



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 1ST MARCH 2006 AT 17:00.

(RESERVE DATE : THURSDAY 2ND MARCH 2006 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 15 February 2006 (TO FOLLOW).
3. Public Question Time
4. CHURCHSTANTON - 10/2006/001
CHANGE OF USE OF LAND AND ERECTION OF GARAGING,
IMPLEMENT SHED AND PARKING AT WESTERCOMBE FARM,
CHURCHSTANTON AS AMENDED BY LETTER AND PLAN DATED
24TH JANUARY, 2006
5. CORFE - 12/2006/001
REPAIRS AND ALTERATIONS TO BARNS AND OUTBUILDINGS
AT BROOK FARMHOUSE, CORFE
6. CREECH ST MICHAEL - 14/2006/003
ERECTION OF SINGLE STOREY EXTENSION (EAST
ELEVATION), GUBBINS, HYDE LANE, CREECH ST MICHAEL
7. FITZHEAD - 17/2006/001
ERECTION OF CONSERVATORY AT SWIFTS BARN, MANOR
FARM, FITZHEAD (REVISED DESIGN 17/2005/006).
8. LANGFORD BUDVILLE - 21/2005/015
ERECTION OF LOG CABIN TO BE USED AS HOLIDAY
ACCOMMODATION, LAND AT WELLISFORD FARM, LOWER
WELLISFORD, LANGFORD BUDVILLE.
9. LYDEARD ST LAWRENCE - 22/2005/017
ERECTION OF DWELLING HOUSE AT LAND AT THE CAUSEWAY,
LYDEARD ST LAWRENCE.
10. OAKE - 27/2005/023
CONVERSION OF BARNS TO 3 DWELLINGS, ERECTION OF
DETACHED GARAGE, CONVERSION OF MODERN FARM
BUILDINGS TO GARAGES, STABLES AND INDOOR RIDING
SCHOOL AND FORMATION OF OUTDOOR MANEGE AT
ALLERFORD FARM NORTON FITZWARREN AS AMPLIFIED BY

AGENTS E-MAIL DATED 3RD FEBRUARY, 2006

11. TAUNTON - 38/2005/552
ERECTION OF 4 B1 OFFICE UNITS WITH CAR PARKING (THE QUAD) BLACKBROOK BUSINESS PARK, TAUNTON AS AMENDED BY LETTER AND PLAN 3858-7C RECEIVED 13TH JANUARY 2006 AS AMENDED BY LETTER, DETAILS AND PLAN 3858-22 RECEIVED 25TH JANUARY 2006 WITH REVISED CAR PARK LAYOUT AND NEW LIGHTING LAYOUT.
12. WEST MONKTON - 48/2005/074
ERECTION OF 3 TWO STOREY DWELLINGS PLOTS 1-3, AT LAND AT SIDBROOK FARM, WEST MONKTON AS AMENDED BY AGENTS LETTER DATED 2ND FEBRUARY, 2006 AND DRAWING NOS. 3654/05/B, 3687/05/C AND 3688/05/B
13. TD992 - OBJECTION TO TAUNTON DEANE BOROUGH (CHEDDON FITZPAINE NO.2) TREE PRESERVATION ORDER 2005 AT TUDOR PARK, MAIDENBROOK, TAUNTON Countryside item
14. 38/2005/356 - DEMOLITION OF DWELLINGS AND ERECTION OF ONE BEDROOMED FLATS TOGETHER WITH DELIVERY ACCESS AT 5-7 COMPASS HILL, TAUNTON. Miscellaneous item

G P DYKE
Member Services Manager

The Deane House
Belvedere Road
TAUNTON
Somerset

TA1 1HE

22 February 2006

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO. 1.

Planning Committee Members:-

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



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



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



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

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

Planning Committee – 15 February 2006

Present: Councillor Mrs Marie Hill (Chairman)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington, Floyd, Guerrier, Henley, 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)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

13. Apology

Councillor Mrs Marcia Hill (Vice-Chairman).

14. Minutes

The minutes of the meeting held on 25 January 2006 were taken as read and were signed.

15. Public Question Time

Mr Weston of 48 Whitmore Road, Taunton asked a number of questions relating to the role of Ward Councillors in respect of a recent planning permission granted under delegated powers which would affect his home, and a further question relating to the roles and functions of all Councillors.

In response, the Senior Solicitor (Mrs Jackson) informed Mr Weston that a written response to the points he had made would be sent to him within seven days of the meeting.

16. 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:-

(The Chairman (Councillor Mrs Marie Hill) and Councillors Guerrier and C Hill all declared personal interests in the following two applications and left the room during their consideration. In the absence of both the Chairman and Vice-Chairman, Councillor Mrs Allgrove took the Chair.)

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.

Conditions

- (a) C001A – time limit;
- (b) C102A - materials;
- (c) This permission, so far as it relates to the mill and toilet building proposals, shall not be exercised in addition to any permission already granted and shall be treated as an alternative to the proposals in 08/2001/021 for the mill and toilet, so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the development referred to in the permission already granted being substantially carried out, this permission shall forthwith lapse and be of no effect;
- (d) Before the works for which consent has hereby granted are commenced, a detailed schedule of repairs including structural works to the existing fabric shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) The premises hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the site as an Historic Public Garden;
- (f) The uses permitted within the building shall be in strict accordance with the details contained with plan No 771.43 and no other uses shall take place without the prior written approval of the Local Planning Authority;
- (g) There shall be no access to the land or buildings from the farm track lying to the south of the mill and the barn;
- (h) The buildings hereby permitted for workshop and tea room use shall not be used for such purposes between 22:00 hours and 07:30 hours unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of works on site, a written record of the building shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site, details for the provision of a bat roost within the mill/barn conversion and a timetable for the provision of the new bat roost shall be submitted to, and approved in writing by, the Local Planning Authority. The above details shall be fully implemented in accordance with the approval and the bat roost maintained in full thereafter, unless an amended scheme is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) In the event that restoration/conversion works do not commence within one year of the date of the latest bat and bird survey, no work approved by this permission shall take place until a further

survey is commissioned and its results submitted to, and approved in writing by, the Local Planning Authority.

Reason for granting planning permission:-

The proposal would result in the appropriate repair and reuse of the listed mill building in accordance with Somerset and Exmoor National Park Structure Plan Policies 9 and 49 and Taunton Deane Local Plan Policies EN17, EN20 and EN5.

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.

Conditions

- (a) C002B – time limit – listed building;
- (b) This permission, so far as it relates to the mill and toilet building proposals, shall not be exercised in addition to any permission already granted and shall be treated as an alternative to the proposals in 08/2001/021 for the mill and toilet, so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the development referred to in the permission already granted being substantially carried out, this permission shall forthwith lapse and be of no effect;
- (c) C103A – materials – listed building;
- (d) Before the works for which consent is hereby granted are commenced, a detailed schedule of repairs including structural works to the existing fabric shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to commissioning, specific details of new windows, doors (internal and external), timber/glass screens, venting for recovered roofs, insulation to roofs/walls and glazing to the roof of the mill shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) No ceilings shall be provided to the buildings unless prior approval is obtained in writing from the Local Planning Authority;
- (g) Notwithstanding the submitted details of replacement timber lintels with concrete lintels, the Local Planning Authority requires the submission of full details of replacement lintels for the buildings.

(Notes to applicant:- (1) With regard to condition (g), applicant was advised that this consent does not include the use of replacement concrete lintels. Full details of replacement timber lintels should be submitted to, and approved in writing by, the Local Planning Authority. If you wish to discuss the matter in more detail please contact English Heritage (South West Region); (2) Applicant was advised that a separate application

for planning permission is required before any works commence.)

Reason for granting listed building consent:-

The proposal would result in the appropriate repair and reuse of the listed mill building in accordance with Somerset and Exmoor National Park Structure Plan Policy 9 and Taunton Deane Local Plan Policies EN17 and EN 20.

24/2005/058

Change of use of redundant agricultural building to a high care cooking facility at Nythe Farm, North Curry.

Conditions

- (a) C001A - time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all alterations/additions to the external surfaces of the building (including the access stairs) shall be submitted to, and approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- (c) Prior to the commencement of works on site, full details of the acoustic attenuator and solid noise barrier referred to in the environmental assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The approved acoustic attenuator and solid noise barrier shall be constructed on site prior to the commencement of the use and shall be maintained in full working order thereafter;
- (d) Deliveries to the site shall not take place on any Sunday, Christmas Day or Bank Holiday or other than between 07:30 and 19:00 hours on Monday to Fridays and 07:30 and 13:00 hours on Saturdays;
- (e) 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 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 pipe work 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;

- (f) There shall be no discharge or foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (g) Any effluent stored on site shall be contained within a sealed and watertight system, constructed to approved standards and fitted with a level warning device to indicate when the tank needs emptying. Comprehensive records must be kept of the sealed tanks maintenance and emptying details;
- (h) Prior to the commencement of works on site, full details of the effluent storage tanks, including a fail safe security system shall be submitted to, and approved in writing by, the Local Planning Authority. Such tanks shall be erected on site in strict accordance with the approved details and maintained as such thereafter unless details of an alternative drainage scheme are submitted to, and approved in writing by, the Local Planning Authority as an acceptable alternative. At no time shall the approved use take place without suitable drainage systems being installed and operational;
- (i) C706 – restricted use – no retail sales;
- (j) Plans showing a parking area providing for 12 cars and 1 lorry 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;
- (k) The premises shall be used for steam cooking facilities and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order);
- (l) C201 – landscaping;
- (m) All delivery vehicles travelling to and from the site shall use the southern access track which meets the highway to the south-west of Poplar Farm;
- (n) C716 – prohibited working hours;
(Notes to applicant:- (1) Applicant was advised that any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations; (2) Applicant was advised of the following Environment Agency requirements:- (i) The subsequent disposal of tank effluent must be undertaken in an approved manner; (ii) Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is 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); (iii) The Environment Agency must be notified immediately of any incident likely to cause pollution; (iv) The Environment Agency should be contacted regarding the proposed means of trade effluent and domestic foul sewage disposal; (3) In regard to condition (I), applicant was advised to discuss the detail with the Council's Landscape Officer. Pollarded Willows at 8m intervals around the building together with more intensive planting areas adjacent to the sealed tank and acoustic barriers are required.)

Reason for granting planning permission:-

The proposed use would allow for farm diversification without compromising the environmental quality of the adjacent Levels and Moors 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, STR6, 1 and 49 and Taunton Deane Local Plan Policies EC8, EN1 and EN2.

38/2006/004

Erection of conservatory to the rear of 33 The Oaks, Taunton.

Conditions

- (a) C001A - time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and as amplified in the applicants e-mail dated 27 January 2006, and no other materials shall be used without the written consent of the local planning Authority.

Reason for granting planning permission:-

The proposed conservatory complied with Taunton Deane Local Plan Policy H17 in that there was no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

47/2006/001

Erection of timber framed building to house agricultural machinery and hay, Abbeywood, West Hatch.

Reason

In the opinion of the Local Planning Authority 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 to applicant:- Applicant was 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.)

(The Senior Solicitor (Mrs J M Jackson) declared a personal interest in the application covered by Minute No. 17 below and left the room during its consideration.)

17. Residential Development following the demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard (06/2005/046)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide for affordable housing and a contribution towards sport and playing provision, 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) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201A – landscaping;
- (f) C207 – existing trees to be retained;
- (g) C208A – protection of trees to be retained;
- (h) C208B – protection of trees – service trenches;
- (i) C209 – protection of hedges to be retained;
- (j) C210 – no felling or lopping;
- (k) C213 – hedge to be retained;
- (l) C215 – walls and fences;
- (m) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (n) The access to the site shall be based on the existing access from Taunton Road. There shall be no vehicular or pedestrian access from Mill Lane;
- (o) C314 – visibility splays;
- (p) C416 – details of size, position and materials of meter boxes;

- (q) Before any of the dwellings hereby permitted are occupied, all the existing buildings on the site shall be demolished and all materials resulting from the demolition shall be removed from the site;
- (r) C926B – remediation investigation/certificate;
- (s) P005 – no garages;
- (t) P007 – no fencing in front of dwellings;
- (u) C010 – drainage;
- (v) Prior to the demolition of any of the buildings or the commencement of the development, a survey shall be carried out to ascertain the importance of the buildings and land for bats, nesting birds and slow-worms, all of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;
- (w) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use.

(Notes to applicant:- (1) NO48A – remediation strategy; (2) Applicants attention was drawn to the document “Sustainable Drainage Systems” produced by the Somerset Local Authorities in conjunction with the Parrett Catchment Study and the Council’s Design Guide for on-site attenuation; (3) Applicant was advised that according to Wessex Water records, there is a public water main close to the site and a foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works need to be agreed. You should agree with Wessex Water, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Connections to Wessex Water infrastructure for water supply and drainage should also be agreed; (4) N118 – disabled access; (5) N112 – energy conservation; (6) N113 – street names; (7) N114 – meter boxes; (8) N115 – water conservation; (9) N117 – crime prevention; (10) N051B – health and safety; (11) N075 – Section 106 Agreement; (12) N119 – design guide; (13) Applicant was requested to give consideration to the provision of a footway along the Taunton Road frontage of the site).

Reason for outline planning permission, if granted:-

The site was located within the settlement of Bishops Lydeard where residential development was considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6A. The proposal was also considered to meet the requirements of Taunton Deane Local Plan Policies S1, S4, H2, H9, EC9, C4 and BL2 and material considerations did not indicate otherwise.

Also RESOLVED that should the Section 106 Agreement not be completed by 21 March 2006, the Development Control Manager be

authorised to refuse planning permission for the reason that the proposal did not make adequate provision for affordable housing and recreation contributions.

18. Retention of residential caravan for traveller family at Brimley Cross, Churchstanton (10/2005/018)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 9 March 2006, 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) C511 – caravan – gypsy/traveller occupation;
- (b) No more than two caravans, one lorry and one car shall be stationed on the site at any one time;
- (c) (i) Within one month of the date of this permission, a scheme of planting of trees, shrubs and hedges which will include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
(ii) The scheme shall be completely carried out within 9 months from the date of this permission, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of 5 years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- (d) The existing boundary hedges and all trees on the site shall be retained to the satisfaction of the local planning Authority;
- (e) P006 – no hard standings/fences.
(Note to applicant:- Applicant was advised to note that any new buildings erected on the site will require planning permission).

Reason for planning permission, if granted:-

This traveller site did not detract from the character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty. The Council was satisfied that in this case the needs of the applicant outweighed any limited impact in terms of highway safety. The proposal therefore accorded with Policy EN10 of the Taunton Deane Local Plan and advice in Circular 01/2006.

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

The Committee took the view that the circumstances of the family currently residing on the site and the need to provide sites for gypsies and travellers outweighed the concerns expressed by the County Highway Authority.

19. Erection of Cattery building and associated temporary mobile dwelling at Abbeywood House, Culmhead (29/2005/013)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement tying the new buildings and land to the ownership of the existing house, 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 temporary timber dwelling hereby permitted shall be removed and the land restored to its former condition on or before 31 January 2011;
- (c) C102 – materials;
- (d) C201 – landscaping;
- (e) The parking area and drive shall be surfaced in a material to be agreed in writing by the Local Planning Authority prior to its formation;
- (f) The occupation of the temporary dwelling shall be limited to a person employed at the cattery only;
- (g) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external walls of the cattery 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.

Reason for planning permission, if granted:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S7, EC2 and EC7 and material considerations did not indicate otherwise.

20. Erection of nine apartments, cycle and refuse stores and associated car parking at former Draincraft Works, 22A South Street, Taunton (38/2005/520)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide a contribution towards sport and play 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) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) 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;

- (f) Internal ground floor levels shall be constructed at 17.55m AOD unless otherwise agreed in writing by the Local Planning Authority;
- (g) C926B – remediation investigation/certificate;
- (h) Any gate(s) provided shall be hung to open inwards only and shall be set back a minimum distance of 9m from the edge of the adjoining highway carriageway;
- (i) The layout to be submitted shall make adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of that area;
- (j) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (k) The proposed access shall have a minimum width of 4m for a minimum distance of 9m from the back of footway;
- (l) Before the access hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (m) The bin and cycle store shall be erected prior to the occupation of any plot;
- (n) The first and second floor glazing to the communal stairs shall be obscure glazed and thereafter so maintained;
- (o) Construction work shall be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays with no Sunday or Bank Holiday working.

(Note to applicant:- Applicant was advised that in view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. More information can be obtained from the Environment Agency. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on site. Provision must also be made to ensure that all existing drainage systems continue to operate effectively. The Environment Agency would advise that it is the responsibility of Gadd Homes or their agents to ensure that the surface water drainage system has the necessary capacity to cater for any additional flows.)

Reason for planning permission, if granted:-

The proposal was an acceptable use of a brownfield site and was considered in compliance with the Taunton Deane Local Plan Policies S1, S2, H2, H4 and C4.

21. Change of use and conversion of upper floors to six flats and alterations to ground floor retail area including extension at the Post Office, North Street, Taunton (38/2005/553)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to provide a contribution towards sport and play provision; and
- (2) The receipt of no further representations raising new issues by 17 February 2006, 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) The cycle and bin storage shall be provided on site prior to the occupation of any flat hereby granted permission;
- (d) C684 – site within known area of archaeological interest;
- (e) The new windows and doors 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.

(Notes to applicant:- (1) Applicants attention is drawn to the listed building application No 38/2005/554LB relating to this site; (2) Applicant was advised that no planning permission is hereby granted for any external air conditioning units.)

22. Erection of six flats on site of the Foresters Arms to be demolished on the corner of East Reach and Victoria Street, Taunton (38/2005/560)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement in respect of off-site recreation provision; and
- (2) The receipt of no further representations raising new issues by 17 February 2006, 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) A sample brick panel indicating the mortar detailing shall be constructed on site and agreed in writing by the Local Planning

- Authority prior to any walls being erected, and the building shall thereafter be constructed as per the panel details;
- (e) Any meter boxes shall be provided internally to the building;
 - (f) C654A – windows;
 - (g) The windows hereby approved shall be of a vertical sliding sash design unless alterations were agreed in writing by the Local Planning Authority;
 - (h) The windows hereby permitted shall be recessed a minimum 18mm in the wall;
 - (i) 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;
 - (j) Details of secure cycle storage shall be submitted to, and agreed in writing by, the Local Planning Authority and the bin and cycle stores shall be provided prior to occupation of the flats;
 - (k) C911 – aerials – combined system;

Reason for planning permission, if granted:-

The proposal complied with Taunton Deane Local Plan Policies S1, S2, H2, M4 and C4 and material considerations did not indicate otherwise.

(Councillor Miss Cavill declared a personal interest in the item covered by Minute No 23 below and left the room during its consideration.)

23. 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 (38/2005/422)

Reported that this application had been refused by the Planning Committee at its meeting on 14 December 2005 for the reasons stated in the report.

An appeal had recently been lodged and several issues have now arisen.

Firstly, as the application had been recommended for approval, the Planning Officer would be placed in an unacceptable professional position in seeking to defend the refusal. Furthermore, as Somerset County Council did not oppose the application, a witness would not be provided to defend the highway reason for refusal. Accordingly, an external consultant would be needed to assist the appeal process.

Secondly, a loss of privacy for neighbouring occupiers to the north-west and south-east of the site had been identified in the second reason for refusal. However, as members might have been unaware that a proposed condition had been recommended requiring the windows of units 27, 28, 42 and 43 on the south-east elevation to be obscure glazed, clarification was sought as to whether the reason for refusal should only relate to the north-west elevation.

Finally, the recommendation of approval was to have been subject to a Section 106 Agreement to secure an off-site contribution towards affordable

housing in the sum of £350,000. If the applicants were successful on appeal, this agreement would still be required.

RESOLVED that:-

- (1) The appointment of an outside consultant to defend the appeal on behalf of the Council be agreed;
- (2) It be clarified that the second reason for refusal should 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 appellants to secure the payment of an off-site affordable housing contribution in the event that the appeal was successful.

24. Erection of detached garage not in accordance with approved drawings at 2 Baghay Cottages, Houndsmoor, Milverton

Reported that planning permission had been granted for this garage during September 2002 by Milverton Parish Council.

During the construction of the garage, it had been brought to the Council's attention that the garage was not being built in accordance with the approved plans and appeared to encroach onto neighbouring land.

Revised plans had been submitted. However, due to the uncertainty in terms of whether the garage was located within the site area originally approved, it was considered inappropriate to deal with the matter under the minor amendment procedure.

Further reported that the impact of the garage, as built, upon the neighbouring property was not such as to warrant enforcement action. It was considered that the issue between the two parties was primarily one that related to land ownership.

RESOLVED that no further action be taken.

(The meeting ended at 7.50 pm.)

10/2006/001

MR & MRS A DAWE

CHANGE OF USE OF LAND AND ERECTION OF GARAGING, IMPLEMENT SHED AND PARKING AT WESTERCOMBE FARM, CHURCHSTANTON AS AMENDED BY LETTER AND PLAN DATED 24TH JANUARY, 2006

18243/15005

FULL

PROPOSAL

The proposal is for the change of use of a small area of land to allow for the erection of a garage and implement shed with parking and a new field access at Westercombe Farm. The site was chosen as this was a visually sheltered location from the open countryside, the existing vehicular access can be used, car parking and turning would be within the existing curtilage and a building would form a sympathetic 'gateway' on the road frontage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. In the event of permission I recommend conditions re parking for domestic use, hard surface to access for first 5 m, entrance gates to open inward, gradient, disposal of surface water and note re highway permit.

LANDSCAPE OFFICER subject to being outside the canopy spread of the Ash tree it should be possible to accommodate the proposals without detrimentally affecting the character of the AONB. For clarity it would help to have the tree and its spread accurately plotted. Slate is the usual roofing material rather than tiles as suggested on the elevations.

PARISH COUNCIL whilst it does not object to the proposal to erect garaging, implement shed and parking it is prepared to accept option B only as the option which will have by far the least impact on the character of the area. The applicant's views - Design Analysis - state the building form of Option B would not be sympathetic to the old farmhouse. The Council feels that the building form can be tailored to sympathise with what remains of the old farmhouse. Similarly 'windows would be blocked out etc' is a problem that does not appear insurmountable. An additional separate building as proposed in Options A and C would be unacceptably intrusive in this Area of Outstanding Natural Beauty. Option A would be particularly visible from most parts of the valley.

POLICY CONTEXT

RPG10 - Regional Planning Guidance for the South West

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

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, S7 - Outside Settlements, H18 - Ancillary Accommodation, EN10 - Areas of outstanding Natural Beauty.

ASSESSMENT

The proposal is for the erection of a garden and agricultural implement store as well as garaging to serve the existing farmhouse at Westercombe Farm. The building is 11.3 m x 6 m set into the slope. Previous permission for an extension to the house was granted in 2001. The main issue is the impact on the character of the dwelling and the AONB.

Three alternative options have been looked at in terms of the siting of any garage and store building. Advice given prior to the application being submitted was that option C was preferred as this was the most advantageous in terms of reducing the impact on the countryside and of the design of the existing farmhouse.

As identified by the Parish Council the first option would be on agricultural land and be prominent in the countryside. The second option preferred by the Parish involves extending the existing house to incorporate the garage and storage required. This however would involve a re-design of the existing extension already built and would create a significant extension that would detract from the character of the existing building. It is considered that a detached out building as currently proposed (option C) is by far the better design approach to provide garaging and an implement store here. The building would be seen in relation to the existing house and barn conversions on the opposite side of the road and would not be visually prominent in landscape terms. The gable of the building adjacent to the road has been lowered to lessen its impact. The building would be visible from the road but only when close to and passing the site and not in long distance public views. This view is supported by the Council's Landscape Officer.

In summary the proposed building is considered acceptable in terms of its design and visual impact on the landscape and not to affect the character of the AONB and is recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, sample stone panel, retention of garaging and store use only, access to be hardsurfaced, gates to open inwards. Note re highway permit.

REASON(S) FOR RECOMMENDATION:- The proposed building is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EN10 and materials considerations do not indicate otherwise.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

12/2006/001

DR G FRANCIS

REPAIRS AND ALTERATIONS TO BARNs AND OUTBUILDINGS AT BROOK FARMHOUSE, CORFE

23328/19040

FULL

PROPOSAL

Brook Farmhouse is a Grade II listed building. It is thatched and was constructed in the 16th Century and its curtilage includes a number of stone outbuildings.

The proposal seeks to bring the buildings into a good state of repair for continued use as ancillary accommodation, which would include use of a barn as an annexe, use of a workshop as a home office and workshop, and use of the largest barn as a library and gallery. Minimal alterations are proposed, with a small degree of demolition. Listed building application 12/2005/202LB accompanies this planning application.

Also proposed is the replacement of a rear entrance door in the farmhouse with a half glazed timber stable door.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL has no objection to the alterations and repairs but is very concerned that the present access to the B3170 is hazardous and will be inadequate for the developments proposed. The Council requires that a condition of the development is that an improved access be provided higher up the hill.

POLICY CONTEXT

Policy H18 of the Taunton Deane Local Plan accepts the conversion of an appropriate building within the curtilage of a dwelling for ancillary accommodation. Policies S1 and S2 seek to safeguard, inter alia, the character of buildings, and visual amenity. Policy EN16 seeks to safeguard the setting of listed buildings.

ASSESSMENT

Whilst the Parish Council concern over the access is understandable, the proposal seeks to continue the use of the buildings as ancillary accommodation. There would consequently be no intensification in use of the vehicular access. Accordingly, it would be unreasonable to resist the proposal on highway grounds.

The Proposed alterations are sensitively designed.

RECOMMENDATION

That permission be GRANTED subject to conditions of time, second hand materials to be used, cobbles and paviors to be approved and all accommodation to be used in connection with the existing house as a single family dwelling and not used as separate units of accommodation.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character of the buildings, visual amenity, or the setting of the listed farmhouse. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, EN16 or H18.

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:

14/2006/003

MR & MRS L ROADHOUSE

**ERECTION OF SINGLE STOREY EXTENSION (EAST ELEVATION), GUBBINS,
HYDE LANE, CREECH ST MICHAEL**

27166/25805

FULL

PROPOSAL

Detached 2 storey dwelling on corner site, which has previously been extended by a permission in 1999. Now proposed to have a single storey extension on the east elevation. Dimensions are 3.2 m x 5 m with a mono-pitch sloping roof and materials are tiles and brick to match existing.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL object, felt that it would have a detrimental visual impact and detrimental impact on the neighbours.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H17 - Extensions to Dwellings.

ASSESSMENT

Site is within a residential curtilage and well screened by 2 m fencing around the site. Although it is close to next door it is considered it will not have any significant impact and there are existing buildings (sheds) in the corner to be replaced.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposal will not have any adverse visual or neighbour impact and therefore meets the requirements of Taunton Deane Local Plan Policies S1, S2 and H17.

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

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

NOTES:

17/2006/001

MRS G ALFORD

**ERECTION OF CONSERVATORY AT SWIFTS BARN, MANOR FARM, FITZHEAD
(REVISED DESIGN 17/2005/006).**

11445/28515

FULL

PROPOSAL

Members will recall the refusal of application 17/2005/006 at Planning Committee on 23rd November, 2005. This application comprises a revised design that incorporates a mono-pitched roof, however no other details have been amended and the use of uPVC is still proposed.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL supports the proposal.

POLICY CONTEXT

In the assessment of this application, the following Taunton Deane Local Plan Policies are relevant:- S1 (General Requirements), S2 (Design) and H17 (Extensions to dwellings). These policies seek to ensure that extensions to dwellings do not harm the residential amenity of other dwellings, not the form and character of the property to be extended, and that the extension is subservient in scale and design to the existing dwelling.

ASSESSMENT

This revised design still uses uPVC frames and although the roof design has been amended to a mono-pitch design it is still considered unacceptable. Apart from the revised roof design the proposal remains identical. A mono-pitched roof would traditionally incorporate a steeper pitch and be constructed using slates with timber framing. The materials and design of the conservatory are still therefore not traditional and would not be considered appropriate or in keeping with the character of the barn. The proposal has therefore not been amended sufficiently in order to alter my previous recommendation.

RECOMMENDATION

Permission be REFUSED as materials not in keeping with existing barn conversion and design not traditional and out of character with the dwelling/barn conversion.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

21/2005/015

MR & MRS A VELLACOTT

**ERECTION OF LOG CABIN TO BE USED AS HOLIDAY ACCOMMODATION,
LAND AT WELLISFORD FARM, LOWER WELLISFORD, LANGFORD BUDVILLE.**

09461/22468

FULL

PROPOSAL

The erection of a log cabin to be used for holiday accommodation, and associated car parking. Additional tree planting is proposed. The cabin measures 16.2 m x 12.5 m.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY proposed site is remote from any urban area and therefore distant from adequate services, occupiers of new development are likely to be dependant of private vehicles fostering growth in the need to travel; traffic generation for one log cabin is unlikely to generate a significant increase in traffic, however the highway authority would not like to see a multiplicity of applications, and there should be a limit to ensure no significant increase in traffic to detriment of highway network; as there is a specific policy for holiday accommodation it is a matter for the Local Planning Authority to decide if this proposal meets with the policy and outweighs transport policies seeking to reduce reliance on the private car.

LANDSCAPE OFFICER subject to details of proposed landscaping and retention of existing hedgerows it should be possible to substantially screen the proposal from local vantage points. DRAINAGE OFFICER surface water should be discharged to soakaways constructed in accordance with Building Research Digest 365; percolation tests should be carried out to ascertain required lengths of sub-surface irrigation drainage and The Environment Agency's consent is required to discharge to underground strata.

PARISH COUNCIL objects to the application.

POLICY CONTEXT

Policy EC24 (camping, caravans and holiday chalets) of the Taunton Deane Local Plan is relevant to this application. The policy allows holiday chalet development provided the proposal: would not harm the landscape and is adequately screened; has good access to the main road network; and is not situated in a floodplain. The proposal is considered to meet the requirements of this policy. Policies S1 (general requirements) and S2 (design) are also relevant to this application.

ASSESSMENT

The site lies outside of the floodplain and is screened by existing hedgerows, further planting is proposed within the site. The proposed holiday let is approximately 1 mile from Langford Budville and 2.5 miles from Wellington. Previous permission has been granted to convert barns at Wellisford Manor to holiday accommodation (21/1997/015).

Given the existing holiday accommodation, and that the site is screened from public vantage points, the proposal is considered not to harm the visual amenity of the area.

RECOMMENDATION

Permission be GRANTED subject to time limit, materials, percolation tests, landscaping, retention of hedgerows, holiday occupancy condition. Notes re compliance, soakaways, environment agency.

REASON(S) FOR RECOMMENDATION:- The site is adequately screened and the proposal is not considered to be harmful to the landscape and therefore is compliant with Taunton Deane Local Plan Policy EC24.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

22/2005/017

TAUNTON DEANE BOROUGH COUNCIL

ERECTION OF DWELLING HOUSE AT LAND AT THE CAUSEWAY, LYDEARD ST LAWRENCE.

12792/32440

FULL

PROPOSAL

The proposal provides for the erection of a detached dwelling on an area of vacant land within the village limits and Conservation Area. Three bedroom accommodation is proposed, with the building materials to be of rendered walls and slate roof. Because of the nature of the site and constraints with the site being within the Conservation Area, no on site parking is proposed. A previous identical application was submitted last year but withdrawn prior to determination at the 2nd March, 2005 Committee.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the lack of on-site parking is a concern, however it may be unreasonable to object in this instance considering that the proposal is in the middle of the village and there are other dwellings adjoining and nearby that do not benefit from off street parking. In the event of planning permission being granted would recommend conditions re disposal of surface water to prevent its discharge onto the highway and no overhanging or obstruction of adjoining footway. COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to the proposal and therefore have no objections on archaeological grounds. WESSEX WATER the site is not located within a Wessex Water sewered area. Points of connection for water supply need to be agreed. RIGHTS OF WAY TEAM the County Council has accepted an application to add a footpath to the definitive map and statement over the land. The County Council is under a duty to investigate this application and to publish an order amending the Definitive Map if evidence is found that shows a footpath exists over this route. The consequence of a public footpath being established over this route would be that any development on the site would constitute an obstruction to the public right of way and action might have to be taken to remove the structure.

LANDSCAPE OFFICER subject to protection of the remaining trees to the rear of the property during and post construction the scheme should have limited landscape impact. The trees proposed to be felled for construction are of limited size and amenity and not worthy of tree preservation. CONSERVATION OFFICER type of development proposed is sympathetic to this part of the Conservation Area. No objection subject to conditions covering sample panel of render to be erected on site for approval, sample slate, no bell casts to render and timber windows. NATURE CONSERVATION OFFICER the site does not provide the typical habitat expected for slow worms and other reptiles. Do not believe it is reasonable to ask for a survey in this case. Suggest that a note is made to alert developers to the possible

presence of nesting birds. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 and made a condition of any approval. Note that a sewage treatment package plant is to be used to dispose of foul sewage. Percolation tests should be carried out to ascertain the required lengths of sub surface irrigation drainage. The Environment Agency's consent to discharge to an underground strata would be required. LEISURE DEVELOPMENT MANAGER

The site of this application for planning permission is used by the community as a public open space. The parish of Lydeard St Lawrence has half the average recreational space per head of the other parishes in the Borough. The parish has 1.91 hectares of open space according to our records, which is 4.55 hectares per thousand population compared to the average of 9.10 hectares per thousand across all parishes. The 1.91 hectares of open space is made up of the children's play area, the church yard and the playing field. The Parish Council omitted to record the space at the Causeway when this information on open space in the village was last collected 3 years ago. The site is being used as a public open space and has a recreational value to residents including children who do not respond to consultation on planning applications. In view of the low level of open space in the parish, I do not support this application. If the Committee decides to grant planning permission on this site, there should be some compensation to the local community for its loss by funding improvements to facilities on the playing field. This sum would be spent in consultation with the management committee of the playing field as to its needs, and should be in the order of £2,562 which is the sum the Council normally requires from developers in lieu of on-site leisure provision.

PARISH COUNCIL object. Lack of vehicular access and parking. The site is on a blind bend in a narrow village street and the suggestion that a parking place be allocated in the car park at Cridlands was not felt to be a solution. Proposals for the disposal of foul sewage were not shown on the site plan, the siting of this was felt to be important on a sloping site close to other dwellings. The presence of a footpath, at present under scrutiny by SCC Rights of Way Group. The presence of memorial trees. Urges TDBC to ensure that no action is taken regarding any trees on this site until such time as planning permission is approved.

THREE LETTERS OF OBJECTION have been received raising the following issues:- contrary to both local and national policy, would detrimentally affect the residential and visual amenity of the surrounding properties and area and would obstruct a public right of way; consider Council's handling of the application to be procedurally flawed; do not consider that a decision should be made by the Committee on this application until certain disputed facts are determined by an independent and impartial body from the Council; determination by a Council of its own application is a breach of Human Rights legislation where there is a dispute of fact, as the Council is not an independent and impartial tribunal in such circumstances and the decision might not be subject to sufficient control by the Court to ensure compliance with Article 6; do not consider that any application should be) considered on this site until the issue as to whether this is an area of public open space or whether a public right of way crosses the site has been investigated by an independent and impartial tribunal; application has been made to Somerset County Council for the footpath to be marked on the definitive map for the area and the current application should not be determined until this has been decided; concern that the Council is not treating the application as it would an application from a

private individual; no pre-application consultation with adjoining occupiers, contrary to the procedures set out in the consultation draft Statement of Community Involvement; proposal not following Council's own guidelines for distances to trees and the impact of drainage pipes; commemorative trees should have a TPO placed on them; consider that the application departs from the provisions of the adopted Local Plan in a number of respects, including C6 (public rights of way) and should be treated as a departure application; application form contains a number of inaccuracies e.g. by stating that there is mains drainage in the village, does not involve felling of trees and that development does not affect a public right of way; many villagers cross the site and use it as open space; the development is unsustainable and contrary to the strategy set out in the Local Plan for development to be focussed on rural centres and towns; the support that this house will provide to the social and economic viability of the village is negligible in comparison with the detrimental effect that it will have on the environmental quality arising from the loss of the open space and trees; because of limited facilities in the village, the occupiers of the proposed house will be dependent on their own transport to get to work or go shopping, making the development unsustainable on the basis that it will lead to an increase in car travel; contrary to TDLP Policy H1 which requires a safe and convenient access by bus or on foot from any housing development to facilities and employment; the development will detrimentally affect the residential amenity and privacy of the neighbouring and nearby properties; the application site is cramped and surrounded on all sides by residential properties and slopes steeply upwards from front to rear; due to the proximity of the proposed house to the neighbouring properties and the topography of the site, the building and the garden will directly overlook adjacent properties with resultant loss of privacy; harm will be caused to the residential amenity of the area and the appearance and character of the landscape and adjacent buildings; no consideration has been given to the design of the building so as to minimise the adverse impact on the existing land uses; windows directly overlook adjacent properties; proposed building will prevent maintenance of adjacent wall and obstruct a private right of access; no details of deflection of rainwater; foundations of the adjacent property will be exposed and damaged during construction, no investigations have been carried out by the Council to show that the foundations for the new property can be constructed in the space available and without damaging the foundations of the adjacent property; will block light to ground floor kitchen window and interfere with right to light; the development would result in the loss of public open space and important trees, thereby banning the residential amenity and landscape; the site which is grassed and planted with trees has provided a public open space enjoyed by the villagers since the 1950s; many of the trees have been planted to commemorate various events; area is particularly attractive in the Spring when several of the trees are in blossom and the site provides a safe haven for local wildlife; the Council itself planted a number of trees on the site in conjunction with the resurfacing of the nearby car park a couple of years ago; up until December 2005 when the Council erected a padlocked gate adjacent to No. 1 Cridlands a number of the villagers crossed the site each day as a short cut through the village avoiding the road and the grassed area is also popular with dog walkers and children; TDLP recognises the importance of retaining open spaces and green wedges and states that trees and open spaces will be protected; in addition to the two trees which need to be felled, many others will be damaged due to the proximity of the house, the extensive levelling and construction machinery working within this confined site; PPG17 recognises green spaces between houses

as amenity green spaces and taking the relevant criteria into account there can be no justification for allowing this open space to be developed; the proposed development will detrimentally affect the character and appearance of the Conservation Area, as the proposal will result in the loss of trees and amenity greenspace and result in an increase in vehicular traffic and on-street parking; the absence of any off-road parking is contrary to TDLP Policy M4d which requires that all residential developments provide at least one parking space for each three bedroom house and the on road parking that will arise as a result will create road safety problems; the car parking spaces at the nearby Cridlands parking area are either allocated to properties or are already full to capacity in the evenings and weekends; residents will therefore park their cars on the Causeway, thereby exacerbating the hazard that already exists due to cars being parked on the approach to the blind bend in the road; the site is not served by utility services necessary for the proposed development; septic tank drainage not possible and the sewage system serving Cridlands may not have the capacity and developer would need to reach agreement; proposed development unacceptably close to septic tank of adjacent property; the development would obstruct a public right of way, there is evidence to show that this right of way has been exercised openly by the public at large for in excess of 20 years, thereby establishing a public right of way, when the Council previously offered to sell the site some years ago to an adjoining owner one of the conditions of sale was that the purchaser would fence off a strip of land sufficient to accommodate this right of way; the legal right to use the path exists whether or not it is recorded on the definitive map for the area, dismissal of this issue on the basis that 'a formal right of way does not exist' is misguided; TDLP Policy C6 states that a proposal which would require the diversion or closure of a public right of way will not be permitted unless a suitable alternative route is proposed which would not reduce the amenity or unduly inconvenience users - the development would completely obstruct the right of way and there is no suitable alternative route that would not reduce the amenity or unduly inconvenience users; the development site is located within an area of high archaeological potential and a satisfactory evaluation of the archaeological value of the site should be provided before the application is determined; proposed dwelling will be shoehorned into the site; adjacent properties would be devalued.

TWO LETTERS OF SUPPORT have been received commenting as follows:- aware of the dire need of housing and feel this is an appropriate use of the land; it would stop the local children using the slope as a bike run, a very dangerous practice; best way to ease the housing shortage is where possible to use land previously used for dwellings; this is the only safe use for this land as it is too steep to be used as a play area and would cost the public purse too much to make it safe as a right of way.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their

size and accessibility, and appropriate to "their character and physical identity. Policy 49 covers transport requirements of new developments and in particular requires that developments should provide safe access to roads of adequate standard within the route hierarchy.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy S5 states that development in villages will be limited to small scale proposals which support their social and economic viability, maintain or enhance their environmental quality and are unlikely to lead to a significant increase in car travel. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy M4 indicates residential parking requirements of 1-2 spaces for cars. Policy EN14 of the same plan states that development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the appearance or character of the Conservation Area. I consider that the proposal will meet with these criteria. Policy C6 states that proposals which would require the closure or diversion of a public right of way will not be permitted unless a suitable alternative route is proposed which would not reduce the amenity of or unduly inconvenience users.

ASSESSMENT

The site is located within the settlement limits of Lydeard St Lawrence, which has a range of local facilities - shop, school and village hall. The site is housing land within the Council. The applicant indicates that both Tone Leisure and the Parish Council have declined to purchase the site for use as public open space. The applicant accepts that there is no mains drainage in the village and that drainage will need to be dealt with on site, possibly by a treatment package system. The details for this issue are covered by a recommended condition. The County Highway Authority does not raise objection to the principle of the development. Although no off-road parking is provided, most of the other properties in the general area do not have such facilities and in view of this, the County Highway Authority does not have any objection to the lack of parking or the fact that residents' vehicles will be parked on the village street. Whilst there will be some adverse impact on the neighbouring residential properties, I do not consider that this would be serious enough to justify refusal of the application. The Conservation Officer does not raise any objection to the proposal and I consider that the proposed dwelling is acceptable in the street scene at this point and will not adversely affect the character and appearance of the Conservation Area. Although there is no formal public right of way across the site, an application has been received by the County Council for a modification to the definitive map. A condition is recommended such that no development should commence until such time as that application has been determined and rejected. The County Archaeologist does not raise any objection to the proposal.

RECOMMENDATION

Subject to the applicants entering into a Section 106 Unilateral Undertaking to provide for an off site contribution towards improvements to local recreation facilities in lieu of the loss of public open space, to be paid prior to occupation of the proposed

dwelling, 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, foul and surface water drainage, materials, rainwater goods, landscaping, retention and protection of trees, no felling, no service trenches beneath canopy spread of trees, levels, means of enclosure, disposal of surface water to prevent its discharge onto the highway, no overhanging or obstruction of adjoining footway, meter boxes, no bell casts, timber doors and windows, underground services, removal of GPDO rights for extensions and windows and fixed and obscure glazing to certain side windows and no development to commence until such time as the application for a Modification Order to the Definitive Footpaths Map has been determined and rejected by the County Council. Notes re disabled access, energy and water conservation, meter boxes, soakaways, nesting birds, soakaways, consent to discharge and CDM Regulations.

REASON(S) FOR RECOMMENDATION:- The proposal satisfactorily respects the form, character and setting of the settlement and the integrity of the street scene and has no material effect on neighbouring properties. The proposal is, therefore, in compliance with the requirements contained in Taunton Deane Local Plan Policies S1, S2, H1 and EN14 and C6. The lack of off road parking is not considered to be likely to materially affect highway safety.

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:

27/2005/023

MR M JAMES

CONVERSION OF BARNs TO 3 DWELLINGS, ERECTION OF DETACHED GARAGE, CONVERSION OF MODERN FARM BUILDINGS TO GARAGES, STABLES AND INDOOR RIDING SCHOOL AND FORMATION OF OUTDOOR MANEGE AT ALLERFORD FARM NORTON FITZWARREN AS AMPLIFIED BY AGENTS E-MAIL DATED 3RD FEBRUARY, 2006

17962/25032

FULL

PROPOSAL

The proposal provides for the change of use and conversion of traditional stone barns to 3 dwellings, erection of 3 detached garage buildings (two to serve the proposed dwellings and one to serve the existing house), conversion of modern farm buildings to garages, stables and indoor riding school and formation of an outdoor manege (40 m x 30 m). The proposed dwellings will comprise 2 single storey dwellings and 1 dwelling on three floors. The proposal provides for a whole site redevelopment of what are now redundant farm buildings. Amenity land provided for the proposed dwellings is to remain within the limits of the existing site, so there will be no requirement to use additional agricultural land. A Structural Appraisal of the barns submitted with the application concludes that the buildings are in satisfactory structural order at the present time and are suitable for conversion to residential use. A Wildlife Survey was also submitted with the application. The applicant's agents indicate that due consideration has been given to a commercial re-use of the buildings. They are of the opinion that as the barns are located in a rural area which is accessed via unclassified lanes and by virtue of the buildings relationship with the existing house, they are unlikely to be suitable for a business re-use. They are also of the opinion that the costs involved in converting the buildings to an alternative commercial/industrial use in this case, when compared to likely rental values, would not prove viable. This is further justified by the fact that there are existing buildings owned by the applicant which are currently being marketed under a commercial use with little interest. A Flood Risk Assessment was also submitted with the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY AUTHORITY in terms of traffic generation the proposed development may generate a similar level of traffic to that of the agricultural use of the barn, but the nature of the trip patterns connected with a residential use are likely to be very different with a higher level of longer distance trips. The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted policies:

April 2000). Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. The approach roads leading to Allerford Farm are narrow and poorly aligned and the junction with the main road, B3227 is sub-standard and I would not want to see an increase in vehicular movements on top of what is already in existence in this location. Therefore it is imperative that the equestrian uses being proposed are ones that will be ancillary to the residential uses being applied for and under no circumstances be for any business or commercial use. The Highway Authority would not want to see any commercial in this location be it as now or in the future. In the event of planning permission being granted recommend that conditions be imposed re visibility splays, hard surfacing of access, entrance gates hung to open inwards, gradient, garages to remain available for the parking of domestic vehicles, the use of the stables, indoor school and outdoor manege limited to private domestic needs of occupiers and not used for any business or commercial use and no discharge of surface water onto highway. Note re contacting the Highway Authority for a Section 184 Permit under the Highways Act. ENVIRONMENT AGENCY no objection subject to conditions finished floor levels and surface water drainage and advice that one of proposed garages may flood, consent to discharge, clean roof and surface water to be kept separate from foul drainage, manure/dung heap siting, MAFF Code of Practice and no discharge of foul or contaminated drainage to groundwater or surface waters. ENGLISH NATURE the survey information indicates that evidence of bats was found in barn 4 and will be affected by these proposals. It is unclear to the surveyors how the bats are using the barn and we support their recommendation that further bat surveys are needed when bats are active which is likely (weather permitting) to be from late April until late October. Without this information English Nature cannot be satisfied that these proposals will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations). A serotine bat roost is suspected to be in the house.

NATURE CONSERVATION OFFICER main concern is that the survey for bats is incomplete. No emergence survey was carried out. Bat use was inconclusive and further survey work must be undertaken to see how the bats may be using the building. Swallows nesting some of the buildings and work must not be done in the summer months if swallows are nesting. Work to some of the buildings can go ahead, although all operatives should be alerted to the possible presence of bats and nesting birds. Suggests conditions. DRAINAGE OFFICER understand that the Environment Agency have concerns regarding the probability of flooding at the road junction adjacent to the proposed site. No approval should be given until such time as it has been approved by the Environment Agency.

PARISH COUNCIL objects because it does not meet with the criteria laid down for the conversion of rural buildings in Taunton Deane Local Development Framework. Also feel that the roads serving this area are inadequate for the increased traffic this development would generate.

TWO LETTERS OF OBJECTION have been received raising the following issues:- increase in traffic along a lane which is already dangerous; road floods to an impassable depth on the proposed entrance to the development on a regular basis;

prospect of even more equestrian traffic using narrow and dangerous lane fills with dread; already too much development in the immediate locality; previous permissions for development - only a matter of time before the owners are seeking planning permission for a house (they have already installed a mobile home); the countryside is slipping away by planning permission creep.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. Policy H7 of the same plan states that outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless certain criteria are met. It is considered that the relevant criteria are met with the proposal.

ASSESSMENT

The barns are traditional stone barns and their conversion as proposed is in compliance with the adopted Development Plan policies. The equestrian uses are to be tied to the domestic use of one of the dwellings. The traffic generated by the proposed development has to be compared with the loss of the agricultural traffic generated from a large farming enterprise (tankers, tractors, farm machinery, etc).

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, percolation tests, materials, landscaping, boundary treatment, access, visibility splays, hard surfacing of access, entrance gates hung to open inwards, gradient, garages to remain available for the parking of domestic vehicles, no discharge of surface water onto highway, parking, meter boxes, schedule of works, timber windows and doors, use of stables indoor riding school and outdoor manege to be strictly ancillary to existing or proposed dwellings and not to be used for commercial purposes, demolition of buildings, underground services, removal of GPDO rights for extensions, ancillary buildings, walls/fences and doors/windows, finished floor levels, surface water drainage, bat survey and provision for swallows. Notes re conversions letter, future extensions unlikely, disabled access, water/energy conservation, no surface water discharge onto highway, agricultural code of practice, CDM regulations, manure heaps, advice re bats and nesting birds, possibility of one of garages flooding in extreme circumstances, Consent to Discharge, drainage for stable/riding facility on a separate system, foul/contaminated drainage, ensure no pollution from proposed riding areas and contact Highway Authority.

REASON(S) FOR RECOMMENDATION:- The Local Planning Authority consider that the proposal complies with Taunton Deane Local Plan Policy S1 and the criteria contained in Policy H7.

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:

38/2005/552

SUMMERFIELD DEVELOPMENTS LTD

ERECTION OF 4 B1 OFFICE UNITS WITH CAR PARKING (THE QUAD) BLACKBROOK BUSINESS PARK, TAUNTON AS AMENDED BY LETTER AND PLAN 3858-7C RECEIVED 13TH JANUARY 2006 AS AMENDED BY LETTER, DETAILS AND PLAN 3858-22 RECEIVED 25TH JANUARY 2006 WITH REVISED CAR PARK LAYOUT AND NEW LIGHTING LAYOUT.

25163/24249

FULL

PROPOSAL

The proposal is to erect 4 B1 office units approximately 18.5 m x 18.5 m each x 8 m high in a quadrangle design to the south of the existing office development on the Blackbrook Business Park. Parking is provided to the north and south of the units with 60 spaces on each side. The design philosophy has been developed to avoid further isolated buildings and provide a unified block of 4 with a single identity, each closely related to the others and providing usable internal landscaped pedestrian courts for the occupants. Entry to the central spaces are softened by splayed glazed corners, accentuating the entrances and integrated signage and also providing enhanced peripheral views from within. The design is an architectural progression from previous designs and relates to a demand for more modern hi-tech sustainable solutions, the materials reflecting and complementing the new fire control centre, where possible to achieve grade A ratings in the Green Guide Specification. They retain the brick and glass fenestration of the previous family of buildings.

CONSULTATIONS AND REPRESENTATIONS

HIGHWAYS AGENCY on the assumption that the site is part of the outline of Phase 2 of the Blackbrook Business Park we do not intend to raise any objection to this application on the grounds of traffic generation and impact on the Trunk Road Network, namely Junction 25 of the M5 motorway. Notwithstanding this we have some observations concerning the scale and position of the car parking. PPG13 standards which the Local Plan incorporates would require that for a development of this total size there should be only 99 parking spaces plus approximately 4 or 5 disabled spaces, giving a total of 103-104 spaces. Undoubtedly the applicant is suggesting that that as each individual unit is below the floorspace threshold, PPG13 standards should not apply. However we consider that this is contrary to the spirit of PPG13, where the thresholds are intended to apply to isolated, small developments rather than this 'business park' form where it might be expected that there would be opportunities for shared parking facilities. The layout on drawing 3858-6 apart from tending to preclude any sharing of spaces means that some disabled spaces would be remote from the buildings. We would suggest that this layout does not conform with 'best practice' as regards the Disability Discrimination Act 1995 nor with the latest revisions to the Building Regulations. The alternative layout suggested by drawing 3858-8A would be preferable. ENVIRONMENT AGENCY no objections in principle to the proposed development but recommends that if permission is granted conditions are imposed re surface water drainage, site levels, fuel storage, oil

interceptor, no discharge of contaminated drainage and notes re oil storage regulations and flood resilient construction. WESSEX WATER there is a public sewers and a public water main in the assumed site area. If within the site boundary a 3 metre easement will be required on either side of the apparatus for the purpose of maintenance and repair. Details of drainage and water supply have not been fully disclosed. The development is located in a sewerred area with both foul and surface water sewers available. It will be necessary for the developer to agree an arrangement for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection can be agreed at the detailed design stage. Water supply connection can also be agreed at detailed stage. The Council should be satisfied with any arrangement for the disposal of drainage if alternative methods of drainage are proposed. It is recommended the developer agree a point of connection onto Wessex systems prior to commencement on site. A condition is recommended to protect the integrity of Wessex systems crossing the site.

LANDSCAPE OFFICER the site is not well screened from the motorway and requires substantial tree and shrub planting to provide adequate mitigation. The 'spine' access road side of the proposals also require careful landscaping. Given the size of the development I recommend that landscape masterplan details should be agreed before approval. DRAINAGE OFFICER I understand the Environment Agency is happy with the latest Flood Risk Assessment carried out for this proposal. I also note the protection offered by way of the bunds being installed by part of the protection measures to the Fire Control Centre up to the 1:1000 year event also protect this proposal. Subject to the EA confirming acceptance of the proposed details I can confirm I have no objection to this proposal.

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 18 - Location of Land for Industrial & Business Development, POLICY 48 - Access and Parking POLICY 60 - Floodplain Protection.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, EC1 - Employment Development, M1 - Transport, Access and Circulation Requirements M2- Transport, Access and Circulation Requirements, M3 - Transport, Access and Circulation Requirements, EN9 - Tree Planting, EN28 - Development and Flood Risk.

ASSESSMENT

The proposal is to erect four B1 office units with car parking on land to the south of the existing built development at Blackbrook Business Park. This land has previously had outline permission for development which has been renewed a number of times and the site lies within the settlement limits of the town. The issues here are the design of the buildings, the adequacy of the landscaping and parking and the provisions to ensure no flood risk as a result of the sites development.

The buildings proposed are two storey office buildings in brick with an aluminum roof which is recyclable. The buildings are based around a landscaped quadrangle and have parking set to either side of the units. The design of the buildings and general layout is considered an acceptable one. The site is prominent from the motorway and it considered that adequate landscape planting along this boundary is required.

The parking layout has initially been revised to address the issues of suitable access to the disabled spaces. There are 120 parking spaces initially proposed. This is above the maximum figure specified in government guidance within PPG13 which would be 99. The Local Plan requires 60-80% of PPG13 maxima for Class B employment uses. This would equate to approximately 80 spaces being required. The Business Park site as a whole has had a parking level in excess of this level in the past, given that the original outline for the site dates back to the late eighties. Previous permissions on this part of the site reflect this and the impact of the parking provision on the use of the site in relation to those surrounding sites is an issue. The provision of adequate landscaping on the eastern boundary will be required and the provision of a 5m landscape belt will mean that around a dozen spaces will need to be removed. This will reduce the parking numbers more akin to the level quoted by the Highways Agency. While this is still in excess of the figure quoted above it does relate to the parking levels in respect of the remainder of the site and on this basis, the parking level is considered not to be refusable subject to the submission of a revised layout to reflect adequate landscaping.

The site is within an area at potential flood risk and a Flood Risk Assessment has been submitted with the application. The Environment Agency has raised no objections and recommended a number of conditions and the proposals are considered acceptable.

RECOMMENDATION

Subject to a landscape plan and revision of the parking layout before 15th March, 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, landscaping, parking layout, external lighting details, surface water drainage, site levels, fuel storage, oil interceptor, no discharge of contaminated drainage. Notes re oil storage regulations and flood resilient construction.

REASON(S) FOR RECOMMENDATION:- The proposed building is considered to comply with Taunton Deane Local Plan Policies S1, S2, EC1, M3, EN9 and EN28 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES:

48/2005/074

WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

ERECTION OF 3 TWO STOREY DWELLINGS PLOTS 1-3, AT LAND AT SIDBROOK FARM, WEST MONKTON AS AMENDED BY AGENTS LETTER DATED 2ND FEBRUARY, 2006 AND DRAWING NOS. 3654/05/B, 3687/05/C AND 3688/05/B

25349/27447

RESERVED MATTERS

PROPOSAL

The proposal comprises the clearance of all reserved matters following previous outline application 48/2003/064. This application for three dwellings represents approximately half of the site granted outline consent with access derived from an existing lane to the north east of the site. The proposed dwellings are of two storey construction with attached garages. The layout plan shows an indicative layout of another three dwellings on the remainder of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited. WESSEX WATER no objections.

LANDSCAPE OFFICER the west boundary of the site should provide a landscape buffer to the fields beyond and all hedges should be of a native species mix. PLANNING POLICY no comments. DRAINAGE OFFICER no objections subject to appropriate standards compliance.

PARISH COUNCIL the outline permission was granted despite objections from residents and local councilors. This application would have a negative affect particularly on 85A Greenway, (not shown on the plans submitted) and to a lesser [extent] on the other bungalows in the row of bungalows running from Greenway Chapel, westerly. The application would also impact on some of the bungalows in Greenway. All other properties mentioned are bungalows and the proposed development comprises 6 two storey dwellings. The application is for the development of three of the 6. The three in question are too close to the bungalow 85A Greenway. This bungalow currently enjoys views over open countryside which would be obstructed by the development. The visual impact would be considerable. Screening/planting at the boundary should be a minimum requirement. The height of the roof lines of the development should be no higher than the exiting roof line of 85A Greenway.

ONE LETTER OF OBJECTION have been received raising the following issues:-the plans shows an area adjacent to our boundary described as "overgrown vegetation, however this is a small thicket that is alive with birds during the summer; the thicket should therefore be retained; the continuing urbanization of this piece of countryside at Sidbrook is going to change our lives as well as devalue our property; our

bungalow which has distant views, is now to be overshadowed by tall houses and No. 2 will have many windows just a few feet from our garden, completely overlooking it.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development and Policy 48 – Access and parking.

Taunton Deane Local Plan Policy S1 covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H2 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. Policy M4 sets out guidelines for residential parking standards.

ASSESSMENT

The principle of residential development on the site has already been established by the previous outline planning permission. No condition was attached to the latter consent restricting the storey height of the dwellings and accordingly two storey development is considered acceptable in principle. Objections received refer to loss of views, however this is not considered a relevant planning consideration, provided that the development is not overbearing. The devaluation of properties is similarly not considered a relevant planning consideration.

In terms of impact upon residential amenity the nearest property to the proposed dwellings is 85A Greenway, whose location is adjacent to the east boundary of the site. The landscape proposal retains existing trees on the east boundary and proposes additional hedging to bolster the existing screening. All first floor habitable windows in the east, rear elevations are located sufficient distance away from 85A Greenway. Furthermore Plot 2 is positioned at an angle in order to face the gable end of 85A Greenway which means that the front and rear gardens of the latter property are at oblique angles to first floor windows. Plot 1 is separated from 85A Greenway by an attached garage and no first floor windows face the neighbouring property. Due to the aspect and distance away from neighbours the proposed dwellings will not result in detrimental loss of light or overbearing impact. The proposal is therefore not considered to detrimentally affect the residential amenity of the area.

In terms of design, the revised proposal (that splits up the garages from plots 1 and 2) incorporates a cottage style development and utilises materials that are sympathetic to this edge of countryside location. The proposal is considered to respect the character of the area and to comply with policies of the Development Plan and is therefore recommended for approval.

RECOMMENDATION

Subject to the receipt of no adverse comments from the County Highway Authority, the Development Control Manager in consultation with the Chairman/Vice Chairman be authorised to determine and permission be GRANTED subject to an additional condition requiring vertically sliding sash windows. Notes regarding compliance with the conditions of the outline permission with specific regard to drainage issues and landscaping issues.

REASON(S) FOR RECOMMENDATION:- The reserved matters of this development are considered to be acceptable and would not harm visual nor residential amenity. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H2, and M4.

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

CONTACT OFFICER: 356586 MR R UPTON

NOTES:

PLANNING COMMITTEE – 1 MARCH, 2006

REPORT OF THE DEVELOPMENT CONTROL MANAGER

COUNTRYSIDE ITEM

**OBJECTION TO TAUNTON DEANE BOROUGH (CHEDDON FITZPAINE NO.2)
TREE PRESERVATION ORDER 2005 AT TUDOR PARK, MAIDENBROOK (GRID
REF. 2460 2644), TD992 (T1 WALNUT, T2 OAK)**

This Tree Preservation Order was served in response to a possible threat to the trees following two planning applications registered in August 2005:-

- (a) erection of a dwelling on land to the west of Maidenbrook Farmhouse (08/2005/014); and
- (b) formation of an access road for residential development to the north of Maidenbrook Farmhouse (08/2005/015).

The Order was originally served as TD987 to include two oak trees and one walnut. Following an objection to that Order from the agent, representations from the Parish Council, discussion with the owner and subsequent email from the agent, it was re-served as TD992 omitting one of the oak trees.

An objection has been received from Turner Holden, Hawkridge House, Chelston Business Park, Wellington, TA21 8YA (Agents acting for the owners, Glenmill Homes Limited.)

The objection to TD992 has been made on the following grounds:-

- (1) The trees are not 'threatened by a proposal to develop the site', the reason given by Taunton Deane Borough Council for making the Order.

The objection to the original Order, TD987, was made on the following grounds:-

- (1) The trees are not of high amenity, being small, not readily visible by the general public and in potential garden areas.
- (2) The trees are not 'threatened by a proposal to develop the site'.
- (3) The two oaks are too close together. If one is removed, the remaining tree will become unbalanced and of no amenity.

Officer's Comments:-

The oak and walnut appear to be in good health. They are relatively young specimens and have the potential to make a positive contribution to the setting of the Maidenbrook Farm listed buildings as they grow to maturity. The trees have the potential to grow to 15 – 20 metres in height and will become more visible to the general public the larger they get.

The oak tree, T2, included in TD992 is one of a pair growing close together. T2 is the more northerly of the two, and has been chosen for protection as it has a better trunk and branch structure. The removal of the other oak tree will allow T2 to develop a more balanced crown. It would benefit from having the small stem adjacent to the main trunk removed, and being crown-raised to 2 - 2.5 metres from ground level.

RECOMMENDATION

That the Tree Preservation Order be confirmed.

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

CONTACT OFFICER: Mr D Galley Tel: 356493

PLANNING COMMITTEE – 1 MARCH, 2006

Report of the Development Control Manager

MISCELLANEOUS ITEM

38/2005/356 – Demolition of dwellings and erection of one bedroomed flats together with delivery access at 5-7 Compass Hill, Taunton

The above planning application was considered by Members at their meeting in November 2005 when it was determined that planning permission be granted subject to a Section 106 Agreement relating to the provision of a contribution for the off-site provision for sport and recreation.

Unfortunately not all those who had commented on the previous withdrawn application were re-notified of the application and a further notification of these persons was undertaken during the period when the Section 106 Agreement was being finalised. There have been two further letters of objection received summarised below:-

There has been one objection from a neighbour on the grounds that with no parking proposed visitors will use their car park, Compass Hill is some distance from the nearest car park, if development goes ahead they will have to erect gates at their car park entrance, electronic gates are not affordable and manual ones would be a nuisance and cause inconvenience to traffic flow in Compass Hill. Additional units could have a detrimental affect on existing drainage arrangements.

The Civic Society raise concern over 3 storey development on the higher part of the site and a 3 storey block adjacent to the Cann Street Boundary would be overbearing and oppressive. Hipped roof design with overhanging eaves is welcomed and it is felt that with the loss of two pleasant houses it is important that the new buildings are in sympathy with the area as a whole and do not reflect the modern style of flats opposite. Concern over servicing has been addressed by the provision of a service delivery access but where will peoples' cars go? What gauging of car ownership has taken place, development is leading to increases in long term street parking making minor road access difficult and risk of emergency services being impeded. We agree traffic management during construction must be undertaken with care and there must be intensive management of the parking during construction works.

ASSESSMENT

The proposal is the re-use of a brownfield site in an acceptable location for car free development. A servicing access is provided to comply with highway safety requirements and the scheme includes a minor road re-alignment to improve safety. If illegal parking occurs as a result of the development this will need to be addressed in the normal way. Drainage is a condition on any

approval as is the future design, height, siting and number of flats to be built on the site.

A copy of the previous report is attached for Members information.

RECOMMENDATION

The Section 106 Agreement has now been completed in relation to this site and it is recommended that Members note the comments received and grant permission for the development as per the previous recommendation and conditions.

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

CONTACT OFFICER: Mr G CLIFFORD Tel: 356464

38/2005/356

SUMMERFIELD DEVELOPMENTS

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

22248/24281

OUTLINE APPLICATION

PROPOSAL

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

CONSULTATIONS AND REPRESENTATIONS

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

management programme that works both for the highway alterations and the construction of the development on site in so far as that affects the public highway. COUNTY ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections. WESSEX WATER there is sufficient spare capacity to serve this site and connection may be made to the combined sewer in Compass Hill. The sewerage system is combined in this area. Surface water may be discharged to the same sewer as the foul connection but the applicant is asked to investigate using the soakaways or other Sustainable Drainage solutions to keep the volume and rate of discharge to a minimum. Flow calculations will be required. In line with Government protocol the applicant is advised to contact Developers Services to see if any drainage systems can be adopted under a Section 104 Agreement. RIGHTS OF WAY no observations.

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

3 LETTERS OF OBJECTION have been received raising the following issues:- the delivery access would be extremely dangerous and hazardous; a high turnover of younger occupants would result in an increased number of vehicles accessing and exiting onto the highway; it could lead to an accident

blackspot given the use of the area by emergency vehicles; lack of parking; query disabled access and compliance with Disability Discrimination Act; dangerous development on main road; unrealistic to assume people will dispense with their cars; vehicle setting down and picking up would be dangerous; problem of servicing and visitor access; increase in parking in surrounding area.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West.

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

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

ASSESSMENT

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

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

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

of this site with an appropriate form of development given the adjacent flat development to the north.

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

There has been a request from the Highway Authority that a strip of land across the site frontage be incorporated into highway width improvements. The applicants are agreeable to this and it is still considered possible to design a development with defensible space and planting on the frontage. The site proposal has no access other than a pedestrian one and this is not unlike other developments in the adjacent Park Street. Adequate bin and cycle store provision will be required and be subject to conditions. A means of providing a servicing bay on the road frontage is being investigated, however such provision cannot be provided for within the site in addition to the road widening scheme as this would fatally compromise the scheme proposed. The provision of a lay-by within the frontage is currently being considered in safety terms by the Highway Authority.

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

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

RECOMMENDATION

Subject to a Section 106 Agreement re a Sport and recreation contribution the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, reserved matters, drainage, levels, materials, sample brick panel, window details, landscaping, tree retention, tree protection, boundary treatment, no occupation until delivery access and road widening scheme carried out, bin stores, cycle parking, combined aerial, wildlife survey, meter boxes. Notes re design, Wessex Water connection.

REASON(S) FOR RECOMMENDATION:- The proposal is considered an appropriate redevelopment and to comply with Taunton Deane Local Plan

Policies S1, H2, H4 and C4 and material considerations do not indicate otherwise.

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

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

CONTACT OFFICER: 2456 MR G CLIFFORD