



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 15TH FEBRUARY 2006 AT 17:00.

(RESERVE DATE : MONDAY 20TH FEBRUARY 2006 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 25 January 2006 (attached)
3. Public Question Time
4. BISHOPS LYDEARD - 06/2005/046
RESIDENTIAL DEVELOPMENT FOLLOWING THE DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, KINGS YARD, TAUNTON ROAD, BISHOPS LYDEARD.
5. CHEDDON FITZPAINE - 08/2005/018
CHANGE OF USE AND CONVERSION OF BUILDING INTO MILL, WORKSHOP, TEA ROOM AND PUBLIC TOILETS AT THE OLD MILL, HESTERCOMBE GARDENS, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER DATED 21ST OCTOBER, 2005 AND ATTACHED FLOOR AND TANKING DETAILS.
6. CHEDDON FITZPAINE - 08/2005/019LB
CONVERSION AND REPAIRS TO BUILDING TO FORM MILL, WORKSHOP, TEA ROOM AND PUBLIC TOILETS AT THE OLD MILL, HESTERCOMBE GARDENS, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER DATED 21ST OCTOBER, 2005 AND ATTACHED FLOOR AND TANKING DETAILS.
7. CHURCHSTANTON - 10/2005/018
RETENTION OF RESIDENTIAL CARAVAN FOR TRAVELLER FAMILY AT BRIMLEY CROSS, CHURCHSTANTON.
8. NORTH CURRY - 24/2005/058
CHANGE OF USE OF REDUNDANT AGRICULTURAL BUILDING TO A HIGH CARE COOKING FACILITY AT NYTHE FARM, NORTH CURRY.
9. OTTERFORD - 29/2005/013
ERECTION OF CATTERY BUILDING AND ASSOCIATED TEMPORARY MOBILE DWELLING AT ABBEYWOOD HOUSE, CULMHEAD AS AMENDED BY LETTER DATED 19TH DECEMBER, 2005 AND PLAN NO. 14/0/001B

10. TAUNTON - 38/2005/520
ERECTION OF 9 APARTMENTS, CYCLE AND REFUSE STORES
AND ASSOCIATED CAR PARKING AT FORMER DRAIN CRAFT
WORKS, 22A SOUTH STREET, TAUNTON AS AMENDED BY
LETTER AND PLAN A2004/120/PL002A RECEIVED 6TH
FEBRUARY, 2006
11. TAUNTON - 38/2005/553
CHANGE OF USE AND CONVERSION OF UPPER FLOORS TO 6
FLATS AND ALTERATIONS TO GROUND FLOOR RETAIL AREA
INCLUDING EXTENSION AT THE POST OFFICE, NORTH
STREET, TAUNTON.
12. TAUNTON - 38/2005/560
ERECTION OF 6 FLATS ON SITE OF FORESTERS ARMS TO BE
DEMOLISHED ON THE CORNER OF EAST REACH AND
VICTORIA STREET, TAUNTON AS AMENDED BY LETTER AND
PLANS 0533/9,10,11 RECEIVED 30TH JANUARY 2006.
13. TAUNTON - 38/2006/004
ERECTION OF CONSERVATORY TO THE REAR OF 33 THE
OAKS, TAUNTON.
14. WEST HATCH - 47/2006/001
ERECTION OF TIMBER FRAMED BUILDING TO HOUSE
AGRICULTURAL MACHINERY AND HAY, ABBEYWOOD, WEST
HATCH.
15. TAUNTON - 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. Miscellaneous item
16. 23/2002/014 - ERECTION OF DETACHED GARAGE NOT IN
ACCORDANCE WITH APPROVED DRAWINGS AT 2 BAGHAY
COTTAGES, HOUNDSMOOR, MILVERTON. Enforcement item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

08 February 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 – 25 January 2006

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

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

(The meeting commenced at 5.00 pm.)

(Councillors Lisgo and Hindley arrived at the meeting at 5.59 pm and 6.37 pm
respectively.)

1. Apologies

Councillors Guerrier and Henley.

2. Minutes

The minutes of the meeting held on the 14 December 2005 were taken as
read and were signed.

3. Applications for Planning Permission

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

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

03/2005/011

Erection of two-storey extension, 2 The Linhay, Hurstone Farmhouse,
Waterrow, Wiveliscombe (renewal)

Conditions

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

Reason for granting planning permission:-

The proposal was not considered to harm the visual and residential amenity of the area and was considered to be in compliance with Taunton Deane Local Plan Policies S1, S2 and H17.

10/2005/020

Change of use and conversion of barn to dwelling adjacent to Churchinford Post Office, Churchinford.

Conditions

- (a) C001A – time limit;
- (b) C106 – second-hand materials;
- (c) Before the commencement of any work hereby permitted, details or samples of the materials to be used for the roof and new walls of the building shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (d) C112 – details of guttering, downpipes and disposal of rainwater;
- (e) C215 – walls and fences;
- (f) 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;
- (g) Work shall not commence until details of the scheme for the provision of a bats' roost within the roof void of the development hereby permitted, together with the provision of access to that roof space for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' roost and related accesses has been fully implemented. The scheme shall include a programme for the implementation of the development that avoids any building works likely to affect the bats' roost being undertaken between the 31 March and the 1 October in any year;
- (h) No doors or windows shall open out over the public highway at ground floor level;
- (i) The proposed garage door shall be of a sliding or roll-over type to be operated by remote control and details of the finish and materials shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (j) C654A – windows;
- (k) The first floor windows to the bathroom and shower room shall be glazed with obscure glass which thereafter shall be

maintained at all times. There shall be no alteration or additional windows to the rear (south) elevation without the prior written consent of the Local Planning Authority;

- (l) C927 – remediation investigation/certificate;
- (m) P001A – no extensions.

(Notes to applicant:- (1) N126 – land contamination; (2) N096 – bats; (3) Applicant was advised that disturbance to Swallow nests between the 1 April and the 30 September must be avoided. All operators on site must be properly briefed of bat and bird presence as these are protected species under the Wildlife and Countryside Act 1981).

Reason for granting planning permission:-

The proposed development was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

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

20/2005/023

Erection of annexe with glazed link/conservatory at Millfield House, Parsonage Lane, Kingston St Mary.

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C404A – single-family unit – link;
- (d) C404 – single-family unit.

Reason for granting planning permission:-

The annexe would have a close functional relationship with the main dwelling and it was considered that the proposal would not significantly harm residential and visual amenity nor would it be damaging to the character of the main dwelling. Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1, S2, S7, H18 and EN6.

24/2005/057

Demolition of dwelling and erection of replacement dwelling and new garage at Listock Farm, North Curry.

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the development shall be of stone and natural slate as shown on the application form to match the existing farmhouse and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the garage shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (d) C113 – details of structure and colour of mortar;
- (e) C112 – details of guttering, downpipes and disposal of rainwater;
- (f) C111 – materials – for drives;
- (g) The proposed access, visibility splay, parking and turning shown on the drawing No 2705/5 shall be provided in full, in accordance with the plan and shall be thereafter maintained and kept unobstructed in accordance with the drawing;
- (h) The windows and doors hereby permitted shall be of timber only and shall be recessed in the wall to match the existing window and door recesses;
- (i) Demolition work shall not commence to the existing farmhouse until details of a strategy for the protection of the bats and the provision of an alternative bats' roost within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts has been fully implemented;
- (j) Demolition shall not commence until details of a scheme for the provision of Swallows' nests sites and accesses in the development hereby permitted (or the provision of alternative new sites and accesses) has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the Swallows' nest site(s) being undertaken between 1 April and 31 October inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
- (k) P001A – no extensions;
- (l) P003 – no ancillary buildings;
- (m) P005 – no garages;
- (n) C215 – walls and fences;
- (o) C326A – garages – for domestic purposes only.

(Notes to applicant:- (a) Applicant was advised that bats and Swallows are known to use the existing property. Bats and their roost sites are protected under the Conservation (Natural Habitats etc) Regulations 1994 and under these Regulations it is an absolute offence to destroy a bat roost. As evidence of a brown, long-eared maternity roost was found, the development

at Listock Farmhouse will mean demolition of a building that is protected by law. The licensing of the proposed development, which involves European protected species, is administered by the Department for Environment, Food and Rural Affairs (DEFRA). Applicant was further advised that this licence enables developers to undertake work that would otherwise be illegal such as the destruction of a bat roost. DEFRA will issue licences for work of this kind providing certain criteria are met. (2) N111 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N116 – disabled access; (6) N117 – crime prevention; (7) Applicant was advised to ensure that the existing water treatment plant is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary, its discharge will require the consent of the Environment Agency).

Reason for granting planning permission:-

It was considered that the proposed replacement dwelling would confirm to the requirements of Taunton Deane Local Plan Policy H8.

26/2005/013

Change of use of agricultural land to domestic curtilage to the rear of 1-7 Blackdown View, Nynehead.

Conditions

- (a) C001A – time limit;
- (b) C201A – landscaping;
- (c) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, including details of any sub-division of the site hereby approved 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;
- (d) P003 – no ancillary buildings;
- (e) P006 – no fencing.

Reason for granting planning permission:-

The proposal did not constitute an intrusive feature and was in keeping with the character of the rural surroundings in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

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

The Committee was of the view that the proposal would not be an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality.

30/2005/036

Erection of extension to utility block at Fosgrove Paddock, Shoreditch, Taunton.

Conditions

- (a) C001A – time limit;
 - (b) C101 – materials;
 - (c) C201 – landscaping.
- (Note to applicant:- Applicant was advised of the need to comply with conditions on permission No 30/2002/013 concerning the future use of the site).

Reason for granting planning permission:-

The proposed extension to the utility block to form a day room was considered not to have an adverse impact and to comply with Taunton Deane Local Plan Policies S1 and S2.

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

43/2004/142CA

Demolition of Kwiksave Store, 36-46 High Street and buildings to rear of 36-46 High Street, Wellington.

Conditions

- (a) C002C – time limit;
- (b) C653 – no demolition before planning permission granted and contract let;
- (c) C671 – making good building after demolition of adjoining structure.

Reason for granting Conservation Area consent:-

The proposal would maintain/enhance the character and appearance of the Conservation Area. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policy EN15.

51/2005/013

Erection of dwelling house at Burrow Farm, Burrowbridge (renewal of 51/2000/014).

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) No windows, other than those shown on the plan hereby approved, shall be constructed in the wall of the building which abuts on the boundary with Burrow Farm without the prior written consent of the Local Planning Authority;

- (e) There shall be no extension/conservatory/garden shed/store or any other building constructed within the 4 m exclusion zone shown adjacent to the river wall boundary shown on Drawing 1A received on the 15 November 2000;
- (f) The demolition of part of the existing farmhouse, as shown on approved Drawing Nos 1005/3B and 1005/5A relating to application 51/1997/005, shall be completed and materials removed from the site (unless re-used) prior to the occupation of the new dwelling the subject of this permission, 51/2005/013;
- (g) C208 – protection of trees to be retained;
- (h) The new access and driveway hereby permitted shall not be used until the completion of the construction, demolition and conversion works on site without the prior written consent of the Local Planning Authority;
- (i) The existing access from the highway shall be blocked up with materials to match the existing wall upon occupation of the three properties in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site, full details of the method of construction of the proposed driveway shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) C010 – drainage;
- (l) Notwithstanding the details shown on the submitted block plan, an alternative scheme shall be submitted to, and agreed in writing by, the Local Planning Authority relating to the provision of more adequate turning facilities. Such a scheme shall be implemented before the new dwelling house is occupied.
(Notes to applicant:- (1) Applicant was advised that the conditions and notes on planning permission reference No 51/1997/005 are still applicable to this permission and should be implemented; (2) Applicant was advised to contact Wessex Water in respect of necessary consents; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (7) Applicant was advised that consent is required from the Environment Agency for the disposal of the generated foul effluent.)

Reason for granting planning permission:-

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

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

10/2005/023

Change of use conversion and extension to form dwelling at The Pound House, Trents Farm, Churchinford.

Reason

The proposed conversion by reason of the extension and link to the garage building would involve a significant extension and alteration that would affect the form, character and local distinctiveness of the barn contrary to Taunton Deane Local Plan Policies S1(D), S2(A), S7, H7 and H17.

24/2005/053

Retention of covered link between dwelling and garage, increased height of a south-east boundary wall, swimming pool plant room, additional roof light and substitution of a window for door in the north-east elevation of dwelling, The Olde Canal Barn, Wrantage.

Reason

In the opinion of the Local Planning Authority, the proposed link extension has resulted in an unacceptable loss of outlook and light to the neighbouring property thereby resulting in loss of visual and residential amenity. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H17.

(Notes to Applicant:- (1) Applicant was advised that the roof lights and window changes are acceptable in principle and should be reapplied for. A lower wall at the front not tied into the public house may also be acceptable; (2) Applicant was advised that the link should be removed in order to avoid enforcement action being taken.)

Also RESOLVED that enforcement action be taken to seek the removal of the unauthorised covered link between the dwelling and the garage.

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

The Committee felt that the loss of light caused by the link building affected the visual and residential amenity of the adjoining Canal Inn.

36/2005/025

Erection of extension to dwelling to replace conservatory at Old Station House, Curload.

Reason

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.

44/2005/019

Erection of single-storey extension to form covered swimming pool, Higherlands, Ford Street, Wellington.

Reason

The proposed development by reason of its prominent siting, scale and design would have an adverse impact on the visual appearance of the host dwelling and the rural character of the surrounding area which is an Area of Outstanding Natural Beauty. As such, the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and Policies 3 and Policy 5 and Taunton Deane Local Plan Policies S1, S2 and H17.

- (3) That the following **application be withdrawn:-**

35/2005/018

Two-storey extension to barn conversion used as dwelling, erection of cart lodge and roof light to be inserted in existing roof at Oak Barn, Appley.

4. Formation of entrance and drive to serve proposed dwelling east of the Coach House, Corfe (12/2005/010)

Reported this application.

RESOLVED that subject to the receipt of a satisfactory amended plan, 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) The wall shall be made good after demolition and the new sections of wall shall match the existing and a sample panel shall be provided and approved on site prior to construction work commencing;
- (c) The gates shall be erected as indicated on the revised drawings and there shall be no variation thereto without the written agreement of the Local Planning Authority.

Reason for planning permission if granted:-

The proposal was not considered detrimental to the street scene or the visual amenities and character of the Conservation Area and was considered to accord with Taunton Deane Local Plan Policies S1, S2 and EN14.

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

The Committee felt that the proposed access would not be detrimental to the street scene, visual amenities of the area or the character of the Conservation Area.

5. 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 treatment for landscaping and habitat creation, land west of Monty's Lane, Norton Fitzwarren (25/2005/036)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the County Highway Authority, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C201A – landscaping;
- (c) C208A – protection of trees to be retained;
- (d) C208B – protection of trees – service trenches;
- (e) C210 – no felling or lopping;
- (f) Prior to the commencement of development, an environmental site plan for construction shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed plan shall be implemented during construction works;
- (g) Prior to the commencement of development, an operational management plan incorporating matters such as the timing and frequency of bank and channel maintenance work shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The proposed permanent site access over the first 10 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority and any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge;
- (i) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) No work shall commence on the development site until the temporary construction access and traffic management measures have been designed and constructed in accordance with a scheme which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) The proposed development shall be carried out generally in accordance with the Environmental Statement submitted with the planning application, together with the addenda thereto;
- (l) No works shall be commenced on the proposed development until such time as Monty's Lane has been widened to 6 m in width in accordance with the approved plans, except as otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (g), applicant was advised that the submitted plan should incorporate matters such as:-

(a) avoidance of accidental pollution to the stream; (b) timing of clearance operations to avoid the bird breeding season; (c) timing of in-channel works to avoid fish spawning seasons; (d) carrying out pre-construction checks for otters and badgers; (e) avoiding obstructing the movements of fish and other wildlife; and (f) the protection of existing features of nature conservation importance; (2) Applicant was advised of the need for the diversion of the public footpath crossing the site; (3) With regard to the proposed pond, applicant was advised that under the provisions of the Water Resources Act 1991, a formal Abstraction Licence may be required from the Environment Agency for the initial filling and subsequent water level maintenance operations. The Abstraction Licence must be obtained from the Environment Agency prior to works commencing. This is dependant on water resource availability and may not be granted; (4) Applicant was advised that an excavated pond, with no abstraction from a stream as a top-up and with a water level simply reflecting general ground water levels in the locality, fed via natural seepage through open base and sides, does not require an Abstraction Licence from the Environment Agency. (5) Applicant was advised to ensure that the development will not affect any existing legal water interests in the area. For information, there is a licensed ground water abstraction nearby. The interests of the holder of this licence must not be derogated as a result of this development; (6) Applicant was advised that during construction the following pollution prevention measures must be adopted, where applicable:- (a) pumps used for pumping out water from excavations should be sited well away from water courses and surrounded by absorbent material to contain oil spillages and leaks; (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage; (d) River water should be diverted away from the excavation site using coffer dams. Work should stop immediately the coffer dams are breached or flooded; (e) Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank. The Environment Agency must be notified immediately of any incident likely to cause pollution.)

Reason for planning permission, if granted:-

The proposed development was part of a package of comprehensive flood alleviation works which were proposed for Norton Fitzwarren. It was considered that the works would remove the flood plain from the village and protect existing dwellings from flood events. It would also facilitate housing development which met national policy demands. The proposal complied with Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28 and EN29.

6. Erection of 20 flats and associated site works at Tancred Street, Taunton
(38/2005/485)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no further representations raising new issues by the 7 February 2006; and
- (2) The applicants entering into a Section 106 Agreement for play and recreation provision, 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) C101 – materials;
 - (c) Before the development hereby permitted is commenced, details of the surface treatment to parking and turning areas shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (d) A sample panel of the brickwork and mortar shall be erected on site to be agreed in writing by the Local Planning Authority prior to wall construction commencing;
 - (e) C112 – details of guttering, downpipes and disposal of rainwater;
 - (f) C201 – landscaping;
 - (g) C215 – walls and fences;
 - (h) 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 buildings are occupied;
 - (i) Provision shall be made for the parking of cycles and bin storage in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
 - (j) C416 – details of size, position and materials of meter boxes;
 - (k) The windows hereby approved shall be made of timber and of a vertical sliding sash design unless otherwise agreed in writing by the Local Planning Authority;
 - (l) The windows hereby permitted shall be recessed a minimum 80 mm in the wall;
 - (m) Details of the access gates to the adjacent private parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (n) Noise emissions during construction shall be limited to the hours of Monday to Friday, 0800 to 1800 hours and 0800 to 1300 hours on Saturdays and no noisy working at other times, including bank holidays;
 - (o) C911 – aerials – combined system;

- (p) There shall be no obstruction to visibility in excess of a height of 300 mm above adjoining carriageway level forward of a line drawn 4.5 m back central to the access and splayed to the north and south site limits;
- (q) The proposed estate road, footways, verges, junctions, street lighting, drains, service routes, visibility splays, accesses, carriageway gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority before construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

(Notes to applicant:- (1) N061A – Highways Act – Section 184 Permit; (2) Applicant was advised that the site is near to commercial land that has had uses with the potential to cause contamination, for example the Old Tannery site on Tancred Street. If any contamination or unknown substances/ structures are found during demolition and building works, the developer should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (3) Applicant was advised to ensure the protection of Wessex Water's systems on site and also to agree a point of connection before works commence on the site; (4) Applicant was advised to employ a Landscape Architect to design any landscaping scheme; (5) Prior to the commencement of any development works, applicant was advised to appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant should submit a written report to the Local Planning Authority which should detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report should be agreed, in writing, by the Local Planning Authority prior to the commencement of development work.)

Reason for planning permission, if granted:-

The proposal was a brownfield development in a highly sustainable location without undue adverse impact on the amenities of neighbouring dwellings and was considered to comply with Taunton Deane Local Plan Policies H2 and S2.

Also RESOLVED that should the Section 106 Agreement not be completed by the 30 January 2006, the Development Control Manager be authorised to refuse planning permission for the reason of inadequate recreation/open space provision contrary to Taunton Deane Local Plan Policy C4.

7. Redevelopment to provide four commercial/retail units, erection of 19 flats with associated parking and access off Wood Street at 7-11B Staplegrove Road, Taunton (38/2005/506)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) no further representations raising new issues by the 2 February 2006;
and
- (2) a satisfactory amended plan relocating the cycle area to the south and surfacing the area to enable two vehicles to park, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-
 - (a) Before any parts of the development hereby permitted is begun, detailed drawings to an appropriate scale of the siting, design and external appearance of the buildings, including details of materials, mortar, venting of roof spaces, guttering and downpipes, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (b) C009 – outline – time limit;
 - (c) C014A – time limit;
 - (d) C010 – drainage;
 - (e) Prior to the submission of a reserved matters application, the applicant shall submit a Development Brief for the site which pays attention to the scale, form, materials and parking associated with any development of the site. Such a development brief shall be approved in writing prior to the submission of a reserved matters application;
 - (f) The proposed dwellings shall be constructed as two-storey buildings with the main eaves line approximately level with the first-floor window heads;
 - (g) Details and samples of the materials to be used for the surfaces of the courtyard, access and drive shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
 - (h) Plans showing a parking area providing for vehicles and cycles in accordance with Taunton Deane Local Plan Policy M4 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;

- (i) The building(s) shall not be demolished before reserved matters planning permission has been granted for the redevelopment of the site and a contract has been left for the redevelopment work;
- (j) C215 – walls and fences;
- (k) A replacement boundary wall shall be erected on the eastern and western boundaries of the site and along the southern boundary with 45A and 46A Wood Street to a total height of 3 m and this shall include the provision of crime prevention measures as part of the wall. Prior to the commencement of works on the site, details of the wall shall be submitted to, and approved in writing by, the Local Planning Authority. The walls shall be fully constructed in accordance with the plans prior to the commencement of the use of any of the development hereby permitted and shall be maintained as such thereafter;
- (l) There shall be no first-floor windows on the western or eastern boundaries of the site;
- (m) Prior to development works commencing, the history of this site shall be investigated to determine the likelihood of the existence of any contamination resulting from previous use. Should any ground works be carried out, the developer must inform the Local Planning Authority of the likelihood or the presence of any contamination on site. If contamination is present, a full site investigation, risk assessment and remediation strategy shall be submitted to the Local Planning Authority prior to the commencement of further development on the site;
- (n) Noise and vibration arising from any proposed ground floor commercial unit shall be imperceptible at any neighbouring residential flat above or other residential premises created by the permission hereby granted and must comply in full with the requirements of the Building Regulations in respect of airborne and impact sound transmission;
- (o) The ground floor of the buildings fronting Staplegrove Road shall be A1/A2 uses only;
- (p) C013 – site levels;
- (q) Prior to the commencement of works on site, details of any proposed external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. No other external lights shall be installed on site without the prior written consent of the Local Planning Authority;
- (r) The new windows indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material, and shall be recessed in the building to match the adjacent traditional properties in the Staplegrove Road Conservation Area;
- (s) C416 – details of site, position and materials of meter boxes;
- (t) Prior to the commencement of works on site, details of the size and position of bin storage for the proposed units shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter provided prior to occupation;
- (u) Minimum finished floor levels shall be raised 300 mm above existing ground levels;

- (v) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (w) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either ground water or any surface waters, whether direct or via soakaways;
- (x) C927 – remediation investigation/certificate;
- (y) Notwithstanding the details on the illustrative plan, there shall be no Velux or dormer windows in the roof of the development fronting onto Staplegrove Road;
- (z) No demolition or construction work shall be carried out on the site on any Saturday afternoon, Sunday, Christmas Day or Bank Holiday or other than between 0730 and 1900 hours, Monday to Friday and 0730 and 1300 hours on Saturdays, unless otherwise agreed in writing by the Local Planning Authority;
- (aa) There shall be no windows or doors opening or capable of opening over the Staplegrove Road or Wood Street highway.
(Notes to applicant:- (1) Applicant was advised that dwellings created by the permission hereby granted must comply in full with the requirements of the Building Regulations in respect of airborne and impact sound transmission; (2) Applicant was advised that the layout of the site, materials and the design of the dwellings should be to a high standard in view of the location of the site within a Conservation Area; (3) Applicant was advised that any future redevelopment scheme will need to take full account of the surrounding land uses and the location of residential windows to ensure the building is not detrimental to their existing amenity; (4) N111 – disabled access; (5) N112 – energy conservation; (6) N117 – crime prevention; (7) N045 – encroachment; (8) Applicant was advised that the walls, parapet walls and drainage gutters on the boundary of 7 and 7A Staplegrove Road are in joint ownership. No works should take place that effect such structures without the prior permission of the joint owners; (9) N041B – drainage/water; (10) Applicant was requested to take account of the hot food use adjacent to the site when designing the new building especially their need for light and ventilation as exists on the site at the current time; (11) With regard to condition (e), applicant was requested to consult with the Local Planning Authority when compiling the

Development Brief for the site; (12) N110 – design; (13) N123 – noise emissions; (14) N126 – land contamination.)

Reason for outline planning permission, if granted:-

The proposal would be within the central area of Taunton where the principle of residential and commercial development was acceptable. The proposed scheme was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, M4, C4, EN14 and T12.

(Councillor Mrs Smith declared a personal interest in the application covered by Minute No 8 below.)

8. 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 the rear between High Street and Scotts Lane, and formation of new access to High Street, Wellington (43/2004/141)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to secure:-

- (1) 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
- (2) The provision and installation of CCTV cameras to monitor the traffic at both the new junction and the North Street/South Street junction, 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) C101 – materials;
 - (c) C112 – details of guttering, downpipes and disposal of rainwater;
 - (d) C201 – landscaping;
 - (e) C205 – hard landscaping;
 - (f) C215 – walls and fences;
 - (g) C219 – screening during demolition;
 - (h) C917 – services – underground;
 - (i) 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;
 - (j) The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to, and

- approved in writing by, the Local Planning Authority. Such petrol/oil interceptors shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter;
- (k) Provision shall be made for the parking of 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 commences;
 - (l) C324 – parking;
 - (m) C330 – internal road to be kept free from obstruction;
 - (n) 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;
 - (o) C910B – archaeological investigation;
 - (p) Before any works are commenced on the replacement building on the High Street frontage, sectional drawings showing details of all timber mouldings to include traditional detailing/construction of shop fronts, fascias, doors and windows shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (q) 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;
 - (r) 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;
 - (s) 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;
 - (t) 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;
 - (u) 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;
 - (v) No demolition or construction work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between 0730 and 1900 hours, Monday to Friday and 0730 to 1300 hours on Saturdays, unless otherwise agreed in writing by the Local Planning Authority;
 - (w) C206A – existing and proposed levels;

- (x) 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;
- (y) Before the use hereby permitted is commenced, the loading bay area shall be sound-proofed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (z) Prior to the commencement of development, a Code of Practice in relation to all 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 and a wheel wash-down facility;
- (aa) 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 three decibels, expressed in terms of an A-Weighted, one minute 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;
- (bb) No deliveries, other than bakery, dairy and other perishable products, shall be made between 2000 hours on any one day and 0800 hours on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishables products shall be made other than between 0700 and 2000 hours;
- (cc) 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.
(Notes to applicant:- (1) Applicant was advised that the proposal should comply with the Food Hygiene (General) Regulations; (2) Applicant was advised of the need to have regard to the existing rights of way by third parties over the land; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N115 – water conservation; (6) With regard to condition (o), applicant was advised that the County Archaeologist would be willing to provide a specification for this work and a list of suitable contractors to undertake it; (7) N117 – crime prevention; (8) N024 – development in accordance with the approved plans; (9) With regard to condition (t), applicant was advised that the length of stay should be restricted to 2-3 hours to ensure that the car parking spaces are available for shoppers; (10) N051B –

health and safety; (11) N052 – fire safety; (12) N054 – fire safety; (13) Applicant's attention is drawn to the Conservation Area consent relating to this property, No 43/2004/142CA; (14) N075 – Section 106 Agreement; (15) Applicant was requested to ensure that the appointed contractors subscribe to the 'Consideration Contractors' Programme'; (16) Applicant was advised that the existing building contains asbestos panels which will need careful removal. If the asbestos is contained within something like cement, that is roof or wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. If the sheeting is to be broken up for any reason, a specialist contractor must be used. If the asbestos is in a more friable condition/material for example lagging or 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 for planning permission, if granted:-

The site was a town centre site, the development of which was 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.

9. Erection of 18 dwellings, formation of access and demolition of dwelling at New Barn, 41 Comeytrowe Lane, Taunton (52/2005/044)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 31 January 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The alternative bat roost provision shall be constructed on site according to the conclusions, recommendations and mitigation proposals of Michael Woods Associates' Report dated August 2005, prior to any demolition works on the existing dwelling commencing. The development shall not be occupied until the scheme for the provision of the bat roost and accesses has been fully implemented and thereafter the roosting places and openings shall be permanently maintained.
- (b) The front boundary walls to the properties hereby approved shall be retained at all times;
- (c) P005 – no garages;
(Note to applicant:- Applicant was advised to comply with outstanding conditions on the outline approval No 52/2003/014.)

Reason for approving detailed plans, if granted:-

The proposed development was considered acceptable and to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and EN5 and material considerations did not indicate otherwise.

10. Erection of Conservatory to rear of 4 Larch Close, Taunton (38/2005/457)

Reported that permission for this proposed development was granted under delegated powers on the 22 November 2005 subject to conditions of time limit and materials.

It had now been brought to the attention of the Development Control Manager that the applicant's wife was in fact an employee of Taunton Deane Borough Council.

Details of the proposed conservatory were submitted for the information of Members.

RESOLVED that the decision, previously made under delegated powers be confirmed.

11. Erection of boundary fence at 1 Burch's Close, Taunton

Reported that despite two applications for planning permission being refused, to retain an unauthorised boundary fence at 1 Burch's Close, Taunton, no action to date had been taken to remove the fence.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised boundary fence at 1 Burch's Close, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

12. Appeals

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

- (a) Erection of extension to side and rear of 4 Colesmore, Milverton **(23/2005/025)**
- (b) 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 **(36/2005/017)**

- (c) Erection of 8 No one-bedroom flats with demolition of three garages, on land to rear of 51-53 Cheddon Road, Taunton **(38/2005/426)**
 - (d) Erection of two-storey extension at Yeomans, East Combe, Bishops Lydeard **(06/2005/041)**.
- (2) Reported that the following appeal decisions had been received:-

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

Decision

The Inspector considered that fascia signs 1, 2 and 7 which would replace existing signs, would fit neatly at fascia level as an integral part of the main showroom. He felt that they would not stand out and would be seen in the commercial context of the other premises on the same side of the road. However, he felt that the proposed free-standing pylon sign and the group of three flags proposed would be positioned away from the main building and would stand out as unduly intrusive features in the street scene. The appeal was allowed in part.

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

Decision

The Inspector considered that the substantial contribution the grills 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 the removal of the grills would harm the special interest of the listed building and the Conservation Area. The appeal was dismissed.

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

Decision

The appeal property was a substantial detached building with the original part forming a Victorian villa. 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. He 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)

Decision

The Inspector felt that the appeal signs, which would be sited on different sides of a tower feature at the north end of the superstore, would not conflict with the horizontal aspects of the design of the tower. In his 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 those 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)

Decision

The Inspector noted that the new access would require the removal of 25 m of the existing hedge, which consisted mainly of bramble and hazel with the occasional small tree, with a further 25 m requiring trimming to provide visibility on the bend. He considered that the planting of a new hedge would have no real impact on local field patterns or the character of the lane. The Highways Authority had no objection to the reduction in the normal 45 m 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.

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

Decision

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. The appeal was dismissed.

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

Decision

The Inspector considered that the limited economic benefits claimed for the proposal failed to satisfy the stringent sustainability requirements. He also 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. He concluded that the proposal would amount to inappropriate and unsustainable development in the countryside harmful to the character and beauty of the Blackdown Hills. 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)

Decision

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 settlements form and setting. He also noted that Ham did not benefit from public transport services and the occupiers of any new dwelling would be dependent 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)

Decision

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, he had considered the two Norway Maple trees within the site, which were the subject of a Tree Preservation Order. The tree that would be lost if the proposed dwelling was built had an inclusion union which would lead to its failure in any event. The Inspector noted that there was more than adequate space retained within the site for replacement planting. Although the proposed dwelling would project to the rear of No 63, it would be of limited depth and would not cause unacceptable loss of light. The appeal was allowed.

- (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)

Decision

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 had been for an extension of the existing domestic use. Permission had been granted on the basis that that would be consistent with the rural settlement policy as long as the converted building was not used as a separate dwelling. He 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 (06/2004/025)

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.

- (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)

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

(Councillor Mrs Smith left the meeting at 8.30 pm.)

(The meeting ended at 9.48 pm.)

06/2005/046

THE EXECUTORS OF W G KING

RESIDENTIAL DEVELOPMENT FOLLOWING THE DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, KINGS YARD, TAUNTON ROAD, BISHOPS LYDEARD.

16997/28985

OUTLINE APPLICATION

PROPOSAL

The buildings and yard have previously been used for the repair of heavy goods vehicles and machinery. The site has been used as a repair yard for farm machinery from the 1920's, working first on steam engines and then on repairs of lorries and quarry machinery. The vehicle repair activities associated with the applicants quarry at Cannington have been transferred there. The site is located within a predominately residential area and comprises an open yard area with associated industrial type buildings. The site is bounded by hedges and trees to the Taunton Road and Mill Lane frontages and timber fencing to the other boundaries. The proposal is an outline application for residential development on land currently partly occupied by industrial buildings. The application also provides for the alteration of the existing access into the site. Although the application is in outline only, the application form indicates a development comprising semi-detached and terraced 2 and 3 storey houses. In the event that the current application is approved, the details would need to be agreed by a subsequent reserved matters application. The site extends to 0.58 ha. A contaminated land site investigation report was also submitted with the application. A previous outline application for 23 dwellings was refused permission in June 2005 on grounds that the proposed development did not make adequate provision for affordable housing and recreation contributions, in accordance with Taunton Deane Local Plan policies H9 and C4. That application was the subject of a full report to the Committee on 15th June 2005. An Appeal has been lodged which is due to be considered at a Public Inquiry in June 2006. Further discussions have taken place with the applicants' agents and the current application is accompanied by a draft Section 106 Agreement covering the issues in contention.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHEOLOGIST there are limited or no archeological implications to the proposal and therefore have no objections on archaeological grounds. WESSEX WATER the development is located within a sewered area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to existing mains. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. According to our records, there is a public water main close to the site and a could sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum three metre easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or

protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any agreements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to commencement of any works on site, a point of connection onto Wessex systems.

LANDSCAPE OFFICER subject to suitable landscape proposals it should be possible to develop the above site for residential use. PLANNING POLICY comments on the previous application are still applicable. In view of the proven contamination of the site, the requirements for affordable housing and recreation must have regard to the costs of remediation and the maintenance of financial viability of the development proposals. The following were the comments on the previous application :- 'As the site has previously been in employment use this proposal must be considered against policy EC9 of the adopted Taunton Deane Local Plan. This seeks to resist the loss of such land unless there are overriding benefits which outweigh its loss. In this instance the site appears unused or certainly under used as an employment site. The buildings appear temporary/limited life span in nature and some are in a poor state of repair. It is surrounded on three sides by residential development and there is a new purpose built employment site within the village (Broadgauge). On balance I conclude that the benefits of removing a site that has the potential to give rise to disturbance to adjoining housing, whilst increasing the supply of previously-developed housing sites at a time when completions within the Borough are running at a rate below that required by the Structure Plan, outweigh the loss of a vacant or under used employment site, given the availability of a more appropriate alternative close to hand. Regard must also be given to the advice in paragraph 42 (a) of PPG3, concerning proposals for the residential development of redundant land or buildings previously in industrial or commercial use. This states that local planning authorities should consider such proposals favourably unless they fail any of three tests that are set out in the paragraph. In my view this proposal is acceptable in respect of all three, in that a) it is a suitable site for development in terms of its previously-developed nature and location within a predominantly residential area within the settlement limit of a designated (within the Taunton Deane Local Plan) Rural Centre; b) its development would not undermine the planning strategy for the provision of housing in the Borough, nor would it lead to over provision of new housing or create problems in relation to low demand and; c) in the light of alternative and better located opportunities for employment uses at the Broadgauge Business Park, its loss would not undermine strategies for economic development and regeneration. If the proposal is permitted it is important that, as a housing site within a Rural Centre, it provides dwellings of types and sizes to meet local needs arising within Bishops Lydeard and the adjoining rural parishes. In particular, it should contain an element of affordable housing in accordance with policy H9 of the adopted Taunton Deane Local Plan (TDLP), and provision of cheaper, entry level open market dwellings. The provision of recreational open space, or financial contributions in lieu, will be required in accordance with policy C4 of the Taunton Deane Local Plan'. ECONOMIC DEVELOPMENT OFFICER object to this proposal on the grounds of loss of Employment Land. Recent work on a Business Property Survey has indicated a lack

of available land for employment purposes. Other ongoing work on the Employment Land Monitor seeks to quantify this issue and address it in the medium term. It is the view of the Economic Development Department that there is a current shortage of Employment Land and it's loss should be resisted where reasonable. This particular site is a flat piece of land of regular shape, with reasonable vehicular access, something could be done with it. The costs of cleaning up the existing site would be less to keep the site in employment use rather than convert to residential. It is our understanding that the Kings Yard site has not been actively marketed as employment land, yet there is no land available at Broadguage Business Park, this has all been sold and very nearly all developed. It is surrounded by residential properties on 3 sides but the Mill lane side is screened off by trees and a bank. The nearest houses on the other sides are both gable end on. If the site could be used by light' industry it should not be problem to existing residents. Should Members wish to support this application, it is strongly suggested that further work is done to explore the provision of additional employment land in the Bishops Lydeard area. DRAINAGE OFFICER it is recommended of this Authority that development of this site investigate the use of Sustainable Drainage Systems (SUDs) for the treatment of surface water disposal. This is in line with PPG25 and Building Regulations 2000 (Part H). I therefore enclose a copy of the Sustainable Drainage Systems produced by Somerset Local Authorities in conjunction with the Parrett Catchment Study and a design guide for on site attenuation. Therefore a condition should be attached that an agreed method of surface water disposal be agreed before any works commence on site. It is strongly advised that the applicant contact the Drainage Officer to discuss disposal means at an early stage. HOUSING OFFICER would require 1 in 3 dwellings in a rural area. There is a proven need in Bishops Lydeard. There have been discussions regarding affordable housing delivery on this site with the Council's Valuer. LEISURE DEVELOPMENT MANAGER in accordance with policy C4, provision for play and active recreation must be made. The site is within walking distance of public open space which could be improved for the benefit of residents to provide for play and outdoor recreation. Would therefore request a contribution of £770 per each 1 bed dwelling for sport and £2562 per each 2 bed+ dwelling for sport and play.

PARISH COUNCIL (a) the Council supports the application; (b) essential to restrict proposed dwellings to two storey units, to preserve the open vista from the A358 by-pass; (c) provision of a footway to connect with Webbers is essential, together with the need to secure a contribution for a footway extension along Taunton Road to the Gore Square area; (d) ensure adequate off-street car parking facility for each dwelling, but not that of communal parking area. Experience, particularly at Cotford St Luke, has shown under utilisation with similar development communal areas to the detriment of congested highways in the vicinity; (e) possible contribution, derived from any residual sum for the proposed Sports Field and Play Facilities Contributions applicable to new, but not to the detriment of renovation of the existing, facilities in Bishops Lydeard, to assist establish an off-site cycleway (Bishops Lydeard/Taunton) for the benefit of the community.

POLICY CONTEXT

The following policies in the Somerset and Exmoor National Park Joint Structure Plan Review are relevant :- (sustainable development), STR6A (rural settlements), 16, (provision of land for industrial, warehouse and business development), 48 (access and

parking) and 49 (transport and development). The site, together with the land to the south east was originally allocated for housing development in the First Draft of the West Deane Local Plan, utilising the present access to the site. This did not proceed, since at that time the owners wanted to retain the vehicle repairing workshop. The land to the south east has now been developed. The following policies in the Taunton Deane Local Plan are relevant :- S1 (general requirements), S2 (design), S4 (rural centres), H2 (housing within rural centres), H9 (affordable housing within general market housing), EC9 (loss of employment land), M4 (residential parking requirements), C4 (provision for recreation), EN4 (wildlife in buildings to be demolished), EN6 (protection of trees, woodland, orchards and hedgerows), EN32 (contaminated land) and BL2 (new housing development within Bishops Lydeard).

ASSESSMENT

The site lies within the settlement limits of Bishops Lydeard, which is defined as a rural centre. As such Policy S4 of the Taunton Deane Local Plan sees selective development which enhances or maintains the settlements' local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel as appropriate. Bishops Lydeard has a range of services and employment close to the site and is on a well served bus route into Taunton. The proposal would result in the loss of existing employment land and has therefore also to be considered against Policy EC9 of the Taunton Deane Local Plan. This seeks to resist the loss if such land unless there are overriding benefits which outweigh its loss. The site is currently vacant with the buildings in a relatively poor state of repair. The site is surrounded on three sides by residential development and there is a relatively new purpose built employment site nearby. Although the Economic Development Officer objected to the previous application, I consider that the principle of an alternative use as proposed is considered acceptable. The contaminated land site investigation report submitted with the application indicates several options with regard to remediation works. The applicants would need to do a more site specific risk assessment before deciding what would be acceptable on the site. Affordable housing is sought in accordance with Policy H9 of the Taunton Deane Local Plan. On suitable windfall sites such as this, the supporting text in the Local Plan indicates that the level of affordable housing to be provided on each site will be within the range 20 - 35 %. The actual level is to be determined by any exceptional costs associated with the site which would threaten its economic viability and whether the provision of affordable housing would threaten other planning objectives which need to be given priority. The viability of the proposal is dependant upon the total cost of ground remediation. The applicant's property agent considers that the majority of major residential house builders will only be interested in purchasing the site on the basis that a complete remediation package is agreed and then implemented. Of major concern to house builders is the need to satisfy purchasers, their surveyors and mortgage companies that the issue of ground contamination has been completely solved and will not return to haunt future property owners. Agreement has been reached with the applicant to provide for a sliding scale of affordable housing provision, with the number of units reducing if as the remediation costs increase from 5 units if remediation costs are up to £229,999 to none if the remediation costs exceed £462,000. In view of this financial consideration, it is not considered appropriate to require that a contribution be made towards any off site cycleway to Taunton. Furthermore, there is no specific reference in the Local Plan to seeking such contributions from sites such as this one. In conclusion, the proposal is considered to be appropriate development of a brown field

site, where residential development will be compatible with the adjacent existing residential areas.

RECOMMENDATION

Subject to (i) the views of the County Highway Authority and any conditions that they may request; and the applicants entering into a Section 106 Agreement to provide for affordable housing and a contribution towards sport and play provision, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine the application and if permission is GRANTED be subject to conditions if time limits, details, materials, landscaping, trees and hedges to be retained, protection of trees, no service trenches beneath canopy of trees, no felling, boundary treatment, estate roads, access from Taunton Road, visibility splay, meter boxes, demolition of existing buildings, contaminated land report, removal of GPDO rights for garages and walls/fences forward of dwellings, details of surface water, drainage, wildlife survey and no surface water discharge onto highway. Notes re contaminated land remediation strategy, sustainable drainage, contact Wessex Water, disabled access, energy/water conservation, street naming, meter boxes, secure by design, CDM regulations, S106 and design guide.

REASON(S) FOR RECOMMENDATION:- The site is located within the settlement of Bishops Lydeard where residential development is considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6A. The proposal is considered to meet the requirements of the Taunton Deane Local Plan Policies S1, S4, H2, H9, EC9, C4 and BL2 and material considerations do not indicate otherwise.

In the event that the S106 Agreement is not concluded by 21st March, 2006, the application be REFUSED for reason that the proposal does not make adequate provision for housing and recreation contributions.

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:

08/2005/018

HESTERCOMBE GARDENS TRUST

CHANGE OF USE AND CONVERSION OF BUILDING INTO MILL, WORKSHOP, TEA ROOM AND PUBLIC TOILETS AT THE OLD MILL, HESTERCOMBE GARDENS, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER DATED 21ST OCTOBER, 2005 AND ATTACHED FLOOR AND TANKING DETAILS.

24260/28702

FULL

PROPOSAL

Planning permission and listed building consent were granted in 2003 for the conversion of the Mill, lying adjacent to Hestercombe House, into a mill and workshop with a tearoom above and toilets in the lean to structure on the eastern and southern sides of the building and the conversion of a barn to the south into educational facilities and hall. This proposal refers to the Mill building only. The proposal is for the lower ground floor to be used as a mill workshop with a milling area to the north, adjacent to the mill wheel. The scheme amends some of the finish details of the previously approved scheme, omitting areas of timber boarding and retaining the existing brickwork.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. WESSEX WATER no objection. ENGLISH HERITAGE largely supports the application but do not accept the use of replacement concrete lintels in favour of a traditional material such as timber and this should be addressed. SOMERSET ENVIRONMENTAL RECORDS CENTRE Hestercombe is a known site for legally protected species. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY no objection, we are please to say that some of the equipment to be used has been rescued from other sites in the district. SOMERSET WILDLIFE TRUST no objection subject to the recommendations of the report. CHIEF FIRE OFFICER the means of escape, access for appliances and water supplies will need to comply with the relevant British Standards.

CONSERVATION OFFICER supportive of the proposals as it will ensure the appropriate repair of the important listed building and brings it back into a viable use, with its former function being appropriately endorsed and displayed to the visiting public. NATURE CONSERVATION OFFICER the wildlife survey indicates that the building is not being used as a bat roost. However this development would result in the loss of a potential roof space. I consider that a bat roost should be provided for the future and that a further survey is undertaken and agreed within 1 year of the date of the existing survey. BUILDING CONTROL an application for full plans will be required under the Building Regulations.

PARISH COUNCIL does no object to the proposal.

1 LETTER OF OBJECTION has been received raising the following issues:- objection to the creation of the facility in the Quantocks Hills and spoiling the natural beauty of the

area; the public toilets will be lit all night and creating an audible hum destroying the silent wood; the toilet windows will allow the smell of chemicals out into the surrounding atmosphere contrary to the character of the surrounding woodland.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan policies 9 and 49, Taunton Deane Local Plan policies EN17 (Listed Buildings), EN20 (Historic Gardens) and EN 5 (Protected Species).

ASSESSMENT

Hestercombe Historic Gardens are a tourist facility that enables public access and appreciation of the Historic features. It sits within a woodland backdrop that was made part of the garden design. The use of the Mill and toilet buildings will enhance the facility and hopefully provide a wider range of interesting opportunities for their visitors. The proposed development would reinstate the fabric of the Listed Mill Building and bring it back into an appropriate use. To overcome the concerns of English Heritage I suggest a condition requiring the submission of full details of the replacement lintels. The scheme retains all the features of merit and the proposed planning and Listed Building applications are considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, schedule of repairs, written record of the building, lights turned off in the evening, provision of a bat roost, provision of an additional wildlife survey prior to commencement (1 year of the original)

REASON(S) FOR RECOMMENDATION:- The proposal would result in the appropriate repair and re-use of the Listed Mill Building in accordance with Somerset and Exmoor National Park Structure Plan Policies 9 and 49, Taunton Deane Local Plan Policies EN17, EN20 and EN5.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

08/2005/019LB

HESTERCOMBE GARDENS TRUST

CONVERSION AND REPAIRS TO BUILDING TO FORM MILL, WORKSHOP, TEA ROOM AND PUBLIC TOILETS AT THE OLD MILL, HESTERCOMBE GARDENS, CHEDDON FITZPAINE AS AMENDED BY AGENTS LETTER DATED 21ST OCTOBER, 2005 AND ATTACHED FLOOR AND TANKING DETAILS.

24260/28702

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Planning permission and listed building consent were granted in 2003 for the conversion of the Mill, lying adjacent to Hestercombe House, into a mill and workshop with a tearoom above and toilets in the lean to structure on the eastern and southern sides of the building and the conversion of a barn to the south into educational facilities and hall. This proposal refers to the Mill building only. The proposal is for the lower ground floor to be used as a mill workshop with a milling area to the north, adjacent to the mill wheel. The scheme amends some of the finish details of the previously approved scheme, omitting areas of timber boarding and retaining the existing brickwork.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. WESSEX WATER no objection. ENGLISH HERITAGE largely supports the application but do not accept the use of replacement concrete lintels in favour of a traditional material such as timber and this should be addressed. SOMERSET ENVIRONMENTAL RECORDS CENTRE Hestercombe is a known site for legally protected species. SOMERSET INDUSTRIAL ARCHAEOLOGICAL SOCIETY no objection, we are please to say that some of the equipment to be used has been rescued from other sites in the district. SOMERSET WILDLIFE TRUST no objection subject to the recommendations of the report. CHIEF FIRE OFFICER the means of escape, access for appliances and water supplies will need to comply with the relevant British Standards.

CONSERVATION OFFICER supportive of the proposals as it will ensure the appropriate repair of the important listed building and brings it back into a viable use, with its former function being appropriately endorsed and displayed to the visiting public. NATURE CONSERVATION OFFICER the wildlife survey indicates that the building is not being used as a bat roost. However this development would result in the loss of a potential roof space. I consider that a bat roost should be provided for the future and that a further survey is undertaken and agreed within 1 year of the date of the existing survey. BUILDING CONTROL an application for full plans will be required under the Building Regulations.

PARISH COUNCIL does no object to the proposal.

1 LETTER OF OBJECTION has been received raising the following issues:- objection to the creation of the facility in the Quantocks Hills and spoiling the natural beauty of the area; the public toilets will be lit all night and creating an audible hum destroying the silent wood; the toilet windows will allow the smell of chemicals out into the surrounding atmosphere contrary to the character of the surrounding woodland.

POLICY CONTEXT

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

Taunton Deane Local Plan Policies EN17 (Listed Buildings), EN20 (Historic Gardens) and EN 5 (Protected Species).

ASSESSMENT

Hestercombe Historic Gardens are a tourist facility that enables public access and appreciation of the Historic features. It sits within a woodland backdrop that was made part of the garden design. The use of the Mill and toilet buildings will enhance the facility and hopefully provide a wider range of interesting opportunities for their visitors. The proposed development would reinstate the fabric of the Listed Mill Building and bring it back into an appropriate use. To overcome the concerns of English Heritage I suggest a condition requiring the submission of full details of the replacement lintels. The scheme retains all the features of merit and the proposed planning and Listed Building applications are considered acceptable.

RECOMMENDATION

Consent be GRANTED subject to conditions of time limit, Mill and toilet alternative permission to 08/2001/011LB, materials, schedule of repair, details of windows doors, venting, insulation, glazing.

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:

10/2005/018

MR N M BURT

RETENTION OF RESIDENTIAL CARAVAN FOR TRAVELLER FAMILY AT BRIMLEY CROSS, CHURCHSTANTON.

17469/14185

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

The proposal is for the continued siting of 2 caravans and a lorry providing residential accommodation by the applicant, his partner and daughter. There is an existing workshop building, which is believed to have been part of the adjacent farm. The applicants use an unaltered, existing agricultural access into the site and have cultivated part of the land for growing vegetables.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY The proposal is a retrospective application for the retention of a residential caravan at the above location. Brimley Cross is outside of any defined development limit, remote from any urban area and therefore distant from adequate services and facilities such as, education, employment, health, retail, leisure, and public transport. As a result occupiers of the new development would be reliant on the private motor vehicle and the proposal constitutes unsustainable development in terms of transport policy. This is contrary to advice given in given in PPG13 and RPGIO, and to the provisions of policies STR1, STR6 and Policy 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Policy 36 states the provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities. The Highway Authority, however do not consider that Brimley Cross, in transport terms, complies with this policy. In detail the site is accessed off of a unclassified highway. The means of access has not been shown on the submitted plan, however I note from my site visit that there is an existing field access into the site. The existing field access is substandard in terms of visibility, for a residential use and there are no proposals within the application to improve this situation. Given all of these points, I would recommend that this application be refused on highway grounds for the following reasons:- 1. The proposed development site is remote from any urban area and therefore distant from adequate services and facilities such as, education, employment, health, retail, leisure, and public transport. As a consequence, occupiers of the new development are likely to be dependent on private motor vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in PPGI 3 and RPGIO and to the provisions of Policies STR1, STR6, and Policy 36 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000). 2. Any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to road safety. COUNTY ARCHAEOLOGIST views awaited.

LANDSCAPE OFFICER the caravan is well screened and the site only partially visible from the surrounding landscape. Subject to no further development it should be feasible to visually integrate it with the surrounding countryside. I recommend that the hedgerows be reinforced with new plants, where practical, to provide longer term screening and additional width for the winter when the site will be more open to surrounding views. ENVIRONMENTAL HEALTH OFFICER the applicant should be aware that the property is served by a private water supply and any increased usage from the proposed accommodation should be notified to the Environmental Health department.

PARISH COUNCIL recommends that permission be granted, the site is well screened by well established, dense hedge of an indigenous nature; Mr Burt and his family have lived in the area for a number of years and his children attend the local school; any consent should be specific to Mr Burt and if he leaves the site should be revoked; the land was sold to Mr Burt with restrictive covenants restricting Mr Burt's activities and includes the right to buy back for the seller; the seller canvassed local opinion before he sold the land and did not encounter any dissension to the proposal; the right of access to a water main passing under the land has been protected for the owner of Brimley farm.

26 LETTERS OF SUPPORT have been received raising the following issues:- the applicants are reliable, hardworking and an honest member of the community; it is impressive that they have set up a logging business using heavy horses for log felling and wood extraction; the development is low impact, environmentally friendly and contained within their own field; the use of composting waste facilities and solar power are commendable; his daughter has attended Churchstanton Primary School and now castle school and has a good attendance and is benefiting from continuous education; no one can afford to buy or rent in the Blackdown and properties are being bought by people who don't work on the land so where are those workers to live?; Mr Burt and partner offer support throughout the community from helping on farms and gardens to house and animal sitting; Whilst he has lived in a house Mr Burt finds it uncomfortable and prefers to live in the open in an environmentally acceptable way and has always left sites tidy and planted trees and shrubs when he has left; there are no permanent structures so I cannot see why it is a problem; at Stapley Wood holiday chalets were allowed for profit why can't Mr Burt remain and help the community?; Dr J Davies, Mr Burt's daughter has a profound hearing impairment and any disruption would be likely to have a detrimental impact on both her health and education; Mr Burt and his partner have submitted the following in support of their application: - They are living in a low key sustainable way looking after local people, animals and houses when they are away they have friends in the area and have been able to find work locally; they will continue to visit fairs, including the Green fair in the Mendips; his daughter has benefited from a settled base and has excelled in Primary School and is looking forward to starting Secondary School, there is local work but this is not paid sufficient monies to be able to afford to live locally, Mr Burt was on the housing list (with his disabled son living with him at the time) but he didn't hear anything about any housing so we have sorted out our own accommodation; we have a sense of belonging to this community and any upheaval would be wholly detrimental to us all.

POLICY CONTEXT

ASSESSMENT

The site is located in an unsustainable location in the open countryside where Policy S7 restricts all new development to that which is required for the purposes of agriculture or forestry, accords with a specific development plan policy or proposal; is necessary to meet the requirement of environmental or other legislation or supports the vitality and viability of the rural community in a way that cannot be sited within the defined limits of a settlement. The current proposal does not conform to any of these requirements. The applicant has claimed to be a traveller who has settled to enable his daughter to have a base for education and health reasons. (The Gypsy Liaison Officer is unaware of Mr Burt and cannot confirm that he is a traveller, indeed he is of the opinion that he cannot claim such status). Taunton Deane Local Plan Policy H14 sets out criteria for the consideration of gypsy or traveller applications as exceptions to the normal restrictive policies. Even accepting that Mr Burt may be a traveller the site is located within the Blackdown Hills Area of Outstanding Natural Beauty where it is the general policy of the Local Planning Authority and Central Government, to resist gypsy or traveller sites. To allow any occupation contrary to this policy would undermine this level of protection given to the area in recognition of its importance. To allow this proposal would make it more difficult to resist future applications by other gypsy/traveller families whether they fit into the local community or aggravate it. In this case I am satisfied that the applicant has become a welcomed and valuable member of the community but planning permission is not determined on this basis. The applicant's daughter has a hearing problem but medical help for such conditions would be provided wherever the family lived and this does not depend on staying at Brimley Cross. Likewise her education would be provided for wherever she lived and her continued occupation at Brimley Bottom is not an over riding consideration. The Landscape Officer has stated that the accommodation cannot be seen easily from outside of the site and that additional hedging could help to obscure any views. It is important to remember that this is no excuse for allowing development contrary to the policies of the Local Plan for it is an argument that could be repeated often and lead to an erosion of the protection of the countryside and Area of Outstanding Beauty (This view is often sited by Appeal Inspectors when such arguments are made on appeal). The applicant and his partner are using the existing agricultural access which has inadequate visibility for such purposes and its continued use in association with the residential occupation of the site would be prejudicial to highway safety. Proposal considered unacceptable.

RECOMMENDATION

Subject to the receipt of no further representations of support raising new issues by the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for the reason that the site is located in the open countryside contrary to Policy S7 of the Taunton Deane Local Plan, unsustainable location, increased use of the sub-standard access would be prejudicial to highway safety.

Enforcement Action be authorised to secure the vacation of the site and its return to its former condition. In this case I would recommend that the timing of such action be in tune with the running of the school year to provide as little disruption to the education of the applicants daughter as possible in the circumstances

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:

24/2005/058

M S A & L A DENNIS

CHANGE OF USE OF REDUNDANT AGRICULTURAL BUILDING TO A HIGH CARE COOKING FACILITY AT NYTHE FARM, NORTH CURRY.

32743/24226

FULL

PROPOSAL

Nythe farm is situated in the open countryside to the south of Helland and North Curry. It lies adjacent to the levels, a Site of Special Scientific Interest, Special Protection Area and RAMSAR site (for its nature conservation value). A previous application was submitted in April 2005 for the conversion of a redundant agricultural building to a cooking facility. This was withdrawn when additional information was required to enable a full assessment of the impact on the adjacent Somerset levels to be undertaken. The current application is for the change of use of a redundant agricultural building for a high care cooking facility at Nythe farm. The building would be adapted by introducing a new floor across approximately a third of the building (to provide staff facilities, office and boardroom) and inserting new windows in the first floor gable in the north and south elevations with a door and step access at first floor level. In addition two new doors would be inserted into the western elevation of the building to provide for the chicken intake and dispatch. The proposal would use the existing access for all of the vehicles to and from the site. The existing owner currently operates the same business from premises in Crediton Devon, providing chickens from the farm at Helland.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY whilst there is concern that the roads leading to the site are substandard and the site is remote the traffic on the road is not expected to be significantly higher than that expected with the previous use. Provided there is no retail sale from the property and the use is restricted to that applied for there is no objection. ENVIRONMENT AGENCY OBJECTS to the proposed development, as submitted, on the following grounds:- The application provides for the re-routing of a local watercourse, however, no reference is made to what will happen to the existing channel. In addition, the applicant has not specified why it is considered necessary to re-rout the watercourse. Should the proposal include the infilling or culverting of the channel, the Agency's prior Land Drainage Consent would be required, however, it must be noted that the Agency is opposed to the culverting/infilling of watercourses, because of the adverse ecological and flood defence effects that are likely to arise. Any works that would affect the flow of water in any stream or watercourse on the site would also require the prior consent of the Agency. For information, old drainage maps of the area do not appear to indicate a rhyme on the line of the proposed new cut. They do, however, show that there were once additional rhynes at right angles to the proposed new cut. Although the development site is shown to be outside the mapped flood zone area, site access/egress is likely to be compromised during a flood event. The area IDB should be consulted regarding this proposal. I Should you wish to discuss the above matter further, please contact Mr Dave Hughes Development Control Engineer (Tel:

01278 484727). In addition, the Agency will require details of the numbers of chickens to be processed and the volumes of waste that will be generated. Any discharge of effluent will require the Agency's prior consent under the provisions of the Water Resources Act 1991. Unfortunately, there are no percolation test figures to indicate that a soakaway will operate at the above this site. This aspect's fundamental to the proposal as the site lies within 800 metres of a European site. West Sedgemoor SSSI being part of the Somerset Levels and Moors Spa/Ramsar site." Accordingly, any proposed discharge will need to be appraised to determine whether an assessment is required under the Habitats Regulations. Under such circumstances, the Agency, as the appropriate authority, may determine that a discharge is not acceptable in the vicinity of the designated European site. In such a case, the use of a sealed tank system for the collection of effluent, prior to removal offsite to a suitably licensed facility, maybe the only option, which may in itself have implications in terms of its sustainability. In view of the above, it would clearly be advantageous for the Agency and TDBC to liaise closely regarding the determination of the planning application and any subsequent effluent disposal assessment, as both have responsibility to consider likely effects on European sites. In the event of the above issues being satisfactorily resolved, the Agency must request that any approval is subject to the following conditions:-

CONDITION:- Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

NOTE:- Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"),

CONDITION:- There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment. Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters). This Agency must be notified immediately of any incident likely to cause pollution. The applicant is advised to contact the Agency's Area Environment Management Officer, Mr Roy Hayes (Tel: 01278 484612), regarding the proposed means of trade effluent and domestic foul sewage disposal. WESSEX WATER there is a mains water supply in the vicinity of the proposal. Foul and surface water sewers are not available.

LANDSCAPE OFFICER views awaited ENVIRONMENTAL HEALTH OFFICER views awaited.

PARISH COUNCIL views awaited.

3 LETTERS OF OBJECTION have been received raising the following issues:- the proposal should be located on an industrial estate not in the open countryside; as there are no 1:100 floor plans I assume there are no alterations to the layout submitted previously; the environmental report does not include the qualifications of the professionals; the environmental report refers to warm air rising and dispersing I am concerned that this will lead to unpleasant odours drifting down wind and effecting neighbours; any future expansion of the use will exacerbate the odour and noise problems and be unsuitable in this rural location; traffic to traffic to the site will be severely increased ranging from heavy goods vehicles, service engineers and those travelling to work at the site, there is already traffic to and from the site day and night and an operation of this scale is likely to make this worse causing greater disturbance for local residents; substantial water usage and cleaning materials appear to be involved with an obvious need to dispose of significant effluent and liquid waste by-products, this appears to be at odds with the recreational use of the surrounding land; the proposed use is unsuited to this rural area adjacent to the Conservation Village of North Curry; the applicant currently operate a similar business from a trading estate in Crediton which is far more suited to this type of use; the environmental report does not answer concerns highlighted by many parties; there are 5 properties within a 320m radius of the site with at least 6 just outside the radius plus at least another dozen at Helland; the facility will be positioned within the hamlet of Helland in a very rural area and consider that the road infrastructure is not adequate to cope with the extra pressure of commercial use, indeed the Helland/ West Sedgemoor Road is single tack with deep ditches on either side and little opportunity to pass; the access road is made of concrete which produces a lot more noise than tarmac, the surface is heavily rippled and has speed humps along its length this results in more noise from airbrakes, and rattles and bangs, especially with chicken crates banging up and down; my mothers house is situated adjacent to a cattle grid and humped back bridge and this causes even more noise as vehicles don't attempt to slow down when passing; one of the drivers crashed into a lady in a car leaving my mothers house destroying her car and pushing it down the road into a fence has the applicant taken any account of these effects when proposing the processing plant?; other vehicles use the tarmac entrance opposite my mothers house to avoid using the concrete road, creating both noise and disturbance to my mother; I can hear the noise of barking dogs from over 1000 m away so why does the report use a 320 m radius for the noise perimeter?; when the live chickens are collected they are placed into metal crates which have to be unloaded then loaded onto the vehicle this involves a forklift truck running constantly with rattling and banging as the crates are moved, this work usually takes place during darkness when the chickens are more easily moved; the noise measurements were taken at Crediton in an Industrial estate, how can this be a good comparison?; it is proposed that the effluent is stored in external tanks how many?; where will they be sited?; what impact will this have on the surrounding countryside?; it is also proposed that the effluent would be tankered from the site how often and what sort of tankers would be used?; this would cause more noise and traffic along the roads; the effluent disposal should be resolved before planning permission is granted and should provide for on site treatment; a reed bed system has a problem during the winter months when the reeds are dormant; the report states that the findings and opinions are expressed as a result of current information and should not be relied upon at substantially later dates and I consider that this questions the validity of the report as it is the local residents that will be effected by the

development in the longer term if the report is wrong; any increased use of the roads through North Curry will result in increased congestion and would be prejudicial to highway safety.

7 LETTERS OF SUPPORT have been received raising the following:- the proposal will help local people find local jobs; the proposal would create new jobs in the area without spoiling the character of the surrounding area; we have known the applicants for many years and are sure they will undertake the change with minimal disruption to neighbours and wildlife; the applicants live next to the site

1 LETTER has been received with no objections to the application.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant:- STR1 Sustainable Development; STR6 Development Outside Towns, Rural Centres and Villages; Policy 1 Nature Conservation; Policy 4 Levels and Moors Policy 49 Transport and New Development Proposals.

Taunton Deane Local Plan the following policies are considered especially relevant:- S1 General Development; S7 Outside Settlements; EC1 Wildlife Sites of International Importance; EN2 Sites of Special Scientific Interest; EN4 Wildlife in Buildings to be Converted; EC6, Conversion of Rural buildings; EC8, Farm Diversification.

ASSESSMENT

As stated above, Nythe farm is a chicken rearing farm unit situated in the open countryside to the south of Helland and North Curry. It lies adjacent to a Site of Special Scientific Interest, Special Protection Area and RAMSAR site for its nature conservation value. The proposal would adapt the existing vacant agricultural building to enable the chicken processing use to take place. The applicants suggest a total of 8 new members of staff will be required. With one lorry per day which would be less than that required if the building was used as a chicken house. The applicants have submitted an Environmental appraisal for the proposed change of use. This has looked at noise associated with mechanical plant and vehicle movements. The report identifies that some noise attenuation will be required, at the steam outlet flue and adjacent to the intake and dispatch areas to avoid any noise problems for nearby occupants. Such attenuation (an acoustic attenuation for the steam flue and solid barrier between the intake and dispatch bays) can be provided to an adequate level to avoid unacceptable increases in noise from the use. In regard to odour, measurements have been taken directly from the Crediton site and used to assess the likely impact of the proposed use. There have been no smell complaints at Crediton and the current proposal would introduce more modern and efficient steam cookers that should further reduce any odour from the production system and not result in an odour problem for smell sensitive properties. In regard to the impact of the proposal on Water Quality great care has been taken to assess the potential impact of the new use as the site lies adjacent to a Site of

Special Scientific Interest, Special Protection Area and RAMSAR site for its nature conservation value, therefore any effluent discharge to ground or surface water must insure that there is no adverse impact on the protected area. At present there is insufficient information on the amount or quality of effluent produced as part of the process and this restricts the ability to design an effective drainage treatment scheme for the site. As a result the applicant proposes to store the effluent in storage tanks and tanker it away to be dealt with off site. This proposal is acceptable in the short term but both English Nature and the Environment Agency have concerns as to the sustainability of this process over a longer period. This is a commercial rather than planning concern, as the sealed system would be an acceptable alternative that would protect the adjacent environmentally sensitive sites.

The proposal enables the existing chicken rearing farm to diversify into the cooking and preparation of chicken, which currently takes place at Credition. Combining the facilities in one place is a more sustainable option than continuing to transport the chickens to and from Credition, in Devon. The County Highways Authority do not consider that the proposal would result in a significant increase in traffic to and from the site and do not raise an objection to the proposal for highway safety or sustainability reasons. Policy EC8 allows for farms to diversify provided the proposal is compatible with the agricultural uses on the farm and utilise existing farm building wherever possible. In this case the existing farm building would be utilised for a process, which compliments the current use of the farm. Proposal considered acceptable

RECOMMENDATION

Subject to the receipt of the views of the Environment Agency and no further letters of representation raising new issues by ... the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission GRANTED subject to conditions of time limit, materials, details of the acoustic attenuator and solid noise barrier, working hours 7.30 - 19.00 Monday to Friday and 0730 - 1300 Saturday, provision of the effluent storage tanks prior to commencement of works or the provision of an acceptable alternative drainage scheme, landscaping, oil, fuel storage, no direct discharge of foul, contaminated or trade effluent; effluent storage details, no retail sales from the premises, parking for 8 cars and 1 lorry and use restricted to chicken processing plant only. Notes re disposal of trade effluent in approved manner, oil storage over 200 litres must include a bund.

REASON(S) FOR THE RECOMMENDATION:- The proposed use would allow for farm diversification without compromising the environmental quality of the adjacent Levels and Moor Site of Special Scientific Interest, Special Protection Area and Ramsar site in accordance with the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, 6 and Policies 1 and 49 and Taunton Deane Local Plan Policies EC8, EN1 and EN2.

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:

29/2005/013

HOLCOMBE ENTERPRISES

ERECTION OF CATTERY BUILDING AND ASSOCIATED TEMPORARY MOBILE DWELLING AT ABBEYWOOD HOUSE, CULMHEAD AS AMENDED BY LETTER DATED 19TH DECEMBER, 2005 AND PLAN NO. 14/0/001B

22140/15738

FULL

PROPOSAL

The proposal is to erect a new cattery building to replace the existing business that has been operating at the site at Abbeywood since temporary permission was first granted in 1984. The proposal is to expand the business from 28 units and a licence for 30 cats to a provide a purpose built unit for 60 cats. The building to house this would be single storey and 47 m x 9.5m. In addition to this expansion a functional need for a second dwelling at the site has been demonstrated and a timber chalet dwelling is proposed to meet this need.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY have great concern over this application. I accept that this type of development is one that is more suited to an out of town area and that the current use has been operational without complaint for the last 20 years. However I do not feel that adequate information has been supplied in order to satisfy the justification for a further dwelling in this location and clarification has not been received with regard to the term 'temporary'. Notwithstanding the aforementioned comments it must largely be a planning matter as to whether or not this is a suitable location for an extension to the existing use and in particular a workers dwelling. If it is and there is overriding support and/or the proposed dwelling is required to satisfy a genuine local need then a highway objection to the proposal may be inappropriate. Therefore it must be a matter for the Local Planning Authority to decide whether any other overriding planning need, outweighs the transport policies that seek to reduce the reliance on the private car. If the Authority is minded to grant consent I would recommend the following condition re ancillary accommodation for occupation by persons employed at the cattery only. COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

LANDSCAPE OFFICER the site is well screened from the south and west. It is less well screened from the north and east but with additional planting and management of the existing hedgerows it should be possible to mitigate the proposals into the local area. NATURE CONSERVATION OFFICER my initial concern was dormice may be affected. However having read the wildlife report and visited the site I am happy that the proposals will not affect protected species. FORWARD PLAN UNIT the proposal lies in the open countryside well beyond any identified settlement limit. Policy S7 therefore applies. Under this policy new buildings in the countryside should be for the purposes of agriculture or forestry or supports the vitality and viability of the rural economy. The

proposal cannot be considered as 'employment use' as defined in the local plan being sui generis rather than B1, B2 or B8. However PPS7 supports the development of rural based enterprise in principal. The cattery unit was granted temporary approval expiring in September 2004 and the use is therefore unauthorised. From a policy perspective the continued use of a cattery from this site is acceptable. However there are strong concerns with the current application to both extend the facility by 100%) and to seek temporary residential accommodation. The existing enterprise is run and managed by owners who live on site. The applicants state doubling their number of cats accommodated would require a full time manager to carry out their duties and that accommodation should be provided on site to share the licence responsibilities. The existing cattery licence requires that a responsible person must be within reasonable distance of the premises at any time. The facility already operates with one associated dwelling on site and this requirement is already being fulfilled. Annex A of PPS7 (Sustainable Development in Rural Areas) states that new occupational dwellings in the countryside require special justification for planning permission to be granted. A supporting statement has been submitted with the application but provides no satisfactory justification for the permission of an additional dwelling when the activity has already operated viably over a number of years with one existing associated dwelling. If it is simply required due to the proposed increase in scale of the operation then it is considered that such an extension should be resisted as inappropriate in this location if it consequently resulted in an additional (even temporary) dwelling in open countryside.

PARISH COUNCIL whilst the Parish Council has no objections to a replacement cattery being built at Abbeywood, it does have reservations about the size and siting of the new building. The Councillors are of the opinion that the proposed site is too far away from the existing cluster of buildings. They feel that there is no justification for an additional dwelling (whether temporary or not) on the site, and would ask that should the application be granted a restriction on the sale of the new buildings as a separate business enterprise be imposed. The Council feels that the visual impact of so large a development would adversely affect the surroundings in this Area of Outstanding Natural Beauty. Furthermore although it does not seem to have been mentioned in the application, there appears to be a requirement for another access opening onto the lane. The Council would wish to oppose this access. Broadly the Council accept that a dwelling should be allowed on the site so as to accommodate the existing cattery business but they would prefer to see the building sited further away from the road and behind the existing dwelling." The Council is pleased by the increase to the proposed planting to screen the development from the road. The Council would prefer a more traditional style of building, being aware that temporary dwellings are often allowed to stand for much longer than was originally permitted. Amended Plan? The Councillors are of the opinion that the amended site for the dwelling is still too close to the road, they are still unconvinced of the need for another dwelling on site and they would be unhappy with any further development of the land which lies within the AONB - this notwithstanding the decision by TDBC to allow development applied for in 29/2005/011.

POLICY CONTEXT

PPS7 - Sustainable Development in Rural Areas

RPG10 - Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 - Development Outside Towns, Rural Centres and Villages, POLICY 1 - Nature Conservation, POLICY 3 - Areas of Outstanding Natural Beauty, POLICY 19 - Employment and Community Provision in Rural Areas.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 Outside Settlements, H12 - Agricultural or Forestry Workers, EC2 - Expansion of Existing Firms, EC7 - Rural Employment Proposals, EN10 - Areas of outstanding Natural Beauty.

ASSESSMENT

The proposal is to provide an improved and enlarged cattery business at a property within the Blackdowns Area of Outstanding Natural Beauty. The proposal would provide a building 9.5 m x 47m set within an area of trees so that it is well screened from the surrounding area. In addition a temporary dwelling in the form of a timber chalet 9 m x 12.5 m is proposed.

Policies EC2 and EC7 of the Local Plan allow for expansion of existing businesses where there is no suitable alternative site and there are no adverse impacts in terms of residential amenity, highway safety or landscape impact. The proposed building is not one that could be easily located within a settlement without having an adverse impact on residential amenity due to the nature and scale of the use. This is one reason the use has operated in its existing location since 1984 without complaint. The access to the site is via existing roads and driveway and the Highway Authority have no objection on highway safety grounds only concern over the sustainability of the use in this rural location. The siting of the two buildings is set within an existing area of trees giving a good landscape screen to this site within the AONB. The siting of the buildings is considered acceptable in landscape terms and will result in minimal tree loss and visual amenity impact in comparison with alternative sites suggested.

As part of the proposal it is argued that an additional dwelling is required on site in order to properly operate the expanded business. This need is supported by an appraisal indicating a functional need for more than 1 person to operate the business in its expanded form. Clearly there is an existing dwelling on the site from which the current business is run. It is claimed that the expanded business will require an additional unit and the provision of such is supported by Government guidance in PPS7 provided there is a functional need. While it is accepted that the functional need has been identified, this is only on the basis of the expanded business. It is therefore considered appropriate that some control should be imposed over the timing and provision of the additional unit. In order to ensure there is no future need for dwellings here it is considered that the business should be linked to the land and existing dwelling so it cannot be sold off separately. This is supported by the Parish Council. A Section 106 Agreement is

therefore considered necessary to prevent the sale of the land and new buildings away from the existing house. In addition a condition is considered necessary to tie the occupation of the temporary dwelling to the use by someone employed in the cattery only. A temporary condition on the dwelling unit is proposed in case the business as proposed doesn't succeed on the scale proposed.

On the basis of the controls suggested above the expanded business is considered to be one that would benefit the rural economy and would not harm the landscape, residential amenity or highway safety and the scheme is considered to comply with the policies in the development plan. The application is therefore recommended for approval.

RECOMMENDATION

Subject to a Section 106 tying the new buildings and land to the ownership of the existing house the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, landscaping, temporary building, surfacing of parking and occupational worker tie.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies SI, S7, EC2 and EC7 and material considerations due 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:

38/2005/520

GADD HOMES LTD

ERECTION OF 9 APARTMENTS, CYCLE AND REFUSE STORES AND ASSOCIATED CAR PARKING AT FORMER DRAINRAFT WORKS, 22A SOUTH STREET, TAUNTON AS AMENDED BY LETTER AND PLAN A2004/120/PL002A RECEIVED 6TH FEBRUARY, 2006

23346/24424

FULL

PROPOSAL

The proposal is for the erection of a three storey block of nine flats with associated refuse and cycle stores and car parking at the Draincraft Works site at 22A South Street, Taunton. The scheme provides eight two bedroomed and 1 one bedroom apartment within a part three storey and part two and a half storey building designed to reflect the character, scale and massing of buildings in the area. Care has been taken to respect the privacy and proximity to the terraced houses in Alma Street and South Street.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal is likely to generate an increase in traffic with a different travel pattern. The visibility is sub-standard but the local highway authority are proposing a traffic calming scheme that includes speed cushions, raised tables, works to the layby at the site access and a 20 mph speed limit. Once these works are carried out speeds should lower with the result that the access could be considered acceptable to cater for the proposed development. In order to bring the scheme forward and ensure its construction and therefore make the development acceptable the applicant is asked to fund the construction works at a cost of £25,000 to be secured through a legal agreement. The layout does not cater for easy access and turning by large vehicles and bins would need to be transported a considerable distance to refuse collection vehicles in South Street. The location of the bin store needs to be nearer the entrance. The maximum collection distance is 25 m. The existing access appears to be different to the red line. The existing access appears to be 4.5 m for the whole length. The width of the access needs to be a minimum 4 m for a distance of 9 m to allow for vehicles to pass and reduce the need for vehicles to reverse out onto the highway. In the event of permission being granted I recommend conditions re no occupation until traffic calming scheme completed, temporary parking for construction vehicles, parking and turning before units are occupied, parking, access width 4 m for length of 9 m, any entrances gates et 9m back, turning space surfaced and kept free from obstruction. ENVIRONMENT AGENCY no objections in principle but recommend conditions re floor levels at 17.55 m, surface water drainage and contamination. WESSEX WATER the development is in a foul sewerred area and the developer will need to agree a point of connection at detail design stage. Surface water is proposed to be to the main sewer . There are no public/separate surface water sewers in the vicinity and the developer should investigate alternative methods of disposal (e.g. soakaways). Surface water should not be discharge to the foul sewer. There may be a sewer

crossing the site and an easement may be necessary. There is a water main crossing the site entrance and diversion or protection works may need to be agreed. A condition or informative should be placed on any consent to protect the integrity of Wessex systems

LANDSCAPE OFFICER there are two opportunities for tree planting. I support either *Betula luten* or *Betula papyrifera* and landscape details in due course. DRAINAGE OFFICER I note the proposal is within the 1000 year flood risk area and that a Flood Risk Assessment has been carried out and note the actions proposed. I suggest those actions are made conditions if any approval is given. LEISURE DEVELOPMENT MANAGER in accordance with policy C4 provision for play and active recreation must be made. The site is within easy walking distance of several public open spaces which could be improved for the benefit of new residents to provide for play and outdoor recreation. I would therefore request a contribution of £777 for the 1 bed flat for sport and £2,562 per each of the two bed flats for sport and play. A total off site contribution of £21,273.

1 LETTER OF OBJECTION has been received from the Local Education Authority raising the following issues:- overlooking the school grounds and over dominance and overdevelopment of the site with a lack of amenity space.

3 LETTERS OF OBJECTION have been received raising the following issues:- loss of privacy and overlooking of the rear of the terrace and Salvation Army Hall; attention to sound transmission; access and parking will be restricted during construction; disturbance during construction; use of store area by teenagers; smell from bin stores and loss of security to the rear with gate removal.

1 LETTER OF SUPPORT provided the plans are adhered to and rear wall repaired.

POLICY CONTEXT

RPG10 - Regional Planning Guidance for the South West Policy HO 5: Previously Developed Land

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, POLICY 33 - Provision for Housing, POLICY 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2 - Housing in Classified Settlements, H4 - Self-Contained Accommodation, C4 - Open Space Requirements, M4 - Parking Requirements, EN28 - Flood Risk, EN32 - Contaminated Land.

ASSESSMENT

The proposal is to re-use an existing brownfield site within an existing residential area to provide 9 flats. The main issues for consideration are the design, impact on the amenity of the area and adequacy of the access.

The scheme provides for a two and a half and three storey height development set towards the rear of the site. The building is proposed to be constructed in brick and slate and is of a design considered to be in keeping with the existing two and three storey brick built development in the surrounding area.

The building is, at its closest, 7.6 m from the rear boundaries of South Street and 5.5 m from the rear boundary with the school. The lower section of the building is 6.5 m to the eaves and 9.4 m to the ridge. The windows facing towards South Street are designed as high level windows serving showers or kitchens. There are no windows in the side elevations closest to Alma Street and the windows that do exist in this direction are almost 13 m off the boundary. In terms of the Salvation Army Hall this figure is 7 m. There are windows at the rear facing towards the school boundary. The relationship between the new building and the terraced properties is akin to that of the Pollards Way development which was recently allowed on appeal and the relationship in this instance is not considered as severe. The Inspector allowed overlooking windows at Pollards Way. While there will be a degree of overlooking both of the terraces and the school grounds this is considered not to be such as to warrant a refusal of the application.

The access to serve the site is via the existing route into the site. The Highway Authority is requesting a defined width of 4 m for the access which is achievable within the site area. The bin store position is to be moved from the original location which was too far from the highway in order to address the concern raised. The applicant has provided traffic data in relation to the existing use of the site and it is considered unreasonable for the developer to fund the whole of the traffic calming scheme for South Street which was already proposed prior to the submission of this application. The access and visibility from the site is considered adequate and subject to parking, turning, access width, gates and construction traffic conditions the scheme is considered acceptable.

A requirement for sport and play provision is identified and a section 106 will be required to address this point. The site is one that is in an identified in a flood risk area and a floor levels condition is proposed by the Environment Agency as is a condition to address any potential site contamination.

In summary the development of the site is considered a suitable re-use of a brownfield site to an appropriate density in compliance with policies S1, S2, H2, H4 and C4 of the Local Plan.

RECOMMENDATION

Subject to a Section 106 Agreement concerning a contribution towards sport and play provision the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and if permission be GRANTED subject to conditions of time

limit, materials, landscaping, boundary treatment, surface water drainage, site floor levels, contamination, entrance gates, parking, access width, turning space, bin and cycle store, obscure glazing of stairwell, construction work hours. Note re contamination.

REASON(S) FOR RECOMMENDATION:- The proposal is an acceptable use of a brownfield site and is considered in compliance with Taunton Deane Local Plan Policies S1, S2, H2 H4 and 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:

38/2005/553

PRIMECO LTD

CHANGE OF USE AND CONVERSION OF UPPER FLOORS TO 6 FLATS AND ALTERATIONS TO GROUND FLOOR RETAIL AREA INCLUDING EXTENSION AT THE POST OFFICE, NORTH STREET, TAUNTON.

22735/24604

FULL

PROPOSAL

The proposal is for the conversion of the upper floors above the Post Office to six flats and alterations on the ground floor to provide an enlarged retail area and bicycle storey.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal includes new construction over a paved area that gives access to two parking spaces to the right of the 'adjacent building'. The existing access and manoeuvring space is tight and the proposal will make access more awkward. The applicant needs to confirm rights to build in this area exist and the proposal will not block private means of access enjoyed by adjacent properties. Previous concern over the cycle parking are no longer relevant given the enclosed more secure proposals. Cycle parking should be provided prior to any new unit being occupied. WESSEX WATER the development is located in a foul sewered area and a point of connection can be agreed at detailed design stage. Surface water disposal is proposed to the main sewer. As there are no surface water sewers in the area in the vicinity it is advised the developer investigate alternatives. There are water mains in the vicinity and connection can be agreed at detailed design stage.

LEISURE DEVELOPMENT MANAGER in accordance with policy C4 provision for play and active recreation must be made. The site is within easy walking distance of public open spaces which could be improved for the benefit of new residents to provide for play and outdoor recreation. I would request a contribution of £777 for each one bed flat for sport and £2,562 for each two bed flats for sport and play, a total contribution of £11,802.

2 LETTERS OF OBJECTION have been received raising the following issues:- access to cycle and bin store and staff amenities area over land not in applicant's ownership; rubbish removal could have environmental consequences; extension has no purpose and access to parking will be made difficult; no indication of retail storage area and concern over noise from shop air conditioning at night; no details of internal retail area shown and change may affect residents; concern over delivery and storage of materials and disposal of rubbish; concern over nature and extent of opening of retail unit.

POLICY CONTEXT

RPG10 - Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, POLICY 9 - The Built Historic Environment, POLICY 33 - Provision For Housing, POLICY 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H3 - Residential Conversions in Town Centres, M4 - Parking Requirements, C4 - Recreation and Play Provision, EN16 - Listed Buildings, EN23 - Areas of High Archaeological Potential.

ASSESSMENT

The proposal is to create and enlarged ground floor retail outlet and six flats on the upper floors of the building. The ground floor proposes a cycle and bin store for the flats at the rear of the single storey projection with remainder of the area being proposed for an increased retail floor area. The precise internal layout of this area is yet to be determined and would require a separate listed building application.

The ground floor extension is a small addition of approximately 22sq m and allows for improved access between the original building on the frontage and the more modern addition at the rear. This area is currently where the fire escape reaches the ground and is an untidy fenced area. The extension will tidy up this area and is not considered to adversely affect the character of the listed building.

The extension will effectively narrow the gap between buildings. A gap of 4.5 m and more is still maintained and this is considered sufficient to allow adequate access. The site is in an area of high archaeological interest and a condition is considered necessary to address this. Access across land to the site is a civil issue and servicing of the retail unit is intended from the road frontage as at present. There is no restriction on the opening of the existing premises and it is not considered necessary to impose a condition to this effect.

RECOMMENDATION

Subject to the agreement of a Section 106 Agreement in respect of a contribution towardS sport and play provision and no further representations raising new issues by the 17th 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, materials, cycle and bin storage, programme of archaeological works, timber windows and doors. Note re listed building consent.

REASON(S) FOR RECOMMENDATION:- The proposal makes an acceptable re-use of upper floors for residentail use and minor extension on the ground floor which are

considered to comply with Taunton Deane Local Plan Policies S1, H3, M4, C4 and EN16.

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:

38/2005/560

BETTERCAM LTD

ERECTION OF 6 FLATS ON SITE OF FORESTERS ARMS TO BE DEMOLISHED ON THE CORNER OF EAST REACH AND VICTORIA STREET, TAUNTON AS AMENDED BY LETTER AND PLANS 0533/9,10,11 RECEIVED 30TH JANUARY 2006.

23563/24609

FULL

PROPOSAL

The proposal is to erect a three storey block of 6 flats on the site of the former Foresters Arms public house which is to be demolished. The site lies on the western corner of East Reach with Victoria Street. The proposal provides a car free residential development on this prominent corner site and although 3 storey it is of a lesser scale than the larger 3 storey office buildings to the south and west.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no off highway parking is proposed. If adequate cycle parking is provided and given the location close to car parks and the town centre there is no highway objection in principle to the proposed development. The letter accompanying the application refers to secure bike storage but this is not indicated on the floor plans. There is insufficient space to store cycles of 6 flats on the ground floor hall area without causing unacceptable obstruction to residents and visitors. Details should be required. Doors should not open over the highway and windows should not protrude or open over the highway when within a height of 2.4 m above the footway. Above this height the windows should not open so as to come within 450 mm of the adjacent kerb line. WESSEX WATER the site is in a foul sewer area and connection can be agreed at the detailed design stage. There are no existing public/separate surface water sewers in the vicinity of the site and it is advised the developer investigate alternative methods of disposal of surface water from the site. Surface water should not be discharged to the foul sewer. A condition or informative should be laced on any consent to ensure the integrity of Wessex systems are protected.

DRAINAGE OFFICER no observations. LEISURE DEVELOPMENT MANAGER in accordance with policy C4 provision of play and active recreation must be made. The site is within easy walking distance of public open spaces which could be improved for the benefit of new residents to provide for play and outdoor recreation. I would request a contribution of £2,562 per each dwelling for sport and play. A total off site contribution of £15,372.

POLICY CONTEXT

RPG10 - Regional Planning Guidance for the South West Policy HO 5: Previously Developed Land

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 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design , H2 - Housing in Settlements, M4 - Residential Parking Requirements, C4 - Open Space Requirements, EN17 - Listed Building Setting, EN23 - Areas of High Archaeological Potential, EN29 - Flooding Due to Development.

ASSESSMENT

The proposal is the redevelopment of the former Foresters Arms public house which has been closed and marketed for some time now without success. The existing building is not considered of significant street scene merit to warrant its retention. The main issue with the proposal is the design and impact of the new building on the street scene in this location.

The new building is 8 m to eaves level and 10.5 m to the ridge. While the building is around 2 m higher than the public house on the opposite corner of Victoria Street, the building is significantly lower than the office buildings to the south and west. The building is set 21m away from the listed East Reach House and the new development is not considered to detract from the setting of this building in view of the height and distance between them. The building is considered of an appropriate scale in the street scene in this location.

The internal layout of the building has been altered to provide bin and cycle storage to address the highway concern raised. The existing site is fully covered in terms of built development and the new scheme assumes the same footprint. The development is considered to respect the character of the street scene and to comply with policies of the Development Plan and is therefore recommended for approval.

RECOMMENDATION

Subject to a Section 106 Agreement in respect of off site recreation provision and no further representations raising new issues by 17th 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, materials, guttering, sample brick panel, internal meter boxes, timber windows, window design, recessed windows, cycle parking provision and bin storage, combined aerial and surface water disposal.

REASON(S) FOR RECOMMENDATION:- The proposal complies with Taunton Deane Local Plan Policies S1, S2, H2, M4 and C4 and material considerations do not indicated 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:

38/2006/004

S VERRIER & I WOOLLEN

ERECTION OF CONSERVATORY TO THE REAR OF 33 THE OAKS, TAUNTON.

24058/23386

FULL

PROPOSAL

Permission is sought to erect a conservatory measuring 3.570 m x 2.395 m to the west of the property. The conservatory will be positioned behind the existing garage. The existing property is constructed of part brick and part render under a tiled roof with wooden fenestration. Materials for the proposed conservatory will match the existing property. Planning permission is required due the withdrawal of permitted developments rights on the original planning approval.

The applicant is a member of staff.

CONSULTATIONS AND REPRESENTATIONS

None received.

POLICY CONTEXT

Taunton Deane Local Plan Policy H17 extensions to dwellings state: Extensions to dwellings will be permitted provided they do not harm (a) The residential amenity of other dwellings; (b) The future amenities, parking turning space and other services of the dwelling to be extended; and (c) The form and character of the dwelling and are subservient to it in scale and design.

ASSESSMENT

The proposed conservatory will have no material impact on neighbouring amenities and therefore complies with Policy H17.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposed conservatory complies with Taunton Deane Local Plan Policy H17 in that there is no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

CONTACT OFFICER: 356462 MISS R MILLER

NOTES:

47/2006/001

MR & MRS CLEMENTS

ERECTION OF TIMBER FRAMED BUILDING TO HOUSE AGRICULTURAL MACHINERY AND HAY, ABBEYWOOD, WEST HATCH.

28677/20844

FULL

PROPOSAL

Members may recall previous application 47/2005/015, being presented to the Committee Meeting of 2nd November, 2005. This was refused planning permission. The current application is for a similarly sited agricultural building but smaller in size. It now measures some 14 m x 9 m as opposed to the refused building of 14 m x 13 m.

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

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the site is visible from a number of local vantage points but it is not clear from the submitted drawings if any level changes are proposed. Subject to a boundary hedgerow being planted around the site it should be possible to integrate the proposals into the local landscape.

2 LETTERS OF OBJECTION have been received raising the following issues:- the development is much too big and still disproportionately large , the land is not farmed by the applicant; there is no need for such a big building on such a small piece of land; the building has not been re-sited to come within the residential complex; there are concerns over the stability of the banks on site; and soakway drainage on clay soil is impractical.

1 LETTER OF SUPPORT has been submitted on the basis that he considers the building necessary, and the location both sensible and unobtrusive.

PARISH COUNCIL no views received at the time of agenda preparation. They did not object to the previous application but questioned the size of the building compared to the area of the land.

POLICY CONTEXT

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

ASSESSMENT

Whilst the proposal represents an improvement to the previous refusal in so far as the building is smaller, the siting has not altered, and this is still inappropriate in that it would both adversely impact on the open countryside, and would be more sensibly located within the residential curtilage.

RECOMMENDATION

That permission be REFUSED for the reason that the proposed building is inappropriately sited such that it would adversely affect the character and appearance of this attractive open countryside area. Accordingly, the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and S7. Note re applicant is advised that a building sited within the existing residential complex of Abbeywood, or the conversion of an existing building in the same complex, both subject to details of design and size, would be likely to receive planning permission.

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:

PLANNING COMMITTEE - 15 FEBRUARY 2006

Report of the Chief Solicitor

Application No 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

Members will recall that at the meeting of the Committee on the 14 December 2005, they considered an application for the redevelopment of 2 and 4 Compass Hill, Taunton, to provide 48 sheltered housing apartments with community amenity space, car parking and access. Members refused the application for two reasons:-

1. 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 contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49; and
2. 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 requirements of Taunton Deane Local Plan Policies S1, S2 and H2.

An appeal against the refusal has now been lodged, and several issues arise.

Firstly, as the application was recommended for approval the Planning Officer would be placed in an unacceptable professional position in seeking to defend the refusal. Further, as the Somerset County Council did not oppose the application they are not in a position to provide a witness to defend the highway reason for refusal. Accordingly, an external consultant or consultants will be needed to defend the decision at the appeal.

Secondly, the second reason for refusal identifies a loss of privacy for neighbouring occupiers to the north-west and south-east of the site. However, in making this decision it appears that Members were unaware that there was a recommended condition requiring the windows of Units 27, 28, 42 and 43 on the south-east elevation to be obscure glazed, to overcome the problem of loss of privacy.

Members may therefore wish to clarify for the purposes of the appeal that the reason for refusal does not relate to the south-eastern elevation containing those units, nor the element of the elevation which is further from the

boundary. The refusal reason should therefore relate only to the north-west elevation.

Finally, Members will recall that the recommendation of approval was to be subject to a Section 106 Agreement to secure an off site contribution to affordable housing of £350,000. If the applicants are successful on appeal, that agreement will still be required.

RECOMMENDATION

It is therefore RECOMMENDED that:-

- (1) Members agree to the appointment of an outside consultant or Consultants to defend the appeal on behalf of the Council;
- (2) Members clarify that the second refusal reason does not include that section of the south-east elevation including Units 27, 28, 42 and 43 subject to an appropriate condition being imposed as to obscure glazing, nor to the further element of the south-east elevation at a greater distance from the boundary; and
- (3) The Solicitor to the Council be authorised to enter into a Section 106 Agreement with the appellant to secure the payment of an off site affordable housing contribution in the event that the appeal is successful.

Chief Solicitor

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

PLANNING COMMITTEE – 15 FEBRUARY, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Milverton

1. **File/Complaint Number** 23/2002/014
2. **Location of Site** 2 Baghay Cottages, Houndsmoor, Milverton
3. **Names of Owners** Dr M Evans
4. **Names of Occupiers** Dr M Evans
5. **Nature of Contravention**
Erection of detached garage not in accordance with approved drawings.
6. **Planning History**
Planning permission was granted on 4 September, 2002 by Milverton Parish Council for the erection of single storey and two storey extensions, erection of detached garage and alterations to vehicular access. However, it was subsequently brought to our attention that the garage was not being built in accordance with the approved drawings and encroached upon the neighbours land. Revised plans have now been received which show the garage in the position as built, but the applicant maintains that it is located entirely on her land. However due to the uncertainty in terms of whether the garage is located within the site area originally approved I do not consider it appropriate to deal with the matter under the Councils minor amendment procedure.
7. **Reasons for not taking Action**
It is considered that the issue between the two parties here is primarily a land ownership one and that the impact of the garage upon the neighbouring property is not such as to warrant enforcement action.
8. **Recommendation**
That Members resolve to take no further action over the garage.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479