



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 25TH JANUARY 2006 AT 17:00.

(RESERVE DATE : MONDAY 30TH JANUARY 2006 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 14 December 2005 (attached).
3. Public Question Time
4. WELLINGTON - (A) 43/2004/141 AND (B) 43/2004/142CA REPORT ITEM
(A) ERECTION OF SUPERMARKET (2,187 SQ. M) AND RETAIL UNIT WITH FIRST FLOOR OFFICES WITH ASSOCIATED CAR PARKING AND SERVICING, 36-46 HIGH STREET TOGETHER WITH LAND TO REAR BETWEEN HIGH STREET AND SCOTTS LANE, AND FORMATION OF NEW ACCESS TO HIGH STREET, WELLINGTON;
(B) DEMOLITION OF KWIKSAVE STORE, 36 TO 46 HIGH STREET AND BUILDINGS TO REAR OF 36 TO 46 HIGH STREET, WELLINGTON.
5. BATHEALTON - 03/2005/011
ERECTION OF TWO STOREY EXTENSION, 2 THE LINHAY, HURSTONE FARMHOUSE, WATERROW, WIVELISCOMBE (RENEWAL)
6. CHURCHSTANTON - 10/2005/020
CHANGE OF USE AND CONVERSION OF BARN TO DWELLING ADJACENT TO CHURCHINFORD POST OFFICE, CHURCHINFORD AS AMENDED BY LETTER DATED 20TH DECEMBER, 2005 WITH ATTACHED DRAWING NO. 1605/2B
7. CHURCHSTANTON - 10/2005/023
CHANGE OF USE CONVERSION AND EXTENSION TO FORM DWELLING AT THE POUND HOUSE, TRENTS FARM, CHURCHINFORD
8. CORFE - 12/2005/010
FORMATION OF ENTRANCE AND DRIVE TO SERVE PROPOSED DWELLING EAST OF THE COACH HOUSE, CORFE.
9. KINGSTON ST. MARY - 20/2005/023
ERECTION OF ANNEXE WITH GLAZED LINK/CONSERVATORY

AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY.

10. NORTH CURRY - 24/2005/053
RETENTION OF COVERED LINK BETWEEN DWELLING AND GARAGE, INCREASED HEIGHT OF A SOUTH EAST BOUNDARY WALL, SWIMMING POOL PLANT ROOM, ADDITIONAL ROOFLIGHT, AND SUBSTITUTION OF A WINDOW FOR DOOR IN THE NORTH EAST ELEVATION OF DWELLING, THE OLDE CANAL BARN, WRANTAGE.
11. NORTH CURRY - 24/2005/057
DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING AND NEW GARAGE AT LISTOCK FARM, NORTH CURRY.
12. NORTON FITZWARREN - 25/2005/036
PROVISION OF 'SHOULDERS' TO NORTH AND SOUTH OF PREVIOUSLY APPROVED DAM (PERMISSION 25/2001/036 REFERS), FORMATION OF ACCESS FOR MAINTENANCE PURPOSES, PROVISION OF FLOOD CONTROL KIOSK AND TREATMENTS FOR LANDSCAPING AND HABITAT CREATION, LAND WEST OF MONTYS LANE, NORTON FITZWARREN AS AMENDED BY LETTER DATED 8TH DECEMBER, 2005 WITH ACCOMPANYING DRAWING NOS. WX21821/0033/ISS02, 0034/ISS02, 0040/ISS02 AND 049/ISS01 AND MODIFIED SUPPORTING STATEMENT
13. NYNEHEAD - 26/2005/013
CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE TO THE REAR OF 1-7 BLACKDOWN VIEW, NYNEHEAD.
14. PITMINSTER - 30/2005/036
ERECTION OF EXTENSION TO UTILITY BLOCK AT FOSGROVE PADDOCK, SHOREDITCH, TAUNTON.
15. STAWLEY - 35/2005/018
TWO STOREY EXTENSION TO BARN CONVERSION USED AS DWELLING, ERECTION OF CART LODGE AND ROOFLIGHT TO BE INSERTED IN EXISTING ROOF AT OAK BARN, APPELEY.
16. STOKE ST GREGORY - 36/2005/025
ERECTION OF EXTENSION TO DWELLING TO REPLACE CONSERVATORY AT OLD STATION HOUSE, CURLOAD
17. TAUNTON - 38/2005/485
ERECTION OF 20 FLATS AND ASSOCIATED SITE WORKS AT TANCRED STREET TAUNTON.
18. TAUNTON - 38/2005/506
REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS, ERECTION OF 19 FLATS WITH ASSOCIATED PARKING AND ACCESS OFF WOOD STREET AT 7-11B STAPLEGROVE ROAD, TAUNTON AS AMENDED BY DRAWING NO. 04M RECEIVED 4TH

JANUARY, 2005

19. WELLINGTON (WITHOUT) - 44/2005/019
ERECTION OF SINGLE STOREY EXTENSION TO FORM
COVERED SWIMMING POOL, HIGHERLANDS, FORD STREET,
WELLINGTON.
20. BURROWBRIDGE - 51/2005/013
ERECTION OF DWELLING HOUSE AT BURROW FARM,
BURROWBRIDGE (RENEWAL OF 51/2000/014)
21. COMEYTROWE - 52/2005/044
ERECTION OF 18 DWELLINGS FORMATION OF ACCESS AND
DEMOLITION OF DWELLING AT NEW BARN, 41 COMEYTROWE
LANE, TAUNTON, AS AMENDED BY LETTER DATED 15TH
DECEMBER, 2005 AND PLANS 04-52-50A, 51A, 52A & 53A, AND
LETTER AND PLAN DATED 6TH JANUARY, 2006 AND LETTER
DATED 10TH JANUARY, 2006 AND PLAN 04/52-47B AND DATED
DATED 13TH JANUARY, 2006 AND PLANS 04/52/47C AND 52B
22. 38/2005/457 - ERECTION OF CONSERVATORY TO REAR OF 4
LARCH CLOSE, TAUNTON. Miscellaneous item
23. 52/2005/033 - ERECTION OF BOUNDARY FENCE AT 1 BURCH'S
CLOSE, TAUNTON. Enforcement item
24. PLANNING APPEALS - APPEALS RECEIVED AND LATEST
DECISIONS. Appeals

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

20 January 2006

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

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillor Mrs Allgrove
Councillor Miss Cavill
Councillor Clark
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
Councillor Hindley
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Wedderkopp



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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

Planning Committee – 14 December 2005

Present: Councillor Mrs Marie Hill (Chairman)
Councillors Mrs Allgrove, Clark, Croad, Denington, Guerrier, Henley,
C Hill, Hindley, House, Lisgo, Phillips, Mrs Smith and Stuart-Thorn

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

(The meeting commenced at 5.00 pm)

153. Apologies

Councillor Mrs Marcia Hill (Vice-Chairman) and Councillors Miss Cavill, Floyd
and Wedderkopp.

154. Minutes

The minutes of the meeting held on 23 November 2005 were taken as read
and were signed.

155. Applications for Planning Permission

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

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

38/2005/352

Erection of 1 No. dwelling to rear of 191 and 193 Staplegrove Road,
Taunton.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C104 - materials to match existing;
- (d) C101 - materials;
- (e) C010 - drainage;
- (f) C215 - walls and fences;
- (g) Plans showing a parking area/garaging providing for three
vehicles shall be submitted to, and approved in writing by, the

- Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) The parking shall be provided so that the existing garage off Dowell Close is retained solely for use in connection with 193 Staplegrove Road and one garage is provided solely for the use in connection with the new dwelling. The third parking area shall be available for visitors to either dwelling;
 - (i) Provision shall be made for the parking of two cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
 - (j) Prior to the commencement of works on site, details showing a footpath link from 193 Staplegrove Road to the court of Dowell Close shall be submitted to, and approved in writing by, the Local Planning Authority. The approved footpath link shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained;
- (Notes to applicant:- (1) Applicant was advised that the dwelling should be designed in such a way as to minimise the effect of overlooking onto adjacent residential properties. In this respect you are advised that a 10m rear garden should be provided for adequate separation between the existing and proposed dwellings; (2) Applicant was advised that the proposed dwelling should be designed in keeping with properties in Dowell Close and ensure that space is retained around the dwelling to avoid a cramped appearance; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N117 – crime prevention.)

Reason for granting outline planning permission:-

The proposed development lay within the limits of a classified settlement where the principle of development was considered acceptable and the proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1 and H2.

(Councillor Mrs Smith declared a personal interest in the following application.)

38/2005/439

Erection of two new buildings (1 x 6 storey and 1 x 3 storey) to be used as new Surgical Centre with car parking and landscaping and erection of IT/telecom building at Musgrove Park Hospital, Taunton.

Conditions

- (a) C007 - outline - reserved matters;

- (b) C009 - outline - time limit;
- (c) C013 - site levels;
- (d) C014A - time limit;
- (e) C101 - materials;
- (f) Details of the surface treatment of the new parking and turning areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to it first being brought into use;
- (g) C201 - landscaping;
- (h) Details of the means of protection to the Eisenhower Tree during construction shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing and shall be provided during the entire construction works;
- (i) Prior to its laying out on site, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be completely implemented before the development hereby permitted is occupied;
- (j) Details of the level of the revised access road through the site and the new landscape bank to the rear of the Ashley Road properties shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on site commencing;
- (k) Details of the layout and number of parking spaces to be provided shall be submitted to, and approved in writing by, the Local Planning Authority and shall be provided on site prior to the buildings being brought into use;
- (l) Details of the first and second floor windows to the three storey block facing north and east together with means of obscure glazing and restricted opening shall be submitted to, and approved in writing by, the Local Planning Authority prior to the window installation and shall thereafter be maintained unless otherwise agreed in writing;
- (m) Details of any external lighting of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (n) Details of shuttering to the windows of the three storey building and the six storey building facing north and east shall be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented prior to the building being brought into use;
- (o) Construction time working shall be restricted to weekdays 0700 – 1900 hours and Saturdays 0800 – 1300 hours. There shall be no working on Sundays or public holidays;
- (p) The height of the six storey building facing the new car park shall be no greater than 24m above ground level;
- (q) Details of the means of surface water disposal from the site shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented;

- (r) The height of any three storey building shall not exceed 12m above the 21m datum level unless otherwise agreed in writing by the Local Planning Authority;
(Notes to applicant:- (1) N118A – disabled access; (2) N051B – health and safety; (3) Applicant was advised that the Local Planning Authority will expect a high quality of design and materials which respect the character and amenity of the adjacent residential areas; (4) Applicant was advised of the need to investigate sustainable drainage systems for the disposal of surface water from the site; (5) Applicant was advised that any reserved matters submission should be designed in such a way to minimise the impact of the proposal on nearby properties; (6) Applicant was advised that no approval is hereby granted or implied in respect of the illustrative drawings submitted; (7) Applicant was advised that any reserved matters submission should include a Constraints Analysis Plan which should have been subject to consultation with the local community; (8) Applicant was advised that the access to the hospital off Wellington Road must be maintained at all times and the development must not affect the operation of the traffic signal junction.)

Reason for granting outline planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and C14 subject to a landscaping condition, as it was considered that the proposal was not visually intrusive.

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

10/2005/017

Agricultural building for livestock rearing, land opposite Triangle Farm, near Stapley Cross, Churchstanton.

Conditions

- (a) C001A - time limit;
(b) C102 - materials;
(c) 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 in writing by, the Local Planning Authority;
(d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;

Reason for granting planning permission:-

The building was required for agricultural purposes and the visual impact would be reduced by existing and proposed vegetation. It was considered that the proposal did not conflict with Policies S7 and EN10 of the Taunton Deane Local Plan.

23/2005/026

Erection of new dwelling to side and of two garages to rear of 8 Fairfield Terrace, Milverton.

Conditions

- (a) C001A - time limit;
 - (b) C102 - materials;
 - (c) C111 - materials – for drives;
 - (d) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before the building is occupied;
 - (e) The area allocated for parking and turning to the front and rear on the attached plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with No 8, Fairfield Terrace and the development hereby permitted;
 - (f) The dwelling hereby permitted shall not be occupied until the access, parking and turning area on the attached plan is properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such access, parking and turning space shall be kept free of obstruction at all times;
 - (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the parking of vehicles only and shall not be used for any other purpose whatsoever;
 - (h) The garage marked “Garage 1” on the approved plans shall not be used other than for the parking of domestic vehicles serving No 8 Fairfield Terrace;
 - (i) The windows on the west and east elevation glazed with obscure glass shall thereafter be retained. There shall be no alteration or additional windows in these elevations without the prior written consent of the Local Planning Authority;
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N118A – disabled access; (4) N112 – energy conservation; (5) N115 – water conservation; (6) N114 – meter boxes; (7) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (8) Applicant was advised that prior to the

commencement of works you should contact Wessex Water regarding the necessary easements and protection measures to their public surface water sewer; (9) Applicant was advised that the footpath to the side of the property is a public right of way and should not be obstructed at any time during the construction phase; (10) Applicant was advised that any building to be undertaken on or over the footpath may require permission from the Rights of Way Officer, Somerset County Council.)

Reason for granting planning permission:-

The proposal was considered to be acceptable having regard to its location within the settlement limits and it would have no adverse effects on the amenities of neighbouring properties. It was therefore considered to accord with Policies S1, S2 and H2 of the Taunton Deane Local Plan.

23/2005/043

Erection of two storey extension to replace existing single storey extension, Little Fort, St Michaels Hill, Milverton.

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C910B - archaeological investigation;
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N066 – listed building).

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity, nor harm the form, character and appearance of the dwelling and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and EN17.

23/2005/044LB

Erection of two storey extension and demolition of single storey lean-to, Little Fort, St Michael's Hill, Milverton.

Conditions

- (a) C002B - time limit – listed building;
- (b) C103A – materials – listed building;
- (c) Prior to the construction of the extension for which consent is hereby granted, a sample panel of stonework shall be constructed on site for the approval of the Local Planning Authority and thereafter implemented in accordance with the approved panel;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning

Authority:- Spiral staircase; doors – internal and external; windows; skirtings and architraves;

- (e) Prior to the works for which consent is hereby granted are commenced, details of venting the roof shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) The finished treatment for the reinstated inglenook shall first be approved in writing by the Local Planning Authority;
(Notes to applicant:- (1) N067 – listed building).

Reason for granting listed building consent:-

The proposed development would not harm the form, character and appearance, architectural and historic integrity and did not conflict with Taunton Deane Local Plan policies EN14, EN16 and EN17.

24/2005/051

Erection of two storey side extension, erection of detached double garage and extension of residential curtilage into paddock, The Lodge, 7 Knapp Lane, North Curry.

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C201 - landscaping;
- (d) A visibility splay shall be provided in accordance with the area coloured green on the attached plan. There shall be no obstruction above 900mm within the splay at any time;
(Note to Applicant:- Applicant was advised to agree with Wessex Water, prior to commencement of any works on site, a point of connection onto Wessex systems)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, the character and appearance of the open countryside or residential amenity or road safety and, therefore, did not conflict with Taunton Deane Local Plan Policies H17, F1 or S2.

42/2005/047

Erection of two detached dwellings and garages on site of bungalow to be demolished at Sundene, Dipford Road, Trull.

Conditions

- (a) C001A - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C654A - windows;
- (e) The windows shall be recessed a minimum 80mm in the wall;

- (f) Details of the exterior finish of the lintols shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented;
- (g) P010 - no further windows;
- (h) The guttering and downpipes shall be metal only and in a colour finish to be agreed in writing by the Local Planning Authority unless otherwise agreed before works commenced;
- (i) C416 - details of size, position and materials of meter boxes;
- (j) C110 - materials - for hard surfaces;
- (k) The surface water shall be disposed of via soakaways constructed in accordance with Building Research Digest 365 unless otherwise agreed in writing by the Local Planning Authority;
- (l) A sample panel of the stone work illustrating the mortar jointing shall be constructed on site for approval prior to construction commencing, and the walls shall be so constructed as per the agreed panel thereafter;
- (m) The dwellings hereby permitted shall not be occupied until the access, parking and turning area shown on the submitted plan, drawing No 1335/1, has been properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of vehicles only and shall not be converted into living accommodation at any time;
- (o) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (q) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
(Notes to Applicant:- (1) Applicant was advised that construction traffic should be kept clear of the highway if possible for safety reasons; (2) N061 – Highways Act – Section 184 Permit.)

Reason for granting planning permission:-

The proposal was considered to comply with Policies S1, S2, H2, N4 and EN14 of the Taunton Deane Local Plan and material considerations did not indicate otherwise.

43/2005/127TEL

Erection of 15m slimline monopole mast with 3 No antennas, one radio equipment housing and ancillary development at land at Perry Elm Farm, Perry Elm, Rockwell Green.

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;

Reason for granting planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and C14 subject to a landscaping condition, as it was considered that the proposal was not visually intrusive.

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

14/2005/040

Erection of two storey rear extension at Wortheys Farm, Wortheys Lane, Creech St Michael.

Reason

The proposed extension by reason of its size, design and external appearance would be out of keeping with the existing dwelling house and, if allowed, would have a detrimental impact on the character of the building and on the visual amenities of the area. Accordingly, the proposal is considered contrary to Policies S1, S2 and H17 of the Taunton Deane Local Plan.

27/2005/019

Formation of access and revised siting of workshop to that approved by application No 27/2002/018 at land adjacent to Taurus Motors, Hillcommon, Taunton.

Reasons

- (a) The proposal seeks to derive direct access from a County Route and no overriding special need has been substantiated for the proposed development on this specific site. As such, the proposal is contrary to Taunton Deane Local Plan Policy 1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy S1;
- (b) The proposed access and required visibility splay would result in the removal of a substantial section of hedgerow and formation of a highly engineered development to the detriment of the area's landscape, character, street scene and visual amenity and, as such, would be contrary to Taunton Deane Local Plan

Policies S1, S2 and EN12.

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

38/2005/422

Redevelopment to provide 48 sheltered housing apartments for the elderly with community amenity space, car parking and access at 2 and 4 Compass Hill, Taunton.

Reasons

- (a) The Council is not satisfied on the basis of the evidence submitted that the limited level of parking proposed will not give rise to highway danger on the adjacent Class 1 Road. The proposal is therefore considered to be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49;
- (b) The proposed development represents an overdevelopment of the site out of keeping with the character and general scale of development in the area. Furthermore, the proposal is considered to result in a loss of privacy for neighbouring occupiers to the north-west and south-east of the site, contrary to the requirement of Taunton Deane Local Plan Policies S1, S2 and H2.

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

The Committee took the view that the proposed development would be an overdevelopment, overbearing, would affect the privacy of neighbouring properties and access to and from the proposal would present highway safety implications.

156. Conversion and extensions of existing guesthouse to provide 14 x 2 bedroomed flats (dwellings) at Blorengre Guest House, 57/59 Staplegrove Road, Taunton (38/2005/430)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 21 December 2005 in respect of contributions towards recreation and open space, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) for which a sample panel shall be erected on site shall be submitted to, and approved in writing by, the Local Planning Authority

- and no other material shall be used without the written consent of the Local Planning Authority;
- (c) Prior to any works commencing, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
 - (d) C325 – parking;
 - (e) C331 – provision of cycle parking;
 - (f) C304 – access point;
 - (g) Details of the stone piers and reinstatement of the stone detail to the wall shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence. The stone walling and piers hereby approved shall be completely constructed on site prior to the occupation of the flats hereby permitted and retained as such thereafter;
 - (h) Details of gates to secure the rear garden of the premises shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;
 - (i) The windows hereby permitted shall be constructed of timber and recessed in the wall to match the existing window recesses;
 - (j) C112 – details of guttering, downpipes and disposal of rainwater;
(Notes to applicant:- (1) Applicant was advised that the materials used in the extension should be a scrupulous match to the existing building;
(2) Applicant was advised that the integrity of Wessex Water systems should be protected and agreement should be reached prior to the commencement of works on site for any arrangements for the protection of infrastructure crossing the site.)

Reason for planning permission, if granted:-

The proposal was located within the settlement limits of Taunton where the principle of the proposed flats was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1, H2, H4, C4 and N4. Furthermore, it was considered that the proposal would maintain and enhance the character of the Conservation Area in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policy EN14.

Also RESOLVED that if the Section 106 Agreement was not completed by the 21 December 2005, the Development Control Manager be authorised to REFUSE planning permission due to the lack of recreation/open space provision contrary to the requirements of Policy C4 of the Taunton Deane Local Plan.

(Councillor C Hill declared a prejudicial interest in the application covered by Minute No 157 below and left the meeting during its consideration.)

157. Demolition of commercial building and erection of 14 dwellings and associated works at Taylors, Richmond Road, Taunton (38/2005/462)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement by 18 January 2006 in respect of contributions towards recreation and open space, the ownership of the wildlife corridor and commuted sums for its maintenance; and
- (2) The receipt of no adverse views from the Environment Agency, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
 - (a) C001 – time limit;
 - (b) C101 – materials;
 - (c) The access and parking shown on the approved plan shall be provided on site prior to the occupation of the dwelling hereby approved and thereafter maintained;
 - (d) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
 - (e) C331 – provision of cycle parking;
 - (f) The cycle and footpath link shall be fully constructed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained for use by the public;
 - (g) C201 – landscaping;
 - (h) C926B – remediation investigation/certificate;
 - (i) C409 – fenestration – no additional windows;(Notes to applicant:- (1) N041B – drainage/water; (2) N111 – disabled access; (3) N112 – energy conservation)

Reason for planning permission, if granted:-

The proposed development lay within the limits of a classified settlement where the principle of development was considered acceptable and the proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, C4 and H2.

Also RESOLVED that should the Section 106 Agreement not be completed by the 18 January 2006, the Development Control Manager be authorised to REFUSE planning permission due to the lack of recreation/open space and maintenance details for the wildlife corridor.

158. Application to fell 12 oak trees and carry out tree work on 10 oak trees within West Bagborough Conservation Area along the roadside of the cricket pitch, West Bagborough (45/2005/009T)

Reported that a notification had been received proposing to fell 12 oak trees and carry out tree work to 10 further oak trees in the village of West Bagborough along the roadside of the cricket pitch. The trees to be felled,

which were within the Conservation Area, had been identified by the applicant as being unsafe.

Although the West Bagborough Parish Council had initially supported the application, following a public meeting during early November 2005 it was agreed that a further opinion about the health of the trees should be obtained from Heartwood Arboricultural Consultants.

Of the 12 trees that the applicant had asked to fell, the consultants had concluded that:-

- Five were unsound and should be felled on safety grounds;
- Three were small and insignificant and did not warrant being protected;
- Four of the remaining trees should be protected; and
- The tree management work, described in the application to be carried out to the remainder of the trees, was excessive, unclear and should be refused.

In the circumstances, it was considered that a Tree Preservation Order should be served on all the trees that formed part of the notification with the exception of the eight trees identified as being unsound on safety grounds or of limited amenity.

Due to the Parish Council's and Forestry Commission's support for the application, the consent of the Vice-Chairman had been sought to serve the Tree Preservation Order. Noted that six letters of objection from local residents to the proposed felling had been received, details of which were submitted.

RESOLVED that the action taken by the Development Control Manager, in consultation with the Vice-Chairman of the Committee, to serve a Tree Preservation Order be endorsed.

159. Application for a Certificate of Lawful Use – The use of buildings for artist's studios with associated exhibition, displays, workshops and events, Hurstone Farm, Waterrow, Wiveliscombe (03/2005/009LE)

Reported that an application had recently been received for a Certificate of Lawful Use in respect of the use of a number of former farm buildings at Hurstone Farm, Waterrow, Wiveliscombe as artist's studios and a further building for exhibitions and workshops.

The granting of such a certificate was dependant on the applicants supplying evidence that the use had been carried on continuously for a period of 10 years and, unlike an application for planning permission, was not based on the merits of the proposal.

The application had been supported by a range of brochures, leaflets and newspaper articles dating back to 1994 indicating the use of the buildings at Hurstone Farm. There were also statements from 17 tenants who had rented

the studios again dating back to 1994, and advertisements offering the studios to let from 1992. Also reported that at various times throughout the period, grants had been awarded to some of the artists by the Council.

The Development Control Manager was satisfied that the evidence submitted showed that the use of the outbuildings as artist's studios and for associated exhibitions had been continuous for a period of at least 10 years and that a Certificate of Lawful Use should be issued.

Noted that the Certificate would restrict uses to the buildings as shown in the application.

RESOLVED that the decision of the Development Control Manager to grant a Certificate of Lawfulness in respect of the use of outbuildings at Hurstone Farm, Waterrow, Wiveliscombe as 14 artist's studios and the use of an associated outbuilding for exhibitions, displays and events be endorsed.

160. Enforcement action in respect of the O2 mast at Shoreditch Road, Taunton

Reference Minute 128/2005, reported that a Telecommunications Engineer engaged by the Council in connection with the possibility of a Discontinuance Notice being served on O2, had identified that an alternative location for the mast erected at Shoreditch Road, Taunton did exist. The engineer had also established that the current mast was not in accordance with the submitted plans, being thicker and a different colour.

On the basis of this additional information, Counsel's further advice had been sought and it was now thought that enforcement action might be appropriate.

However, before deciding on this course of action, Counsel had advised that a Planning Contravention Notice should be served on O2 to ascertain the extent to which the mast did not comply with the submitted plans.

Counsel had also noted that a suitable alternative location had been identified which was relevant to the course of action Taunton Deane would ultimately pursue. In order to add certainty to this consideration, the Council had been advised to submit a planning application for the erection of the mast at the alternative site. This would assist decisions relating to discontinuance and compensation.

RESOLVED that:-

- (1) The advice to date be noted and that a Planning Contravention Notice would be served on O2; and
- (2) The submission of an application for the erection of a telecommunications mast in an alternative position, as advised by the Telecommunications Engineer, be authorised.

161. Display of advertisements and directional signs at various locations in connection with Langford Lakes Christmas Tree Farm, Middle Hill Farm, Langford Budville

Noted that this item had been DEFERRED to allow further discussions to take place.

162. Erection of boundary wall adjacent to highway at Feltham House, Feltham, Taunton

Reported that a complaint had been received several months ago about a wall being constructed adjacent to the highway at Feltham House, Feltham. The wall was over 1m in height and allegedly protruded onto the highway.

The owner of the property had been contacted and action was taken to reduce the height of the wall. However, it had been noted during a recent site inspection that a portion of the coping to the wall was still over 1m in height due to the slope of the road. Further reported that the owner also intended to reduce the height of the existing pier located at the start of the access to the property.

The County Highway Authority had confirmed that the wall had not been built on highway land.

In the view of the Development Control Manager, as only a small proportion of the wall was over 1m in height, if an application was submitted, permission to retain the wall would be granted.

RESOLVED that no further action be taken.

(Councillor Phillips declared a personal interest in the matter covered by Minute No 163 below and left the meeting during its consideration.)

163. Erection of sign and air conditioning units on flank wall, change of use of first floor to retail and removal of staircase and installation of new stairs in different location at 5 The Bridge, Taunton

Reported that these matters had been brought to the Council's attention during October 2004. The owners had been contacted regarding the unauthorised works but to date, no application for either advertisement, planning or listed building consent had been received to regularise the situation.

Noted that the change of use of the first floor from storage to retail was considered to be acceptable.

RESOLVED that:-

- (1) Listed building enforcement action be taken to seek the removal of the unauthorised advertisement, air conditioning units and the current staircase;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with; and
- (3) The Solicitor to the Council be also authorised to institute legal proceedings in respect of the unauthorised work undertaken to the listed building.

164. Appeals

- (1) Reported that the following appeals had been lodged:-
 - (a) Erection of a two storey extension at 5 Ardwyn, Wellington **(43/2004/165)**;
 - (b) Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield **(48/2004/074)**;
 - (c) Appeal against enforcement notice – site at Rebit House, Ladylawn, Trull;
 - (d) Residential development at Pollards Yard, off Pollards Way, Wood Street, Taunton **(38/2004/570)**;
 - (e) Erection of dwelling adjoining 63 Normandy Drive, Taunton **(38/2004/582)**;
 - (f) Appeal against non-determination – residential development on former Gas Storage Site, Castle Street, Taunton **(38/2004/493)**;
 - (g) Display of various signs at Kings of Taunton, Cook Way, Bindon Road, Taunton **(34/2005/006A)**;
 - (h) Replace existing timber window frames with UPVC at Larkspur Court, Gypsy Lane, Taunton **(38/2004/554)**;
 - (i) Erection of stables for DIY livery and improvement to access at Bindon Farm, Langford Budville **(21/2004/026)**;
 - (j) Use of amenity land as domestic curtilage and erection of railings at 10 Bethell Mead, Cotford St Luke **(06/2004/062)**;
 - (k) Erection of units for special needs accommodation at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren **(25/2005/007)**;
 - (l) Erection of flats and parking at Eastwick Farm Cottage, Eastwick Road, Taunton **(38/2005/052)**;
 - (m) Erection of block of five flats on land to rear of 87 Staplegrove Road, Taunton **(38/2005/121)**;
 - (n) Residential development following the demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard **(06/2005/015)**;
 - (o) Erection of dwelling on land adjacent to 28 Longforth Road, Wellington **(43/2005/055)**;
 - (p) Erection of dwelling on site at Yalham Barton, Culmhead **(29/2005/010)**;

- (q) Demolish agricultural building and erect single dwelling, utilising barn to provide garaging at Ham Farm, Ham, Creech St Michael **(14/2005/020)**;
- (r) Formation of vehicular access to 4 Greenway Road, Taunton **(38/2005/251)**;
- (s) Change of use of ground floor and basement from retail (A1) to estate agency and surveyors office, 3 Fore Street, Wellington **(43/2005/092)**;
- (t) Erect extension and garage and extend residential curtilage into paddock, The Lodge, 7 Knapp Lane, North Curry **(24/2005/028)**;
- (u) Retention of change of use from holiday let to separate permanent dwelling and formation of access and parking area, The Retreat, Sampford Moor, Wellington **(32/2005/007)**;
- (v) Demolition of dwelling and erection of replacement dwelling and garage at Listock Farmhouse, Helland, North Curry **(24/2005/045)**; and
- (w) Erection of a dwelling on land to the west of Maidenbrook Farm House, Cheddon Fitzpaine, Taunton **(08/2005/014)**.

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

- (a) Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton **(52/2004/037)**

Decision

The Inspector considered that a single infill case like this would impact upon the character of the area and upon the living conditions of the adjoining residents. He was concerned that the new dwelling would appear cramped and out of place with other properties. Although 9 Jeffreys Way would not be overlooked or lose any light, he thought the proposed dwelling would appear too close in the context of the general pattern of development. The appeal was dismissed.

- (b) Erection of a dwelling on land to the north of Broomhay, Hyde Lane, Bathpool **(48/2004/036)**

Decision

The appeal site was within the settlement limits of Bathpool and within the flood plain of Allen's Brook. Due to the flooding in 2000, there was some uncertainty about the existing flood defence works and the Inspector felt that no further residential development should be permitted until the uncertainty concerning flood defences was resolved. The appeal was dismissed.

- (c) Erection of house and garage and formation of access together with provision of new access and garage to existing dwelling at Meadows Edge, Corfe **(12/2004/001)**

Decision

The Inspector felt that due to its size, its dominant relationship to the Forge Cottage outbuilding and its close proximity to the road, the proposed new house would be too large for its plot. He also felt that the design of the house would resemble a volume built, anonymous, large house with few of the features which marked the local distinctiveness of the Conservation Area. He concluded that the cramped nature of the proposed house would not enable the character or appearance of the Conservation Area to be preserved or enhanced. The appeal was dismissed.

- (d) Use of proposed holiday lodge permitted under planning permission 03/2003/003 for manager's accommodation, Exmoor Gate Lodges, Waterrow, Wiveliscombe (03/2004/004)

Decision

The Inspector considered the reasons given by the appellant for requiring accommodation on site but did not feel that these amounted to a need to live on the site. He felt that the activities could be carried out from an office within the scheme. He felt that use of the proposed building as manager's accommodation was quite different to the consent for a holiday lodge. The appeal was dismissed.

- (e) Creation of two ground floor flats at Salisbury Cottage, The Mount, Taunton (38/2004/421)

Decision

The ground floor of the building formed an "L" shape around a large storage building. The Inspector felt that the presence of this store would affect the outlook from, and the light reaching, the two flats. In his opinion, all of the rooms he identified would be extremely gloomy and the outlook would be restricted to the blank walls of the store. He considered that this would be a poor standard of accommodation. The appeal was dismissed.

- (f) Retention of flat roof dormer window with UPVC cladding replaced by tile hanging at 15 Eastbourne Gate, Taunton (38/2004/390)

Decision

The Inspector noted that the use of the large dormer window was out of scale and character and upset the unity and architectural integrity of the original design at roof level. The proposal to replace the UPVC cladding with hanging tiles would not address the problem of the excessive scale and bulk of the roof extension. The appeal was dismissed.

- (g) Removal of condition 02 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford (10/2004/008)

Decision

Although the removal of condition 02 would allow the ground floor of the building to be formed into residential accommodation, there was already such use at first floor level. The Inspector felt that the increased scale of residential use would not breach Policy H20 and therefore removal of the condition would not be in conflict with that policy. The Inspector felt that the removal of the condition would reduce the availability of garaging on the site although there was a substantial area of driveway and parking which was set back from the road. It was therefore unlikely that cars would park in the road. He therefore concluded that the condition was not necessary. The appeal was allowed and planning permission granted.

- (h) Demolition of a redundant non-original chimney stack and thatch over 24 Mount Street, Bishops Lydeard (06/2004/034LB)

Decision

The Inspector noted the appellant's anxiety about the stability of chimney and rainwater. However, he saw no obvious evidence of instability and no information to suggest structural monitoring had taken place. As far as the ingress of rainwater was concerned he considered that appropriate expertise was available to resolve the problem without recourse to removing any part of the chimney. In conclusion, the Inspector felt that the proposal to remove the chimney would harm the listed building and the Conservation Area. The appeal was dismissed.

- (i) Proposed erection of 21m high lattice tower, with up to six aerials and two dish antenna at south-west end of Green's Covert, near Thistlewood Bridge, Walcombe's Farm, Bishops Lydeard (22/2004/004)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed.

(Councillors Henley and Mrs Smith left the meeting at 9.30 pm and 10.21 pm respectively.)

(The meeting ended at 10.37 pm)

43/2004/141

SOMERFIELD STORES LTD

ERECTION OF SUPERMARKET (2,187 SQ M) AND RETAIL UNIT WITH FIRST FLOOR OFFICES WITH ASSOCIATED CAR PARKING AND SERVICING, 36 - 46 HIGH STREET TOGETHER WITH LAND TO REAR BETWEEN HIGH STREET AND SCOTTS LANE, AND FORMATION OF NEW ACCESS TO HIGH STREET, WELLINGTON AS AMPLIFIED BY LETTERS DATED 17TH DECEMBER AND 21ST DECEMBER, 2004; LETTER DATED 3RD FEBRUARY, 2005 WITH ACCOMPANYING ASSESSMENT OF EXISTING BUILDINGS WITHIN THE SITE; LETTER DATED 15TH FEBRUARY, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02, 03, 05, 06 & 08; LETTER DATED 19TH APRIL, 2005 WITH ACCOMPANYING STRUCTURAL ENGINEERS' REPORT, AS FURTHER AMENDED BY LETTER DATED 9TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02B, 03B, 05B, 06B AND 08B, AS FURTHER AMENDED BY LETTER DATED 27TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02C, 03D, 06C AND 08C, AS AMPLIFIED BY LETTER DATED 30TH SEPTEMBER, 2005, AS FURTHER AMENDED BY LETTER DATED 31ST OCTOBER, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02D, 05C, 06D AND 08D AND AS FURTHER AMPLIFIED BY LETTER DATED 23RD NOVEMBER, 2005

14067/20706

FULL

1.0 **RECOMMENDATION**

43/2004/141

Subject to the applicants entering into a Section 106 Planning Agreement to secure:-

- (i) the design, construction and funding of the traffic signal junction, together with works to hardware link the new junction to the North Street/South Street junction to enable a SCOOT system to be funded and introduced to maximise the operational capacity of both signal junctions; and
- (ii) the provision and installation of CCTV cameras to monitor the traffic at both the new junction and the North Street/South Street junction; and

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.

- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 06 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be

erected/planted before any such part of the development to which it relates takes place.

- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 07 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 07 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 08 All services shall be placed underground.
- 08 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).
- 09 Detailed drawings indicating the height, appearance, intensity of light and manufacturer's specification of any external building or car park lighting, including the access thereto, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The lighting shall be provided in accordance with those details and shall be so located, installed and permanently maintained so that inconvenience from glare, whether directed or reflected, shall not be caused at any other premises.
- 09 Reason: In the interests of the visual amenity of the area and to ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1.
- 10 The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to and approved by the Local Planning Authority. Such petrol/oil interceptor shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter.
- 10 Reason: To ensure that adequate protection of the surface water drains is made in accordance with Taunton Deane Local Plan Policy S1.
- 11 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before of the development hereby permitted is occupied/use hereby permitted is occupied.
- 11 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 12 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

- 12 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 13 The proposed road within the site shall be kept free from obstruction at all times.
- 13 Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties.
- 14 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjacent access road, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 15 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 16 Before any works are commenced on the replacement building or the High Street frontage, sectional drawings showing details of all timber mouldings, to include traditional detailing/construction of shopfront, fascias, doors, windows, shall be submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 17 The windows in the replacement building on the High Street frontage shall be recessed with timber vertically sliding sashes, unless otherwise agreed by the Local Planning Authority.
- 17 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 18 Before any works on the replacement building on the High Street are commenced, details of brick and render details to the window heads shall be submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: To maintain the character of the Conservation Area, in accordance with Taunton Deane Local Plan Policy EN14.
- 19 The bollards indicated on the approved plan at the southern end of the main car park shall be provided before the use of the car park hereby permitted commences and shall remain locked at all times other than for providing access to those properties with a right of access across the site from Scotts Lane.
- 19 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 20 Details of the length of stay for vehicles parking in the proposed car park shall be submitted to and approved in writing by the Local Planning Authority. Any change to this approval shall be submitted to the Local Planning Authority for written approval.
- 20 Reason: To ensure that the car parking spaces are available for shoppers and in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 Details of measures to control the use of the car park outside the times of opening for the supermarket shall be submitted to and approved in writing by the Local Planning Authority and provided before the use of the car park hereby permitted is commenced.
- 21 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 22 No demolition or construction work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0730 and 1900 hours on weekdays, unless otherwise agreed in writing by the Local Planning Authority.
- 22 Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).
- 23 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 23 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 24 The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket, unless otherwise agreed in writing by the Local Planning Authority
- 24 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 25 Before the use hereby permitted is commenced, the loading bay area shall be soundproofed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Prior to the commencement of development, a Code of Practice in relation to HGV vehicles accessing at the site during demolition and construction of the development and operation of the supermarket shall be submitted to and approved in writing by the Local Planning Authority. The agreed Code shall include details of delivery times and provision for vehicle mounted refrigeration units.
- 26 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).

- 27 Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- 27 Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 No deliveries, other than bakery, dairy and other perishable products, shall be made between the hours of 2000 on any one day and 0800 on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishable products shall be made other than between the hours of 0700 and 2000.
- 28 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 29 Details of the arrangements to be made for the disposal of surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 29 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

Notes to Applicant

- 01 You are advised that the proposal should comply with the Food Hygiene (General) Regulations.
- 02 You are advised of the need to have regard to the existing rights of way by third parties over the land.
- 03 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.
- 04 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.
- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 With regard to Condition 15 the County Archaeologist (Telephone: 01823 355619) would be willing to provide a specification for this work and a list of suitable contractors to undertake it.
- 07 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.

- 08 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 09 With regard to Condition 20, the length of stay should be restricted to 2 - 3 hours, to ensure that the car parking spaces are available for shoppers.
- 10 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 11 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.
- 12 Your attention is drawn to the need to provide reasonable access for Fire Appliances, and you are advised to contact The Chief Fire Officer, Divisional Fire Headquarters, Lisieux Way, Taunton, TA1 2LB. In addition, when plans are available, a copy of them should be sent to the Chief Fire Officer at the above address so that advice can be given on the desired fire safety measures which should be incorporated in the proposal.
- 13 Your attention is drawn to the Conservation Area Consent relating to this property numbered 43/2004/142CA.
- 14 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 15 The appointed contractors should subscribe to the 'Considerate Contractor's Programme'.
- 16 You are advised that the existing building contains asbestos panels, which will need careful removal. 1. If the asbestos is contained within something like cement, i.e. roof, wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. N.B. If the sheeting is to be broken up for any reason a specialist contractor must be used. 2. If the asbestos is in a more friable condition/material, e.g. lagging, water tank insulation, then a licensed specialist contractor must be used. Either way, materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip. You are advised to contact the Environmental Health Officer in this respect.

REASON(S) FOR THE RECOMMENDATION:- The site is a town centre site, the development of which is in conformity with the retail policy framework set

out by central government in PPS6 and in the retail policies contained in the County Structure Plan and adopted Local Plan. The proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy W11.

43/2004/142CA

SOMERFIELD STORES LTD

DEMOLITION OF KWIKSAVE STORE, 36 TO 46 HIGH STREET AND BUILDINGS TO REAR OF 36 TO 46 HIGH STREET, WELLINGTON AS AMPLIFIED BY LETTERS DATED 17TH DECEMBER AND 21ST DECEMBER, 2004; LETTER DATED 3RD FEBRUARY, 2005 WITH ACCOMPANYING ASSESSMENT OF EXISTING BUILDINGS WITHIN THE SITE; LETTER DATED 15TH FEBRUARY, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02, 03, 05, 06 & 08; LETTER DATED 19TH APRIL, 2005 WITH ACCOMPANYING STRUCTURAL ENGINEERS' REPORT, AS FURTHER AMENDED BY LETTER DATED 9TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02B, 03B, 05B, 06B AND 08B, AS FURTHER AMENDED BY LETTER DATED 27TH JUNE, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02C, 03D, 06C AND 08C, AS AMPLIFIED BY LETTER DATED 30TH SEPTEMBER, 2005, AS FURTHER AMENDED BY LETTER DATED 31ST OCTOBER, 2005 WITH ACCOMPANYING DRAWING NOS. M346/02D, 05C, 06D AND 08D AND AS FURTHER AMPLIFIED BY LETTER DATED 23RD NOVEMBER, 2005

14067/20706

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

Consent be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 The building(s) shall not be demolished before planning permission has been granted for the redevelopment of the site and a contract has been let for the redevelopment work.
- 02 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN15.
- 03 Before any demolition is carried out details shall be submitted to and approved by the Local Planning Authority of the making good of any existing structure abutting any of those to be demolished.
- 03 Reason: In the interests of the visual amenities of the area in accordance with Taunton Deane Local Plan Policy EN15.

REASON(S) FOR RECOMMENDATION:- The proposal would maintain/enhance the character and appearance of the Conservation Area. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policy EN15.

2.0 **APPLICANT**

Somerfield Stores Ltd

3.0 **PROPOSAL**

The proposal is to replace the existing Kwik Save store at 44 – 46 High Street with a new Somerfield supermarket.

The new foodstore will have a gross floor area of 2,187 sq m (23,540 sq ft) and will be largely a single storey building with a small first floor section for staff facilities. The sales area will be 1,303 sq m (14,025 sq ft). A new 144 space car park will be provided, the majority assessed from High Street. This will remove the current unsatisfactory arrangement whereby customers access the existing Kwik Save car park through the residential area to the east of the site. Service vehicles will continue to access the site from Scott's Lane, as per the existing Kwik Save servicing arrangements. The site layout has been designed to avoid any risk of the new car park being used as a rat-run between Sylvan Road/Scotts Lane and High Street. Pedestrian access will be available from both the Scotts Lane and High Street directions.

The vacant buildings at 36 – 42 High Street are also to be demolished and rebuilt in a form which respects their new location. The replacement building has been designed with a public face on two sides of the building and also enables the provision of a new safe vehicular and pedestrian access from High Street. The replacement building will provide retail space on the ground floor with offices on the first floor.

The main entrance to the supermarket has been located so as to provide a focus from the new vehicular access from High Street. The proposed supermarket has been located on the site to close the view looking south along Longforth Road. Secure parking for cyclists is to be provided adjacent to the entrance to the supermarket.

The materials for the proposed supermarket building are to be brick walls with slate roof.

A Retail Statement and a Transport Assessment were submitted with the planning application.

Following representations received amended plans were submitted making the following amendments:-

- (i) Redesign of new buildings intended to replace the vacant units at 36/38 and 40/42 High Street, to be sympathetic with their neighbours, both in terms of scale and detail. This follows the assessment of the existing buildings within the site.
- (ii) Relocation in the new opening to High Street reduced to a minimum, commensurate with highway safety.

- (iii) Enclosure of the new access road to the south-west by a 1.7 m high screen wall.
- (iv) Redesign of north-east corner of the new supermarket to improve access to the adjacent properties.
- (v) Amendment to the junction details.

4.0 **THE SITE**

The application sites comprises an existing supermarket (Kwik Save) and two empty buildings adjacent on the High Street frontage, the associated car parking to the rear, assessed from Scotts Lane, together with a large area of vacant open land, most of which was formerly used as a garden centre. This latter area is currently unused, overgrown and lying derelict. The empty buildings have fallen into disrepair and detract from the appearance of the street scene in their current condition. They were formerly occupied by Discount Stores and Richardson's Garage offices.

5.0 **RELEVANT PLANNING HISTORY**

43/2000/090 Erection of supermarket (gross floor space 2180 sq m) with associated car parking and servicing, 38 – 46 High Street, together with land to rear between High Street and Scott's Lane, and formation of new access to High Street, Wellington. Application withdrawn.

43/2000/091CA Demolition of Kwik Save Store and buildings to rear of 38 and 40 High Street, Wellington. Application withdrawn.

42/2000/134 Erection of Health Centre with associated car parking, 42 – 46 High Street together with land between High Street and Scotts Lane, Wellington. Outline application refused March 2003 and subsequent appeal dismissed.

42/2002/140 Rebuilding of premises to form ground floor shop and store and first floor offices, 40 – 42 High Street, Wellington (renewal of 43/1997/085). Full permission granted December 2002.

43/2002/155CA Demolition of buildings, 40 – 42 High Street, Wellington (Renewal of 43/1997/086CA). Consent granted December 2002.

6.0 **RELEVANT PLANNING POLICIES**

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)

The following policies are relevant:-

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4 Development in Towns

Policy 14 Archaeological Strategies

Policy 20

Retail development should be well related to settlements. The overall scale of retail facilities in, or adjacent to, any particular settlement should be commensurate with the strategic importance attributed to that settlement by the strategic policies of the plan.

In providing for development which has the potential to create change in the pattern of shopping centres, the vitality and viability of existing town and local centres, including centres providing local shopping facilities in rural areas, should be prime considerations.

Policy 21

The functional centres of Towns and Rural Centres will be the primary focal points of new facilities particularly for shopping, leisure, entertainment and financial and administrative services, which need to be accessible to a wide range of the population and are suitable for access by a choice of means of transport. In identifying sites for such development, a sequential approach, that respects the sustainable development principles of this plan, should investigate opportunities in the following order:

1. in town centres,
2. in edge-of-town centre locations,
3. in local centres, and only then,
4. in new locations within or well related to the settlements concerned, that are accessible by a choice of means of transport.

Policy 39 Transport and Development

Policy 40 Town Strategies

Policy 42 Walking

Policy 44 Cycling

Policy 48 Access and Parking

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan (Adopted November 2004)

The following policies are relevant:-

Policy S1 General Requirements

Policy S2 Design

Policy EC10

Taunton and Wellington town centres will be the priority location for major retail development and other key town centre uses. Where such facilities cannot be located within these town centres, preference for site selection will be as follows:

- (i) edge-of-town centre sites, followed by
- (ii) local centres, followed by
- (iii) edge-of-local centres, followed by
- (iv) out-of-centre sites in locations that are (or can be made) accessible by a choice of means of transport

Key town centre uses are defined as: major retailing, leisure and entertainment facilities, and large-scale offices.

For Wellington, key town centre facilities will be limited to a scale which seeks to serve a catchment limited to that of the town and its dependent rural areas.

Policy EC12

Major proposals for retail development and other key town centre uses will be permitted within the settlement limits of Taunton and Wellington, provided that:

- (A) the proposal, where located beyond a town centre location, would not prejudice the Local Plan strategy;
- (B) where proposed beyond a town centre location, there is a demonstrable need for the development;
- (C) where proposed beyond a town centre location, the development, in conjunction with other proposed facilities, would not adversely affect the vitality and viability of Taunton and Wellington town centres or of any existing or proposed local centre. Similarly, the proposal must not adversely affect the availability of local service facilities within the associated settlements, rural centres and villages;
- (D) the proposal is in a location which can deliver safe and convenient access for a significant proportion of the likely catchment population by public transport, walking or cycling, and will not result in an over-reliance on private vehicular travel; and
- (E) adequate servicing arrangements are provided, so as to minimise environmental impact and pedestrian conflict.

Policy EC13

Where major edge-of-centre or out-of-centre shopping facilities are proposed, such as retail warehousing, food superstores or factory outlet centres, it will be necessary to assess the impact of the proposed development on the vitality and viability of existing town centres and/or nearby local centres. Subject to the results of a retail impact assessment, conditions may be imposed which could include:

- (A) preventing the subdivision of retail units into smaller units;
and,
- (B) restricting the sale of appropriate broad categories of goods.

Policies M1, M2 and M3 Transport, Access and Circulation Requirements
of New Development

Policy M5 Cycling

Policy EN14

Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.

Policy EN15

There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area.

Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed.

Policy W11

Within Wellington town centre, mixed-use developments will be permitted on sites at Bulford (0.8 hectare) and High Street (0.9 hectare) as shown on the Proposals Map. Permitted uses will include retailing, food and drink, offices, leisure, entertainment and health care facilities.

Development will be permitted provided that:

- (A) where residential uses are proposed as part of a mixed-use commercial/residential scheme, environmental conditions are suitable for new and adjoining residents;
- (B) the total net convenience goods floorspace in Wellington, including new developments, does not exceed 2700 square metres;

- (C) provision is made for the continued rear servicing of properties on Fore Street, South Street and High Street, and servicing improvements are facilitated;
- (D) adequate provision is made for access, servicing and car parking, including short-stay town centre parking;
- (E) improved pedestrian access to Fore Street, South Street and High Street is facilitated;
- (F) the character of the conservation area and settings of adjoining listed buildings are preserved or enhanced;
- (G) an archaeological survey is undertaken, together with (if required) excavation and/or evaluation of the deposits identified.

In association with the development, the following will be sought:-

- (H) contributions towards both necessary and related off-site works required to improve highway safety within the vicinity of the site, as well as contributions towards related elements of the Wellington Transport Strategy, the implementation of which will improve the overall accessibility of the site. This will primarily involve measures to improve cycle accessibility within the town centre, but may also include other elements of the Strategy.

7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 13 Key principles

Paragraph 16 Social Cohesion and Inclusion

Paragraph 17 & 18 Protection and Enhancement of the Environment

Paragraph 27 Delivering Sustainable Development – General Approach

Planning Policy Statement 6 – Planning for Town Centres (PPS6)

Paragraph 1.3 The Government's key objective for town centres is to promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and

encouraging a wide range of services in a good environment, accessible to all.

Paragraph 1.4 There are other Government objectives which need to be taken account of in the context of the key objective in Paragraph 1.3 above:

- enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;
- supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
- improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.

Paragraph 1.7 It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.

Paragraph 1.8 The main town centre uses to which this policy statement applies are:

- retail (including warehouse clubs and factory outlet centres);
- leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- offices, both commercial and those of public bodies; and
- arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities).

Paragraph 2.1 In order to deliver the Government's objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. Regional planning bodies and local planning authorities should:

- actively promote growth and manage change in town centres;

- define a network and a hierarchy of centres each performing their appropriate role to meet the needs of their catchments; and
- adopt a proactive, plan-led approach to planning for town centres, through regional and local plan

Paragraph 2.6 Where extensions of primary shopping areas or town centres are proposed, these should be carefully integrated with the existing centre both in terms of design and to allow easy access on foot. Extension of the primary shopping area or town centre may also be appropriate where a need for large developments has been identified and this cannot be accommodated within the centre. Larger stores may deliver benefits for consumers and local planning authorities should seek to make provision for them in this context. In such cases, local planning authorities should seek to identify, designate and assemble larger sites adjoining the primary shopping area (i.e. in edge-of-centre locations).

Paragraph 2.33 Retail and Leisure

Paragraph 2.34 Quantitative Need

Paragraph 2.35 Qualitative Need

Paragraph 2.44 Apply the Sequential Approach to Site Selection

Paragraph 2.48 Assess Impact

Paragraph 4.49 Ensure Locations are Accessible

Paragraphs 3.1 and 3.2 Development Control

Paragraph 3.4 – 3.7 Assessing Proposed Developments

Paragraph 3.8 It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre.

Planning Policy Guidance Note 13 – Transport (PPG13)

Paragraph 35 Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments. At the regional and strategic level, local authorities should establish a hierarchy of town centres, taking account of accessibility by public transport, to

identify preferred locations for major retail and leisure investment. At the local level, preference should be given to town centre sites, followed by edge of centre and, only then, out of centre sites in locations which are (or will be) well served by public transport. Where there is a clearly established need for such development and it cannot be accommodated in or on the edge of existing centres, it may be appropriate to combine the proposal with existing out of centre developments, provided that improvements to public transport can be negotiated. This is a summary of guidance in PPG 6.

Paragraph 49 Parking

Annex D Maximum Parking Statement

7.0 **CONSULTATIONS**

County Highway Authority

“The Planning Officer will be aware of the difficulties that have been experienced in achieving a satisfactory scheme, particularly from a highway viewpoint. The Highway Authority has, in making its recommendations, had to balance the need for a safe access with a maximum capacity to permit as far as possible, free flow of traffic, against the necessity for a new food store at this sensitive highway location.

The most recent plans submitted Drawing Nos. M346/02 Rev D showing the internal layout, do not show an accurate highway junction layout but refer to detailed highways drawings, the latest and approved version being the Faber Maunsell drawing No. 39020 TTD-SL02 Rev E. There are some minor alterations in the highway drawing which concern the visibility of the signal heads over the planting strip alongside the main store access road. The above mentioned plans must be read in conjunction with each other.

These plans are suitable for inclusion in a Section 106 Agreement which will be necessary to deliver the design, construction and funding of the new junction together with off-site works which will link the junction with the North Street/South Street traffic signal junction in order to optimise both their performance together with CCTV cameras to monitor traffic.

It must be pointed out at this stage, that the proposed development will result in additional queuing traffic in Wellington, as it is impossible to introduce a major traffic generator into the town into a constrained town centre location without creating congestion at peak times. However, as pointed out previously this must be balanced against the need for a food store in this location.

I am aware that there is private right of way for residents living adjacent to the site, which will be extinguished by the proposals. From a transport view point, the proposals provide a suitable alternative. However, without the

extinguishment of this right of way, the traffic signal junction as proposed cannot be constructed and therefore the development not implemented so it is essential that this right of way is extinguished by agreement with the residents prior to the new junction coming into use.

In conclusion, I have no highway objection to the proposed development subject to a Section 106 Agreement being entered into to secure the design, construction and funding of the traffic signal junction shown on drawing 39020CTD-SL02Rev E together with works to hardware link the new junction to the North Street/South Street junction to enable a scoot system to be funded and introduced to maximise the operational capacity of both signal junctions and the provision and installation of close circuit television cameras to monitor the traffic at both the new junction and the town centre junction.”

County Archaeologist

“The site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). Following a site visit it became clear that number 38 High Street is an early building as it is possible to see a cruck beam surviving in the wall which acts as the dividing wall between numbers 38 and 40. Therefore, this building has intrinsic historic value but not enough information is contained within the application to assess its significance.

For this reason I recommend that the applicant be asked to provide further information on the historic value of the building prior to the determination of this application. This is likely to require a historic building survey.

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

Chief Fire Officer

“1.0 Means of Escape

1.1 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 Building Regulations stage.

2.0 Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

3.0 Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Avon & Somerset Constabulary

"I have some concerns over both vehicle security and personal safety regarding the partly enclosed 'overflow car park'. The proposed fencing will affectively remove most opportunities for natural surveillance over this area.

I understand that this area may require screening from the nearby houses, but I would suggest that the presence of a 1.8 m close boarded fence will create an unsafe environment within.

Would it be possible to replace the 1.8 m fencing with a fence of approximately 1 m, or perhaps a boarder of low growing bushes and shrubs? This would still provide some screening, but also allow for some natural surveillance. It would create a less 'closed in' area which would be more pleasant and safe to use. "

English Heritage

(43/2004/141)

"We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

We have no knowledge of the existing buildings on the site but we would expect them to be properly taken into account in terms of their contribution to the character and appearance of the Conservation Area.

Next steps

Providing that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of any further necessary conservation advice locally. It is not therefore necessary for us to be consulted again on this application."

(43/2004/142CA)

The application shall be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advise.

Wellington Economic Partnership

"The proposed re-development of the current Kwik Save site is very important to the town. The provision of a large, modern supermarket in the heart of Wellington would hopefully stem, and even reverse, the "leakage" of trade to stores like ASDA, Sainsbury's and Tesco in Taunton. At the same time, a new flagship store is likely to boost the trade of other shops in the town giving Wellington greater economic prosperity.

Given the very real benefits of the proposed development, the Partnership was very concerned to learn that the Conservation Officer had raised objection to the part of the scheme to demolish the former Wellington Discount Stores at 38-40 High Street, which would be replaced by a new building to be used as offices.

It is understood that the building is just within the Wellington Conservation Area and, as such, the Conservation Officer wishes to see the building refurbished to enhance the street scene and to preserve the continuous frontage along the southern side of High Street.

In view of the current condition of the premises, the Partnership can well understand why the applicants wish to demolish and re-build. In the circumstances, the Partnership took the view that provided the design of the new building was in keeping with the remainder of the street frontage, permission for the supermarket should not be held up any longer. Is there anything further you can do to hasten the decision?"

Landscape Officer

"Overall this is a 'hard' urban landscape solution with limited opportunities for tree and shrub planting. As a minimum, additional tree planting should be required to soften the impact of the new building and car parking.

Please see comments on marked up drawing."

The following further response was received on the amended plans:-

"This is still a 'hard' urban landscape solution with limited opportunities for tree and shrub planting.

I recommend, as a minimum, tree planting within the car parking within 'diamond' tree planting."

Conservation Officer

"The application proposals and short statement on the design approach, is sadly lacking in terms of the effect on the character of the Conservation Area, both with regard to the merits of the extant buildings and the design effect on the Conservation Area of the proposed. As such, it is contrary to PPG15 advice and the application should therefore be refused.

The application differs little from the previous, so my earlier observations still apply."

Following amendments to the proposal, the following response was received:-

"New Development

1. Views into the site are improved as a result of the introduction of a flanking wall and rearrangement of parking, hence hiding the latter from views from the High Street.
2. Large gap in an otherwise, largely, continuous building frontage still proposed, which cannot be argued to preserve or enhance the character of the Conservation Area.
3. Supermarket design, more appropriate to an "out of town" site and not this sensitive location. The poor design is accentuated by the fact that the same acts as a focal point from the High Street.
4. The revised design for replacement buildings on High Street is an improvement generally but shop fronts are unacceptable. (Refer agent to TDBC shopfront design guide).
5. In summary, I cannot support the scheme as access, design and demolition proposals, will not preserve or enhance the character of the Conservation Area and indeed would cause harm.

Mike Jenner Report/Conservation Area application.

1. I concur with the Conservation Area character analysis and the opinion that the existing (main), Kwik Save building, has a negative impact on the character of the Conservation Area and street scene.
2. I also concur with the view that the interior of 36 and 38 is of "great historic interest" (para 3.3).
3. The comment at para 7.3 is illuminating but I disagree with the "minor incident" comment, particularly in respect of 36 and 38.
4. I agree with para 8.1 BUT with the proviso that the design of any replacement must make a POSITIVE contribution to the character of the Conservation Area.
5. I disagree with the degree of decay mentioned at para 8.2 and hence the statement that "I think the case for demolition is almost overwhelming". My stance, is in part supported by the fact that a structural survey was not part of the author's remit.
6. Whilst I accept the author's premise that the ' demolition and redevelopment proposals would "only be another incident" (in the centuries old tradition of redevelopment), the "offer" of a "thorough archaeological investigation", does not, in my opinion, justify the demolition of Nos. 36 and 38 in particular.
7. I agree with the conclusions re the qualities of Nos.40 and 42 (para 8.3 refers) but NOT with the last sentence re the demolition proposals as a whole.

8. In summary, objection raised, on the basis that Nos. 36 and 38 High Street, make a positive contribution to the Conservation Area and street scene.

Economic Development Officer

No observations to make.

Forward Plan

“The application indicates a gross internal floor area of 2,048 sq m (22,045 sq ft) of which net sales area would be 1,303 sq m (14,025 sq. ft.) or 63.6% sales/gross ratio. The gross internal is identical with the previous (undetermined) application ref 43/2000/090 although the net sales area is slightly less than the previous submission. The resultant net floorspace increase would actually be around 543 sq m. (5,845 sq. ft) since the proposal includes the demolition of the existing Kwik Save store.

The site is one of two in the town centre allocated in the Taunton Deane Local Plan (policy W12) for a range of uses, including retailing. The 1999 Hillier Parker Retail Capacity Study identified capacity for c 850 sq. m net convenience goods floorspace by 2001 with potential for a further slight increase over the years to 2011.

The proposal is therefore within the estimated spare capacity floorspace identified in the 1999 Retail Capacity study and is acceptable in principle. It should also be noted that policy W12 also identifies land at Bulford (Wellington town centre) as suitable for retail growth. An outline planning permission was granted in 2001 for a 2580 sq. m. gross foodstore. The renewal of permission is currently being sought. Whilst in combination the two sites would exceed retail capacity estimates to 2011, both are allocated as town centre sites in the Local Plan. As such, impact assessments cannot be required and it is therefore considered that 'the market' will determine which proposal (or both) will proceed.

It is noted that the current application proposes a c240 sq. m office building on the High Street frontage. A mixed use development is supported. This lies within the secondary shopping frontage where offices (Class A2, not B1) would be supported in principle, as would Class A1 or A3. It is suggested that in order to encourage diversity within the town centre, the suitability of this building for all Class A uses could be conditioned.

Further observations were received addressing points raised in one of the letters of objection as follows:-

“From what I can make out. Bakers appear to be selective in their quotes from the Local Plan Inspectors report. The 1999 retail capacity study does refer to 'a maximum of 850 sq m net retail floorspace being advisable but not sufficient to bring about any significant change in the trading position of the town' (as referred to in Inspectors report 9.4.4.49) and that 'if the High Street

site were developed it could lead to the rationalisation of Kwik Save and Somerfield and the closure of the current Somerfield resulting in a shortfall of convenience goods floorspace'. However, he goes on to state that:

" either or both Bulford and High Street site should be allocated. Either or both of these sites should include a foodstore" (Inspector 9.35.3.34 and 9.36.4.30) He recognises in allocating the High Street site that if Bulford is implemented, it may lead to an oversupply of floorspace that may lead to future rationalisation, but this is more sustainable in aiming at reducing the expenditure leakage out of Wellington. (para 9.36.4.31)

The Baker note does not appear to recognise that we have allocated both Bulford and High Street sites (policy W18a and b) which would more than take up any floorspace deficiency. Both sites fall within the town centre. Within the town centre, market forces and competition apply, largely irrespective of capacity issues. If the market decides that there is capacity for two, then both would get built. This would also enable some expenditure clawback from Taunton etc.

The Baker proposal is not needed. The Inspector didn't support the Baker/Haunch Dev proposal. The argument mounted by Baker could be equally applied against their site if an application came in except that in addition, it is not on allocated land, is beyond the town centre boundary, is not underused/requiring regeneration and does not have the agreement of the land owner to be implemented."

Environmental Health Officer (Health and Safety)

"I am concerned about the health and safety risk arising from the pedestrian link access from the overflow car park across the vehicle turning head.

A separate pedestrian walkway should be provided to eliminate the risk.

The enclosed vehicle unloading area must be sufficiently vented to prevent a build up of diesel fumes."

Drainage Officer

"I note that surface water is to be discharged to existing mains. Confirmation should be sought from Wessex Water that the public sewerage system can accept these additional flows without causing localized flooding.

No permission should be given till such assurance has been received."

Wellington Town Council

In favour of the demolition of the former discount stores at 38 and 40 High Street provided a suitable replacement building was erected which sympathetically reflects its location and the surrounding buildings in the Conservation Area. The Council is also in favour of the demolition of the Kwik

Save store and the former office building at 42 High Street to facilitate the redevelopment of this important town centre site. Approve of the revised plans. The Town Council would like steps taken to ensure that there is no unnecessary light pollution from the proposed car park lighting while at the same time ensuring the car park and walkways are adequately lit. A balance is required. The Town Council would also like measures taken to ensure that the garages of the adjacent residential properties, which exit onto the existing lane beside Kwik Save are protected so that they cannot be obstructed.

8.0 **REPRESENTATIONS**

14 letters of objection have been submitted making the following points:

1. Should be no pedestrian access through archway adjacent to 28 High Street.
2. A new state of the art medical centre is much needed in Wellington.
3. An up-market food retailer, such as Waitrose, will be an asset to the town centre.
4. Will be a significant increase in HGV traffic, particularly during construction.
5. Noise to adjacent residents from lorries reversing and trolleys being kicked about.
6. The new staggered crossroads and traffic lights will increase the build-up of through traffic, causing frustrated commuters to re-route along residential roads.
7. Will render the immediate vehicle access to garaging and parking associated with adjacent properties impractical and unsafe. The proposal for revised vehicle access to property is clearly a substantial reduction in the facility enjoyed with ownership of property.
8. Will result in taking away of private right of access over private road, which are cited in deeds. In new arrangements, to stop to unload shopping in the same place will result in straddling a new footway and partially block the new access road. No attempt has been made to secure agreement.
9. The proposed store building is entirely out of scale and keeping with its neighbours on the edge of the Conservation Area. The architectural style is 'edge' or 'out of town retail' rather than 'market town centre'. The lines of the building are monotonous and particularly object to the excessive height of the roof ridges and general height of roof.
10. The size of the proposed store and its parking provision flies in the face of requirements that Wellington facilities should be serving the local

populace and not seeking to pull in trade from other places such as Taunton.

11. Parking provision, parking usage and traffic impact assessment associated with the proposal are based on 1997 data, therefore no confidence in figures. The current car park is very frequently very seriously over subscribed. A new 144 space car park will be almost always running at capacity for the proposed store. The generation of this number of vehicle movements in and out of the High Street is not a good idea and it will not contribute toward congestion and pollution control targets.
12. Design of main entrance of store need not face High Street, as people will know where local facilities such as this are.
13. There will be conflict in the proposed layout between vehicles and pedestrians, including to those pedestrians using the site as a short cut.
14. Poor visibility at new junction.
15. Proximity to cross roads in centre of Wellington Town Centre will ensure gridlock in the town centre.
16. Cannot see how construction operations can be carried out without major disruption.
17. Object to signs and metalwork structure that are proposed at the access from High Street.
18. There should be discouragement of congregation of groups which would cause noise and disturbance to nearby residents. There should be no seating.
19. There should be time restrictions on external lighting, which should be deflected to the ground to minimise light pollution.
20. Footpath away from residential properties should be lit and, more significantly, to encourage use.
21. There should be provision of a barrier to prevent access to car park during non-trading hours to prevent problems from late night racing and gathering of vehicles which would cause noise and disturbance.
22. There have been repeated breaches of existing planning consents for the operation of the site.
23. Proposed store should be repositioned more centrally on the site.

24. Closeness of proposed store to boundary is a security risk to adjacent properties and will prevent access by emergency vehicles.
25. Large lit facade of the entrance gable will be overwhelming to nearby residential properties and cause excessive light pollution to gardens.
26. The interior of the store building will destroy the ancient vista from High Street over Wellington South and to the Blackdown Hills.
27. Number of car parking spaces is excessive. This will encourage shoppers from outside the catchment area.
28. The level of landscaping proposed is miserly. There should be strict conditions to enforce maintenance of landscaping.
29. Trading hours should be restricted to 9 a.m. – 8 p.m. and no more than one delivery outside these hours. Assessment of number of deliveries is underestimated.
30. Disagree with the Transport Assessment of likely number of commercial vehicle movements along Sylvan Road and Priory.
31. A wall should be built between the site and neighbouring residential properties to prevent casual pedestrian movements.
32. The car park should be incorporated within the Community CCTV scheme.
33. Any planning consent should include suitable provisions for archaeological investigation of the site.
34. Ask that the existing store be closed before any development works commences.
35. Should be strict hours of work on construction and site clearance due to close proximity of site to residential properties.
36. Challenge whether the development is consistent with PPG6 and that it will “enhance the vitality and viability of town centres”.
37. Will threaten continued existence of other shops in the centre.
38. The site is not well related to the existing shopping centre and it unbalances the shopping centre. A site at Bulford would be better related to and would support better the existing town centre.
39. Errors and omissions in the Transport Assessment. Therefore understandably sceptical at the projections for traffic flows and control.

40. The proposed development would be insufficient to meet the identified retail need for Wellington. The proposal will result in a shortfall of convenience goods floorspace in Wellington.
41. The proposal involves the creation of a significant break within the frontage to High Street, which would have a major impact on the character and appearance of the Conservation Area.
42. The proposal manifestly fails to meet the requirements for a high quality, creative design and in particular does not deal suitably with the impact on the High Street frontage.
43. The applicants have failed to recognised the problems of neighbour relationships to sensitive properties and have actually managed to design a scheme which places the service yard into which HGV's will have to reverse immediately adjacent to the boundary with Orchard Court a modern sheltered development. This will have a major impact, to an unacceptable level on the amenities and living conditions of Orchard Court.
44. Proposal does not address the service vehicle access issues identified by the Local Plan Inspector. The Inspector noted a number of significant difficulties which need to be dealt with.
45. No decisions should be taken on the scheme until a review has been undertaken to assess whether assumption in the Local Plan capacity study about sales densities and clawback are correct.
46. If older properties fronting High Street are to be demolished this should not be approved without a thorough investigation as to their condition and historical worth.
47. Believe proposed development is a 'quick-fix' solution and not a thoughtful design.
48. The site at Bulford is better related and closer to the town centre.
49. Will give rise to unacceptable highway and traffic implications.
50. Proposal requires the loss of existing High Street frontage buildings that are within the Wellington Conservation Area.
51. The provision of both a new healthcare facility and new food supermarket can only be achieved by the development of a supermarket on the Bulford site. The provision of a new primary healthcare and healthy living centre facility for Wellington is of overriding planning importance.

52. The Retail Statement submitted by the applicants proves that the proposal for a High Street foodstore will be detrimental to Wellington. No further permissions for foodstore development are needed.
53. The proposal serves no broader planning purpose – there is no community benefit, no planning gain and no highway gain.
54. Should be brought forward for a mixed use development.
55. Proposed lights are ridiculously tall and will cause unnecessary light pollution.
56. Will increase air pollution and noise pollution.
57. Will result in an increase in traffic generated vibration and therefore corresponding increase in damage to listed buildings.
58. Added loading/unloading bays outside adjacent garages are not acceptable. Proposals will expose these proposed loading bays as certain temptations for abuse by shoppers to use as a quick and convenient place to stop. Nearby neighbours who have no parking facilities may also decide to park there. Deeds state that adjacent residential properties are entitled to uninterrupted access to garages 24 hours a day.
59. Implementation of the proposal will depend on an infringement of legal rights contrary to Article 1 of the European Convention on Human Rights. In those circumstances, the Council, being a public authority, would also be acting in a way which is incompatible with the rights in the Convention, contrary to Article 6 of the Convention.
60. No cranes should overfly adjacent residential properties.
61. Demolition of existing store should require the use of specialist contractors and methods, particularly as the existing store may contain asbestos, contaminators or hazardous materials.
62. The developer has been un-necessarily secretive and unhelpful.
63. The developer and the Council should provide a 24 hour, 7 day a week emergency telephone line, where help and assistance can be received and assessed and breaches of planning control or other activity reported should the need arise.
64. Proposed free car parking constitutes unequal trading conditions between the Co-operative store and the new Somerfield as at the present time Co-operative customers are charged for parking in the car park attached to that store.

65. Suggest that little notice should be taken of the Town Council support for the scheme which believe was based on a flawed consultation process.
66. Proposed landscaping adjacent to boundary with adjacent residential property will prevent maintenance of the historic boundary wall. Require a condition that the developer repoint the wall to minimise future maintenance.
67. Obstruction of existing right of way will mean that movement of heavy goods such as building materials, waste or wheelbarrows between the rear of properties and parking area will be on foot along the busy access road or will have to be brought through the house. Require a pathway between the planting area and the wall of garden.
68. Obstruction of accessway will impair development potential and value of adjacent residential properties.
69. Proposed landscaping adjacent to boundary will overhang and shade adjacent garden.
70. Will be difficult to control the use of the proposed bollards and it is therefore likely that a rat run will be created between High Street and Scotts Lane.
71. The proposed layout of the new store makes no provision for existing areas for delivery vehicles which will mean that they will either park in Scotts Lane or the entrance road to Orchard Close.

Four further letters of representation have been submitted making the following points:-

1. A wall 5 - 6' high would help to cut noise in the garden.
2. Insufficient space left to access off-site garages.
3. Hope works will give ample protection to the old peoples' complex and does not leave them isolated, insecure and amongst traffic noise and smells.
4. Hope that will be screened from view by sympathetic landscaping.
5. Proposed road should not become a rat-run.

Two letters of support have been submitted making the following points:-

1. Wellington needs a decent sized supermarket.
2. Traffic will be no greater than at present.

3. Nearly all the local people are in favour of a larger store.
4. The idea of preserving unsafe buildings is wrong. They are a complete eyesore and not worth saving.
5. The proposed new store will greatly enhance High Street.
6. Wellington needs to move forward.
7. Will be an asset to the town and its development, hopefully encouraging other retailers to develop within the town, which is much needed, although concern at possible additional parking on Scotts Lane.

A letter of support has been received from Jeremy Browne MP stating that the redevelopment will make a huge difference to the appearance of Wellington town centre.

9.0 **PRINCIPLE ISSUES FOR CONSIDERATION**

- A. Is the proposal in line with the Development Plan and National Planning Policy Guidance? POLICY
- B. Is the likely impact on the existing retail pattern of the Town Centre acceptable? RETAIL IMPACT
- C. Is the highway network leading to the site and the proposed access arrangements acceptable? ACCESS AND HIGHWAYS
- D. Is the impact of the proposal on the character and appearance of the Conservation Area acceptable? CONSERVATION
- E. Is the design of the proposed development appropriate? DESIGN
- F. Is the impact on the residential amenities of adjacent properties acceptable? RESIDENTIAL AMENITY
- G. Is the proposal sustainable? SUSTAINABLE
- H. OTHER ISSUES

A. Policy

New retail development such as that proposed needs to be assessed against the policies set out in the Development Plan, the Somerset and Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan. Wellington is identified in the Structure Plan as being one of the towns which will function as a location for shopping use. The Plan also sees the functional centres of towns as the primary focal points of new facilities for shopping, which need to be accessible to a wide range of the population and

suitable for access by a choice of means of transport. These policies emphasise that any new retail development must be of an appropriate scale, commensurate with the settlements strategic importance.

This is to help to ensure that:-

- (i) the vitality and viability of Wellington town centre is sustained and enhanced;
- (ii) assessable local shopping facilities are protected; and
- (iii) proposals for new retail facilities have regard to the appropriate tests as set out in PPS6.

The Taunton Deane Local Plan includes a specific policy (Policy W11) which addresses the issues to be considered when dealing with the proposals in the town centre. Within that policy the current application site is specifically allocated for a mixed use development.

The supporting text of the Taunton Deane Local Plan states that the site is well suited for retail development. It goes on to say that other town centre uses will also be appropriate, including offices, leisure, entertainment and health care facilities, ideally to be included as part of a mixed use redevelopment scheme which incorporates a significant element of retail provision. The plan considers that the site is large enough to accommodate a new supermarket of the size need to enhance the town centre food retailing facilities and meet retailers known requirements.

The proposal provides for an element of mixed use on the site by virtue of the proposed office use on the first floor or the replacement building on the High Street frontage.

Both the Structure Plan and Local Plan are in line with the requirements of PPS6 in assessing new retail development proposals and are concerned with the vitality and viability of existing towns and the sustainability of the location of new retailing. The site is just beyond the central area of the town and together with the site at Bulford, I do not consider that there are any other suitable sites better related to the central area of the town. The proposal is therefore considered to be in conformity with the policy criteria for retailing as set out in the PPS and the adopted Development Plan policies.

B. Retail Impact

To protect the health of our town centres, it is essential to have knowledge of the amount of new retail development that can be accommodated without causing undue harm to overall town centre vitality and viability. To obtain such advice, the Borough Council commissioned a Retail Capacity Study, which provides an in-depth assessment of potential capacity (i.e. the demand for new floorspace that is generated by increasing levels of available expenditure within the local economy).

The Study considered that a small amount of capacity for food retail development will emerge in the Wellington catchment area. However, the Study also established that a large proportion of available convenience expenditure in Wellington was currently lost to Taunton. To address this, it concluded that Wellington would benefit from having a large food store within the town. Such a store must be able to offer a wider range of products than is currently available if it is to compete more effectively with Taunton's food superstores and reduce the amount of lost convenience expenditure.

In response to the Study, the Taunton Deane Local Plan has allocated two sites within the town centre, one of which is the current application site. The Local Plan considers that there is scope for only one large supermarket to serve the town, although as both sites are equally suitable in terms of planning policy, it is considered appropriate to allow the operation of market forces to determine how the sites are developed.

Since the time of the Retail Capacity Study, two new foodstores have opened in Taunton, the Tesco store on Wellington Road and the Lidl store on Wood Street. These new stores constitute an improvement in Taunton's convenience goods provision and are certain to have diverted more expenditure from Wellington and further reduced the town's market share. There is therefore likely to be greater need for additional convenience floorspace in Wellington. As the site is located within the town centre, it is a perfectly suitable site for redevelopment to meet some of this need. The proposed development will improve the overall range and quality of provision, clawing back trade currently lost to other centres and enhancing the vitality and viability of Wellington.

C. Access and Highways

The application was supported by a Transport Assessment to ascertain the likely traffic generation arising from the proposed use and its impact on the highway network. The plans and the analysis of the Transport Assessment have been the subject of considerable discussions with the County Highway Authority, in terms of the works required to facilitate the store and the various highway requirements.

The site is in a convenient location to the town centre and nearby residential area. There are good pedestrian links along the High Street and from residential areas to the south of the town centre and bus stops are located within 100 m of the site. Vehicular access will be improved with access available from High Street, removing much of the customer traffic from the convoluted and predominately residential route between Priory and Scotts Lane. A sufficient number of car parking spaces are to be provided in relation to the expected demand over the peak hour period.

The County Highway Authority has balanced the need for a new store at this location with the need for a safe access with a maximum capacity to permit free flow of traffic as far as possible. They recognise that the proposal will

result in additional queuing traffic in Wellington. A Section 106 Agreement is required for the provision of the new junction together with off-site works to link the signals with the North Street/South Street junction.

D. Conservation

The application site is partly within the Conservation Area, although the majority of it is outside. The most contentious part of the proposal in relation to the Conservation Area is in terms of the demolition of the former Discount Stores and the former offices of Wellington Motors on the High Street frontage. Demolition of the Kwik Save building, being a more modern building which is incongruous in its location, is to be welcomed.

Although the Conservation Officer has concerns about the loss of the above traditional buildings within the Conservation Area, she now accepts (verbally) that if the replacement buildings are of a quality of design commensurate with their location, she would not object to this aspect of the proposal.

The applicants commissioned a Report by an architect who is experienced in historical and conservation works, to carry out an inspection of the relevant properties in High Street. His Report concluded that the interior of Nos. 36 and 38 is so decayed that if it were saved it would contain such a high percentage of new work that the exercise would have been almost pointless and that the case for demolition is almost overwhelming. The Report goes on to say that Nos. 40 and 42 appear to be in better order and there is probably no structural reason why they could not be preserved, although a great deal of repair and new work would be necessary. However, the small awkwardly planning rooms and low ceilings make it unlikely that a use could be found for them with enough economic promise to guarantee their future life. The facade of 42 has no qualities, good or bad, but the facade of 40 does have some remaining historic interest and visual attraction. It is currently covered with paint probably cement-based. It is possible that it could be removed successfully, but the process might so damage the brick surface as to make the exercise un-rewarding. There is no issue with the demolition of the Kwik Save building. The Report's conclusion is that it would be best to demolish the entire row and replace it with something new. With regard to the new proposals, the Report considers that the plans seize the opportunity to make this side of High Street a great deal better. The proposal provides for the demolition of the unsightly store and of Nos. 36 to 42. It replaces these latter with a new building which in every way respects the High Street's character. The site of the demolished store will be left open to allow cars to enter and leave the parking at the rear. The access road will be enclosed by walls on both sides, thus hiding the car park and enclosing the space.

E. Design

The site is in close proximity to an area of environmental quality and historic significance, adjoining a number of listed buildings along High Street, as well as the Wellington Town Centre Conservation Area. The Taunton Deane Local Plan notes that these factors will necessitate a redevelopment scheme

of appropriate scale, massing and quality design in order that the character of the Conservation Area and settings of adjoining listed buildings are preserved or enhanced.

I consider that the proposed replacement buildings on the High Street are to an appropriate standard of design and will complement the existing buildings within the High Street. Although the proposed foodstore building is of a large scale, it is set back from the High Street frontage. Given the constraints of the site and the requirements of a 21st century foodstore of the size proposed, I consider the design to be acceptable. The materials are to be brick and slate, which are complementary to the dominant materials in the area.

F. Residential Amenity

Because of the nature of the site, which is adjacent to existing retail properties on two sides, it is inevitable that there will be some impact on the residential amenity of adjacent residents. However, I consider that the applicants have gone to considerable lengths in their amended plans to reduce this potential impact. The proposed unloading area is to be totally enclosed, with a full width roller shutter door at the front of this area. A further 4 m length of walling is proposed beyond the front of the unloading area to further shield residents. A 3 m wide area of dense landscaping is also proposed adjacent to the boundaries of residential properties.

I consider that with conditions recommended in this Report, the proposal is acceptable. These cover hours of delivery, timing of lights within car park areas, Code of Practice for deliveries, details of security measures and hours for demolition and construction work.

G. Sustainability

The site is highly accessible by foot and cycle and is close to town centre bus stops. It therefore fully complies with sustainable transport policies. It is also likely that longer distance shopping trips to Taunton will be reduced in number.

H. Other Issues

The site is within a designated Area of High Archaeological Potential (AHAP). Research by English Heritage identifies the site as significant, possibly containing important archaeological remains associated with medieval burgage plots. These may include domestic refuse pits as well as possibly domestic and industrial structures. A programme of archaeological works condition is recommended.

Providing a good supply of convenient and accessible short-stay shopper/visitor car parking facilities is a key element that contributes towards sustaining and enhancing the vitality and viability of town centres. The current car park serving Kwik Save is important to this, as it enables shoppers to undertake linked convenience/comparison shopping trips within the town

centre. To ensure the continued benefit of this facility, it is important that the car parking on the redeveloped sites is available to serve a dual purpose, i.e. to facilitate car parking for the new facilities and the town centre generally. This is a requirement of Policy W11 of the Taunton Deane Local Plan at criterion (D) and is covered by an appropriate recommended condition.

There have been objections from adjacent residents, concerned that an existing private right to access their properties, including garaging, will be adversely affected by the proposal. Although this is not strictly a planning issue, the plans have been amended to seek to address those concerns. A lay-by /dropping off point is to be provided set behind a dropped kerb, which will also enable access to be obtained to garages to two of the adjacent properties. A turning head, incorporating cross hatching with 'no parking for shoppers' sign is proposed at another point of access to the adjacent properties. I consider that these measures are appropriate in relation to the development as a whole. In order to ensure that these areas remain available to retain the adjacent owner's rights, a condition is proposed to retain these areas for such use. Otherwise if these areas are occupied by other vehicles, this may result in the residents parking their vehicles on the access road to exercise their right to unload adjacent to their properties.

To ensure that Somerfield comply with any right of way which neighbouring residents may have, i.e. the right to drive into Scotts Lane, a small opening is proposed in the southern boundary of the main supermarket car park. This opening will be secured with lockable bollards. Residents who have a right of access onto Scotts Lane, for vehicles, will be given keys for the bollards.

The applicants have indicated that they have no intention of converting any of the private alleys, such as Mill Walk, into public rights of way.

10.0 **CONCLUSION**

The site is a town centre site, the development of which is in conformity with the retail policy framework set out by Central Government in PPS6 and in the retail policies contained in the County Structure Plan and the adopted Local Plans.

The County Highway Authority are now happy that the off-site works, required by the Section 106 Agreement, together with recommended conditions, will overcome previously identified concerns. They do, however, recognise that there will be some adverse effect on the traffic flow within the town centre.

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

03/2005/011

MR J BONE

ERECTION OF TWO STOREY EXTENSION, 2 THE LINHAY, HURSTONE FARMHOUSE, WATERROW, WIVELISCOMBE (RENEWAL)

05595/25166

FULL

PROPOSAL

The proposal provides for the erection of a two storey extension measuring 7 m x 5.5 m. The height matches the height of the existing dwelling. The materials are to be rendered walls with brick detailing and tiled roof to match the existing.

The application seeks renewal of a permission granted in January 2001.

The applicant is a Borough Councillor.

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy H17 states that extensions to dwellings will be permitted provided they meet certain criteria. These requirements are met with the proposal.

ASSESSMENT

There has been no change in circumstances since the previous permission. The proposal is considered acceptable.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposal is not considered to harm the visual and residential amenity of the area and is considered to be in compliance with Taunton Deane Local Plan policies S1, S2 and H17.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

10/2005/020

MISS S NEWMAN

CHANGE OF USE AND CONVERSION OF BARN TO DWELLING ADJACENT TO CHURCHINFORD POST OFFICE, CHURCHINFORD AS AMENDED BY LETTER DATED 20TH DECEMBER, 2005 WITH ATTACHED DRAWING NO. 1605/2B

21269/12595

FULL

PROPOSAL

The barn lies to the rear of the Post Office within the village settlement limit and the proposal is to convert barn on roadside to dwelling.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY In detail, the proposal is for a change of use of an existing barn to a dwelling to include an integral garage/parking space. The site derives access from Red Lane, which is a classified unnumbered highway. Visibility when emerging from the garage is extremely restricted, due to the building abutting the highway. In addition to vehicular movements, pedestrians emerging from the dwelling will be stepping directly onto the carriageway. This will not only cause a hazard to themselves but could cause on-coming vehicles to swerve and manoeuvre around them. This is an extremely hazardous site in terms of highway safety and it is likely there will be an increase in vehicular and pedestrian movements therefore I would recommend that the application is refused for the following reason:- The increased use of the existing substandard access which does not incorporate the necessary visibility splays, such as would result from the proposed development would be prejudicial to road safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor Park Joint Structure Plan Review, Adopted Policies 2000. The proposed development is likely to generate an increase in pedestrian traffic stepping out directly onto the carriageway, with consequent additional hazards to all users of the road. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the retention of the building for re-use and/or any other overriding planning need, outweighs the highway safety concerns raised. If the Local Planning Authority, decide that the retention of the building for re-use and/or any other overriding planning need, outweighs the highway safety concerns raised and are minded to grant permission I would recommend that the following conditions are imposed:- 1. No doors or windows at ground floor level should open out onto or over the public highway. 2. The proposed garage door should be of a sliding or roll-over type and be operated by remote control, as to ensure vehicles can pull clear of the highway quickly and avoid stopping/parking on the highway for longer than necessary. SOUTH WEST WATER has no objections provided foul drainage only is connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of soakaways will require satisfactory percolation test to have been undertaken. ENGLISH NATURE swallows have nested on site and are now a species of conservation concern. Swallows found to remain faithful to nesting sites and return to

the same vicinity in following years. Development must avoid building or operations likely to affect swallow nest sites between 1st April and 3rd September in any year. Evidence of 2 species of bat were found and a mitigation scheme, including provision of an alternative bat roost, timing of works, need for caution during construction and maintenance of favourable conservation status for bats in the vicinity. RIGHTS OF WAY OFFICER no observations.

WILDLIFE OFFICER further survey work next spring would inform mitigation proposal. The need for further information needs to be discussed with English Nature. ENVIRONMENTAL HEALTH OFFICER a contaminated land condition and note should be imposed.

PARISH COUNCIL whilst my Council didn't have any objection to the proposals in principle, it did feel that it should strongly recognise the concerns expressed by neighbours (Rowans, Clematis Cottage and Majors Farm) regarding invasion of privacy and exclusion of light by the proximity of the proposed building and the number/ location of windows. It is felt that some of the problems can be overcome by appropriate glazing e.g. obscure glass, but that other problem areas will require a more detailed approach. Concern was also expressed regarding the age of the Majors Farm buildings and the need for great care to be exercised before any excavation works are carried out in their vicinity. As stated above, my Council does not have any objections to the principle of the application but in view of the close contiguity of these properties, it is felt that the clarification of these points is of paramount importance.

3 LETTERS OF CONCERN have been received raising the following issues:- drainage, window on north at front will cause a loss of amenity and privacy; bathroom windows to east be obscure glazed to protect amenity; access not safe; will lead to on-street parking; rear windows will cause overlooking and loss of privacy; loss of value; foundations may impact on house; difference in height between site and neighbours garden; need for retaining wall and sound insulation; material details disruption to garden and privacy during building works; loss of light and privacy.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development; STR5 - Development in Rural Centres and Villages; Policy 1 - Nature Conservation; Policy 3 - Areas of Outstanding Natural Beauty, Policy 49 - Transport Requirements.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S5 - Villages, H2 - Housing in Settlements, M4 - Parking, EN4 - Wildlife in Buildings to be Converted, EN5 - Protected Species, EN10 - Areas of Outstanding Natural Beauty.

ASSESSMENT

The proposal is to convert a barn within the settlement limit to a dwelling with an extension at the rear to replace an old corrugated workshop building. Access will be off the existing lane where there is an existing access door for parking. The main issues for consideration are privacy, amenity and highway safety.

The building is of traditional stone construction set within the village settlement limits where the provision of dwellings are acceptable in principle. The proposed conversion makes use of the existing openings and includes a new first floor opening on the front and two new openings on the rear. Concern has been raised in terms of privacy and overlooking from these new first floor windows. The front window is set diagonally across the road from the objector and the distance and angle is not considered to be so detrimental to warrant refusal of the proposal. On the rear the two windows serve a shower room and a bedroom. The shower room window will be obscure glazed and conditioned as such. The other window serves a bedroom and although approximately 5.5 m away from the boundary this is at an acute angle. Given this angle and nature of the room it is not considered that the impact of this window is sufficient grounds in terms of amenity and privacy impact to warrant a refusal.

There is an existing cottage to the rear of the site which is set into the ground level in relation to the existing garden level and the windows currently look directly out onto this private area with no screening. The proposal shows the boundary of the new plot to be 4-5m off the existing rear wall of the cottage. A fence or wall along this line would address the issue of overlooking from the windows or garden of the new plot and the distance is not considered so close to significantly adversely affect the outlook and light to warrant refusal.

The building already has an access used by vehicles and it is considered unreasonable to object to the use of the existing access for garaging of a car. The conditions suggested by the Highway Authority however are considered appropriate.

Evidence of bats has been found in the building and the specialist advice recommends a condition to ensure adequate provision for alternative bat habitat is provided on site. Thus a condition is included to this affect as well as one to address the means of surface water disposal.

The design and impact of the building conversion is considered acceptable and to comply with the policies S1, S2 and H2 of the Local Plan and the application is recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, guttering details, boundary treatment, surface water disposal, bat mitigation measures, no opening windows over highway, garage door details, timber windows, obscure glazing to bathroom windows, contamination, no extensions. Notes re contamination, encroachment and bats.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to accord with Taunton Deane Local Plan Policies S1, 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: 2456 MR G CLIFFORD

NOTES:

10/2005/023

CARDINAL DEVELOPMENTS LTD

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

21427/12629

FULL

PROPOSAL

The proposal is for an extension and conversion of a barn to a dwelling, an alternative enlarged scheme to that previously approved in April last year and involves an extension that more than doubles the size of the extension previously approved and its link to the detached triple garage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection to this proposal.

PARISH COUNCIL oppose the proposal for the following reasons:- 1. Condition 8 of Full Permission for application 10/2003/008 states that "there shall be no further addition or extension to the dwelling "as the Local Planning Authority is not satisfied that the dwelling could be extended without detriment to the amenities of the area or the existing dwelling". Subsequently, a similar condition was attached to application 10/2005/004. Each new proposal constitutes just such a detrimental situation and drives yet another "coach and horses" through your Guidelines - see my Council's response of 14 April, 2005 to application 10/2005/004. 2. The original barn which has now been consumed by The Pound House was probably among the smallest on the Trents Farm site with outline consent for conversion to a two-bedroomed dwelling. It is now probably one of the largest - and growing! Application 10/2003/018 was for a domestic garage and full permission was granted in September 2003. Before work commenced, a minor(?) amendment to turn the new garage through 90% was submitted "to align the ridge line of the garage block with the ridge line of the extended building" to "form a courtyard area". This amendment went through "on the nod" despite my Council's objections and its perspicacious view that allowing the amendment could be a "precursor to a further application for a additional building". This latter notion has now come to fruition leading to further over-development of this site. 3. As a result of the above The Pound House is out of scale with the original concept of barn conversions on Trents Farm and totally disproportionate to the site. 4. Whilst it is appreciated that the rules regarding development in an AONB are not now as sacrosanct as was thought, the continued expansion of conversions on Trents Farm constitute an ever-growing blight in this part of the Blackdown Hills. My Council is, therefore, strongly opposed to this application on the grounds given above.

4 LETTERS OF SUPPORT have been received on grounds of the increase will not be obvious from the road or any dwellings; the size will not be out of keeping with the buildings in close proximity; the materials will be in character with those that surround it and it will give a more sympathetic appearance; it will provide a family home and add to

the sustainability of the village; there is no overlooking, is not unsightly and will not cause nuisance.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development , STR5 - Development Outside Towns Rural Centres and Villages, POLICY 3 - Areas of Outstanding Natural Beauty.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 - Outside Settlements, H7 - Conversion of Rural Buildings, H17 - Extensions, EN10 - Areas of Outstanding Natural Beauty .

ASSESSMENT

The proposal is to convert and extend the northern most stone barn of a complex of barns to a dwelling. Permission was originally granted in 2003, reference 10/2003/008, for the conversion of the barn to a dwelling. This was followed by permission for removal of a large agricultural building and erection of a triple garage (10/2003/018). A minor amendment of this garage approval was subsequently allowed by Members which turned the garage through ninety degrees. A revised application for conversion and extension of the barn (10/2005/004) was registered in March last year and was granted by Members on 22nd April, 2005.

The current application involves a scheme which further extends the barn to link the barn to the new triple garage block. This means the original barn would be extended by 75 sq m in terms of floor area, minus the garage, and this equates to an 80% increase over the size of the original barn. This is clearly a significant extension and alteration to the barn out of keeping with its original character and distinctiveness contrary to policy H7 and S2 of the Local Plan. If the barn conversion were to be completed as approved, the extension as now proposed would still create a form of development out of keeping with the form, character and scale of the original approval contrary to the extensions policy H17. Linking the extended barn to garage will also lead to pressure to convert part of the triple garage to residential accommodation which would be difficult to resist in the future given the parking policy and previous appeal decisions. Such a proposal would significantly alter what originally was a modest barn conversion.

The revised scheme significantly alters the character and appearance of the barn and is considered contrary to Policies S1(D), S2(A), S7, H7 and H17 of the Local Plan and is therefore recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason of the scheme involves a significant extension that alters the character and form of the barn that is contrary to the character and distinctiveness of this property contrary to Taunton Deane Local Plan Policies S1(D), S2(A), S7, H7 and H17.

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:

12/2005/010

MR & MRS J SLOMAN

FORMATION OF ENTRANCE AND DRIVE TO SERVE PROPOSED DWELLING EAST OF THE COACH HOUSE, CORFE.

23162/19633

FULL

PROPOSAL

The proposal is to form a new vehicular access and drive to serve a new dwelling to the east of the Coach House. The access will be instead of the existing access point which serves Corfe House, the Coach House and Lodge by the new dwelling. Planning permissions have recently been granted for separate entrances to serve Meadow Edge and the new dwelling adjacent. The proposal has more room within the site for turning and passing and better visibility north and south.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY it is proposed to create a new vehicular access onto the B3170, which is classified as a County Route in the Somerset and Exmoor National Park Joint Structure Plan Review. There is an existing access that serves this development and no overriding special need or benefit has been demonstrated to justify overriding policy. Therefore I would recommend that the application be refused for the following reason:- The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, since the proposed development derives direct access from a Country Route and no overriding special need or benefit has been substantiated for the proposed development on this specific site.

CONSERVATION OFFICER assessed character and appearance of the street scene and potential impact of vehicular access/wide break in the boundary wall if the proposed driveway is constructed. The balance of this part of the Corfe conservation area is delicately maintained by the wall on one side and Church Cottages fronted by mature trees on the other side; each with their respective grass verges. Creation of another vehicular access in this part of the Corfe conservation area will detract from its character and appearance, in addition to destroying the uniformity of the boundary wall. I can see no reason why the proposed "private" access cannot be combined with that already provided for The Coach House. This joins the main drive to Corfe House adjacent to Corfe House Lodge (See drawing no. 50806/1) and would allow the same degree of access to the proposed new dwelling, without sacrificing a key composition of the overall street scene.

PARISH COUNCIL do not object or support the proposal but if permission is granted any new stonework shall match the existing wall, the gates shall be rectangular, not dipped and shall bend with the wall.

6 LETTERS OF OBJECTION have been received raising the following issues:- loss of visual amenity and distinctiveness; an adequate driveway already exists; no highway

objection to the proposal contrary to Policy EN15 and will not preserve or enhance the appearance or character of the Conservation Area; no justification to go against previous decisions.

4 LETTERS OF SUPPORT on grounds of better access; safer more convenient; better visibility to main road than existing access.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainability), STR5 (Development in Rural Centres and Villages), Policy 3 (Areas of Outstanding Natural Beauty), Policy 9 (The Built Historic Environment), Policy 49 (Transport Requirements of New Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN10 (Areas of Outstanding Natural Beauty).

ASSESSMENT

The proposal provides a new access and drive to serve a dwelling granted permission in 2003. At that time the access was intended via an existing access serving Corfe House and the Coach House. The main issue is the impact on the character of the Conservation Area. Planning permission and Conservation Area consent have been refused in 1995 for the loss of walling to provide a new access and an alternative access has been granted permission to serve the new dwelling. While visibility may be better from the proposed access it was considered adequate from the currently approved access. It is not considered there has been any change in circumstances to warrant a change of view when the character of the Conservation Area would not be preserved or enhanced by the loss of walling to provide the new access. The Conservation Officer considers the proposal will detract from the character and appearance of the Conservation Area and it is considered that this is contrary to both Structure Plan and Local Plan Policies and is recommended for refusal.

RECOMMENDATION

Permission be REFUSED for reason of detrimental to street scene, visual amenities of the area and character of the Conservation Area contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies S1(D), S2(A) and EN14.

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:

20/2005/023

MR & MRS HEAYNS

ERECTION OF ANNEXE WITH GLAZED LINK/CONSERVATORY AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY.

22268/29076

FULL

PROPOSAL

The application relates to the erection of an annexe, linked to the north gable end of Millfield House by a double pitched, glazed link/conservatory. The annexe measures 7.1 m x 12 m x 5.5 m to the ridge and the glazed link/conservatory measures 6 m x 4 m x 4.2 m to the ridge. The annexe is single storey and is of simple form with materials to match the existing dwelling with three sets of patio doors to the west elevation. The glazed link/conservatory is linked to the existing property by a new door formed in the gable end and by a door to the annexe. The proposed accommodation comprises a lounge/diner/kitchen, bedroom and bathroom. The north boundary hedge of the existing garden is proposed to be relocated 4.5 m to the north to accommodate the annexe.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER no objections subject to replacement hedge and tree planting it should be possible to integrate the proposals into the local landscape.

PARISH COUNCIL objections raised. In reference to application 20/2005/007 (Erection of dwelling at land adjacent to Millfield House) that was refused by the planning committee this is an analogous situation. It is felt that the current application 20/2005/023 would still constitute a separate dwelling outside of the agreed settlement limits for the Kingston St Mary Parish Plan (Ref. 16A).

ONE LETTER OF OBJECTION has been received raising the following issues:- object on the same grounds as application 20/2005/007 (Erection of dwelling at land adjacent to Millfield House) that was refused; the site is outside the settlement area of Kingston St Mary, we do not understand the need for such a construction, it surely cannot be for family members who already own a property; the application is blatantly an attempt to get round that refusal; with so much land being freed up by the relocation of the owner's business there must surely be better sites available; the original nuisance caused by the erection of Millfield House, the loss of enjoyment of views for residents of Davestones, Mill Cross Cottages, Green Meadows and the Mill and subsequent increase in noise will only be exacerbated by the erection of this apparently unnecessary annexe.

ONE FURTHER LETTER OF REPRESENTATION has been received raising no objection but makes reference to signs that have since been removed.

POLICY CONTEXT

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 requires that proposals for development should ensure that (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development. Policy S2 requires development to be of a good design. Policy S7 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy. Policy H18 requires that ancillary accommodation, amongst other criteria, should be close enough to the main dwelling to maintain a functional relationship. Policy EN6 requires the protection of trees and hedgerows and adequate provision to compensate for any loss.

ASSESSMENT

The site is located outside any defined settlement boundary and therefore for the proposal to be acceptable in principle, it should accord with Policy S7 (development outside development limits) of the Taunton Deane Local Plan. Policy S7 states that development outside development limits is acceptable if it accords with a specific Development Plan Policy. The specific policy relating to annexes is Policy H18 that states that ancillary accommodation should be close enough to the main dwelling to maintain a functional relationship. This means that the resulting building could not be separated off as a separate dwelling due to its relationship in proximity to the existing dwelling. Considering the location of the annexe it would be difficult to separate it from the existing dwelling to create a separate dwelling. The occupiers of the annexe have to either gain access through the existing house itself internally or pass by its habitable windows and through private amenity areas/gardens externally. Furthermore this functional dependency is increased by the glazed link/conservatory with a new door provided in the gable end of the existing house. It is therefore considered that the proposal is acceptable in principle as it accords with Policy S7 due to its compliance with a specific Development Plan Policy, namely Policy H18.

In detail, the design of the annexe is simple in form that resembles existing additions to the property and is proposed to utilize matching materials to those used on the existing dwelling. The size of the annexe is also considered acceptable as it is only big enough to provide basic accommodation. Due to the single storey nature of the annexe, proposed and existing screening and distance from neighbouring properties, the proposal would not result in any overlooking, loss of light or overbearing relationship. The visual and residential amenity of the area would not therefore appear to be detrimentally affected.

The previous refusal of application 20/2005/007 related to a separate dwelling in the garden of Millfield House. This proposal appears to relate to a genuine annexe that is considered to comply with the relevant planning policy. The planning circumstances of this proposal are therefore considered acceptable whereas application 20/2005/007 was considered to be contrary to planning policy.

There is no planning policy requirement for there to be a need for such a development. For example, it would seem prudent to obtain permission prior to there being a need to

look after relatives etc and having permission in place to implement as and when required. It is proposed to place a condition tying the annexe to Millfield House.

Although the proposal results in the loss of 2 trees and a hedge, subject to the replacement hedge and tree planting, it should be possible to integrate the proposals into the local landscape.

It should be noted that permitted development rights have already been removed at Millfield House and this would equally apply to the proposed annexe, so it could not be extended without further consent being required.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, link built before occupation and annexe tied to Millfield House.

REASON(S) FOR RECOMMENDATION:- The site is adequately screened and the proposal is not considered to be harmful to the landscape and has good access to the highway network, the visual and residential amenity of the area would not be detrimentally affected and the character and appearance of the adjacent Conservation Area would be maintained/enhanced and therefore is compliant with Taunton Deane Local Plan Policies S1, S2, S7, H18 and EN6.

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:

24/2005/053

MR & MRS E ATKINS

RETENTION OF COVERED LINK BETWEEN DWELLING AND GARAGE, INCREASED HEIGHT OF A SOUTH EAST BOUNDARY WALL, SWIMMING POOL PLANT ROOM, ADDITIONAL ROOFLIGHT, AND SUBSTITUTION OF A WINDOW FOR DOOR IN THE NORTH EAST ELEVATION OF DWELLING, THE OLDE CANAL BARN, WRANTAGE.

30791/22495

FULL

PROPOSAL

The proposal is retrospective and seek permission for a timber covered link between dwelling and garages, a swimming pool plant room, the modest re-siting of a 2 m high boundary wall, and revised fenestration details. Also constructed without permission is the erection of a modest wooden shed and an outside swimming pool.

Planning permission was granted in June 2002, reference 24/2002/011, for the conversion of the buildings in question, to dwelling and garages.

The site adjoins the Canal Inn.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY whilst I would encourage the applicant to improve the visibility to and from the existing parking area it would be unreasonable to object to the application. WESSEX WATER recommends note.

PARISH COUNCIL do not support this application and would draw attention to the fact that careful consideration had been given to all aspects of the barn conversion and that this application deviates from the original permission.

3 LETTERS OF OBJECTION have been received on ground which include:- surface water drainage is causing problems; 2 walls have been attached to the neighbours property without notification under the Party Wall Act and these are causing damp problems; the building of foundations for the pub's skittle alley, which has received planning permission would not be possible because of the building of the outdoor swimming pool; loss of light has resulted from the link building; the height of the roof of the garage building should be investigated; no concern is raised regarding additional roof lights; and devaluation of property value has resulted.

POLICY CONTEXT

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

ASSESSMENT

The issues to be addressed are the impact on the integrity and character of the former barn buildings, and the impact on the neighbouring property, the Canal Inn. In respect of the first issue, namely design, the link building clearly has the most impact and given that the building is of a temporary nature insofar as the walls are constructed of timber, and given that it is not visible from public view, it is not considered that the character or integrity of the barns would be adversely affected.

With regard to the second issue, namely impact on the residential amenity of the Canal Inn, that part of the proposal which potentially has the most impact is the link extension in terms of loss of light. It is not refuted that the pub will suffer some loss of light, but this would be to ground floor windows only, and these are to the public lounge area/bar area. It is consequently considered that it would not be justifiable to resist the application on this basis. Privacy, in terms of overlooking is not at issue, and the objectors concerns over the Party Wall Act and the Right to Light Act are controls under separate legislation and are therefore independent of the planning process.

Finally, because no plans have been submitted in respect of the swimming pool or wooden shed, these must form the basis of a separate independent application.

It is considered that the proposal is acceptable.

RECOMMENDATION

Permission be GRANTED. Notes re separate permission required for swimming pool, shed, Wessex Water.

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

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

24/2005/057

UNIQUE HOMES SW LTD

DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING AND NEW GARAGE AT LISTOCK FARM, NORTH CURRY.

32752/23693

FULL

PROPOSAL

The proposal is for the demolition of a traditional two storey stone and slate farmhouse and its replacement with a new two storey dwelling and garage. The range of barns to the east of the farmhouse, were recently converted to separate dwellings. The access to the site off the highway would remain unaltered, utilising the farm drive. A new entrance would be provided at the northeastern end of the new dwelling with a driveway and turning along the boundary with the adjacent barn conversion. The new garage would be approximately 23 m to the rear with its gable end adjacent to the boundary with the barn conversions.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection to the previous application subject to conditions imposing the implementation of the scheme shown on the submitted drawings views awaited. ENGLISH NATURE bats and their roosts are protected species and it is an offence to destroy a bat roost. Evidence of a brown long eared maternity roost was found. A DEFRA Licence will need to be obtained prior to any work being carried out at the site that might effect the roost. English Nature will expect to see a method statement clearly stating how the bats will be protected through out development process and a mitigation proposal to maintain a favourable status for the bats that are affected by this proposal.

LANDSCAPE OFFICER no observations. NATURE CONSERVATION OFFICER this proposal would affect a bat maternity site and a swallow-nesting site. If permission is granted for demolition an alternative bat roost and swallow nest site must be provided. Works on site must be timed to avoid the summer months to minimise its impact on the protected species. It is essential to condition a strategy for the protection and provision of alternative roosts is provided.

PARISH COUNCIL raise objection to the proposal:- the dwelling fails to respect that which it replaces i.e. a traditional Somerset Longhouse, by virtue of its bulk, scale and detail.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan Policies 9 and 49.

Taunton Deane Local Plan Policies H8 Outside the limits of a defined settlement, the demolition of an existing dwelling and its replacement with a new dwelling will not be permitted, unless: (A) the residential use of the existing building has not been abandoned; (B) either (1) the appearance of the existing dwelling is incompatible with a rural location or; (2) it would be uneconomic to bring the dwelling to an acceptable state of repair or standard of amenities; (C) it is a one-for-one replacement which is not substantially larger than the existing dwelling; and (D) the scale, design and layout of the proposal in its own right is compatible with the rural character of the area. EN 5 (Protected Species) M4 (Residential Parking Arrangements).

ASSESSMENT

The farmhouse was considered for listing by the Conservation Officer but was not considered to be suitable due to its poor state of repair. An Engineers report has been submitted with the application establishing that the existing building has both internal and external failings that would require significant rebuild/repair work to retain the building.

The proposed dwelling would be located in the same area of the site as the existing but would be moved 5 m to the south west and slightly angled back from the farm drive. This would allow for the access to be provided along the northeastern boundary and provide a greater gap between the dwelling and the closest barn conversion. The new dwelling would be slightly larger than the existing 308.5 sq m floor area and would be 354 sq m representing approximately 14% increase in the floor area (45.5 sq m). This is within the permitted development allowance for the existing dwelling. Most of this additional floor space would be provided at first floor level to provide an extra bedroom and en-suite. This is achieved by the creation of a double pitch to the northern elevation above the lean-to section of the existing dwelling. This is a traditional approach to extensions within the levels area and avoids a wide form of building that would create a bulkier building. The new dwelling would reinstate the main entrance to the southeastern elevation but would relocate the position of the entrance to the west of the dwelling with a pathway from the garage/turning area. The door and fenestration details are different from the existing. Generally, the windows would be of similar proportion to the existing although two pairs of French doors have been introduced in the southwestern elevation. The new carport would be sited with its gable parallel to the boundary with the new residential units created by the barn conversions. It would be approximately 4.6 m in height of which 2.6 m would be above the boundary wall. There would be approximately 12 m to the rear of the barn conversions.

The planning policy for replacement dwellings requires that it would be uneconomic to bring the building to an acceptable standard of repair. In this case the applicant has submitted a statement outlining the nature of the repairs and their excessive cost compared to a new build. This in addition to the Conservation Officer's opinion that it was not listable due to the amount and likely cost of repair that would be necessary have led me to conclude that it would be uneconomical to repair the building. Proposal considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, access as plan, access turning and parking prior to occupation, access and drive to be hard surfaced, details to be submitted and approved, timber recessed windows/door only, details of hard surfacing, no demolition works before submission of a strategy and provision of alternative roost for the protection of bats, No works from March-October, mitigation works to be submitted; removal of permitted development rights for extensions, ancillary buildings, fences and means of enclosure, carport for private, domestic use only. Note: It is an offence to destroy a bat roost whether the bats are absent or not, method statement/mitigation works to be based on up to date information/surveys on the bats/swallows.

Reason(s) for RECOMMENDATION:- It is considered that the proposed replacement dwelling would conform to the requirements of Taunton Deane Local Plan Policy H8.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

25/2005/036

TAUNTON DEANE BOROUGH COUNCIL

PROVISION OF 'SHOULDERS' TO NORTH AND SOUTH OF PREVIOUSLY APPROVED DAM (PERMISSION 25/2001/036 REFERS), FORMATION OF ACCESS FOR MAINTENANCE PURPOSES, PROVISION OF FLOOD CONTROL KIOSK AND TREATMENTS FOR LANDSCAPING AND HABITAT CREATION, LAND WEST OF MONTYS LANE, NORTON FITZWARREN AS AMENDED BY LETTER DATED 8TH DECEMBER, 2005 WITH ACCOMPANYING DRAWING NOS. WX21821/0033/ISS02, 0034/ISS02, 0040/ISS02 AND 049/ISS01 AND MODIFIED SUPPORTING STATEMENT

17930/26710

FULL

PROPOSAL

There is an existing planning permission for the provision of a dam to provide a flood alleviation scheme related to Norton Fitzwarren. The current application has been submitted following necessary changes which have been made to the proposed dam that have arisen during the detailed design of the dam. The proposal revises the length of the proposed dam, vehicular access and landscape and ecological designs to include 'shoulders' at each end of the proposed dam together with temporary and permanent access for maintenance purposes, a flood control kiosk, landscaping treatments and habitat creation. The dam shoulders are to prevent overtopping in the case of a major flood event and are the result of the requirements of the Panel Engineer appointed under the Reservoirs Act. They are to be built up from earth over a clay core from an on-site borrow pit. The shoulders are to be approximately 1.3 m higher than the main dam crest to accommodate 1 in 100 year flood event plus 20% to take into account global warming. The shoulders are level, meeting the natural levels of the rising ground beyond. The kiosk is to be 2 m x 2 m square with a height of 2.5 m and is essential for the operation of the dam as it houses monitoring equipment and the apparatus to operate the dam flow controls. The proposed access has been relocated to avoid an oak tree containing a bat roost and gas pipeline. The new access is proposed for both temporary and permanent access. The dam and access track are to be bordered by native hedging to be used to screen the site. Between the B3227 and the proposed access (a distance of 40 m), Monty's Lane is to be widened to 6 m to allow access for large vehicles during dam construction. A 2 m x 40 m visibility splay is also proposed. A replacement hedge will be planted behind the visibility splay. A pond is proposed as part of the ecological mitigation. The traffic assessment for this application has been revised to more accurately reflect the materials and construction methods likely to be utilised in the construction of the dam and the estimated construction programme. The worst case scenario for the revised assessment for all HGV traffic generated by the site passing through Norton Fitzwarren indicates the maximum daily HGV generation of 38 return trips, which amounts to a 20.4% increase in HGV traffic over the existing level. There is a public right of way which runs through the site and which would need to be diverted around one of the shoulders. An application is to be submitted for the diversion of the footpath in due course.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST there are limited or no archaeological implications so no objections on archaeological grounds. RIGHTS OF WAY TEAM no objections provided the footpath is diverted successfully. WESSEX WATER no objection providing there is no impact on Wessex Water infrastructure. ENVIRONMENT AGENCY no objections in principle but recommends condition re provision to be made to allow free movement of otters through the development area; advisory notes re otters, Abstraction Licence for pond may be required; advice from the EA, existing legal water interests in area should not be adversely affected and pollution prevention measures to be adopted during construction.

LANDSCAPE OFFICER the proposed landscaping looks fine, but would recommend some hedgerow bank and planting (both hedgerow and trees) be provided around the edge of the surfaced area to provide some landscape mitigation. NATURE CONSERVATION OFFICER would expect to see mitigation proposals in place and detailed plans for greater crested newts and otter access through the outflow from the dam. DRAINAGE OFFICER no observations to make.

NORTON FITZWARREN PARISH COUNCIL until the Council has had a meeting with the relevant parties they are not competent or in a position to comment. Wish to clarify the position as to safety and the Council is still very concerned that the dam is to be built without a trial. The initial concerns of the Council have been endorsed by the Panel Engineer.

BISHOPS LYDEARD PARISH COUNCIL implications upon the flood plain to the west of Dene Road and in particular the area in the vicinity of the primary school and Bethel Mead. Wished for reassurance that properties would not be at risk. (the agent has subsequently attended a meeting of the Parish Council to explain the proposals in detail).

OAKE PARISH COUNCIL do not wish to comment as they do not fully understand the wider implications of this work.

SIX LETTERS OF OBJECTION (including one holding objection) have been received raising the following issues:- concerned about the volume of traffic passing through Norton Fitzwarren conveying materials to the site; once the dam is built it should be tried and tested over a period of time before new houses are built on the cider factory site; safety must be a top priority during and post construction; noise and visual pollution must be kept to a minimum and limited to normal working hours; water and spoil from the site must not be allowed to run down the lane and into residents' drains; access to adjacent properties must be kept open at all times; services must be protected and replaced/upgraded as required; pond will potentially attract unwanted visitors and put security and tranquil environment at risk; throughout construction council tax should be reduced to reflect the severe inconvenience caused by the project; value of properties will be negatively affected - developers should provide financial compensation to the adjacent residents; will bring floodwater very close to residential property; operation of septic tank system may be adversely affected by any flood water in area; concern at failure mechanism of structure; adequacy of modelling to test risks; question impact to

local water table via natural drainage given the huge volumes of water impounded; query likelihood of stagnant water for any considerable time leading to potential for midges and other water based breeding insects affecting the local residents and other ecological impacts; proposal will be visible from Monty's Hamlet - need for planting; question alternative access arrangements if lane has to be temporarily closed; should be time restrictions for work on site; additional HGV traffic during construction will impact on Monty's Lane both in terms of noise pollution and safety; question whether there is a time scale for completion of works; Query measures to prevent dust during construction; (holding objection) extended dam interferes with access to other parts of land with no satisfactory alternative arrangements proposed, will be significantly more intrusive when viewed from residential properties, the access tracks and fencing around the dam will significantly increase the effects of the project on the convenience of farming operations, extends onto land which is suitable and useful for agricultural purposes, the access arrangements are unnecessarily intrusive into good agricultural land, any proposal to construct a second borrow pit will destroy good agricultural land and additional height of dam will lead to increased areas of flooding of good agricultural land; question whether other sites upstream further away from residential properties would be more appropriate; alternative access during road closure is unsuitable; construction traffic should be direct from the B3227.

ONE FURTHER LETTER OF REPRESENTATION has been received raising concern at possible development on Ford Farm site at Norton Fitzwarren.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, STR7, 5 and 59. Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28, EN29 and T4.

ASSESSMENT

The proposal is related to the previous permission for the dam in this location. The dam project is in line with national, regional and local policy. PPG25 states that the growth of built development within flood plains has increasingly required engineering works to defend properties against the risk of flooding. Flood risk is clearly identified in PPG3 as a specific material consideration in the allocation and release of sites for new housing. This scheme is considered to be essential for development sites within the Norton Fitzwarren area. Up stream of Dene Road there will be no increase in flooding up to and including the 1 in 100 year event. For more extreme events, there will be a small increase in flood levels compared with the existing situation.

The revised proposals set out in the current planning application and supporting statement will be of considerable functional and environmental benefit, and furthermore will help to facilitate the development of significant areas downstream of the dam, all of which would be in accordance with PPG25 and TDBC's Local Plan policies.

The provision for otters requested by the Environment Agency is more related to the earlier planning permission for the dam itself. The measures to be taken to protect the interests of otters will be required as part of the discharge of conditions related to the previous planning permission.

The dam is being designed to exacting standards in accordance with the requirements of the Reservoirs Act. Under this Act an accredited Panel Engineer is appointed whose prime responsibility is to safeguard persons and property downstream of the dam. The design and construction of the dam are subject to rigorous checking and independent review under very onerous flood conditions. In the unlikely event that a breach in the dam should occur, then there is a new legal requirement likely to come in to force within the next two years for an Emergency Plan. The retention of water behind the dam will only be relatively short durations and this is envisaged to be mainly a winter occurrence, which would lead to no stagnant water (there will be a flow at all times) and no significant additional breeding insects. Any localised increase of insects in the permanent wetland area will be tempered by predation by dragon flies and bats and will not cross the dam to the housing beyond. Impact on structures nearby is considered to be extremely remote. Full ecological surveys have been undertaken as part of the Environmental Statement. There are likely to be benefits from increased habitat and larger areas of suitable habitat. New planting will be carried out. Any interruptions to services will be kept to a minimum and local residents informed. Any closure of Monty's Lane for road widening will be kept to a minimum and should be for less than a month. Although there will be an increase of HGVs on Monty's Lane, this will be limited to the first 50m from the junction with the B3227. No construction traffic would be permitted to use Monty's Lane beyond this point, so there will be no increase past residential property. Expected movements to and from the site have been kept to an absolute minimum by ensuring that the dam is constructed predominantly from earthworks materials won from a borrow pit within the site. The County Highway Authority would not be in favour of a new access direct from the B3227. One of the recommended conditions requires the submission of an Environmental Site Management Plan.

RECOMMENDATION

Subject to the receipt of the views of the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, landscaping, protection of trees, no service trenches within spread of trees, no felling/lopping, environmental site plan for construction, operational management plan, surfacing of access, no surface water discharge onto highway, temporary construction access and traffic management measures, development to be carried out generally in accordance with the environment statement and no work until lane widened to 6 m. Notes re operational management plan, footpath and Environment Agency informatives.

REASON(S) FOR RECOMMENDATION:- The proposed development is part of a package of comprehensive flood alleviation works which are proposed for Norton Fitzwarren. It is considered that the works will remove the flood plain from the village and protect existing dwellings from flood events. It will also facilitate housing development which meets national policy demands. The proposal complies with Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28, and EN29.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

26/2005/013

FRANK MEADOWS

CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE TO THE REAR OF 1-7 BLACKDOWN VIEW, NYNEHEAD.

14751/23118

FULL

PROPOSAL

The proposal comprises the change of use of agricultural land to form extended gardens to the rear of properties 1-7 Blackdown View. The area of land measures roughly 28 m x 92 m. The applicants supporting statement has indicated that a new stock proof fence with hedgerow planting will form the new boundary.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER please see previous comments regarding landscape impact on similar proposal nearby. Even with proposed mitigation measures I am concerned at the extent of the gardens and the likely imports of garden furniture, play equipment etc. Previous comments are as follows: - The proposal would be out of character with the surrounding countryside and therefore contrary to Policy EN12 and S2.

PARISH COUNCIL does not object subject to conditions controlling fencing, landscaping, limitation of use of domestic curtilage for Blackdown View.

POLICY CONTEXT

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

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

ASSESSMENT

Planning policy generally restricts the change of use of agricultural land to garden because of the subsequent detrimental visual impact on the land due to the siting of domestic structures, sheds etc and planting of domestic shrubs and trees unless it constitutes either a logical rounding off or where they have a minimal visual impact .

This does not constitute such a rounding off and will appear as an intrusive feature in the landscape.

RECOMMENDATION

Permission be REFUSED on the grounds that the proposal would constitute an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality, and landscape character of the area. Therefore the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 5 and Policy STR6, and Taunton Deane Local Plan Policies S1, S2, S7, and EN12.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

30/2005/036

MR JOHN BIRCH

**ERECTION OF EXTENSION TO UTILITY BLOCK AT FOSGROVE PADDOCK,
SHOREDITCH, TAUNTON.**

22886/20659

FULL

PROPOSAL

Erection of a single storey extension to an existing utility block at Fosgrove Paddock, Shoreditch to provide additional day room space to cook and clean for the gypsy family that live on the site. The extension measures 3.65 m x 7 m and will result in a building 11.87 m x 3.65 m with a render finish and tile roof. The extension for a day room reflects the size of other such facilities for gypsies elsewhere in the district.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the proposed extension will be prominent in the local landscape, especially if similar orange tiles are used, and will in my opinion be contrary to EN12. Subject to additional landscaping it may be possible to integrate the proposals into the surrounding landscape.

PARISH COUNCIL the plan says 'dayroom' and submission refers to kitchen. No drainage shown. Distant views. Property is already quite prominent from across hills. Concerned that the extension would be rather visible and intrusive. However at ground level it is well screened (especially in summer). General concern about creeping development on the site.

2 LETTERS OF OBJECTION have been received raising the following issues:-contrary to policy STR6 of the Joint Structure Plan Review and S7 of the Taunton Deane Local Plan; a similar application for an extension of smaller size was refused in 2005; a mobile home of 20 ft x 10 ft has been delivered in the past and a lorry of 30 ft x 10 ft has delivered materials down the lane; the site has permission for a mobile home and two touring caravans not one; they already have 136 sq ft of space which should be sufficient; playroom and school work should take place in the caravan; the proposal would be tantamount to a bungalow; the approvals on site are unfair and except for a gypsy refusals would have resulted for anyone else making similar applications; if granted it will eventually be converted to a bungalow; the proposal doubles the size of the permanent structure while the applicant has reduced the size of his mobile accommodation; the proposal conflicts with policy and will not preserve the landscape in the area.

POLICY CONTEXT

Circular 1/94 Planning for Gypsy and Traveller sites

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR6 - Development Outside Towns, Rural Centres and Villages.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 - Outside Settlements, H14 - Gypsy Sites.

ASSESSMENT

The site is one approved as a permanent gypsy site on a permanent basis in August 2002. At this time the approval included a utilities block, a residential mobile home and two touring caravans for a single gypsy family. The applicant has 3 children and the additional space is required for a day room and kitchen facilities. It is claimed the applicant has had to provide a smaller mobile home on the site and this is not adequate for a growing family and a larger mobile cannot be provided on the site due to transportation problems.

The extension to the building has been re-designed following a previous delegated refusal and the proposal is now a straight extension to the building with no projection so it is less like a bungalow and only a room deep. The area of the total building is just over 40 sq m and this is significantly less than another block quoted at North Curry. In terms of impact on the landscape the extension will project towards the site entrance but will be able to be screened by additional planting. The site is not considered to be prominent in landscape terms and there are only limited views of the existing building. The proposal is not therefore considered to have an adverse landscape impact with additional planting.

The concerns and objections of local residents are noted. However the proposal is not considered to be a large building in comparison to other similar structures elsewhere and the extension is considered to be designed as a block and to minimise landscape impact. The application is therefore recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions re time limit, materials and landscaping. Note re future use complying with conditions on permission 30/02/013.

REASON(S) FOR RECOMMENDATION:- The proposed extension to the utility block to form a day room is considered not to have an adverse visual impact and to comply 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: 2456 MR G CLIFFORD

NOTES:

35/2005/018

MR P CHESTERTON

TWO STOREY EXTENSION TO BARN CONVERSION USED AS DWELLING, ERECTION OF CART LODGE AND ROOFLIGHT TO BE INSERTED IN EXISTING ROOF AT OAK BARN, APPLEY.

07131/21356

FULL

PROPOSAL

The site is a barn conversion on the western side of the main road into Appley, nearly opposite Frogs Farm. The original building is cob on a stone base with slate roof, measuring 13.5 m x 5.9 m with a kitchen lean-to of 4.3 m x 5.1 m. A large Oak tree subject to a Tree Preservation Order is sited to the south of the original building. A recessed opening leads to the parking and turning area, which is on higher ground. The application proposes to erect a two storey extension with dormer projection, to the north of the existing building, to be constructed in oak boarding with slate roof, measuring 8.6 m x 5 m, with overhanging eaves and protruding stone base. The barn conversion was approved in 1998, with a subsequent approval in 1999. A Section 106 Agreement controlled the construction works in respect of the cob and cob repair, and stated no further subdivisions or additional openings. A detached cart lodge is also proposed, sited to the northeast of the dwelling, and a new rooflight to bedroom 2. The cart lodge, which would be used for garaging with storage over accessed by an external staircase, would be on the higher ground adjacent to the road.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to condition.

LANDSCAPE OFFICER no impact on the TPO tree.

PARISH COUNCIL no objection.

TWO LETTERS OF SUPPORT have been received - the previous works were well done, expect these modest extensions will be to the same high standard.

POLICY CONTEXT

S1 General requirements, S2 Design, H7 Conversion of Rural Buildings, H17 Extensions to dwellings.

ASSESSMENT

The extension is approximately 300 mm taller than the barn, is not subservient in height, and with its dormer has rather a domestic appearance. The size of the proposed

extension is considered excessively large given the size of the original building, and is considered to be out of character with the barn conversion and contrary to the conversions and extensions policies. The cart lodge is sited close to the road and is considered to be unduly prominent, and detrimental to the character of this rural area. It is not considered that the proposal could be amended such that it would become acceptable.

RECOMMENDATION

That the application be REFUSED for the following reasons (1) The proposed extension is taller than the existing dwelling which is a barn conversion and is thus not subservient and also detracts from the character of the original building. It is therefore considered to conflict with Taunton Deane Local Plan Policies S1, S2, H7 and H17. (2) The proposed cart lodge is considered to overpowering and be unduly prominent in the street scene which will detract from the rural character of the area contrary Taunton Deane Local Plan Policies S1(D) and S2.

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:

36/2005/025

MR P VOWLES

**ERECTION OF EXTENSION TO DWELLING TO REPLACE CONSERVATORY AT
OLD STATION HOUSE, CURLOAD**

34375/28579

FULL

PROPOSAL

The erection of a single story lean to extension to the side of dwelling in place of existing conservatory.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY No objections.

PARISH COUNCIL no objections.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 - General Principles, S2 - Design, Policy H17 - Extensions to dwellings.

ASSESSMENT

The site is located in an open countryside location directly to the south of a railway crossing. The cottage is considered to be an attractive example of a former Victorian station house and is relatively modest in scale. Whilst being of some architectural and historic interest the building is unlisted.

The ground floor of the dwelling consists of red brick with a textured render above and plain clay tiles on the roof.

The proposal is to replace an existing conservatory on the side of the dwelling with a lean to extension which measures 3.6 x 9.0 m in footprint. The mono pitch roof extends to 4.7 m incorporating an 'inverted dormer' to accommodate the first floor window.

It is proposed that materials will match those in the existing dwelling.

Local Plan policies seek to ensure that the form and character of development whether for new build or extensions are appropriate and are of good design. In particular extensions must be subservient in design and scale and must also respect the character and form of the dwelling.

It is considered that the bulk and scale of the extension does not respect the character of the existing dwelling, in particular regarding its excessive depth and height. The depth of the proposal at 3.6 m results in an excessively bulky extension. The height of the proposal is a product of its depth in order to maintain the required roof pitch and further detracts from the character of the dwelling.

In addition the siting of the lean to extension adjacent to the highway gives the proposal an additional prominence in the street scene to the further detriment of the character of the dwelling.

Whilst it is acknowledged that the dwelling is unlisted it is a building with some degree of character and historic interest and the application makes no attempt to address its character, form and scale.

In conclusion it is considered that proposal is not subservient to the dwelling in character or scale and appears as an overly dominant feature. The proposal therefore detracts from the overall character and form of the dwelling contrary to Policies S2 and H17 of the Taunton Deane Local Plan.

RECOMMENDATION

Permission be REFUSED for the reason that the proposal by reason of its size, scale, design and siting does not respect the form and character of the dwelling and as such is contrary to Taunton Deane Local Plan Policies S2 and H17.

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

CONTACT OFFICER: 356468 MR M HICKS

NOTES:

38/2005/485

SUMMERFIELD DEVELOPMENTS LTD

ERECTION OF 20 FLATS AND ASSOCIATED SITE WORKS AT TANCRED STREET TAUNTON.

23163/24592

FULL

PROPOSAL

The proposal is a scheme to erect 20 flats and associated site works at a site on the eastern side of Tancred Street. The site consists of a private car parking area and overgrown rear yards of properties in East Reach. Previous permission was granted for 8 dwellings in December 2004. This also allowed access to be achieved to the rear of a number of the East Reach properties.

The proposal seeks to provide a more sustainable high density development comprising predominantly one bedroom flats and a small number of two bedroom flats which is considered equally appropriate for this brownfield site in a central location. The access and layout are determined by the existing agreed access and parking to the rear of East Reach. In terms of townscape there is a mixture of two and three storey development in the immediate area.. The proposal envisages a similar mix of two and three storey development incorporating a three storey terraced block of flats to the north of the access road and two separate two storey blocks to the south of the new road. Dwellings have been set back from the frontages to allow for landscape planting. Design and materials proposed are similar to those opposite. The proposal provides 16 one bed flats and 4 two bed units with secure cycle storage and two visitor parking spaces.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle to the proposed development. In detail the development is for twenty flats with associated adoptable access road but with no parking provision. The principle of car free development in this location is acceptable to the Highway Authority as there are public car parks in close proximity to the site. However if the access road is to be adopted then it will need to have waiting restrictions placed on it unless it is to become a car park and thereby prevent vehicles from entering or leaving. The development should be served by a 5 m carriageway with 2 m footways on each side. Visibility splays as shown on the attached drawing shall be provided prior to occupation of any of the dwellings and there shall be no obstruction to visibility within these splays in excess of 300 mm above adjoining carriageway level. Conditions re estate road details and a note re the need for a highway permit for access works. WESSEX WATER the development is located in a foul sewer area and the developer will need to agree a point of connection. There are no public/separate surface water sewers in the vicinity and the developer should investigate alternative methods of disposal of surface water from the site. Surface water should not be discharged to the foul sewer. With regard to water there is a public water

main near the site. It is recommended that an informative is placed on any consent to ensure protection of Wessex systems.

LANDSCAPE OFFICER there is limited scope for landscape mitigation so any landscape proposals need to be of a high quality and a landscape architect designed scheme. The choice of tree species will be crucial given the small areas available and the proximity to neighbouring land. CONSERVATION OFFICER the proposed development comprises two 3-storey accommodation blocks at right angles to Tancred Street and two 2-storey blocks, one fronting the street. They will occupy a former car-parking site that is currently derelict and provide 20 flats with an integrated access driveway off the street. The design, appearance, form and massing is comparable with that of the late 20th century flats opposite and their architectural details are also very similar. Top hung sash windows should be avoided and conventional types employed. Also the entablatures above all main entrance doors appear far too detailed for the modest 'grandeur' of the buildings; a simpler moulding profile would be more appropriate. Regarding the location of the cycle store it maybe more appropriate if this were built further into the site, say adjacent to Block C to deter potential theft. ENVIRONMENTAL HEALTH OFFICER noise emissions during construction should be limited by restricting working hours and note re contaminated land.

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 11 - Areas of High Archaeological Potential, POLICY 33 - Provision For Housing, POLICY 49 - Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2 - Housing within Classified Settlements, M4 - Parking, M5 - Cycling, C4 - Open, Space Requirements, EN23 - Areas of High Archaeological Potential.

ASSESSMENT

The proposal involves the erection of two and three storey flats on brownfield land close to the town centre. The main consideration is the design and impact on the area and any adjacent properties. The design of the buildings is similar to the 3 storey development on the opposite side of the road and the material finishes are also intended to be similar. The development is not considered to adversely affect the amenity of the existing dwellings by way of loss of light or overlooking and the development is considered to comply with policies S2 and H2 of the Local Plan.

The site is in a town centre location is close to existing car parks and in line with policy no off road parking is provided for the flats. Adequate cycle store provision is to be provided and this is to be conditioned along with bin storage. Access is provided through the site to access the rear of a number of the East Reach properties and the

layout design is similar to the previous approval on this site for 8 units in order to achieve this.

The site provides for twenty one and two bedroom units with no on site provision for play or recreation space. In order to comply with policy C4 a sum is required for off site provision which is proposed through a S.106 Agreement.

The issues raised by the Environmental Health Officer can be addressed by a condition and note as can the drainage issue.

The area is already one of high density development and the proposal is considered to be in keeping with the character of the area.

RECOMMENDATION

Subject to a Section 106 Agreement in respect of leisure and open space contributions the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, surface treatment of parking areas, sample panel of brick, details of guttering, landscaping, boundary treatment, surface water disposal, cycle and bin storage, meter box details, timber sash windows, windows recessed, archaeological programme of works, details of access gates, restricted construction working, combined aerial system, visibility splay, estate road details. Notes re highway permit, contaminated land, protection of Wessex systems, landscape design and noise assessment.

REASON(S) FOR RECOMMENDATION:- The proposal is a brownfield development in a highly sustainable location without undue adverse impact on the amenities of neighbouring dwellings and is considered to comply with Taunton Deane Local Plan Policies H2 and S2.

If the Section 106 is not signed by the 30th January, 2006 permission be REFUSED for reason of lack of recreation/open space provision 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:

38/2005/506

S J STANBOROUGH HOMES LTD

REDEVELOPMENT TO PROVIDE 4 COMMERCIAL/RETAIL UNITS, ERECTION OF 19 FLATS WITH ASSOCIATED PARKING AND ACCESS OFF WOOD STREET AT 7-11B STAPLEGROVE ROAD, TAUNTON AS AMENDED BY DRAWING NO. 04M RECEIVED 4TH JANUARY, 2005

22470/25012

OUTLINE APPLICATION

PROPOSAL

Outline planning permission was granted in 2001 for the redevelopment of existing retail/ residential properties 7-11B Staplegrove Road and land to the rear adjacent to 45a and 46a Wood Street. An illustrative sketch was submitted that indicated a design in keeping with the front elevation onto Staplegrove Road and a vehicular access to the rear. A second outline application was submitted in July this year and proposed the erection of 4 retail units, 24 residential units and 13 parking spaces accessed from Wood Street. This was accompanied by an illustrative plan that showed an 8 m wide double pitched building fronting onto Staplegrove Road and providing 4 retail units at ground floor and 12 flats above. It also proposed residential infill of land fronting Wood Street between 46a Wood Street and North Town Mews and 45a Wood Street and the adjacent commercial building lying to the south. This Committee considered this proposal in September 2005 and refused the application as they considered the development would have a detrimental impact on the amenity of neighbouring properties. Following subsequent negotiations the applicant has now submitted an application for 4 retail units and 19 residential units on the site. The building fronting Staplegrove Road has been reduced in depth to 5m with a 3m projection to the rear designed to be as far away from existing residential properties as possible. The buildings fronting Wood Street have included revisions that avoid blocking the neighbouring bathroom window. The 2-storey element of the building adjacent to North Town Mews has been set back 1.2 m with a single storey element sloping down towards the boundary. The two-storey element projects 1.5 m to the rear of the existing property and is then stepped back and away from the boundary to project an additional 2m at ground floor. The proposal would be accessed from Wood Street and provide 12 parking spaces and 12 cycle parking spaces for occupants.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST no objection. WESSEX WATER a water mains is available to serve the proposal, foul sewerage and surface water disposal are available although a sustainable urban drainage system should be investigated. There is a public water main running near to the site and the developer should be advised of the need to contact Wessex Water to discuss any arrangements to protect their infrastructure. ENVIRONMENT AGENCY no objection subject to conditions. CHIEF FIRE OFFICER means of escape, access for appliances and water supplies should all conform to the appropriate standards.

CONSERVATION OFFICER Visited site on 6th December 2005 and again on 12th December. Assessed character and appearance of the street scene and contribution made by buildings proposed for demolition. Exterior photographs were taken of Nos. 7A-1 IB Staplegrove Road and the neighbouring buildings to compare the form and massing of the existing built environment and its setting against the proposed development. The proposed elevations to Yarde Place were also assessed using similar criteria to those above. Figure 1 overleaf shows those buildings on Staplegrove Road which are proposed for demolition. Nos. 7 and 9 are currently used as ground floor display space for an antiques business and the 1st floor flat for No. 9 is unoccupied. The white-painted brick facade of this building has some interesting architectural details at 1st floor level, notably the sill band, moulded stone window architraves, 2-over-2 large pane timber sash windows (see Figure 2), cast iron ogee section gutter/hopper and a simple engraved decal above the ground floor entrance to the flat. No. 11 is used for retail trading and the building's facade appears to have been extensively altered during the 20th century with metal framed windows, modern shop fronts, parapet and mock rustication. Both buildings have simple pitched roofs of Welsh slate. Although the proposed development will help unify and complement the adjacent two-storey buildings (Nos. 13 and 17), the 3-over-6 style of the eight sash windows and brick lintels appears monotonous. I believe that the existing facade of No. 9 contributes significant character and variation to the street scene through its sash windows alone. There is an argument to retain the facade of this building as part of the proposed development (especially given that the ground floor is a modern rebuild shell) although it will significantly alter the proposed layout of the 1st floor flat accommodation. Regardless of whether this approach is adopted, the existing Welsh slate roof tiles should be reused. Also, detailed design drawings for the proposed shop fronts and sash window joinery should be provided for prior inspection. ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions on construction noise and contaminated land conditions. DRAINAGE OFFICER the proposal is within the 100 year floodplain of the River Tone and the environment Agency must be notified with a flood risk assessment. LEISURE AND RECREATION OFFICER contributions will be required for the provision of off site children's play and active recreation provision.

1 LETTER OF OBJECTION has been received raising the following issues:- the current outline permission is for 4 commercial shops on the ground floor and flats above and a further two storey building of flats to the rear to the extent of 11 flats in total; this is sympathetic to the adjacent buildings and conforms to the surrounding area; a previous outline application for 4 flats and 24 flats was refused on the grounds of over-development and too high an occupation density; it is a condition of the applicant to provide a 3m high wall between the site boundary and 17 Staplegrove Road and a condition that no windows should overlook the rear of North Town Mews; the current scheme does not show sufficient detail to the rear of Staplegrove Road nor the 3 m high boundary wall; the current application represents an over-development of a cramped site; the rear building off Wood Street is of double depth beyond the inner building line in order to establish the provision of 19 units; the rear building will overshadow and overpower its neighbours particularly those in North Town Mews; in the previous scheme the applicant quoted 40 movements per day in Wood Street, this is a considerable additional use of a narrow road which is also the entrance to North Town School; a large number of schoolchildren use this to walk to school and the road is already congested despite the yellow lines, clear and unrestricted access needs to be maintained at all times for any emergencies at the school; all of the windows at 1st and

2nd floor level are to near the corners of the buildings enabling occupants to overlook the adjacent property and intrude our privacy; the second floor flats are within the roof and do not appear to have any natural light in some rooms, this shows desperate methods to achieve the high density; the Wood Street street scene shows Velux roof lights at second floor, these are totally out of keeping with the street scene, I understand that Velux roof lights were resisted on the Staplegrove Road frontage and this should be followed in Wood Street; there are no proposed flood prevention measures; the application contains insufficient information to enable a determination and should be refused.

POLICY CONTEXT

ASSESSMENT

The principle of retail and residential development is in keeping with Structure and Local Plan policies for development within Taunton. The submitted plans are intended for illustrative purposes only and seek to show that the proposed numbers can be provided on the site. The drawings show a scheme that has been redesigned to overcome the overlooking and over development concerns of the previous scheme. It has resulted in the reduction in the depth of the built form along Staplegrove Road so that it is now considered to be in keeping with the existing traditional buildings. Whilst the development will be two storey (plus accommodation in the roof space), fronting onto Staplegrove Road the reduced width of the building avoids an over bearing impact on the rear of Molly's Cafe and, when seen from Staplegrove Road the side of the building will be more in-keeping with the street scene and conservation area. Concern was expressed regarding the relationship between the rear of Staplegrove Road and 17 Staplegrove Road and North Town Mews. The proposed development would no longer project beyond the rear wall of 17 Staplegrove Road and windows in the rear elevation would be at right angles to the boundary. Distances between the rear windows of the proposed flats and North Town Mews have now been extended from approximately 10 m to approximately 13 m and this is considered to be adequate in this situation. Windows to the first floor bedroom and 2nd floor living room could be obscured if considered necessary or raised higher in the roof space(2nd floor) to avoid direct overlooking (an elevation of the rear of Staplegrove Road has been requested. The development fronting Wood Street has Velux roof lights in the roof space to enable occupation of the roof area. The existing street scene is varied with old and newer properties of varying heights in close proximity to each other. In my opinion the provision of Velux roof-lights in this elevation would be acceptable. (The main reason for no roof-lights in the Staplegrove Road frontage is to maintain the character of the Staplegrove Road Conservation Area where an uninterrupted roofscape is very much evident Wood Street does not have the same relationship to the Staplegrove Road Conservation Area) The site is located within the central area of Taunton where off street parking is not required. The applicant has proposed to provide 12 car parking spaces and 12 cycle parking spaces. According to policy M 19 cycle parking spaces are required, an amended plan has been requested showing the provision of 7 more cycle

spaces. A unilateral undertaking is being submitted for the contribution towards off site Children's play and recreation provision.

I am satisfied that the illustrative drawings demonstrate that the scale of accommodation proposed can be satisfactorily accommodated in this location.

RECOMMENDATION

Subject to the receipt of no further letters of representation raising new issues by 2nd February, 2006 and the submission of a Unilateral Undertaking for contributions for childrens play and recreational open space by 12th February, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, reserved matters, materials including mortar, gutters and down-pipes; maximum 19 residential units, 4 retail units fronting Staplegrove Road; details of boundary walls including a 3 m high boundary wall, details for the disposal of surface water; submission of a development brief; two storey only; materials for the courtyard, parking spaces and access; 19 secure, covered cycle storage spaces, bin storage; no first or second floor windows on the eastern elevation; noise levels during construction; site levels; external lighting; details of flood protection system; method statement and schedule of responsibilities for flood prevention measures; storage of fuels and chemicals; no discharge of contaminated trade waste; oil storage, submission of a desk top study for ground contamination and a risk assessment if necessary plus conceptual model and method of remediation.

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

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

44/2005/019

MR & MRS P JAMES

ERECTION OF SINGLE STOREY EXTENSION TO FORM COVERED SWIMMING POOL, HIGHERLANDS, FORD STREET, WELLINGTON.

15551/18276

FULL

PROPOSAL

The proposal comprises the erection of a single storey extension to form a covered swimming pool, changing room, plant room and small conservatory. The extension would be sited to the side (east) of the existing dwelling and positioned in front of the existing building line. The proposed extension would be accessed internally from a single access point. The roof line would be set down from the host dwelling. The proposed road frontage would be constructed of a mixture of face brickwork to match the existing and natural stonework. The roof comprises a hipped design with a central gable. To the rear the elevation features a high level of glazing.

CONSULTATIONS AND REPRESENTATIONS

BLACKDOWN HILLS AONB PARTNERSHIP state that the application should be determined against development plan policies and residential design guidance and have no further detailed comments to make.

PARISH COUNCIL considered the proposed development was reasonable.

5 LETTERS OF OBJECTIONS have been received raising the following issues:- detrimental to visual amenity of this rural site and detracts from an Area of Outstanding Natural Beauty; out of Character with this area of Blackdown Hills; overdevelopment ; Insensitive siting; existing replacement dwelling is out of character this would exacerbate the situation; likely to be further development at first floor level later; the extension would be located in front of the existing dwelling; concerns over construction traffic and visibility.

POLICY CONTEXT

PPS1 - Delivering Sustainable Development, PPS7 - Sustainable Development in Rural Areas.

Somerset & Exmoor Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages), Policy 3 (Areas of Outstanding Natural Beauty) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing), H17 (Extensions to Dwellings), EN10 (Areas of Outstanding Natural Beauty) and EN12 (Landscape Character Areas).

ASSESSMENT

It is considered the proposed development by reason of its prominent siting, design and scale would have an adverse impact upon the existing character and appearance of the dwelling and surrounding landscape.

The extension measuring 21.0 m in width and given its proposed location would not be subservient in its scale when viewed from the highway (south). It is considered the extension in combination with the existing dwelling would result in a significant built form which would detract from the rural character and appearance of the area.

It is also considered that the extension fails to integrate with the existing architectural design of the dwelling. The incorporation of 'half-hipped' roof design would appear an alien design feature. This would be contrary to the traditional and simple form of rural buildings in this location.

To conclude, the form and appearance of the extension does not respect that of the existing dwelling and would be contrary to Policy H17 in design terms as well as scale and subservience and does not, as a result, preserve or enhance the character and appearance of the Blackdown Hills AONB.

RECOMMENDATION

Permission be REFUSED for reason that the development, by reason of its siting, scale and design would be out of keeping with the existing dwellinghouse and, if allowed, would detract from the visual amenity of the locality and street scene at this point which is with an AONB. As such the proposal is contrary to the Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, Policy 3 and Policy 5 and Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: 356469 MR A PICK

NOTES:

51/2005/013

PETER KERR

**ERECTION OF DWELLING HOUSE AT BURROW FARM, BURROWBRIDGE
(RENEWAL OF 51/2000/014)**

35695/30453

FULL

PROPOSAL

The proposal seeks to renew permission 51/2000/014 relating to the erection of a 3 bedroomed detached dwellinghouse with double garage on land adjoining Burrow Farmhouse. Permission 51/2000/014 comprised a revised design to an earlier permission 51/1997/005, which comprised a dwellinghouse and barn conversion, and thus in turn was a renewal of an earlier permission 51/1992/004.

The site for the dwellinghouse is sited within the settlement limit of Burrowbridge, lies just beyond an Area of High Archaeological Potential, and immediately adjoins the River Parrett. (A flood risk assessment accompanies the application).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY The application is for the renewal of permission 51/2000/014. That permission appears to be part renewal of previous permissions: 51/1997/005, 51/1992/004 and 51/1887/001. The application therefore dates back 18 years. Over that time policies have changed and if the application were to be considered in the light of the current policies I would make the following comments:- Burrowbridge has a level of local services comprising a primary school, village hall, public house and church, but no shop or post office. Whilst there is a bus service several times a day, occupiers of the new development would likely be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000). The current application lacks a drawing showing the proposed access and parking to a recognized scale. The "Location Plan" appears to be a reduction of the 1:500 plan that accompanied the previous application 51/2000/014. Whilst the proposed double garage might be of sufficient size to park two cars the access is extremely tight with no turning area. The poor drive alignment would therefore lead to drivers choosing to park on the highway and increase the likelihood of drivers reversing out onto the Classified Un-numbered highway. The visibility from the proposed access as indicated would be extremely sub-standard due to lack of visibility splays (the highway advice to application 51/1987 recommended visibility splays). The existing dwelling to the south is shown to have car parking by a double garage adjoining the one proposed for the new dwelling. Whilst the turning of vehicles would be easier, the same concerns over the access would apply to that property. The shared use of the substandard drive would also increase the likelihood of opposing vehicles meeting with farther increased likelihood of vehicles reversing out onto the highway. A recent site visit showed that the building to the west is currently being rebuilt. It is not clear what access

is to be used for that building. The proposal appears to indicate a pedestrian access using the shared pedestrian/vehicular access for the other two properties. The plan implies this drive is to be bounded by walls. Unless of a low height there will be pedestrian/vehicular conflict. Given the above concerns based upon current policies I would have to recommend refusal for the following reasons:- 1. The submitted plans are not of sufficient quality and accuracy to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal. 2. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. 3. The proposed access to the properties does not incorporate the necessary visibility splays which are essential in the interests of highway safety. 4. The proposal does not incorporate adequate passing facilities to enable vehicles to pass each other clear of the highway which is essential for highway safety. 5. The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in forward gear which is essential to highway safety. WESSEX WATER recommends note. DRAINAGE BOARD there seems no reason in this case to make a comment on behalf of the drainage board. ENVIRONMENT AGENCY no response received.

DRAINAGE OFFICER recommends notes.

PARISH COUNCIL supports the proposal.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, visual and residential amenity and road safety. Policy H2 accepts development within defined settlement limits subject to compliance with criteria. Policy EN6 seeks to safeguard trees, and Policy EN25 seeks to ensure that development does not harm the water environment.

ASSESSMENT

The site is inside the settlement limit of Burrowbridge and therefore the proposal is clearly acceptable in principle. Permission has also already been granted on a number of occasions and the proposal merely seeks a renewal of an earlier application. In addition, development of an adjoining barn conversion, which forms a part of an earlier application, is well advanced, and should the applicant decide to revert to this earlier application, in terms of building a slightly differently designed new dwellinghouse, then permission would not be required because of the commencement of development. The conclusion to be drawn is that the objection raised by the County Highway Authority is unreasonable, particularly given that the highway issues to be addressed are the same as those relating to the previous permission 51/2000/014, and against which the County Highway Authority raised no objection. Accordingly, it is considered that there is no reasonable alternative but to recommend that the permission be renewed. In addition to this, the applicant has advised that he is prepared to accept a condition ensuring better turning facilities, thus resolving one of the Highway Authority concerns.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, landscaping, removal of PD rights, demolition of part of adjoining farmhouse to be carried out before occupation of the new dwelling, trees to be retained, new access not to be used before completion of development, existing access to be blocked up, full details of the new driveway to be agreed, and drainage details.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential amenity or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 or H2.

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:

52/2005/044

CAVANNA HOMES (SOUTHWEST) LTD

ERECTION OF 18 DWELLINGS FORMATION OF ACCESS AND DEMOLITION OF DWELLING AT NEW BARN, 41 COMEYTROWE LANE, TAUNTON, AS AMENDED BY LETTER DATED 15TH DECEMBER, 2005 AND PLANS 04-52-50A, 51A, 52A & 53A, AND LETTER AND PLAN DATED 6TH JANUARY, 2006 AND LETTER DATED 10TH JANUARY, 2006 AND PLAN 04/52-47B AND DATED DATED 13TH JANUARY, 2006 AND PLANS 04/52/47C AND 52B

20825/23576

RESERVED MATTERS

PROPOSAL

The proposal is a reserved matters application for 18 dwellings following the granting of an outline permission for residential development in July 2003. The scheme involves the demolition of the existing dwelling on site and the provision of a central access (which was approved as part of the outline permission). The housing consists of terraces of 3 bedroom two storey properties fronting the highway with parking courts set to the rear. There are two detached garage blocks, one with a flat above set to the rear of a substantial tree which is the subject of a Tree Preservation Order and a separate block which also provides for the bat roost provision.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY as the application is a reserved matters application it relates to the outline application 52/2003/014, which set out conditions including highway conditions relating to the provision of footways, visibility splays and a suitable internal highway layout. The plans submitted with the present application are generally acceptable. However there are some minor details with regard to the internal layout which will need alteration prior to construction, probably during the Section 38 stage of the process. In conclusion there is no objection in principle to the development and provided the details are amended prior to construction then there is no highway objection to the proposal. WESSEX WATER the development is located in a sewered area with foul and surface water sewers available. The proposal is to dispose of surface water to existing surface water drains. It will be necessary to agree a point of connection to our systems. The site is subject to an adoption agreement under Section 104 of the Water Industry Act 1991. There is a public water main near the site and normally a 3 m easement either side is required for maintenance and repair. An informative should be placed on any consent to ensure the protection of any infrastructure, which should be agreed prior to the development commencing.

LANDSCAPE OFFICER my main concerns are that the impact on the proposals on the street scene being too far forward and not allowing enough room for significant tree planting. There should be scope for significant tree planting in front of plots 10-12 to help soften the impact of the development from Comeytrowe Lane. There is limited scope for boundary treatment (hedgerow and trees) especially on the eastern side and the south where the properties will be prominent because of the existing retaining wall.

The access to plot 13 will affect the roots of the protected Beech tree and will not meet the guidance on the proximity dwellings to trees. The amended plans show an improvement to the root protection area with the revised layout but otherwise no change in my original comments. In addition the southern boundary needs careful landscape consideration as it is on higher ground and prominent in the local landscape.

PARISH COUNCIL accept that residential development will take place on this site but it was decided to oppose the application as presented for the following reasons and/or until further information is provided and agreed on a number of issues. (1) the Council feel strongly that the density is far too high with 18 dwellings; that the 4 blocks give a terraced effect and are not in keeping with the surrounding area. However, the Council are pleased to see the complete removal of the 3 storey houses and are generally pleased with the size of the houses, which hopefully will make them more affordable within the Parish. The proposed plan would also severely limit any future extensions or alterations to the properties. (2) the Council would like to see the houses on the frontage of the site more in line with the building line of the existing properties on either side of the development. This would be made easier to do, if the number of houses proposed on the site was reduced. (3) the Council would be interested to know what affect the additional traffic from the development will have on Comeytrove Lane? You will be aware of the problems of this Lane, especially the speed and volume of traffic, and our previous discussions with the Highway Authority, over many years, are well documented. (4) the Council would like to know, what roads/pavements/footpaths within the new development the Highway Authority will adopt? The Council would feel that for future maintenance and upkeep the majority should be adopted. (5) the Council would like to know what street lighting will go on the site and the exact number and location of the columns? (6) the Council would like to know who will be responsible for the future maintenance of the amenity space around the TPO tree and the tree itself and the other small garden/amenity areas around the site that do not appear to be part of individual properties? The Council feel that all amenity spaces on the site should be the responsibility of Taunton Deane Borough Council, in the same way as other open spaces. The Council are pleased that the tree is to be kept and feel that it should be properly maintained in the future. (7) the location plan and house type plan are not the same for Property 8. The rear stepped line of the property does not match. (8) the Council are concerned that a number of the properties do not have any way of 'getting to and from the rear garden without going through the property itself and that they do not therefore have, either side access or rear access. This will raise other issues, especially when "wheelie bins" are introduced, because these would have to be sited in front of the property all the time, which would be unsightly and unhygienic. (9) the Council are concerned that access to the rear of Properties 1 and 2 are through the car parking spaces of Properties 3 and 4. How would they gain access, especially with their "wheelie bins", from their rear gardens, if cars/vans were actually parked in the parking spaces? (10) the Council would like to know if it is the intention to keep the car parking spaces as they are in the future and what would happen if an owner of a property applied for planning permission to have a garage on one or both of their parking spaces. (11) the Council would like to know what is planned for the boundaries on both sides of the site. Will the existing hedgerows be maintained or enhanced or will fencing be erected? Who will be legally responsible for the hedgerows or fences in the future?

10 LETTERS OF OBJECTION have been received raising the following issues:- 18 dwellings with 36 cars being excessive; effect on infrastructure of area; limited visibility;

traffic pressure will be compounded; there will be parking on Comeytrove Lane; increase in traffic on narrow lane; lack of pavement and speeding traffic will create risk for pedestrians; traffic calming and parking restrictions should be imposed along the Lane; low cost housing is out of character with properties in the area; it will de-value housing; the design will be an eye-sore in an attractive area; this is town centre development in a suburban location; this is an attempt to maximise profits; plot 14 is out of character and will result in overlooking and loss of privacy with living areas on the first floor and garaging below; concern over loss of outlook; overlooking and 21 m not adequate distance on a slope; plots 5-13 could be turned sideways and not face Glasses Mead; concern over emergency service access; refuse bin provision; cars parked will block access to numbers 1 and 2; two blocks of terraces will stand out as most houses have gaps between and are detached or semis; density of 42 dwellings per hectare too great; concern over the loss of an historic building.

1 LETTER OF CONCERN received requesting a suitably high boundary fence to address privacy .

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 1 - Nature Conservation, POLICY 33 - Provision for Housing, POLICY 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and

sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock,. M4 - Parking, EN5 - Protected Species.

ASSESSMENT

The proposal is for the erection of 17 two storey dwellings and one flat above a garage on this site of approximately 0.4 hectare. Outline permission was previously granted for the principle of residential development with a central access in 2003. An application for 12 detached dwellings was refused in 2004 for reasons of inadequate access roads and visibility and the overbearing nature of the development which included an element of three storey construction. The current scheme is for the erection of 18 units designed in 4 terraces with parking for each unit and the retention of the protected beech tree on the site. The main issues are the design and layout, privacy and overlooking issues and the impact on highway safety.

The layout is constrained by the need to maintain the beech tree to the rear which has a TPO and the need to provide a central access off Comeytrowe Lane. The layout provides for two terraces either side of the access to the site with low walls to act as defensible space and to prevent parking on the verges at the front. Provision of front boundary walling also restricts access to the front of dwellings to discourage parking.

The dwellings will be constructed in brick with tiled roofs and two main bricks are proposed one for the development fronting the Lane and one within the site. A comprehensive landscaping scheme for the site has yet to be finalised but will include planting facing the turning head as well as at the rear of the site. Protection of the roots of the TPO tree has also been included in the design. Where rear access is not provided to an individual plot provision for exterior bin storage is intended. Parking is provided on the basis of 30 spaces for 18 units which is considered to comply with the policy requirements.

The properties on the western side of the site will have gardens of around 8 m and the window to window distance with Glasses Mead is approximately 20 m. This is considered adequate with new boundary fencing and landscape planting in between. A similar situation exists to the south of the site. Although the land drops away here the distance of the new dwellings from the boundary and the height of the boundary wall is considered sufficient to adequately address privacy issues. The concern was initially with plot 13 as this is closest to the rear boundary and has accommodation on the first floor only. To address this the internal layout has been amended as well as the external elevations to ensure only high level windows and rooflights and an obscure glazed window.

The Highway Authority has raised no objection to the proposed development. The central access complies with the outline scheme and has the maximum available visibility within the site to either side. The access, road and turning head are provided to adoptable standard.

The outline permission required a bat survey to be carried out. The outcome of this has identified a bat roost within the existing building and in order to provide suitable mitigation alternative roost provision has to be provided. This is intended within a garage block to be erected on site and a condition is considered necessary to ensure this is provided before the existing building is demolished. A management company is to be set up to be responsible for the maintenance and upkeep of the protected tree and grass areas not privately owned.

In summary the design and layout of the site is considered to comply with both PPG3 and Regional Guidance in terms of densities. While this is a higher density than the adjacent sites the impact in terms of the impact on the character of the area is considered acceptable. The impact of the dwellings on adjacent properties is also considered to comply with policy H2 of the Local Plan and the highway access is considered acceptable. The application is therefore recommended for approval.

RECOMMENDATION

Subject to no further representations raising new issues by ... the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and details be APPROVED subject to conditions of provision of alternative bat roost prior to demolition, retention of front boundary walls, no garages, appearance of bin enclosures. Notes re compliance with outstanding conditions and Section 106.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered acceptable and to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and EN5 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:

PLANNING COMMITTEE – 25 JANUARY, 2006

Report of the Development Control Manager

Miscellaneous Item

38/2005/457 - ERECTION OF CONSERVATORY TO REAR OF 4 LARCH CLOSE, TAUNTON

Permission was granted under delegated powers on 22 November, 2005 subject to conditions of time limit and materials.

It has now been brought to our attention that Mrs Gallagher, the applicant's wife, is an employee at Taunton Deane Borough Council.

PROPOSAL

Permission is sought to erect a conservatory to the rear of this semi-detached property. The conservatory measures 3.5 m x 3.5 m and will be screened by the existing 2 m fence. The property is rendered under a tiled roof with wooden windows and doors.

CONSULTATIONS AND REPRESENTATIONS

None received

POLICY CONTEXT

H17 of the Taunton Deane Local Plan

ASSESSMENT

The proposed conservatory will have no material impact on neighbours and complies with Taunton Deane Local Plan Policy H17.

RECOMMENDATION

Members are requested to confirm the decision previously made under delegated powers.

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

CONTACT OFFICER: Miss R Miller Tel: 356462

PLANNING COMMITTEE – 25 JANUARY, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Comeytrove

1. **File/Complaint Number** 52/2005/033
2. **Location of Site** 1 Burch's Close, Taunton, Somerset
3. **Names of Owners** Mr P K Downer
4. **Names of Occupiers** Mr P K Downer
5. **Nature of Contravention**
Erection of boundary fence.
6. **Planning History**

The fence was brought to the Council's attention on 20 January, 2005. A planning application was submitted after the owner was informed the fence required planning permission due to the height being over 1 m adjacent to the highway and permitted development rights having been withdrawn in respect of gates, walls and fences. The application was refused under delegated powers on 6 May, 2005. The owner decided to re-submit the application on 26 August, 2005 but the only difference from the previous application was that the fence was now treated with a coloured preservative. The application was refused under delegated powers on 20 October, 2005. The applicant has not lodged an appeal against the refusal and the fence remains in place.
7. **Reasons for taking Action**

The retention of the fence along the section of the side boundary conflicts with the principle of open plan front gardens which has been adopted for this area and detracts from the street scene at this point. It is considered that the fence causes a loss of visual amenities and sets an undesirable precedent for similar proposals, contrary to Taunton Deane Local Plan Policies S1 and S2
8. **Recommendation**

The Solicitor to The Council be authorised to commence Enforcement action and take prosecution action subject to sufficient evidence should the notice not be adhered to.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 25 JANUARY 2006

1. The following appeals have been lodged: -

Applicant	Date Application Considered	Proposal
Mr J.S. Butt and Miss H. Clarke (23/2005/025)	DD	Erection of extension to side and rear of 4 Colesmore, Milverton
P.F. and A. Kemp (36/2005/017)	02/11/05	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, Stoke St Gregory
Mrs M. Vine and Mr M. Gibbins (38/2005/426)	23/11/05	Erection of 8 No. one bedroom flats with demolition of 3 garages, on land to rear of 51-53 Cheddon Road, Taunton
Mr & Mrs Foster (06/2005/041)	DD	Erection of two storey extension at Yeomans, East Combe, Bishops Lydeard

2. The following appeal decisions have been received: -

(a) Display of various signs upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton (34/2005/006A)

The Inspector felt that the main issue was the effect of the signs on amenity and public safety.

The appeal premises were located on the south side of Bindon Road on the corner of its junction with Cook Way. There were other commercial uses on the same side of the road, whereas to the north of Bindon Road was a fairly well screened residential estate. Fascia signs 1, 2 and 7 would replace existing signs and would fit neatly at fascia level, as an integral part of the main showroom. The Inspector felt that they would not stand out and would be seen in the commercial context.

Sign 11 was a freestanding pylon sign and sign 12, a group of three flags. The flags measured 6m x 1.5m and would be mounted on poles of 12m at the western end of the frontage. The pylon sign would measure 4.5m x 0.87m and would be sited at the eastern end of the frontage, where the Inspector felt it would not create a problem for drivers. However, these signs would be positioned away from the main building and would stand out as unduly intrusive features in the street scene.

The Inspector concluded that the conditional display of signs 1, 2 and 7 would not be detrimental to the interests of amenity but the display of signs 11 and 12 would be.

The appeal was allowed in part.

(b) Removal of grilles from ground floor windows at 25 Fore Street, Taunton (38/2004/415LB)

The Inspector considered the main issues in this case were whether the proposed works would preserve the special architectural and historic interest of the listed building and their effect on the character and appearance of the Conservation Area.

The Inspector was of the opinion that the substantial contribution the grilles made to the building's history outweighed the small amount to which they could be argued to detract from the architectural interest of the original building. He felt that the loss of the grilles would harm a prominent building within the Conservation Area and that the character and appearance would also be harmed.

He noted that the grilles might retain litter, the lack of a clear shop window might act as a deterrent to prospective occupants, that being vacant for a long time could harm the special interest and that at present the grilles were not complete. Nonetheless, he found that on balance the removal of the grilles would harm the special interest of the listed building and the Conservation Area.

The appeal was dismissed.

(c) Replacement of wooden windows with new UPVC double glazed windows at Larkspur Court, Gypsy Lane, Taunton (38/2004/554)

The appeal property was a substantial detached building with the original part forming a Victorian villa. The building had been extended in a more modern design, but the Inspector considered the extensions did not detract from the quality of the original building. Although the building was not listed or within a Conservation Area, it did have some merit. The Victorian building retained the majority of its timber sash windows which made an important contribution to its character and appearance and he found the building an attractive feature in an otherwise undistinguished street scene.

The Inspector considered that the modern style of the UPVC windows proposed would be out of keeping with the character of the original part of the building and would not be an appropriate replacement for the sash windows.

The Inspector concluded that the proposal would be harmful to the attractive appearance of Larkspur Court and would detract from the contribution that the property made to the locality.

The appeal was dismissed.

(d) Display of various internally illuminated and non-illuminated signs at Morrisons Supermarket, Priory Bridge Road, Taunton (38/2004/557A)

The Inspector felt that the main issue in this appeal was the visual impact of the signs on the premises and their wider impact within the surroundings.

The appeal signs measured 1.84m x 1.937m. They were sited on different sides of a tower feature at the north west end of a superstore, one facing north, the other facing west. The Inspector considered the tower to have a vertical emphasis, which was reflected by the colonnade openings at lower level.

He felt that the appeal signs, which would have a central position on the brickwork, would not conflict with the horizontal aspects of the design of the tower.

In the Inspector's opinion the signs, when illuminated, would not cause unnecessary disturbance to occupants in properties in Station Road and Bridge Street as the signs would be quite a distance from these properties.

The appeal was allowed and express consent was granted for the signs, subject to conditions.

(e) Erection of stables for DIY livery and improvements to access at field NG ST1123/2308, east of Langford Budville (21/2004/026)

The Inspector felt that the main issue was the effect the proposed new access would have on the rural character and appearance of the area.

The proposal involved the creation of a new access off a fairly narrow rural lane leading to the village of Langford Budville, which would replace an existing field access. There was limited visibility from the access, making it difficult to use and unsuitable for any increase in use.

At this point the lane was lined by hedgebanks topped with shrubs, mainly bramble and hazel, with the occasional small tree. The new access would be situated on the outside of a shallow bend and would be set back to provide visibility splays. The Inspector noted that this would require the removal of 25 metres of the existing hedge, with a further 15 metres requiring trimming to provide visibility on the bend.

The Inspector considered the planting of a new hedge would have no real impact on local field patterns or the character of the lane.

A new feature would be introduced with the formation of the visibility splays, but they would be limited in size and could be planted with grass or low growing species.

The Highways Authority had no objection to the reduction in the normal 45 metre visibility splays and the Inspector noted that because of the location on the outside of a bend, the access would not be dangerous.

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

(f) Erection of a two-storey extension to the side and rear of 5 Ardwyn, Wellington (43/2004/165)

Numbers one to fifteen Ardwyn were four pairs of semi-detached houses dating back from the first half of the 20th century. They were prominently raised above the level of the road and whilst some had single-storey garages at the side, the main front elevations presented an attractive balanced appearance.

The proposed extension would extend almost up to the boundary of number three and there would be a considerable gap between the side of number five and the flank wall of number three. The Inspector felt that because the new extension would be flush with the main front elevation, it would not appear as a subordinate feature. He felt that the extra width created by the extension would give an unbalanced effect on the front elevations of this pair of houses, detracting from the character of the whole row.

Although amendments had been made to reduce the height and width of the extension to the rear of the property, he considered that these did not justify the harmful effects of the proposal.

The appeal was dismissed

(g) Erection of a dwelling at Yalham Barton, Culmhead (29/2005/010)

The site formed part of the residential curtilage of Yalham Barton, which was situated within a small complex of barn conversions. The appellant suggested that the proposed development would benefit the local economy by providing increased custom to local tradespeople and shops. However, the Inspector considered that the limited economic benefits claimed for the proposal failed to satisfy the stringent sustainability requirements.

The appellant also suggested that the nearest villages were within cycling distance as well as being accessible by bus. However, the Inspector considered that the site had limited access to public transport and combined with the practical limitations of cycling, the occupants of the proposed dwelling would be heavily dependent on the private car.

The Inspector concluded that the proposal would amount to inappropriate and unsustainable development in the countryside harmful to the character and beauty of the Blackdown Hills and considered that the harm caused by the proposal outweighed the benefit of making more efficient use of this previously developed land.

The appeal was dismissed.

(h) Demolish agricultural building and erect single dwelling, utilise barn to provide garaging at Ham Farm, Ham, Creech St Michael(14/2005/020)

The appeal site was an agricultural barn, yard and livestock pens with frontage and vehicular access onto an unclassified road through the settlement of Ham. The surrounding area was largely residential, with further agricultural buildings and yards to the rear of the appeal site.

The result of the proposed development would be to make the roadside frontage in this part of the settlement entirely residential. From his observations, the Inspector felt that the mix of agricultural and residential uses contributed to the character and distinctiveness of Ham. The loss of this section of agricultural road frontage and its conversion to residential use would establish a more urban streetscape, which would detract from the settlement's form and setting.

The appeal site was in an area where development policies presumed against new building. Despite the appellant's contention that the plot was an infill plot, the Inspector considered that the site was an integral part of the agricultural enterprise.

Ham did not benefit from public transport services and the occupiers would therefore be dependant on private motor vehicles on a regular basis. The proposal would foster growth in the need to travel, which added to the Inspector's concerns.

The appeal was dismissed.

(i) Erection of a dwelling on land adjacent to 63 Normandy Drive, Taunton (38/2004/582)

The appeal site was within a large-scale open grassed area adjoining a row of terraced houses, within a 1960s estate. The Inspector felt that the proposed dwelling would not appear cramped nor detract from the character and appearance of the area.

In coming to this decision, the Inspector considered the two semi-mature Norway Maple Trees within the site, which were subject to a Tree Preservation Order. One of these trees would be lost if the proposed dwelling was built. However, this tree had an inclusion union, which would lead to its failure in any event. The mature Lawson Cypress Trees, which were particularly close to the existing house, would also be lost.

Despite the loss of these trees, it was noted that there was more than adequate space retained within the site for replacement planting.

The Inspector acknowledged that the proposal would project to the rear of No.63 but it would be of limited depth and would not cause unacceptable loss of light.

The appeal was allowed subject to conditions.

(j) Removal of condition 03 of planning permission 10/1998/023 in order to allow ancillary accommodation to be used as a separate dwelling at Northdown House, Churchinford (10/2004/010)

Condition 03 of permission 10/1998/023 stated that the ancillary accommodation permitted should not be used as a separate unit of accommodation.

The Inspector felt that the main issue was the justification for creating a new dwelling taking into account current local plan policies.

The justification put forward by the appellant was that there was an approved residential use which had commenced and that the proposed separate use would not cause visual harm.

In the Inspector's view, the original application was effectively for an extension of the existing domestic use. Permission had been granted on the basis that that would be consistent with rural settlement policy as long as the converted building was not used as a separate dwelling.

The Inspector saw no reason to take a different view even though permission had recently been granted that would allow the building to be used as holiday accommodation.

The appeal was dismissed.

(k) Residential development comprising seven dwellings, on land to the west of Lydeard Mead, Bishops Lydeard

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

The appeal was dismissed.

(l) Erection of units for special needs accommodation and proposed extensions at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren (25/2004/006, 25/2004/007 and 25/2005/007)

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

The appeals were dismissed. A partial award of costs was made against the Council.

