



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 2ND NOVEMBER 2005 AT 17:00.

(RESERVE DATE : MONDAY 7TH NOVEMBER 2005 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 12 October 2005 (attached).
3. Public Question Time
4. CHEDDON FITZPAINE - 08/2005/014
ERECTION OF A DWELLING ON LAND TO THE WEST OF MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE.
5. CHEDDON FITZPAINE - 08/2005/015
FORMATION OF ACCESS ROAD FOR RESIDENTIAL DEVELOPMENT, TO THE NORTH OF MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE
6. CHEDDON FITZPAINE - 08/2005/021LB
ALTERATIONS INCLUDING THE PROVISION OF A HIGHER NEW ROOF AND CONVERSION OF BARN TO DWELLING AT THE WAGON HOUSE, TUDOR PARK, MAIDENBROOK, CHEDDON FITZPAINE.
7. CHEDDON FITZPAINE - 08/2005/022
ERECTION OF A NEW, HIGHER ROOF AND CONVERSION OF BARN TO DWELLING AT THE WAGON BARN, TUDOR PARK, MAIDENBROOK, CHEDDON FITZPAINE.
8. CREECH ST MICHAEL - 14/2005/036
ERECTION OF DWELLING TO REAR OF 1 PADDOCK CLOSE, CREECH ST MICHAEL.
9. NORTH CURRY - 24/2005/034
RETENTION OF MOBILE HOME AND CHANGE OF USE OF LAND TO RESIDENTIAL AT KNAPP LANE, NORTH CURRY.
10. STOKE ST GREGORY - 36/2005/017
RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE, CONVERSION AND ALTERATION TO BUILDING TO FORM HOLIDAY ACCOMMODATION TOGETHER WITH ERECTION OF WIND TURBINE AT HIGHER HOUSE FARM, HELLAND LANE,

STOKE ST GREGORY (ALTERNATIVE SCHEME TO APPROVAL
36/03/026)

11. STOKE ST MARY - 37/2005/011
CHANGE OF USE OF LAND AND ERECTION OF BUILDING FOR
VEHICLE STORAGE AT DAIRY HOUSE FARM, STOKE HILL,
HENLADE
12. TAUNTON - 38/2005/352
ERECTION OF 2 NO. DWELLINGS TO REAR OF 191 AND 193
STAPLEGROVE ROAD, TAUNTON
13. TAUNTON - 38/2005/356
DEMOLITION OF DWELLING AND ERECTION OF ONE
BEDROOMED FLATS TOGETHER WITH DELIVERY ACCESS AT
5-7 COMPASS HILL TAUNTON.
14. TAUNTON - 38/2005/364
FORMATION OF NEIGHBOURHOOD PLAY AREA, ENCLOSED
MULTI-USE GAMES AREA, ALTERATIONS TO SITE ENTRANCE,
REMOVAL OF EXISTING PLAY AREAS AND REINSTATEMENT AS
WILDLIFE AND COMMUNITY GARDENS AT VICTORIA PARK,
VICTORIA GATE, TAUNTON
15. WELLINGTON (WITHOUT) - 44/2005/016
ERECTION OF AGRICULTURAL LIVES STOCK/HAY BARN AT
LAND TO THE NORTH OF LITTLE SILVER LANE, OPPOSITE
LITTLE SILVER COTTAGE, LITTLE SILVER LANE, WELLINGTON
16. WEST HATCH - 47/2005/015
ERECTION OF TIMBER FRAMED BUILDING FOR THE PURPOSE
OF HOUSING AGRICULTURAL MACHINERY AND HAY,
ABBAYWOOD, WEST HATCH, AS AMENDED BY ADDITIONAL
INFORMATION IN THE FORM OF A LETTER RECEIVED FROM
THE APPLICANTS DATED 28TH SEPTEMBER 2005
17. WEST MONKTON - 48/2005/045
DEMOLITION OF 14 AND 21 RICHARDS CRESCENT AND
ERECTION OF 6 FLATS 3 BUNGALOWS AND FORMATION OF 18
PARKING SPACES AT RICHARDS CRESCENT, MONKTON
HEATHFIELD
18. WIVELISCOMBE - 49/2005/048
ERECTION OF INDUSTRIAL UNITS FOR THE PRODUCTION AND
ASSEMBLY OF POWERWASHERS (USE CLASSES B1, B2 AND
B8) INCLUDING OFFICE AND STAFF ACCOMMODATION, CAR
PARKING AND ATTENUATION POND, LAND ADJACENT TO
SEWAGE TREATMENT PLANT WITH ACCESS FROM SANDYS
MOOR, LAND AT HILLSMOOR, WIVELISCOMBE AS AMENDED
BY ADDITIONAL INFORMATION - WILDLIFE SURVEY RECEIVED
3RD OCTOBER, 2005, LETTERS DATED 4TH OCTOBER, 2005
AND 10TH OCTOBER,2005
19. S106 AGREEMENT RELATING TO THE PROPOSED
DEVELOPMENT AT THE FORMER GAS STORAGE SITE, CASTLE
Miscellaneous item

STREET, TAUNTON (38/2002/114 AND 38/2004/493)

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

26 October 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:



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

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

Planning Committee – 12 October 2005

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

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

No press were present at the meeting.

(The meeting commenced at 5.00 pm)

(Councillors Lisgo, Mrs Smith and Miss Cavill arrived at the meeting at 5.06 pm, 5.17 pm and 5.21 pm respectively)

129. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillors Guerrier and C Hill.

130. Minutes

The Minutes of the meeting held on the 28 September 2005 were taken as read and were signed.

131. Applications for Planning Permission

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

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

22/2005/013

Erection of two storey extension, Hoccombe Barn, Lydeard St Lawrence (revised scheme).

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development did not prejudice the form and character of

the existing dwelling and was subservient to the existing dwelling in accordance with Taunton Deane Local Plan Policy H17.

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

The Committee was of the view that the proposed extension would not affect the character of, and would be subservient to, the existing dwelling.

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

24/2005/037

Conversion of barn into five bedroomed, two storey dwelling with detached double garage at Chestnut Farm, Helland.

Reasons

- (a) The proposed barn conversion involves the significant extension and alterations to the roof of the barn that would materially alter the character of the barn contrary to the requirements of Taunton Deane Local Plan Policy H7.
- (b) The proposal does not include any landscape proposals and, as such, the development including the barn conversion, the access and domestication of the land without providing a suitable landscape boundary between the site and surrounding countryside is considered detrimental to the character of the surrounding area contrary to the requirements of Taunton Deane Local Plan Policies EN6 and EN12.
- (c) The proposed domestic curtilage is considered to be excessive, likely to result in a detrimental change in the character of this rural area and the surrounding North Curry Ridge Landscape Character Area contrary to Taunton Deane Local Plan Policy EN12.

Also RESOLVED that enforcement action be taken in respect of the unauthorised access that had been constructed.

38/2005/360

Erection of dwelling and retention of access on land to the rear of 188 Kingston Road, Taunton.

Reasons

- (a) A proposed dwelling in the rear garden of this property (No 188 Kingston Road) and the resultant loss of garden to the existing dwelling, would be out of keeping with the general layout, scale, form and character of existing development in the locality and would be detrimental to the visual amenity of the area. The proposal is therefore contrary to Taunton Deane Local Plan Policies S1, S2 and H2.
- (b) The proposal will result in a tandem form of development in a backland location, in close proximity to existing dwellings. The increased activities, noise and disturbance will be detrimental to the residential amenity of the occupants of nearby dwellings. Furthermore, the proposal will result in mutual overlooking and loss of privacy to residents and the proposal is contrary to Taunton Deane Local Plan Policy H2.
- (c) The proposed development, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area. Accordingly, the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and H2.

(Councillor Miss Cavill declared a personal interest in the applications covered by Minute Nos. 132 and 133 below and left the meeting during their consideration.)

132. Residential development, new site accesses, car parking and associated works on former Gas Storage Site, Castle Street, Taunton (38/2002/114)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to contributions towards transport infrastructure, affordable housing, flood attenuation, provision of footway/cycleway bridge, laying out of riverside walkway and education provision, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) Details of the phasing of all elements of the proposal shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced and no deviation from the approved phasing shall occur without the prior written approval of the Local Planning Authority;
- (e) A master plan indicating a draft layout of the whole site indicating access arrangements including cycleways and footpaths, the density, form, scale, height and massing of the development, location of

landscaping and amenity areas, wildlife survey and mitigation shall be submitted to, and approved in writing by, the Local Planning Authority prior to the submission of any reserved matters. A material deviation from the approved master plan shall not take place other than with the prior approval of the Local Planning Authority;

- (f) A strategic footway/cycleway link along the south bank of the River Tone shall be formed across the site from east to west of the site to the satisfaction of the Local Planning Authority within 12 months of the first occupation of any of the dwellings. Details of such a link, which shall be constructed in a landscaped setting in accordance with the approved development brief shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any part of the development;
- (g) The master plan required by condition (e) shall make provision for pedestrian access across the site between Castle Street to the River Tone;
- (h) Parking provision shall be made for each dwelling in accordance with details to be approved by the Local Planning Authority and such provision shall thereafter not be used for any other purpose;
- (i) Detailed drawings showing cross sections indicating any change of levels on the site shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (j) C101 – materials;
- (k) Details and samples of the materials to be used for the surfaces of the drives, turning and parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (l) C240 – landscaping;
- (m) C215 – walls and fences;
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (o) C331 – provision of cycle parking;
- (p) C910B – programme of archaeological work;
- (q) C911 – aerials – combined system;
- (r) C926B – remediation investigation/certificate;
- (s) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (t) A strip of land 7m wide adjacent to the top of the banks of all water courses fronting or crossing the site must be kept clear of all new

buildings and structures (including gates, walls and fences). Ground levels within such a strip of land shall not be altered without the prior written consent of the Local Planning Authority;

- (u) The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at 0.25m intervals, together with details of proposed finished levels;
- (v) Development shall not commence until details of a safe exit route, not adversely affecting the flood regime to land outside the 1 in 100 year plus climate change flood plain, are submitted to, and agreed in writing by, the Local Planning Authority. This route must be in place before any occupancy of the buildings;
- (w) No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans;
- (x) No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (y) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained;
- (z) The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage;
- (aa) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of the premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommendation and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed in writing prior to the commencement of the development hereby approved;
- (bb) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at nearby premises:-
Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 hours.
At all other times including public holidays, there shall be no noisy working.
(Notes to applicant:- (1) N110 – design; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N075 – Section 106 Agreement; (5) Applicant was advised to protect the integrity of

Wessex Systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (6) Applicant was advised that the site was previously a gas works and has since been used for other purposes. As such, there is the possibility of contamination on site. Whilst the Council is aware of a thorough and comprehensive remediation strategy that was undertaken on this site, this was in 1997/1998. Best practices have changed since that time and the techniques and remedial criteria may now not be sufficient to be fit for the proposed use as set out in the application. Applicant is therefore recommended to review the previous investigations in the context of current legislation when considering land contamination and prevention of pollution of controlled waters. Consideration should also be given to possible contamination arising from the land use which may have had consequential impact on soils, sub-soils and ground water beneath this site, since the original report was commissioned; (7) N048A – remediation strategy; (8) Applicant was advised that 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; (9) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (10) 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.)

Reason for outline planning permission, if granted:-

The proposed development site formed part of a major mixed use allocation in the Taunton Deane Local Plan. Its development for residential use accorded with Policies T2 and S3 as well as complying with emerging guidance associated with the Taunton Vision.

133. Residential development, new site accesses, car parking and associated works on former Gas Storage Site, Castle Street, Taunton (38/2004/493)

Reported this application which was to be the subject of an appeal against its non-determination in December 2005. Members were therefore requested to support the Council's stated position in respect of the forthcoming appeal.

RESOLVED that the appeal be challenged as the application (No 38/2004/393) failed to meet the requirements of Policies H1, C1, C4, EN28, T2 and S3 of the Taunton Deane Local Plan due to the applicants failure to make adequate necessary contributions towards:-

- (i) Transport Infrastructure;
- (ii) Off-site flood mitigation works;
- (iii) Sport and recreation provision; and
- (iv) Education.

Noted that subject to the addition of the following condition, a list of conditions would be suggested to the Inspector in the event of the appeal being allowed in accordance with those relating to application No 38/2002/114 (Minute No 132/2005 refers):-

“(cc) No development of any phase shall commence until details of the dwellings and dedicated underground car parking to be provided in that phase have been submitted to, and approved in writing by, the Local Planning Authority”.

134. Erection of two extensions to dwelling and construction of garage/studio to replace existing garage at The Paddocks, Ford Road, Wiveliscombe (49/2005/057)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 17 October 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) C001A – time limit;
- (b) C102A – materials;
- (c) C326A – garage – domestic purposes only;
- (d) C404 – single family unit;
- (e) C409 – fenestration – no additional windows;
- (f) C414 – no increase in site level;
- (g) Full details of all surface and foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority and implemented prior to the commencement of use of the building (Notes to applicant:- (1) N037 – drainage/water; (2) N045 – encroachment.)

Reason for granting planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H17 as it did not give rise to loss of amenity to local residents.

135. Enforcement Issues at Creech Paper Mills, Creech St Michael

Earlier in the year, the Committee considered a report concerning an enforcement notice which had been served in respect of an alleged unauthorised use of the site at Creech Paper Mills for a crane hire business.

On detailed consideration, the actual use was considered not to have been a breach of planning permission and it had therefore been agreed to withdraw the notice.

Despite this, a number of other enforcement issues at the site had been identified, including a number of possible breaches of condition which were

currently being investigated by the Development Control Manager, and an unauthorised vent on the building occupied by County Hardwoods.

The owner of the business had previously indicated that the vent would be removed but, to date, this had not occurred.

RESOLVED that unless this vent was removed within four weeks from the date of the meeting, the Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution action, subject to satisfactory evidence, should the notice not be complied with.

(Councillors Lisgo and Henley left the meeting at 6.15 pm and 7.00 pm respectively. Councillors Clark and Mrs Smith left the meeting at 7.29 pm.)

(The meeting ended at 8.12 pm)

08/2005/014

GLENMILL HOMES LTD

ERECTION OF A DWELLING ON LAND TO THE WEST OF MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE.

23492/26430

OUTLINE APPLICATION

PROPOSAL

Full planning permission was granted in 2001 for the conversion of the grade 2 listed Maidenbrook farmhouse into two dwellings and the conversion of the adjacent barns (listed by virtue of curtilage) into 5 dwellings (plus one ancillary unit). The permission retained existing curtilage land to the west and north of the farmhouse as domestic curtilage for the converted farmhouse, so as to retain an appropriate setting for the listed building. Subsequent to this permission unauthorised fences, 10 m - 12 m from the rear of the farmhouse have been erected and the remainder of the site cleared of all evidence of the former garden. The farmhouse has been converted and both dwellings sold off without the garden area shown in the original permission. The current proposal is for the erection of a dwelling on the land to the west of Maidenbrook farmhouse that formed its original curtilage. In order to gain access to the site, the applicant is proposing to create a new road (application 08/2005/015) to the north of the listed farmhouse to link into the part constructed access road that joins the A3259 to the north of Maidenbrook farmhouse (now called the Tudor and The Stuart).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY it appears that a private drive will serve the proposed dwelling and that the drive will have access to a section of proposed highway that is not the subject of this planning application. As a result, I do not wish to raise any highway comments on this application and would recommend that the following conditions are imposed:- 1. The section of proposed highway that lies to the east of the application site but does not form part of this particular application shall be constructed to an approved standard prior to occupancy of the proposed dwelling. 2. The garage and 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. 3. The proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority. 4. No unbound material from the driveway shall be allowed to disperse onto the proposed adjoining highway. 5. No private surface water from the application site will be allowed to discharge onto any part of the proposed adjoining highway. 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. 6. Any private gates must be hung to open inwards and be set back a minimum distance of 4.5 m from the carriageway edge. COUNTY ARCHAEOLOGIST no comments. WESSEX WATER mains water supply is available, there are no surface

water drains and the developer should investigate alternatives, the foul sewers are private and the applicant will need to obtain the permission of the owner ENVIRONMENT AGENCY no comment.

LANDSCAPE OFFICER I am concerned about the impact of the proposal on the listed building and the impact of the proposal on the two oaks on the northeast corner of the plot. The oaks could be thinned to one specimen to allow it to mature to its full size. The proposed building, however, is within 10m of the tree and does not meet the Council's guidance on 2/3 falling distances. There is a walnut tree just outside the application boundary that has the potential to provide significant amenity value. CONSERVATION OFFICER the site forms part of the approved retained curtilage to the listed farmhouse. The fencing erected to the west, to separate the converted farmhouse from the application site, is unauthorised. Since the conversion has taken place, not only has the aforementioned fencing been erected but the retained curtilage to the west and north, denuded of its former function. Objection raised, as detrimental to setting of listed building.

PARISH COUNCIL support the application now that the layout is understood.

1 LETTER OF OBJECTION has been received raising the following issues:- the dwelling would be adjacent to a grade 2 listed building and care should be taken to ensure that adequate light is retained to the garden and overlooking windows are avoided, a lower building would be preferable for those reasons; additional dwellings may hinder access to the adjacent drive that is used for reversing, the site plans are inaccurate and the reference to the removal of the boundary wall to provide parking does not have the owners permission.

POLICY CONTEXT

Somerset And Exmoor National Park Joint Structure Plan Review policies Policy 49 (Transport Requirements for new developments) STR1 Sustainable Development, Policy 9 The Built Historic Environment,

Taunton Deane Local Plan policies: - S1 (General requirements), S2 Design, H2 Housing, M4 (Residential parking). EN6 (Protection of trees, woodlands, orchards and hedgerows) 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.

ASSESSMENT

Permission was granted in 2001 for the conversion of Maidenbrook farmhouse into two dwellings. Care was taken over the physical details of the conversion as well as full consideration of an appropriate curtilage required to preserve the character and setting

of the listed building. The applicant purchased the site in full knowledge of that permission. Following the conversion of the listed building into two dwellings, unauthorised 2 m high fences, to subdivide the curtilage to the west of the listed building have been erected to provide an 10 - 12 m long rear garden with the rest of the domestic curtilage to the farmhouse being cleared. The illustrative plan shows the erection of a dwelling with its gable approximately 21 m from the rear of the listed building and windows in the front elevation which would introduce overlooking of the rear of the listed building. Planning Policy Guidance Note 15, Planning and the Historic Environment (Para 2.16-2.17) emphasises that the setting of a listed building is an essential part of the buildings character and " the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest if they become isolated from their surroundings". I consider that the proposed dwelling would have a detrimental impact on the historic setting and character of the listed farmhouse. Proposal considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the following reasons: - the proposed development would be detrimental to the character and setting of the grade 2 listed building, contrary to Taunton Deane Local Plan Policies S1 and EN16 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, the development would be too close to two oaks, considered to be of high amenity value and would be likely to result in the loss of the trees.

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:

08/2005/015

GLENMILL HOMES LTD

FORMATION OF ACCESS ROAD FOR RESIDENTIAL DEVELOPMENT, TO THE NORTH OF MAIDENBROOK FARMHOUSE, CHEDDON FITZPAINE

24618/26448

FULL PERMISSION

PROPOSAL

Full planning permission was granted in 2001 for the conversion of the grade 2 listed Maidenbrook farmhouse into two dwellings and the conversion of the adjacent barns (listed by virtue of curtilage) into 5 dwellings (plus one ancillary unit). The permission retained existing curtilage land to the west and north of the farmhouse as domestic curtilage for the converted farmhouse, so as to retain an appropriate setting for the listed building. Subsequent to this permission unauthorised fences, 10 m - 12 m from the rear of the farmhouse have been erected and the remainder of the site cleared of all evidence of the former garden. The farmhouse has been converted and both dwellings sold off without the garden area shown in the original permission. The current proposal is for the erection of a dwelling on the land to the west of Maidenbrook farmhouse that formed its original curtilage. In order to gain access to the site, the applicant is proposing to create a new road (application 08/2005/015) to the north of the listed farmhouse to link into the part constructed access road that joins the A3259 to the north of Maidenbrook farmhouse (now called the Tudor and The Stuart). The current proposal is for the formation of an access road to the north of the farmhouse, gaining access to land to its north and west. The land over which the access is proposed, forms part of the approved domestic curtilage for the converted farmhouse.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY in detail it has been noted that the surface water from this application will be disposed of via soakaways. This being the case, the applicant should be made aware of the requirements of Somerset Country Council when it comes to the positioning of such drainage facilities. I attach for the applicant's attention a copy of Atkins 'Factsheet I - Soakaway Design'. It has been assumed that the proposed access road will be constructed as per a type 4 bitmac carriageway, 5.0 m wide with 2 x 1.8 m wide footways provided throughout. Should the nature of the setting affect this then the technical details will need to be agreed with the Highway Authority. Should the applicant wish to extend the proposed access road in the future, they should be made aware of the fact that such a road should not exceed 100 m in length. The

proposed turning head does not seem to accommodate the dimensions required for a type 'B' turning head as set out within 'Estate Roads in Somerset - Design Guidance Notes'. A copy of such a turning head is attached for the applicant's attention. The proposed construction of the access road will result in the formation of a junction with the carriageway already under construction to the east of the Gate House. This being the case, junction visibility splays of dimensions 4.5 m x 22 m will need to be provided. There shall be no obstruction to visibility greater than a height exceeding 300 mm above adjoining carriageway level within these areas. The highway authority will adopt such areas. The applicant should be made aware that if the access road is to be constructed, then it will be necessary to ensure that a forward visibility splay, constructed to appropriate standards, is provided throughout the bend of the carriageway already under construction, to the east of plots 6 and 7. This will then allow for vehicles turning right in to the proposed access road to be seen by vehicles travelling from plots 2-7 as shown within the drawing number 5403/38. The gradient of the proposed access road should not, at any point, be steeper than 1:20 for a distance of 10m from its junction with the adjoining road. In the event of planning permission being granted I would recommend that the following conditions is imposed:- 1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. 2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway. ENVIRONMENT AGENCY no comment.

LANDSCAPE OFFICER The access driveway, depending on construction detail, will have no impact on landscape feature although there may be some impact on the setting of the listed building and Mill Leat. CONSERVATION OFFICER the land over which the access is proposed, was designated as retained as retained residential curtilage, when the farmhouse was granted planning permission and listed building consent for conversion to two dwellings. This proposal, if granted, would have a detrimental impact on the setting of the building, with pressure to further debase the setting, by the inherent wish to erect a physical boundary to protect the amenities of the farmhouse to the north. Objection raised as proposal detrimental to setting of listed building. Please note that fencing to the rear (west) of the farmhouse is unauthorised, as are a number of sheds and satellite dishes on the converted barns.

PARISH COUNCIL support the application now that the Tree Protection Order on the row of poplar trees will stand as it was understood that the new road would come between the trees in question.

POLICY CONTEXT

Somerset And Exmoor National Park Joint Structure Plan Review Policies Policy 49 (Transport Requirements for new developments) STR1 Sustainable Development, Policy 9 The Built Historic Environment,

Taunton Deane Local Plan Policies: - S1 (General requirements), 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.

ASSESSMENT

Permission was granted in 2001 for the conversion of Maidenbrook farmhouse into two dwellings. Care was taken over the physical details of the conversion as well as full consideration of an appropriate curtilage required to preserve the character and setting of the listed building. The applicant purchased the site in full knowledge of that permission. The current proposal would provide a 5 m wide bitmac carriageway with a turning head to the west of the road and would run immediately to the north of the listed building opening up the property to view from the access road and altering the setting of the building from a low key domestic setting to an urban layout detrimental to the setting and character of the listed building. In addition the road would provide access for the proposed new dwelling and undeveloped land to the west of the listed farmhouse that has permission as a domestic curtilage for Tudor House, one half of the listed farmhouse. Setting aside the principle of this (which is dealt with in planning application 8/2005/014 above) the provision of the access would result in an increase in traffic and traffic noise passing and re-passing the side of the listed Farmhouse. This increase in activity would have a detrimental impact on the amenity of the listed building. Planning Policy Guidance Note 15 on Planning and the Historic Environment (Para 2.16-2.17) emphasises that the setting is an essential part of the buildings character and " the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest if they become isolated from their surroundings". I am also concerned that this alteration in the character of the land may effect the long term viability of the listed building to attract suitable owners for its long term maintenance.

The County Highway Authority have stated that visibility splays will need to be provided at the junction of the proposed road and the road serving the Maidenbrook site. These visibility splays would be 4.5 m by 22 m and would cut across the front garden area of the new "gate house" and the garden area of the wagon barn. I am awaiting additional plans from the County Highway Authority to confirm this and an update will be included confirming the situation. If as suggested at the moment, the provision of these splays would further urbanise the site I consider that this would be detrimental to the setting of the listed building and the overall amenity of the site. I also consider that it would have a detrimental impact on the character of the settlement limits of Taunton. Proposal considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the reasons that the proposed development would be detrimental to the character and setting of the grade 2 listed building contrary to Taunton Deane Local Plan Policies S1 and EN16 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, the proposed access road would have a detrimental impact on the visual amenity of the area which marks the boundary of the settlement with the surrounding countryside.

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:

08/2005/021LB

GLENMILL HOMES LTD

ALTERATIONS INCLUDING THE PROVISION OF A HIGHER NEW ROOF AND CONVERSION OF BARN TO DWELLING AT THE WAGON HOUSE, TUDOR PARK, MAIDENBROOK, CHEDDON FITZPAINE.

24641/26434

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal is for the conversion of the wagon barn (listed by virtue of curtilage) into a dwelling and the creation of a two parking spaces and domestic curtilage adjacent to the listed farmhouse. The access would be off the new road serving the Maidenbrook farm developments and currently under construction. The parking and residential curtilage would abut the edge of the highway and boundary wall to the east of "The Tudor", one half of the listed Grade 2 Maidenbrook farmhouse.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER concerned that the conversion of this former agricultural barn to domestic will be detrimental to the rural character and setting of the listed farmhouse. The garden area would be small and although the proposed hedgerow will provide some softening of the impact it won't be sufficient to accommodate garden activities such as washing equipment, play equipment parked cars etc. CONSERVATION OFFICER the principal listed building, Maidenbrook Farmhouse, has already had its historic curtilage debased by other developments in the immediate vicinity. This wagon barn was initially proposed for garaging/storage i.e. to have an ancillary use, thus not requiring alteration or curtilage boundaries associated with a residential use. In my opinion, not only are the proposals detrimental to the character of the subject building but also detrimental to the setting of the former farmhouse. Objection raised.

PARISH COUNCIL support the application.

1 LETTER OF CONCERN has been received raising the following issues:- the proposed parking would be immediately opposite to the front entrance to the listed farmhouse, blocking an access that has been available for hundreds of years; the proposed parking spaces will be located on an area of cobbles, directly in front of the living room windows of the farmhouse; the development would obscure views of the farmhouse from the highway; the plans do not illustrate the existing parking situation for the listed farmhouse and this is misleading.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 The Built Historic Environment.

Taunton Deane Local Plan Policies EN16 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 and EN17.

ASSESSMENT

The original scheme for the development of the Maidenbrook farmhouse site allocated an ancillary garage/domestic use for this barn. This avoided the need to subdivide and alter the surroundings of the barn thus conserving the character and setting of the listed buildings on the site. The proposed conversion to a separate residential dwelling would result in an over-intensive development with a poor relationship between the existing and proposed dwelling. The dwelling and its curtilage would abut the curtilage of the front of the farmhouse, I consider that it is essential that this remains open to provide a suitable setting to compliment the character and importance of the listed building and as proposed the scheme would be detrimental to both the character and setting of the listed farmhouse.

RECOMMENDATION

Permission be REFUSED for the reason that the proposal detrimental to the character and setting of the Grade 2 Listed building contrary to Taunton Deane Local Plan Policies EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

08/2005/022

GLENMILL HOMES LTD

ERECTION OF A NEW, HIGHER ROOF AND CONVERSION OF BARN TO DWELLING AT THE WAGON BARN, TUDOR PARK, MAIDENBROOK, CHEDDON FITZPAINE.

24647/26436

FULL PERMISSION

PROPOSAL

The proposal is for the conversion of the wagon barn (listed by virtue of curtilage) into a dwelling and the creation of a two parking spaces and domestic curtilage adjacent to the listed farmhouse. The access would be off the new road serving the Maidenbrook farm developments and currently under construction. The parking and residential curtilage would abut the edge of the highway and boundary wall to the east of "The Tudor", one half of the listed Grade 2 Maidenbrook farmhouse.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY in the event of permission being granted I would recommend that the Local Planning Authority condition the permission accordingly. In detail the 2 parking bays located on the western boundary of the application site shall be constructed at the back of any proposed highway limits. Any surface water from the above-mentioned parking bays shall be intercepted prior to it discharging onto the proposed adjoining highway. All proposed boundary hedges shall be set back of any forward visibility splays/service margins required by the Highway Authority as part of the construction of the access road to the east of the application site. The applicant should be aware that the northern boundary of the application site must not impinge on upon any land required for the construction of the proposed access road adjacent to the site boundary. A minimum width of 8.6 m will be required for a type 4 bitmac carriageway to accommodate 2 x 1.8 m wide footways and a 5.0 m wide carriageway. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER mains water supply is available, there are no surface water drains and the developer should investigate alternatives, the foul sewers are private and the applicant will need to obtain the permission of the owner. SOMERSET WILDLIFE TRUST recommends a wildlife survey for protected species. SOMERSET ENVIRONMENTAL RECORDS CENTRE there are no records of protected species at this site but there are records of protected species within 1 Km of the site.

LANDSCAPE OFFICER concerned that the conversion of this former agricultural barn to domestic will be detrimental to the rural character and setting of the listed farmhouse. The garden area would be small and although the proposed hedgerow will provide some softening of the impact it won't be sufficient to accommodate garden activities such as washing equipment, play equipment parked cars etc. CONSERVATION OFFICER the principal listed building, Maidenbrook Farmhouse, has already had its historic curtilage debased by other developments in the immediate vicinity. This wagon barn was initially proposed for garaging/storage i.e. to have an ancillary use, thus not

requiring alteration or curtilage boundaries associated with a residential use. In my opinion, not only are the proposals detrimental to the character of the subject building but also detrimental to the setting of the former farmhouse. SPECIES OFFICER the open character of the barn suggests it wouldn't be suitable for bats to roost. However, the roofed lean to and crevasses within the walls should be checked and I advise that a survey should be undertaken before determination.

PARISH COUNCIL support the application.

1 LETTER OF CONCERN has been received raising the following issues:- the proposed parking would be immediately opposite to the front entrance to the listed farmhouse, blocking an access that has been available for hundreds of years; the proposed parking spaces will be located on an area of cobbles, directly in front of the living room windows of the farmhouse; the development would obscure views of the farmhouse from the highway; the plans do not illustrate the existing parking situation for the listed farmhouse and this is misleading.

POLICY CONTEXT

Somerset And Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, Policy 9 The Built Historic Environment, Policy 49 Transport Requirements for new developments.

Taunton Deane Local Plan policies S1 (General requirements), S2 Design, H2 Housing, , EN5 (Protected Species), M4 (Residential parking), EN16 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 and EN17.

ASSESSMENT

The original scheme for the development of the Maidenbrook farmhouse site allocated an ancillary garage/domestic use for this barn. This avoided the need to subdivide and alter the surroundings of the barn thus conserving the character and setting of the listed buildings on the site. The proposed conversion to a separate residential dwelling would result in an over-intensive development with a poor relationship between the existing and proposed dwelling. The dwelling and its curtilage would abut the curtilage of the front of the farmhouse, I consider that it is essential that this remains open to provide a suitable setting to compliment the character and importance of the listed building and as proposed the scheme would be detrimental to both the character and setting of the listed farmhouse. Furthermore I consider that the proximity of the proposed domestic curtilage to the listed building would be detrimental to the privacy and amenity of the occupants of the listed building and the proposed dwelling.

RECOMMENDATION

Permission be REFUSED for the reasons that the proposal detrimental to the character and setting of the Grade 2 Listed building contrary to Taunton Deane Local Plan Policies S1, EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, proposal would be detrimental to the amenity of residents of the existing and proposed dwellings.

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:

14/2005/036

MR J ULRICO

**ERECTION OF DWELLING TO REAR OF 1 PADDOCK CLOSE, CREECH ST
MICHAEL.**

27119/26099

OUTLINE APPLICATION

PROPOSAL

This is an outline application (with all matters reserved) for a new bungalow in the rear garden of No. 1 Paddock Close. The existing property is a bungalow on a corner plot at the junction of the main estate road, West View, with Paddock Close, a short cul-de-sac.

An illustrative plan shows a plot with a frontage of 7 m to West View, widening at the rear of 12.8 m. The average depth is some 23 m. A two-bedroomed bungalow is shown which has the lounge window 2 m from the boundary, and the two bedroom windows facing the rear boundary at distances of 2.4 m and 4.7 m. the rear of the bungalow would be 0.8 m from the northern boundary. The existing bungalow will be 1.5 m from the boundary between the 2 plots and the 2 bungalows will be just over 2 m from one another.

The existing garage to No. 1 Paddock Close will be removed as this is part of the proposed site. 3 parking spaces are shown in the driveway for the existing dwelling; and 2 spaces are shown in the proposed drive for the new bungalow.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no highway objection subject to suitable means of access. The access should be 3.0 m wide and 2 parking spaces to be provided for the proposed dwelling. WESSEX WATER detailed comments on drainage.

DRAINAGE OFFICER requires a surface water note.

PARISH COUNCIL objects - (1) overdevelopment, (2) entrance too close to highway; and (3) would not be in line with other houses.

2 LETTERS OF OBJECTION have been received raising the following issues:- overdevelopment, the dwelling will be inappropriately squeezed in between other dwellings; another access would be dangerous close to a busy junction, will cause traffic problems; loss of established bushes and plants would be inappropriate; intrusion on privacy, overlooking of other dwellings in close proximity; out of keeping with surrounding properties which are situated within reasonable grounds; devalue properties close by.

4 LETTERS raising no objection refer to no impact in Paddock Close; suitable access and parking provided.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 advises that road improvements should not lead to environmental degradation by visual impact; the appearance and character of any affected landscape, settlement, building or street scene should not be harmed as a result of development. Policy S2 requires development to reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved. Policy H2 for housing within classified settlements requires that new housing, inter alia, should increase development density of area without individually or cumulatively eroding their character or residential amenity and that existing and proposed dwellings will enjoy adequate privacy and sunlight.

ASSESSMENT

The illustrative plan indicates a small 2 bed bungalow 66 sq m , but the property would have a minimal size rear garden. One bedroom window would face the side wall of a garage of an adjacent property (No. 2 Paddock Close) at just over 2 m and the lounge window would face the southern boundary at a distance of 3 m. The proposed dwelling would be hemmed in by existing properties with little daylight/sunlight or outlook to the windows. The proposal is a contrived solution on a cramped site.

The estate was built in the 1960s with a mix of houses and bungalows, but most of the properties have gardens which give a spacious feeling to the estate particularly the corner plot. The additional dwelling on a rear garden, so close to 32 West View and the reduction in the garden to 1 Paddock Close, would detract from the existing pleasant character of the street scene and the estate.

RECOMMENDATION

Permission be REFUSED for the reasons of (1) The proposed dwelling will be in close proximity to the boundaries of the site and to other adjacent properties, and this would detract from the amenities of the occupants of both the existing and proposed dwellings. The proposal constitutes a continued and cramped form of development on a restricted site, and would be contrary to Taunton Deane Local Plan Policies S1, S2 and H2, and (2) an additional dwelling on this restricted site would detract from the pleasant spacious character of the street scene and from the estate in general, and would be contrary to Taunton Deane Local Plan Policies S1, S2 and H2.

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

CONTACT OFFICER: 356468 MRS H PULSFORD (MON/TUES/WED)

NOTES:

24/2005/034

MR A JONES

RETENTION OF MOBILE HOME AND CHANGE OF USE OF LAND TO RESIDENTIAL AT KNAPP LANE, NORTH CURRY.

31234/25298

FULL PERMISSION

PROPOSAL

This proposal is for the retention of an unauthorised mobile home for residential use. The site has a history of unauthorised occupation by a variety of people. The site comprises a small strip of land running parallel to Knapp Lane and is approximately 1- 2 m above the adjacent road level. There is a mix of fencing and hedging along the southern boundary of the site with Knapp Lane. The access is at the eastern point of the site where there is a narrow drive up into the wider portion of the site where the mobile home is sited.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site is outside the development area of North Curry and, as such, is in an unsustainable location and from a transport viewpoint unsuitable for residential development. There is no information within the application as to whether the development is for a gypsy caravan and, if it is, then this location would not fall foul of Policy 36 of the Somerset Structure Plan as it is within a reasonable distance from the village. However, the roads leading to the site are narrow, there are no pedestrian facilities and access onto Knapp Lane is substandard due to its acute angle and restricted visibility. Visibility, however, could be improved by the cutting back of the hedgerows to the right on emerging and by the removal of the commercial vehicle cab, which at present sits on the public highway. I should be pleased to hear from the Planning Officer whether or not the applicant has gypsy status and, at this time, I will complete my formal observations in this matter.

LANDSCAPE OFFICER the site is in a dip and is not widely visible. The roadside hedgerow provide some softening of the proposals during the winter months but is less well screened during leaf fall. However, given the limited size of the site there is limited scope for mitigation and therefore the proposals would be contrary to EN12. FOOTPATHS OFFICER no comment . ENVIRONMENTAL HEALTH OFFICER satisfactory drainage should be provided and the applicant will need to establish that connection can be made to the public sewer or submit details of a septic tank and drainage.

PARISH COUNCIL oppose the application

5 LETTERS OF SUPPORT were submitted with the application:- Mr Jones is a very kind considerate person, all this upset may make Mr Jones health condition worse; There are no problems with Mr Jones occupying the site. 1 Letter from Dr Krasucki supporting Mr Jones spending as much time at his caravan as reasonably possible.

E-MAIL FROM WARD COUNCILLOR I am writing to raise official objection to the latest application for a caravan site at the Knapp Lane which has been the subject of both applications and enforcement action in the past. The site has an extensive history and it has always been considered to be an unsuitable site for any form of development. I understand that legal action is presently in process to enforce compliance with enforcement following refusal of a previous application. There can be no justification for accepting any new application on this site for the reasons given in the planning reports on previous applications. Poor access, the small size of the site and its highly visible location are three main reasons why the site is unsuitable.

POLICY CONTEXT

Somerset And Exmoor National Park Joint Structure Plan Review Policies STR6 (Development Outside Towns, Rural Centres and villages); 49 (Transport Requirements)

Taunton Deane Local Plan Revised Deposit the following policies are considered especially relevant: - S1 (General Requirements); S7 (Outside Settlements) and EN12 (Landscape Character Areas).

ASSESSMENT

Somerset Structure Plan policy STR6 and Taunton Deane Local Plan policy S7 restrict new development within the open countryside such as this site. The applicant has not established any exceptional need identified in the policies of the Development Plan. The site represents a small island within an area of agricultural fields. It is situated immediately adjacent to the highway where it has a detrimental impact in terms of visual amenity and character of the area. The access to the site is poor and its use is considered to represent a highway danger. Proposal considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the following reasons:- Contrary to open countryside policies, unsustainable location, poor highway access, out of keeping and detrimental to the character of the area, a landscape character area in the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

36/2005/017

P F & A KEMP

RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE, CONVERSION AND ALTERATION TO BUILDING TO FORM HOLIDAY ACCOMMODATION TOGETHER WITH ERECTION OF WIND TURBINE AT HIGHER HOUSE FARM, HELLAND LANE, STOKE ST GREGORY (ALTERNATIVE SCHEME TO APPROVAL 36/03/026)

33874/25665

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The application follows the approval in November 2003 of a scheme to convert a barn off Helland Lane into holiday accommodation. The barn has since been purchased and the new owner has progressed with conversion of the barn without complying with the approved scheme. The proposal therefore is for the regularisation of the conversion works carried out and erection of a small wind turbine to help provide electricity to the site.

The proposal for the wind turbine to be 6.5 m high to the hub and is proposed to help provide electricity to the site as it lies too far away to provide a low voltage underground supply.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY previous comments and recommendations apply equally. Refusal previously recommended on sustainability grounds and impact on the public footpath. ENVIRONMENT AGENCY the Agency does not wish to provide comment regarding the above application. WESSEX WATER the site is not located in a Wessex Water sewered area. The developer has indicated disposal of foul drainage will be to a 'biodigester'. The developer has proposed to dispose of surface water to 'tank collection from roof used for w.c.'. It is advised the Council should be satisfied with the arrangement for the disposal of foul and surface water flows. It is recommended the developer agree a point of mains connection prior to commencement of works on site. RIGHTS OF WAY TEAM route of the path will remain unchanged but from memory I think some work needs doing to improve the access from the track to the field. Any changes to the surface of the footpath must be authorised by Somerset County Council Rights of Way Group.

LANDSCAPE OFFICER the wind turbine is likely to have a local landscape impact given the openness of the Levels and North Curry Ridge and if permitted may set a precedent for further turbines. A wider landscape impact is necessary. The rose hedgerow is not acceptable as a local hedgerow and would be contrary to EN12. I suggest hazel, hawthorn and field maple. NATURE CONSERVATION OFFICER my

concern is that because no wildlife survey has been submitted (Condition 17 of approval 36/2003/026) we have no true record of protected species activity at the site. Somerset Wildlife Trust's letter (20th October, 2003) draws attention to the fact that barn owls are in the near vicinity. I suggest that in order for potential roost sites for bats and nest sites for owls are not lost with this conversion an survey is made by a qualified person to identify locations for bat access (or bat boxes) and a site for an owl nest box. Conditions (on any permission granted) could be made to ensure that these locations are filtered out with boxes and the accesses maintained. DRAINAGE OFFICER the Environment Agency should be consulted regarding the proposal for foul drainage disposal.

STOKE ST GREGORY PARISH COUNCIL the Parish Council voted to recommend refusal for the following reasons:- the curtilage has been extended into the orchard. A building has been erected (may be temporary) and a garden created. The Council feels all works should be kept within the original curtilage, including the wind turbine. Permission was granted for a holiday cottage which will not need a large garden . Slate tiles have been used instead of reclaimed double romans, as specified on the original application. Solar panels may be visually intrusive as they will not weather. The Council is not in favour of upstairs 'fire escape' windows. Permission was given for a single storey building. The applicant said the window was stipulated by the Building Control Officer. It is not clearly why this 'fire escape' will be needed if the roof space is not part of the living accommodation. The hedge along the drive should be planted with native species. The applicant informed the Council that you had authorised her not to plant this hedge due to continued problems with rabbits. The Council feels that this can be overcome with adequate tree guards. In sum when the Council gave its support to the original plans approved in 2003, they were supporting a conversion and preservation in keeping with the original barn - a single storey building of stone with a tiled low roof. The present building appears to be departing from that concept. The new plans depart from the original permission in several respect and it would have been helpful if they had all be listed. For example the original application shows one half built on stone and the other half rendered. Now there is a brick stack in the centre of the building and a piece of lead flashing. the plan marked 1st floor was not clear and the Council had difficulty in interpreting it. It would be helpful in future if clear plans were insisted on.

NORTH CURRY PARISH COUNCIL the parish council oppose this application.

5 LETTERS OF SUPPORT from locals and walkers commenting on visual improvements to the building, a single wind turbine would be better than overhead lines, eco-friendly holiday bungalow is a good idea, ideal for disabled in wheelchairs.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development,, STR6 - Development Outside Towns, Rural Centres and Villages, Policy 1 - Nature Conservation, Policy 5 - Landscape Character, Policy 23 Tourism Development in the Countryside.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 - Development Outside Settlements, EC6 - Conversion of Rural Buildings, EN4 - Wildlife in Buildings, EN12 - Landscape Character Areas.

ASSESSMENT

The main considerations with the proposal are whether the changes to the design the original scheme and the provision of a 6.5 m high wind turbine are acceptable. The scheme approved by members back in 2003 included one large opening in the north elevation, three in the south elevation and none in the gable end. The current scheme involves 4 additional openings in the west elevations (3 windows and one door) and 3 new windows in the east elevation. These alterations, particularly the new kitchen window, are not considered to be in keeping with Policies S2 and EC6 of the Local Plan.

The works carried out so far have not involved a wildlife survey by a qualified person and it is not possible to say whether protected species have been affected. The Nature Conservation Officer considers mitigation measures in some form should be provided and if Members grant permission, the approved scheme must include provision of a bank and native planting to the side of the access track. An attempt at providing a bank with a rose hedge has been made but has suffered from the impact of rabbits. A rose hedge is not considered appropriate in landscape terms here and alternatives are suggested by the Landscape Officer. Planing on an artificial bank may not be appropriate given the problem already encountered, however planing with tree guards should be possible. A landscape condition should therefore be included if permission is to be granted.

The applicants have provided a number of measures in seeking to provide an eco-friendly development. One measure involves the provision of solar panels to the roof. These have been provided on a slate roof rather than a double roman tile roof as previously approved. The solar panels blend in better on a slate roof rather than a tile one. Whilst tile predominates in the area there are examples of slate roofs in the area and it is not considered appropriate to object to this change.

The proposal includes the provision of a wind turbine to help provide electricity to the site given the distance from any mains connection. As an overhead electric supply would involve a number of telegraph poles the provision of a single turbine set into the orchard by 20 m is considered an acceptable alternative. There has been no strong objection to this, in fact there has been some support. A turbine on a 6.5 m column in the location proposed would blend into the background if finished in a green colour and this would need to be a condition of any permission.

The application currently shows the garden area extending into the orchard to the north this extension is not considered appropriate for a holiday let and would need to be amended to lessen any potential landscape impacts should be considered the scheme is acceptable.

In summary there have been a number of changes made to the approved scheme and the alterations in terms of the fenestration, lack of wildlife;mitigation measures and the extended curtilage are considered detrimental to the character of the building and Local Plan policy and consequently the application is recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason of changes to the fabric of the building, lack of nature conservation provision and altered curtilage would be contrary to Taunton Deane Local Plan Policies S7, EC6 and EN4.

It is also recommended that enforcement action be taken if necessary to reinstate the building to accord with the previously approved scheme.

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:

37/2005/011

MR S HILL

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

27462/22975

FULL PERMISSION

PROPOSAL

Change of use of land and erection of Building for vehicle storage at Dairy House Farm, Stoke Hill, Henlade, Taunton. The site of the current application was originally granted planning permission for a storage and distribution centre for cylinder gas in 1982 subject to a legal agreement. A further application to extend the area to the south east of the farm house for the open storage and distribution of cylinder gas together with the parking for 3 lorries was granted in 1992. The legal agreement originally tied the use to the then applicant, however this element of the agreement was deleted in 2003. The gas storage use has now ceased and the current proposal is for the erection of a large agricultural building 27 m x 18 m and 5.4 m to the ridge set into the ground over part of the concrete yard for use of storage of classic cars. The proposal will provide 2 jobs for the applicant and his partner.

CONSULTATIONS AND REPRESENTATIONS

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

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

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

STOKE ST MARY PARISH COUNCIL subject to the planning department accepting the revised application the Parish Council support and raise no objection to the proposal.

RUISHTON AND THORNFALCON PARISH COUNCIL comments as before. The site should not be visible from A358.

THREE LETTERS OF SUPPORT advising less noise and traffic, better than gas storage and alterations will not make a difference to anybody.

1 LETTER OF NO OBJECTION.

1 LETTER OF OBJECTION raising the following issues:- commercial development in area of great landscape value and no special need established; detrimental impact on visual amenity of area by road improvements; detrimental impact on amenities of dwellings due to traffic; potential pollution of water courses; highway danger to potential use of new residential access.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

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

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

ASSESSMENT

This application is a similar one to that which was refused by Members in August this year. The change from the previous scheme is the removal of the car restoration part of the proposal. The main issues with this application are still the location in the countryside and the relevant policy, the visual impact of the new building and the traffic issues.

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

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

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

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

RECOMMENDATION

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

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

38/2005/352

MR MICHAEL JAMES MCCARTAN

ERECTION OF 2 NO. DWELLINGS TO REAR OF 191 AND 193 STAPLEGROVE ROAD, TAUNTON

21593/25824

OUTLINE APPLICATION

PROPOSAL

The proposal is for the subdivision of the rear domestic curtilage of 191/193 Staplegrove Road to provide a building plot for a pair of semi-detached dwellings. The plot measures 20 m x 10 m and would leave the existing dwellings with an 18 m - 20 m garden. The applicant also proposes a pedestrian access to the north of the plot to access 191 Staplegrove Road. Vehicular access would be off Dowell Close, to the west through an existing parking courtyard.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited

12 LETTERS OF OBJECTION have been received raising the following issues:- the proposed development will increase congestion to neighbouring access where there are already too many parked cars; the building delivery and work will block access to neighbouring properties; the site can only accommodate 2 cars and this would be inadequate for 2 dwellings leaving any overspill to add to the existing parking problem in the area and may lead to accidents; the proposed development would be out of keeping with the traditional Edwardian layout and character of the area; the proposal will result in the loss of a rear access to properties in Staplegrove Road increasing roadside parking; extra vehicles parking in Dowell Close would restrict emergency vehicles; building in the rear gardens would compromise the integrity of the Edwardian houses and gardens; any windows would be bound to overlook neighbours; houses would shade adjacent gardens; the proposal would result in a loss of trees and shrubs affecting the wildlife of the area; the proposal, if permitted, would create a precedent for similar development contrary to the character of the area; the red access shown on the site plan is misleading, as the area is used by various cars who will be more likely to block the existing accesses; vehicle sight lines to The Orchards are "blind" and access to the application site will be a highway danger; there has been no change in circumstance since the 2004 appeal dismissal on highway grounds.

There have been no previous applications on this site. The application referred to in the letter of objection was a proposal for a dwelling to the rear of 209 Staplegrove Road where its only access was off Staplegrove Road.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements For New Development).

Taunton Deane Local Plan the following policies are considered especially relevant:- S1 (General Requirements), H2 (Housing Within Classified Settlements), and M4 (Residential Parking Requirements).

ASSESSMENT

This is an outline application with all matters reserved. Due to concerns over the density of the development, taking into account the requirement for car parking, the applicant has amended the proposal to the erection of 1 dwelling. The proposed site (20 m x 10 m) is considered to be of sufficient size to accommodate a dwelling without causing undue harm to the amenity of neighbouring properties. The comments of the Highway Authority are awaited and (if received by then) will be incorporated into the update sheet for consideration by this Committee. Proposal Considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, reserved matters, materials, walls and fences, car/cycle parking, foul and surface water drainage details. Notes re design in keeping with the area, design to avoid overlooking of neighbouring properties, disabled persons, energy conservation, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposed development lies within the limits of a classified settlement where the principle of development is considered acceptable and the proposal is considered to be in accordance with Taunton Deane Local Plan Policies S1 and H2.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2005/356

SUMMERFIELD DEVELOPMENTS

DEMOLITION OF DWELLING AND ERECTION OF ONE BEDROOMED FLATS TOGETHER WITH DELIVERY ACCESS AT 5-7 COMPASS HILL TAUNTON.

22248/24281

OUTLINE APPLICATION

PROPOSAL

The site currently consists of two semi-detached two storey properties in brick with hipped slate roofs. The site lies north of the Park Street Conservation Area and given the flats development to the north of the site, it is considered suitable by the applicant for a high density residential development to maximise the potential of the site in line with government guidelines for the redevelopment of brownfield sites. The design is guided by the site which is on the one-way gyratory system where it is not feasible to provide a safe residential vehicular access. There is 3 storey development in the area, including Dovetail Court, and the Design Statement considers it appropriate for the reserved matters of any new development to be three storey to maximise potential.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the Planning Officer will be aware of my comments made on the previous application 38/05/227 when I raised no objection in principle to a proposal for a vehicle access free development. This was so that there should be no significant increase in traffic movements on and off the highway at a point where traffic volumes are high and excess manoeuvring would create significant highway hazards. This proved controversial as it would have meant vehicles parking on the highway to load and unload, possibly causing greater problems. The application has since been withdrawn. Meetings have taken place with the developer and the present proposal has evolved which proposes a delivery only access, strictly controlled to prevent long term parking and misuse. Whilst this will generate additional traffic movements onto Compass Hill, they will be few, and it is considered that if in all other respects the development is appropriate in this location, then it would be unreasonable to raise a highway objection to the development, subject to suitable conditions being attached to any consent which may be granted to secure the widening of Compass Hill to allow additional manoeuvring space and lane width through the narrowest area such as those shown on Drawing No. 05/32/02. The construction of dwellings on this site will also be a complicated issue and traffic management must be undertaken with immense care. The developer will therefore be required to enter into a Section 278 or Section 106 Agreement with the Highway Authority to secure the design, construction and funding of the road widening and replacement of the roadside footway together with an agreed traffic management programme that works both for the highway alterations and the construction of the development on site in so far as that affects the public highway. COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections. WESSEX WATER there is sufficient spare capacity to serve this site and connection may be made to the combined sewer in Compass Hill. The sewerage system is

combined in this area. Surface water may be discharged to the same sewer as the foul connection but the applicant is asked to investigate using the soakaways or other Sustainable Drainage solutions to keep the volume and rate of discharge to a minimum. Flow calculations will be required. In line with Government protocol the applicant is advised to contact Developers Services to see if any drainage systems can be adopted under a Section 104 Agreement. RIGHTS OF WAY no observations.

LANDSCAPE OFFICER subject to detailed proposals for this important town site it should be possible to integrate a reduced scheme from the previous proposals into the local street scene. CONSERVATION OFFICER the thoughts re heritage are encompassing even the relatively recent past. It has been recommended that the conservation area be amended to include these dwellings of 'positive value'. If approval granted please add a condition requiring recording of the existing buildings prior to demolition. PLANNING POLICY as a site in central Taunton that is currently in residential use and is surrounded by other residential properties the proposal is acceptable in principle. Two significant policy issues in relation to the proposal are affordable housing and parking. On the first of these, as the proposal is in outline there is no defined number of dwellings. However the applicant's earlier withdrawn application for the site proposed 24 dwellings, just below the current site size threshold of 25 at which affordable housing will be sought. In view of the extremely high density proposed by that scheme, and only achieved through the inclusion of one-bedroomed dwellings, 24 dwellings appears to be a reasonable capacity for the site. However should a scheme of 25 or more be proposed through reserve matters, affordable housing should be provided. When commenting on the previous application I highlighted the Government consultation on a proposal to reduce the threshold to 15 dwellings and the Council's decision that if this change were to be confirmed by the Government it will be implemented with immediate effect. Whilst the Council decision still stands, it now appears unlikely the Government will introduce such a change in the near future as it has published a further consultation document, 'Planning for Housing Provision', and announced its intention to replace PPG3 with a PPS. As far as the issue of parking is concerned the principle of a car free development in this location would appear to be appropriate, and may even be a pre-requisite in view of the conditions on the adjoining highway at peak times. LEISURE DEVELOPMENT MANAGER a contribution towards local recreational facilities in line with Local Plan policy should be sought.

3 LETTERS OF OBJECTION have been received raising the following issues:- the delivery access would be extremely dangerous and hazardous; a high turnover of younger occupants would result in an increased number of vehicles accessing and exiting onto the highway; it could lead to an accident blackspot given the use of the area by emergency vehicles; lack of parking; query disabled access and compliance with Disability Discrimination Act; dangerous development on main road; unrealistic to assume people will dispense with their cars; vehicle setting down and picking up would be dangerous; problem of servicing and visitor access; increase in parking in surrounding area.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, POLICY 9 - The Built Historic Environment, POLICY 33 - Provision For Housing, POLICY 37 - Facilities for Sport and Recreation, POLICY 39 - Transport and Development, POLICY 48- Access and Parking, POLICY 49 - Transport Requirements of New Developments

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2 - Housing within Classified Settlements, H4 - Self-Contained Accommodation, M4 - Residential Parking Requirements, M5 - Cycling Provision, C4 - Standards of Sport and Recreation Provision, EN6 - Protection of Trees, Woodlands, Orchards and Hedgerows, EN8 - Trees in and Around Settlements, EN14 - Conservation Areas.

ASSESSMENT

The proposal is in outline form for the redevelopment of an existing housing site to provide an unspecified number of one-bedroomed flats on 0.1075 ha currently occupied by two dwellings. The main considerations are the design and suitability of the site, landscape impact and access for servicing provision.

The site lies within the central area of Taunton and is considered suitable in terms of a car free development. This view is supported by the Highway Authority given that the site lies off the one way system where access for vehicles would be dangerous where there are 3 lanes of merging traffic. Hence the proposal is for one bedroomed units without any parking. A need for the safe servicing of the development has been carefully considered in light of comments received on the previous application that was withdrawn and a service access for deliveries is designed into the frontage of the site. All other issues are subject to detailed approval. A three storey development here is likely and there are other examples of three storey development in the adjacent area so it would not be considered to be out of character. The precise design and layout of the residential development is reserved for subsequent approval.

The site lies adjacent to the existing conservation area and a review of this area is ongoing. While an extension of the area may be suggested in the future this is not considered sufficient grounds to prevent the redevelopment of this site with an appropriate form of development given the adjacent flat development to the north.

There are a number of trees within the existing site and these have been assessed by the Council's Landscape Officer. None are considered worthy of a TPO, however it is considered that replacement planting should be provided to mitigate the loss in line with policies EN6 and EN8 and it is considered that this can be achieved on site and can be conditioned into any reserved matters application.

There has been a request from the Highway Authority that a strip of land across the site frontage be incorporated into highway width improvements. The applicants are agreeable to this and it is still considered possible to design a development with defensible space and planting on the frontage. The site proposal has no access other

than a pedestrian one and this is not unlike other developments in the adjacent Park Street. Adequate bin and cycle store provision will be required and be subject to conditions. A means of providing a servicing bay on the road frontage is being investigated, however such provision cannot be provided for within the site in addition to the road widening scheme as this would fatally compromise the scheme proposed. The provision of a lay-by within the frontage is currently being considered in safety terms by the Highway Authority.

In summary the site is suitable one for car free development within the town centre.

The provision of a residential development here can be designed to be in keeping with the character of the area and subject to detailed design would not adversely affect the amenity of neighbours or the visual amenity of the street scene. The site is an urban one and the provision of landscaping to mitigate the loss of trees is considered acceptable. The provision of a service lay-by on the frontage is considered acceptable in highway safety terms and the application is considered a high density urban development in line with government guidance for the reuse of brownfield sites and is recommended for approval.

RECOMMENDATION

Subject to a Section 106 Agreement re a Sport and recreation contribution 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, drainage, levels, materials, sample brick panel, window details, landscaping, tree retention, tree protection, boundary treatment, no occupation until delivery access and road widening scheme carried out, bin stores, cycle parking, combined aerial, wildlife survey, meter boxes. Notes re design, Wessex Water connection.

REASON(S) FOR RECOMMENDATION:- The proposal is considered an appropriate redevelopment and to comply with Taunton Deane Local Plan Policies S1, H2, H4 and C4 and material considerations do not indicate otherwise.

If the Section 106 is not signed by 9th November, 2005 the Development Control Manager be authorised to REFUSE permission as contrary to Taunton Deane Local Plan Policy C4.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

38/2005/364

TAUNTON DEANE BOROUGH COUNCIL

FORMATION OF NEIGHBOURHOOD PLAY AREA, ENCLOSED MULTI-USE GAMES AREA, ALTERATIONS TO SITE ENTRANCE, REMOVAL OF EXISTING PLAY AREAS AND REINSTATEMENT AS WILDLIFE AND COMMUNITY GARDENS AT VICTORIA PARK, VICTORIA GATE, TAUNTON

23446/24761

FULL PERMISSION

PROPOSAL

Formation of neighbourhood play area including enclosed MUGA, alterations to form gate pillars as entrance feature and removal of play areas and reinstatement

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER noise condition recommended.

3 LETTERS OF OBJECTION have been received one of which is from Priory Community Association raising the following issues:- too close to Eastbourne Gate and will attract anti-social behaviour, should require CCTV monitoring and landscaping will cause noise, loss of grass oval used by all; MUGA buffer between oval and car park; not on tune with environmental/aesthetic qualities of open area.

POLICY CONTEXT

RPG10.

Somerset and Exmoor National Joint Structure Plan Review Policy STR4.

Taunton Deane Local Plan Policies S1 and S2.

ASSESSMENT

Site on grass oval area to replace facilities on land to south which is to be reinstated to gardens. The MUGA is 50 m away from nearest residential properties and a noise condition on use of this area is not considered practical or enforceable. The distance from properties is considered sufficient with existing planting for there not to be an adverse amenity impact. The development will involve fencing in of an open area, however this does not extend full width of grass area and amenity impact is considered an acceptable one. The planting of the former play area is subject to conditions.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, planting details of play areas to be removed.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to not adversely affect the amenity of the area and to comply 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: 2456 MR G CLIFFORD

NOTES:

44/2005/016

MR A SHUTLER

ERECTION OF AGRICULTURAL LIVES STOCK/HAY BARN AT LAND TO THE NORTH OF LITTLE SILVER LANE, OPPOSITE LITTLE SILVER COTTAGE, LITTLE SILVER LANE, WELLINGTON

13533/18875

FULL PERMISSION

PROPOSAL

The proposal comprises the erection of a agricultural building measuring 27 m x 9 m x 5 m to the ridge for the storage of hay, agricultural machinery and livestock.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER no objections.

PARISH COUNCIL strongly object to the proposed application. Councillors advised that an additional store had already been erected next to the stable on the site without approval although its construction does at least match the existing stable block. Councillors believe the storage capacity of the two existing buildings located on the site adequately meets the livestocking levels of the land area. Councillors consider that both the design and size of the proposed barn in the application is akin to an industrial storage building and that it would be used in connection with the landowner's building business. The building is considerably greater than any likely agricultural requirement and the proposed design and material construction are not compatible with the proposed designated use. The Parish Council stated that industrial expansion should take place on designated trading estates.

POLICY CONTEXT

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

ASSESSMENT

The proposed agricultural building would be constructed using rendered blockwork and box profile cladding, two open bays and a roller shutter door to enclose and secure agricultural machinery. The proposed materials and design are considered acceptable for use on an agricultural building and considered akin to many in the Taunton Deane area. The size of the building is also considered commensurate with the size of the agricultural holding.

The Parish Council are concerned that the building appears similar to that of an industrial unit. Whilst the roller shutter door may lead to the Parish Councils visual

concerns the site is well screened from the adjacent highway by a high hedge and the field is not prominent within the wider landscape. The roller shutter doors are also considered an appropriate enclosure for machinery and equipment. The proposed building would appear less "industrial" than some others e.g. for agricultural contracting businesses in countryside locations. Furthermore, any significant use in connection with a building business or any other commercial or industrial purpose would result in a material change of use that would require planning permission. The use of the building is therefore effectively controlled. The proposal is acceptable.

RECOMMENDATION

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

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

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

47/2005/015

MR & MRS A CLEMENTS

ERECTION OF TIMBER FRAMED BUILDING FOR THE PURPOSE OF HOUSING AGRICULTURAL MACHINERY AND HAY, ABBEYWOOD, WEST HATCH, AS AMENDED BY ADDITIONAL INFORMATION IN THE FORM OF A LETTER RECEIVED FROM THE APPLICANTS DATED 28TH SEPTEMBER 2005

28699/20849

FULL PERMISSION

PROPOSAL

The proposed agricultural building measures some 14 m by 13 m in ground area, 5.1 m to ridge height and would be sited in an open agricultural field to the rear of Abbeywood.

The applicant has stated that there holding is 6.5 acres, of which 4.5 acres is being used for agriculture. The agricultural interest is pasture conservation, and he requires the barn for housing agricultural machinery and hay.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL does not object. We question the size of the building compared to area of land. Site is very wet. Drainage and stabilising of the steep banks is necessary. Screening of building would be preferred.

THREE LETTERS OF OBJECTION have been received raising the following issues:- there is no evidence of agricultural activity, it is not an agricultural property, and therefore there is no need for a barn; that further development would be detrimental to the rural charm of the area; that flooding may result from the deposit of earth that was removed to initially make way for a tennis court and which is now the site for the proposed barn; that the building is too big for the area of agricultural land; that the applicant does not have any agricultural implements or hay to store; and that the building could be used for storage of commercial vehicles.

POLICY CONTEXT

Policy S7 of the Taunton Deane Local Plan seeks to resist new building outside defined settlement limits unless, inter alia, it maintains or enhances environmental quality, and is for the purposes of agriculture. Policies S1 and S2 seek to safeguard, inter alia, the appearance and character of any affected landscape.

ASSESSMENT

The proposed building, in accordance with policy S7 of the Local Plan, must be for the purposes of agriculture and which I do not question the applicants assertion that this is so, I nevertheless consider that both the size of the building is disproportionately large in relation to the size of the holding, and the location of the building is inappropriate. Either a smaller building sited within the existing residential complex, or a conversion of

a building within the same complex, would be far more appropriate in terms of impact on the character and appearance of this open countryside location.

RECOMMENDATION

That permission be REFUSED for the reason that the barn is both disproportionately large in relation to the size of the holding, and is inappropriately sited, and would accordingly adversely impact on the landscape quality of this open countryside location.

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:

48/2005/045

REDLAND HOUSING ASSOCIATION

**DEMOLITION OF 14 AND 21 RICHARDS CRESCENT AND ERECTION OF 6 FLATS
3 BUNGALOWS AND FORMATION OF 18 PARKING SPACES AT RICHARDS
CRESCENT, MONKTON HEATHFIELD**

25936/27111

FULL PERMISSION

PROPOSAL

The scheme involves the demolition of two end of terrace bungalows to allow for access to land to provide 6 flats and 3 bungalows, including one for the disabled, and provision of 18 parking spaces. The development is in two areas in the corners of the existing residential estate backing onto a stream and fields. The northerly site consists of 2 flats in a two storey unit set back from the frontage to reduce the visual impact and this is physically linked and steps down to two adjacent bungalows. Access to the site is via a drive through one of the bungalows to be demolished and 6 parking spaces are provided in front and adjacent to these units. In the opposite corner access and parking are derived in a similar manner with an additional of road space plus a car port for the disabled bungalow. Adjacent to the disabled bungalow the development steps up to a two storey development in the form of four flats which reflect the two storey development to the south west. In forming the new access drives off the existing turning head four parking places are lost, including two for the disabled. These spaces are replaced in existing grass verge areas and 4 additional spaces are also created.

CONSULTATIONS AND REPRESENTATIONS

WESSEX WATER the development is located in a foul sewered area and it will be necessary for the developer to agree a point of connection to the system for the satisfactory disposal of foul flows generated by the proposal. The developer has proposed to dispose of surface water to 'mains'. As there are no surface water sewers in the vicinity it is advised that alternative methods of surface water disposal are investigated e.g. soakaways. Surface water should not be discharged to the foul sewer. There is a water main near the site and a 3 m easement is required for maintenance. Diversion or protection works may need to be agreed. An informative should be placed on any consent concerning this issue.

LANDSCAPE OFFICER the existing oak tree in the north east corner of the site has good amenity value and is worthy of retention. It is a relatively small oak and given appropriate tree management it should be possible to keep the tree at about that height longer term. Subject to protection during construction it should be possible to build at the proposed distance from the tree. The site boundary treatment is important and I recommend that all boundaries are planted with native species hedgerows, plants such as Hawthorn, Field Maple and Hazel outside of any fencing. Other landscape planting subject to detail. HOUSING OFFICER the Housing Service is anxious to see these unused sites developed. The demolition of the two bungalows will enable the much needed flats and bungalows to be developed. I fully support this application.

PARISH COUNCIL a very good use of otherwise dead space in each corner of the Crescent. Full support given.

14 LETTERS OF OBJECTION have been received raising the following issues:- of affordable housing flat occupiers conflicting with existing elderly residents; it will increase traffic and cause more noise and disrupt the outlook of elderly residents; there will be a traffic danger and access should be from land to the rear; loss of environmental quality, safety, social stability and will compromise the quality of life and health of existing residents; worry over proximity of access to existing entrance, loss of outlook and light; change of design is wrong, flats not in keeping with the estate, too much is being put on this small plot, more parking would ruin the outlook, disturbance during construction could make people ill, mix of housing is wrong, development not needed, roads too close to bedrooms, any lorries have to reverse as they can't turn at the end of the Crescent. Introducing more cars and younger tenants is madness it may meet a housing quota but is planting a time bomb.

3 LETTERS have been received advising that footpaths and cycle ways should be improved with a link to the new housing and facilities proposed on land to the south east to facilitate walking and access for the elderly and young mothers.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1- Sustainable Development, STR4 - Development in Towns, POLICY 33 - Housing, POLICY 35- Affordable Housing.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2- Housing in Settlements, H4 - Self-Contained Accommodation, M4 - Residential Parking Requirements, EN6 - Protection of Trees.

ASSESSMENT

The main issues with the proposal are the appropriate use of land, adequacy of the access and parking and design. The proposal makes use of vacant corner areas of land on this Council owned estate within the settlement limits to provide nine affordable units for rent. The scheme involves the loss of two existing units to gain access however the re-use of this area of land is considered appropriate and in line with Government Guidance in PPG3.

The access off the estate road through two demolished bungalows is considered to be adequate although it does curtail two existing front gardens to achieve this. The impact

on neighbours is considered to be acceptable and not so detrimental to warrant refusal. The scheme provides adequate off street parking for the new units plus additional on-street parking for the estate as a whole. The design of the bungalows and two storey flats are considered to be in keeping with the existing residential properties in the Crescent and while flats are proposed rather than houses, this mix of development is not considered to be detrimental to the character of the area.

An issue over access to the land to the rear has been raised as this is allocated as part of the new residential development. There is no existing access to the fields at the rear and it is not feasible to provide an access to agricultural land in separate ownership at this stage. Proposed links with this land would need to be addressed as part of the residential development of this land.

The proposal is for affordable housing units on land owned by the Council but to be sold to the applicant.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, tree protection, parking, cycle parking, no extensions, no fencing in front, no surface water discharge to foul sewer, boundary treatment. Notes re landscaping, protection of Wessex infrastructure and energy conservation.

REASON(S) FOR RECOMMENDATION:- The proposal provides a redevelopment of land within the settlement limit in compliance with Taunton Deane Local Plan Policies 1, S2 and H2 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: 356398 MR G CLIFFORD

NOTES:

49/2005/048

BRENDAN POWERWASHERS

ERECTION OF INDUSTRIAL UNITS FOR THE PRODUCTION AND ASSEMBLY OF POWERWASHERS (USE CLASSES B1, B2 AND B8) INCLUDING OFFICE AND STAFF ACCOMMODATION, CAR PARKING AND ATTENUATION POND, LAND ADJACENT TO SEWAGE TREATMENT PLANT WITH ACCESS FROM SANDYS MOOR, LAND AT HILLSMOOR, WIVELISCOMBE AS AMENDED BY ADDITIONAL INFORMATION - WILDLIFE SURVEY RECEIVED 3RD OCTOBER, 2005, LETTERS DATED 4TH OCTOBER, 2005 AND 10TH OCTOBER, 2005

08678/27475

FULL PERMISSION

PROPOSAL

It is proposed to erect 2 units on the northern part of the site with car parking, landscaping and attenuation pond on the southern area, on land south of Sandys Lane. The site is north of the sewage treatment works, and is currently rough grazing land with trees close to the western boundary on adjacent land, and some trees and hedgerow on the northern boundary. A small stream crosses the site from west to east. The site is bounded on the north west by an abattoir, and its car park is to the north of the site. The applicants currently occupy existing industrial units in Station Road, Wiveliscombe. These premises have proved to be inadequate for their needs. Currently 20 staff are employed, with an increase expected as a result of the new premises. The two units are 756 sq m and 1,395 sq m, and they have lorry turning and lorry parking areas in front of the units.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to conditions. ENVIRONMENT AGENCY object, wish to see flood risk assessment due to significant volumes of surface water, and further details of SUDs, suggests conditions if objections can be overcome. WESSEX WATER object given location adjacent to sewerage treatment works on basis of potential nuisance from odours, considers applicants should prepare an odour model, considers buffer zone should remain. SERC no specific species found on site. SOMERSET WILDLIFE TRUST suggests survey before planning permission granted.

LANDSCAPE OFFICER no objections subject to landscape condition. NATURE CONSERVATION OFFICER suggests conditions on nesting birds and grass snakes. ECONOMIC DEVELOPMENT OFFICER supports. ENVIRONMENTAL HEALTH OFFICER suggests noise condition. DRAINAGE OFFICER requires additional information on SUDs, pond, and other drainage details.

PARISH COUNCIL supports.

POLICY CONTEXT

Policies S1- general requirements, S2 - design, S4 - rural centres, S7 - outside settlements, EC1 - employment development, EC2 and EC3 - extension of existing employment site, M3 - non residential development and transport provision, EN6 - protection of trees, woodlands, EN8 - trees in and around settlement, EN12 -landscape character areas, EN25 -the water environment, WV3 - Taunton Road employment allocation.

ASSESSMENT

The northern part of the site is within the Local Plan Allocation for B1, B2 or B8 uses, the southern part of the site is in open countryside. There is no planning objection to the building and lorry parking areas to the north, and the ancillary car parking, attenuation pond and staff seating areas are to be provided in the newly landscaped area to the south. The agent has submitted additional information in respect of the Environment Agency concerns, and it is considered the objections can be overcome by the use newly created attenuation pond with suitable SUDs details and other drainage details. It is not considered appropriate to seek the survey requested by Wessex Water, given that no objections were raised at the time of the Local Plan Inquiry. The applicants are well aware of the location adjacent to sewerage treatment works and have designed the buildings to minimise odour nuisance. It is not considered that Wessex Water's objection can outweigh the industrial allocation of the northern part of the site. The southern part will be used to a lesser extent and forms a buffer area. Conditions will give protection to the southern area so as to keep the area open, and allow protection for grass snakes.

RECOMMENDATION

Subject to the views of the Deputy Prime Minister under the Departure Procedure, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time, materials to be submitted, landscape including hedges, levels, no trenches under trees, parking, cycle rack, temporary car park, oil storage bunds, oil interceptors, no foul discharge, protect nesting birds, protect grass snakes, further wildlife survey, noise, no buildings etc in southern area,, full details of drainage, steam and pond. Notes from Environment Agency, hedges, and inform employees of potential odour.

REASON(S) FOR RECOMMENDATION:- The proposed development for B1, B2 and B8 uses is considered acceptable and is in accordance with Taunton Deane Local Plan Policies S1, S2, S4 and WV3, in addition the associated car parking area with attenuation pond and landscaping is considered to meet guidance in Policies S7, EC2 and EC3.

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:

PLANNING COMMITTEE – 2 NOVEMBER 2005

Report of the Chief Solicitor

S106 Agreement relating to the proposed development at the former Gas Storage Site, Castle Street, Taunton (38/2002/114 and 38/2004/493)

Background

At its meeting of the 12 October 2005 the Committee considered a report on two applications received in relation to the proposed redevelopment of the former gas storage site at Castle Street, Taunton (applications Nos. 38/2002/114 and 38/2004/493).

In respect of the latter application, the Committee resolved to agree the Council's position to be taken at the forthcoming appeal against non-determination of the application.

In relation to application 38/2002/114, Members will recall a resolution was made to grant the permission subject to the conclusion of a satisfactory S106 Agreement, providing for contributions towards transport infrastructure, off-site flood attenuation, sport and recreation and education.

In preparing for the appeal against non-determination which is to be held in early December, officers have been negotiating with the developers, in order to narrow the issues to be considered by the Inquiry. To that end, satisfactory agreement has to date been reached in respect of the developer's obligations to provide towards affordable housing and off-site recreational provision. It is hoped that agreement may be reached on education provision, but it seems unlikely that transport issues and flood alleviation issues will be resolved.

However, in order to facilitate the running of the Inquiry it would assist if a S106 Agreement could be entered into with the developer, establishing areas of agreement.

RECOMMENDATION

It is therefore **RECOMMENDED** that the Solicitor to the Council be authorised to enter into a S106 Agreement with Second Site Property Holdings Limited to secure appropriate obligations in respect of the provision of affordable housing, sport and recreational provision and education.

Chief Solicitor

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