners whilst the house was being built.

Complaints were received from a local resident and via the Parish Council concerning the stationing of the caravans, and the owner of the land was notified that either planning permission would be needed for stationing the caravans, or the caravans would need to be re-located onto the site of the proposed dwelling. If used for occupation whilst the property was being built, permission would not be needed. The caravans were accordingly re-located.

However, during the course of these discussions, the issue of the use of the area of land adjacent to the site of the proposed dwelling for open storage was raised and in order to provide certainty, an application has been made for a Certificate of Lawful Use for the site.

A Certificate of Lawful Use is a certificate issued by the Local Planning Authority accepting a use has become lawfully established over a period of time and is, therefore, similar in that respect to a planning permission.

However, the decision is based entirely on the evidence submitted that the use has taken place for the appropriate period of time, generally ten years, and the planning merits of the use are not considered. As a consequence, there is no consultation and the application is not advertised. The decision is usually delegated to the Development Control Manager, acting on the advice of the Chief Solicitor. This application is being referred to the Committee because the applicant's partner is a member of staff, and the application for the dwelling itself was contentious locally.

The application

The application is for a Certificate of Lawful Use for the use of an area of open storage on land to the side and rear of Yew Tree Cottage at Wrantage, as

shown on the plan attached to the application. The application is supported by two statutory declarations from the applicant and his brother who have known the land since the early 1950s. These state that the land has throughout that period been used for the storage of a variety of items, including building materials and vehicles, and is distinct from the remainder of the area which has been in agricultural use. In addition there are three statements from various trades people who have visited the site during the course of their business plus a further statement from a member of the family. All the statements confirm the storage use on the land.

The Enforcement Officer has no record of having received complaints in respect of the land until the positioning of the caravans earlier this year. The use of the land for storage has not been raised.

I am therefore satisfied that the evidence submitted passes the test that the use has been continuous for at least the last ten years and a Certificate of Lawful Use should be issued. The wording of the certificate will be such that it will prevent a further intensification of the use.

Recommendation

The Committee is therefore **RECOMMENDED** to endorse the decision of the Development Control Manager to grant a Certificate of Lawful Use in respect of the use of an area of land to the side and rear of Yew Tree Cottage, Wrantage for open storage.

Chief Solicitor

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