



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 29TH MARCH 2006 AT 17:00.

(RESERVE DATE : MONDAY 3RD APRIL 2006 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 1 March 2006 (attached).
3. Public Question Time
4. BISHOPS LYDEARD - 06/2006/002
ERECTION OF DWELLING AND GARAGE AT LAND TO REAR OF 9 CHURCH STREET, BISHOPS LYDEARD (REVISED APPLICATION 06/2005/021) AS AMENDED BY AGENTS LETTER DATED 7TH FEBRUARY, 2006 AND DRAWING NO. 11205/1/A AND AMPLIFIED BY SLOW WORM MITIGATION METHOD STATEMENT RECEIVED 24TH FEBRUARY, 2006
5. BRADFORD ON TONE - 07/2006/003
CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 INDUSTRIAL USE AT LAND AND BUILDINGS FORMERLY KNOWN AS GARDINERS HALL FARM, BRADFORD ON TONE AS AMENDED BY AGENTS LETTER DATED 10TH MARCH, 2006
6. CORFE - 12/2006/009
ERECTION OF NEW TIMBER STABLES AND GARAGING IN REAR YARD OF FARMHOUSE, BROOK FARMHOUSE, CORFE
7. CREECH ST MICHAEL - 14/2006/002
ERECTION OF EXTENSION ABOVE GARAGE TO FORM TWO STOREY EXTENSION TO SIDE AND ERECTION OF SINGLE STOREY LEAN-TO EXTENSION TO REAR OF BY CANAL COTTAGE, CREECH ST MICHAEL AS AMENDED BY DRAWING NUMBER 11005/4 REV. A AS RECEIVED 2ND MARCH 2006
8. KINGSTON ST. MARY - 20/2006/003
REMOVAL OF CONDITION 04 OF PLANNING PERMISSION 20/1979/005 (AGRICULTURAL TIE) ON THE OLD CIDER HOUSE, PICKNEY, KINGSTON ST MARY.
9. MILVERTON - 23/2005/049
ERECTION OF AGRICULTURAL WORKERS DWELLING ON LAND TO SOUTH OF LOWER PARK FARM, WIVELISCOMBE

(RESERVED MATTERS) AS AMENDED BY AGENTS LETTER DATED 9TH FEBRUARY, 2006 AND DRAWING NOS. 1288/1A, 2A, 3A AND 4A

10. NORTON FITZWARREN - 25/2006/003
FORMATION OF 2ND BORROW PIT TO OBTAIN EARTHWORKS CONSTRUCTION MATERIAL FOR PROPOSED DAM (PLANNING PERMISSIONS 25/2001/076 AND 25/2005/036), AREA TO BE BACKFILLED AND RESTORED TO AGRICULTURAL USE WHEN CONSTRUCTION OF DAM HAS BEEN COMPLETED, LAND WEST OF MONTYS LANE, NORTON FITWARREN.
11. TAUNTON - 38/2006/041
ERECTION OF TWO FLATS AND DWELLING ON LAND TO EAST OF ST ALBANS PLACE AND NEXT TO JUNCTION WITH ST PATRICKS ROAD, TAUNTON
12. TAUNTON - 38/2006/047
CHANGE OF USE AND CONVERSION OF BUILDING TO 75 APARTMENTS, RETENTION OF OFFICE SPACE TO FRONTAGE, ROOF EXTENSION, EXTERNAL ALTERATIONS AND ASSOCIATED FACILITIES AT TELEPHONE HOUSE, THE CRESCENT, TAUNTON AS AMPLIFIED BY AN ADDITIONAL DESIGN STATEMENT RECEIVED 15 MARCH 2006.
13. TOLLAND - 41/2006/003
ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND (SCHEME B, PHASE 1)
14. TOLLAND - 41/2006/004
ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND (SCHEME B, PHASE 2)
15. TRULL - 42/2006/002
ERECTION OF REPLACEMENT DETACHED GARAGE AND SINGLE STOREY EXTENSION TO REAR OF DWELLING AT BYWAYS, DIPFORD ROAD, TRULL.
16. TRULL - 42/2006/005TEN
ERECTION OF 15 M MAST ASSOCIATED ANTENNAE GROUND BASED CABINETS AND ANCILLARY EQUIPMENT AT TRULL GREEN FARM, LAND OFF CLAREMONT LANE, TRULL
17. WEST BUCKLAND - 46/2006/001
CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE AT LAND ADJACENT TO 1 CALWAY COTTAGE, WEST BUCKLAND
18. 06/1998/042 - CONSTRUCTION OF INFRASTRUCTURE WORKS INCLUDING ROADS, SEWERS AND DRAINAGE/FLOOD ATTENUATION WORKS (PHASE 2), COTFORD ST LUKE. Miscellaneous item
19. E290/09/2005 - PROVISION OF TIMBER LODGE FOR RESIDENTIAL PURPOSES AT HELE VALE FARM, WATERROW, WIVELISCOMBE Enforcement item

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| 20. | E53/30/2004 - USE OF LAND AS A SCRAP YARD AND FOR THE STATIONING AND RESIDENTIAL USE OF CARAVANS AT FORMER NURSERY, WREXON, TRULL, TAUNTON. | Enforcement item |
| 21. | E327/49/2005 - ACCESS TRACK, EXTENSION AND INCREASED ROOF HEIGHT TO BUILDING, LAND AT THE REAR OF CULVERHAY COTTAGE, CULVERHAY LANE, WIVELISCOMBE. | Enforcement item |

G P DYKE
Member Services Manager

The Deane House
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TAUNTON
Somerset

TA1 1HE

21 March 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:



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

Planning Committee – 1 March 2006

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

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

(The meeting commenced at 5.00 pm)

25. Apology

Councillor Hindley.

26. Minutes

The minutes of the meeting held on 15 February 2006 were taken as read and
were signed.

27. 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:-

10/2006/001

Change of use of land and erection of garaging, implement shed and parking at Westercombe Farm, Churchstanton

Conditions

- (a) C001A - time limit;
- (b) C102 - materials;
- (c) C201 - Landscaping
- (d) A sample panel of the new stone walls and mortar detail shall be
constructed on site and agreed in writing by the Local Planning
Authority and thereafter the walls shall be constructed as per the
agreed sample;
- (e) The garages hereby permitted shall be constructed only in
accordance with the approved plans and shall remain available

- in perpetuity for the parking of a motor vehicle(s) for domestic purposes only ancillary to the existing house;
- (f) The storage space hereby approved shall be used for agricultural and domestic storage and workshop use only ancillary to the farmhouse and shall not be converted to habitable accommodation;
 - (g) The proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
 - (h) Any entrance gates erected shall be hung to open inwards only. (Note to applicant:- N061A – Highways Act – Section 184 Permit)

Reason for granting planning permission:-

The proposed building was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EN10 and material considerations did not indicate otherwise.

12/2006/001

Repairs and alterations to barns and outbuildings at Brook Farmhouse, Corfe

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the buildings shall be retained as existing and where necessary, repaired and/or renewed with salvaged materials from the existing building/matching materials, or those that are similar in age, colour and texture to the original unless the written consent of the Local Planning Authority is obtained to any variation;
- (c) All new fenestration shall be timber and full details including sections, mouldings, profiles and method of opening shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (d) Samples of the cobbles and stone paviers to be used for the courtyard and pathways shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and no other materials shall be used without the written consent of the Local Planning Authority;
- (e) All the accommodation hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used as separate units of accommodation;
- (f) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an

identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

(Note to applicant:- Applicant was advised that as access to the site is across an old bridge you should ensure any construction traffic is of a suitable weight to prevent damage.)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the buildings, visual amenity or the setting of the listed farmhouse. Accordingly, the proposal did not conflict with the Taunton Deane Local Plan Policies S1, S2, EN16 or H18.

14/2006/003

Erection of single storey extension (east elevation), Gubbins, Hyde Lane, Creech St Michael

Conditions

- (a) C001A – time limit;
- (b) C102 – materials.

Reason for granting planning permission:-

The proposal would not have any adverse visual or neighbour impact and therefore met the requirements of Taunton Deane Local Plan Policies S1, S2 and H17.

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

21/2005/015

Erection of log cabin to be used as holiday accommodation, land at Wellisford Farm, Lower Wellisford, Langford Budville

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C010A – drainage – not commenced until percolation test approved;
- (d) C201 – landscaping;
- (e) The existing hedges on all boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
- (f) Details of the earth mound to be constructed within the site shall be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development;
- (g) C412 – restriction of occupation for holiday lets in permanent buildings;

- (h) Any holiday let cabin that is unoccupied for more than a 24 month period shall be demolished and/or removed including the removal of any foundations and/or floor slabs;
(Notes to applicant:- (1) N024 – development in accordance with the approved plans; (2) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that the Environment Agency’s Consent to Discharge to an underground strata is required.)

Reason for granting planning permission:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and therefore was compliant with Taunton Deane Local Plan Policy EC24.

27/2005/023

Conversion of barns to three 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

Conditions

- (a) C001A – time limit;
- (b) C010A – drainage – not commenced until percolation test approved;
- (c) C102 – materials;
- (d) C201A – landscaping;
- (e) C215 – walls and fences;
- (f) C304 – access point;
- (g) C306 – access – gradient;
- (h) C321B – parking;
- (i) C416 – details of size, position and materials of meter boxes;
- (j) C601 – schedule of works to ensure safety and stability of structure;
- (k) 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;
- (l) The use of the stables, indoor riding school and outdoor manege shall be strictly ancillary to the existing or proposed dwellings and shall not be used for commercial purposes;
- (m) Before any of the dwellings hereby permitted are occupied, the agricultural buildings as shown on the approved plan shall be demolished and all materials resulting from the demolition shall be removed from the site;
- (n) C917 – services – underground;
- (o) P001A – no extensions;

- (p) P003 – no ancillary buildings;
- (q) P006 – no fencing;
- (r) P010 – no further windows;
- (s) Finished floor levels shall be set a minimum of 25.17m above Ordnance Datum;
- (t) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (u) Prior to the commencement of works on Unit 1 (Barn 4 in Greena Ecology's report dated the 20 October 2005) an emergence survey of bats undertaken by a qualified Environmental Consultant between the 14 April and 30 September in any one year shall be submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. Once these measures are approved, the works shall take place in accordance with an agreed scheme to protect bats and their roosts and thereafter the scheme shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats roost and related accesses has been fully developed;
- (v) Development shall not commence until details of a scheme for the retention of swallows nest site(s) and accesses in the development hereby permitted (or the provisions of alternative new sites or accesses) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a programme for the implementation of the development that avoids any building or other operations likely to affect the swallow nest sites being undertaken between the 1 April and the 31 October in any one year, without the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority and thereafter the nest site(s) and agreed opening(s) shall be permanently maintained;
- (w) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage incorporating the land edged red and blue. Such visibility shall be fully provided before the dwellings hereby permitted are occupied and shall thereafter be maintained at all times;
- (x) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in

- accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (y) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge;
 - (z) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to Applicant:- (1) N025 – conversions; (2) With regard to condition (a), applicant was advised that permission has been granted solely to retain a former agricultural building as part of the rural scene. It is therefore unlikely that future extensions would be allowed to this dwelling; (3) N118A – disabled access; (4) N114 – meter boxes; (5) N112 – energy conservation; (6) N115 – water conservation; (7) N037 – drainage/water; (8) Applicant was advised that all waste should be disposed of in accordance with the DEFRA Code of Good Agricultural Practice to ensure the protection of nearby watercourses; (9) N051B – health and safety; (10) N070 – manure heaps; (11) Applicant was advised that bats and nesting birds may be present on site and all operatives on site must be appropriately briefed on their potential presence. If bats are found on site then work must stop and English Nature must be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered, must not be disturbed; (12) Applicant was advised that the single garage to the south of the site appears to be located at a low spot with the ground level adjacent shown as 24.4m above Ordnance Datum. However, there is higher land between that location and the road junction that floods. Accordingly, you are informed that there is a possibility of the garage flooding in extreme circumstances; (13) Applicant was advised that the Environment Agency has no objection in principle to the use of a septic tank and soakaway drainage system, provided the applicant applies for, and is granted, a Consent to Discharge from the Environment Agency under the Water Resources Act 1991, prior to installation. Applicant was further advised of a number of requirements in connection with the Consent to Discharge application process; (14) Applicant was advised that with regard to the proposed stable and riding facility, the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage; (15) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes or via soakaways/ditches; (16) Applicant was advised to ensure that no pollution occurs from any surface water drainage from the proposed riding areas. There is a potential for contamination of this surface water by manure and dirty water deposits on the surface of the facility.

All possible steps must be taken to ensure that this does not result in the pollution of any receiving watercourse or water source. Such pollution may result in formal action by the Environment Agency. One such preventative measure is the regular removal of all manure deposits from the arena to ensure a short residency time; (17) N061A – Highways Act – Section 184 permit.)

Reason for granting planning permission:-

The Local Planning Authority considers that the proposal complied with Taunton Deane Local Plan Policy S1 and the criteria contained in Policy H7.

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

22/2005/017

Erection of dwellinghouse at land at The Causeway, Lydeard St Lawrence.

28. Erection of conservatory at Swifts Barn, Manor Farm, Fitzhead (17/2006/001)

Reported this application.

RESOLVED that subject to the receipt of a satisfactory amended plan showing a roof with a pitch of at least 30°, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following condition be imposed:-

C001A – time limit.

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

The Committee felt that the proposed materials would not be out of keeping with the existing barn conversion and that the amended design would also not be out of character.

29. Erection of four B1 office units with car parking (The Quad), Blackbrook Business Park, Taunton (38/2005/552)

Reported this application.

RESOLVED that subject to the receipt of a satisfactory landscape plan and a further plan revising the parking layout, both plans to be received before

15 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) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C324 – parking;
- (e) Details of the external lighting on the building or within the car park including the number, size and position of any lighting columns shall be submitted to, and agreed in writing by, the Local Planning Authority prior to occupation of the building;
- (f) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
- (g) The ground floor levels of the buildings shall be constructed at 13.5m above Ordnance Datum and there shall be no variation thereto unless otherwise agreed in writing by the Local Planning Authority;
- (h) 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 pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (i) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roofwater shall not pass through the interceptor;
- (j) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (k) The cycle parking shown on drawing No. 3858-8A shall be provided prior to occupation of the offices, and any variation thereto shall be agreed in writing by the Local Planning Authority.

(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, a copy of which has already been forwarded;

(2) Applicant was advised that the proposed development site is situated within 250m of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and, where appropriate, remediate against the possibility of gas migration affecting the development site;

(3) Applicant was advised that in view of the potential flood risks in the locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilience 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. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. The Environment Agency would advise that it is the responsibility of Summerfield Developments or their agents to ensure that the surface water drainage system has the necessary capacity to cater for the additional flows.)

Reason for planning permission, if granted:-

The proposed building was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC1, M3, EN9 and EN28 and material considerations did not indicate otherwise.

30. Erection of three two-storey dwellings, Plots 1-3, at land at Sidbrook Farm, West Monkton (48/2005/074)

Reported this application.

RESOLVED that subject to the receipt of a correct layout plan and no adverse views from the County Highway Authority, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The windows hereby approved shall be of a vertical sliding sash design unless otherwise agreed in writing by the Local Planning Authority;
- (b) The first floor windows facing east in Plots 2 and 3 other than bedroom 5 shall be glazed with obscure glass which shall thereafter be retained. There shall be no additional windows in these elevations without the prior written consent of the Local Planning Authority.

(Note to applicant:- Applicant's attention is drawn to the conditions of the outline consent with specific regard to road surface water run-off drains that shall be constructed in accordance with the attached specification. Furthermore, the west boundary of the site should incorporate a landscape buffer and all hedges should be of native species mix.)

Reason for approving detailed plans, if granted:-

The reserved matters of this development were considered to be acceptable and would not harm visual nor residential amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

31. Taunton Deane Borough (Cheddon Fitzpaine No 2) Tree Preservation Order 2005

Reported that a Tree Preservation Order had been made in August 2005 in respect of one Walnut and one Oak tree on land at Tudor Park, Maidenbrook, Taunton.

An objection had been received from the agent acting for the owner of the land, details of which were submitted, together with the Development Control Manager's responses thereto.

The Oak and Walnut trees appeared to be in good health and had the potential to make a positive contribution to the setting of the Maidenbrook Farm listed buildings as they grew to maturity.

RESOLVED that the objection be noted and that the Tree Preservation Order be confirmed.

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

Reference Minute No 140/2005, reported that planning permission for this development had been granted subject to a Section 106 Agreement being negotiated relating to the provision of a contribution towards off-site sports and recreation provision.

Further reported that several people/organisations who had commented on a previous application relating to the site had, unfortunately, not been re-notified in respect of this current application prior to the Committee decision last November.

However, re-notification had taken place during the period when the Section 106 Agreement was being finalised. This had resulted in two further letters of objection being received.

A neighbour had commented on the difficulties which were likely to be caused by the new development through it not having any parking provision. Comment was also made about the effect the flats might have on existing drainage arrangements.

The Civic Society had also commented on the lack of parking and that the three storey development proposed would be both overbearing and oppressive.

In the view of the Development Control Manager, the proposal was for the re-use of a brownfield site in an acceptable location for a car free development. If illegal parking occurred as a result of the development, this would need to be addressed in the normal way. He added that as this application was for outline planning permission, drainage would be a condition on any approval as would the future design, height, siting and number of flats to be built on the site.

Noted that the Section 106 Agreement had now been completed.

RESOLVED that the further comments received in relation to application 38/2005/356 be noted and that permission be granted for the development in accordance with the previous recommendation and conditions.

(The meeting ended at 6.19 pm)

06/2006/002

PORTLAKE HEATHFIELD DEVELOPMENTS

ERECTION OF DWELLING AND GARAGE AT LAND TO REAR OF 9 CHURCH STREET, BISHOPS LYDEARD (REVISED APPLICATION 06/2005/021) AS AMENDED BY AGENTS LETTER DATED 7TH FEBRUARY, 2006 AND DRAWING NO. 11205/1/A AND AMPLIFIED BY SLOW WORM MITIGATION METHOD STATEMENT RECEIVED 24TH FEBRUARY, 2006

16903/29803

FULL

PROPOSAL

The proposal comprises the erection of a single storey dwelling in the rear garden of 9 Church Street. Members will recall that granted permission for a dwelling on this site was granted at the 6th July, 2005 meeting.

This detailed application proposes a dwelling incorporating a combination of natural stone and rendered walls, with a slate roof. The dwelling is designed in the form of 3 blocks with differing roof pitches in a 'L' shape, incorporating an integral garage. A turning area within the site is also proposed.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. The Highway Authority are fully aware that the existing access is far from ideal in terms of visibility when emerging, however it has an existing use and taking into account that the Highway Authority did not object to the previous application it may be unreasonable to raise an objection at this stage. The raised pedestrian footway in front of the properties to the north of the access hinders visibility however the vehicles that park on-street directly in front of this footway allows a greater width of road for emerging vehicles to pull out and join traffic. The comments of the previous application 06/2005/021 therefore equally apply to the present application. WESSEX WATER no objections, informative notes should be added requiring separate foul and surface water and that Wessex Water infrastructure should be protect and connection thereto should be agree.

NATURE CONSERVATION AND RESERVES OFFICER no objections subject to conditions agreeing the mitigation measures for slow worms. DRAINAGE OFFICER no comment.

PARISH COUNCIL objects to the proposal for the following reasons:- hazard to vehicular traffic and pedestrian movement along Church Street/High Street through limited visibility upon egress onto highway from the existing access adjacent to 9 Church Street; hazard created by increased traffic movements to pedestrians using the footway steps, being in close proximity to the access and the Almshouses; lack of visibility through the legal parking of vehicles on the highway in the immediate vicinity; the influence upon vehicles emerging from 9 Church Street by other

vehicles using the West Street junction as a turning circle. The Council is also aware of correspondence from Somerset County Council, Transport Development Group (TDG) to the planning authority commenting on this application and that the Group reiterate comments upon the previous application 06/2005/021. TDG letter dated 17th February 2006 would, in essence, appear to lack commitment to highway safety issues, particularly the second paragraph. Quote "The Highway Authority are fully aware that the existing access is far from ideal in terms of visibility when emerging, however it has an existing use and taking into account that the Highway Authority did not object to the previous application it may be unreasonable to raise an objection at this stage". TDBC, Development Control, 9th March, 2006. The third paragraph of the letter would also appear to be in conflict with highway safety. "The raised pedestrian footway in front of the properties to the north of the access hinders visibility however the vehicles that park on-street directly in front of this footway allows a greater width of road for emerging vehicles to pull out and join traffic". A senior, and well experienced, member of the Transport Development Group was of the opinion, during a site meeting in the vicinity of the application site location, that the visibility along the highway by a vehicle driver emerging from 9 Church Street would be limited, being basically non-existent to the north and that extreme care would be required to enter the flow of traffic to the south. This expressed opinion would also appear to be in conflict with the TDG letter to TDBC dated 20th June 2005 and amplified by comment within the 17th February 2006 letter. Quote. . ."advise . . no objections in principle from a highway point of view . ." It should be noted that application 06/2004/070, dwelling to the rear of 23 Mount Street, Bishops Lydeard, was refused planning consent by reason of unsatisfactory existing access, poor visibility, inadequate site frontage to provide adequate visibility splays and increased use of existing access together with generation of additional conflicting traffic movements . . . prejudicial to road safety. From the above observations and correspondence extracts an important question is posed to the planning authority, what, essentially, is the differentiation of parameters of two fundamentally similar planning applications? It is not surprising that communities exhibit less than satisfactory confidence with decisions by planning authorities observations, hereinbefore quoted, may be accepted in determination process of applications for development.

ONE LETTER OF OBJECTION has been received raising the following issues:- the garden of 9 Church Street is 1 - 3 feet higher than that of 10 Church Street and therefore the building would be higher than normally expected that will result in overlooking of our garden and house; windows should therefore be kept to a minimum or should be obscurely glazed; what is the acceptable height of a building and how high must adjoining walls be?; the proposal may cause damage to the boundary wall that is of poor repair; the roots of a large gum tree will be damaged by a tarmac turning area as would any soakaways; the Victorian sewers cannot accommodate the additional capacity; there is appalling visibility at the access with Church Street and may encourage more on street parking; the proposal will double the amount of vehicles currently using the access; there is no benefit to the conservation area or the façade of 9-10 Church Street.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development and Policy 49 – transport requirements.

Taunton Deane Local Plan Policies S1 covers general requirements, including highway safety. Policy S2 of the same plan provides guidelines for the design of new developments, Policy H2 (housing), M4 (parking), EN14 (Conservation Areas) and EN16 (Listed Buildings) are relevant to this application.

ASSESSMENT

The previous outline approval established the principle of a dwelling on this site and the proposed use of the existing access with Church Street. The Parish Council have commented at length over access and parking issues relating to this proposal and in Bishops Lydeard in general. The Highway Authority have recognised the latter issues. However, they have raised no objections to the proposal subject to conditions of parking and properly surfaced turning areas. The proposal will provide adequate parking for 2 vehicles within the application site and therefore should not increase parking on the highway.

In terms of design the single storey dwelling comprises of three ridge levels to the garage and 'L' shaped dwelling. The step in levels helps to break its massing that would otherwise result in uniform expanse of roofslope. Likewise the building itself is staggered that adds interest to the design as opposed to uniform straight, uninterrupted flank walls. The proposal also incorporates natural stone and rendered elevations with a slate roof that are considered compatible with its location. It is worth noting that the Almshouses managers dwelling to the north of the application site is a single storey dwelling in a similar position in relation to Church Street as the proposed dwelling. The design is therefore considered to maintain the character and appearance of the Conservation Area, visual amenity of the area and setting of the nearby Listed Almshouses.

The single storey nature of the dwelling, distance from neighbouring properties, screening from trees, existing planting and stone walls mean that the proposal will not result in any windows overlooking neighbouring properties. Whilst it is recognised that there is a small difference in levels between the garden of 10 Church Street, the proposal is still not considered to unduly overlook the neighbouring properties. The only windows facing the rear of 10 Church Street would be located some 40 m away. The remaining windows are at oblique angles to neighbouring properties. Coupled with an abundance of screening it is not considered necessary to use obscurely glazed glass. A large proportion of the proposed dwelling is some 8 m from the south boundary, only the furthest part of the dwelling is 1 m from the boundary. Considering the latter and that the proposed dwelling would be a modest 5.5 m in height the proposal is not considered to cause an overbearing affect on neighbouring properties nor cause a detrimental loss of light. The proposal is therefore not considered to detrimentally affect the residential amenity of the area.

The previous outline application revealed that slow worms are present on the site. This proposal was accompanied by a wildlife species survey and further mitigation measures to translocate any slow worms found. The latter details have been approved by the Nature Conservation and Reserves Officer.

With regard to other issues raised, Wessex Water has invited the developer to agree connection to its infrastructure prior to commencement. Conditions are also proposed to agree the position of soakaways and the construction of the turning area so as not to affect tree roots. Any damage caused to boundary walls during construction is considered a civil issue.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, walls and fences, turning space, parking, services underground, hard landscaping, removal of Permitted Development rights for extensions, outbuildings, windows and fencing, surface water drainage. Notes re connection to Wessex Water infrastructure, energy conservation, water conservation, surface water drainage and implementation of slow worm mitigation measures.

REASON(S) FOR RECOMMENDATION:- The proposal for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity, or the character and appearance of the Conservation Area and the setting of adjacent listed buildings. As such the proposal accords with Taunton Deane Local Plan Policies S1, S2, H2, EN14, EN16 and M4.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

07/2006/003

I & G ROBERTS & SONS

CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 INDUSTRIAL USE AT LAND AND BULDINGS FORMERLY KNOWN AS GARDINERS HALL FARM, BRADFORD ON TONE AS AMENDED BY AGENTS LETTER DATED 10TH MARCH, 2006

17550/22768

FULL

PROPOSAL

The proposal was originally submitted for B1, B2 and B8 uses but in light of consultations responses received the agent has subsequently amended the proposal. The amended proposal therefore comprises the conversion and change of use of three attached agricultural buildings to B1, light industrial use. It is also proposed to replace the existing corrugated iron cladding with new dark green profiled cladding and render the existing sections of exposed blockwork. New roller shutter doors are also proposed. Access would be derived from an existing agricultural track that joins the eastern most road into Bradford on Tone from the A38.

It should be noted that the building to the south of the application site has been granted conditional approval for conversion to a residential property, application 07/2005/007, dated 29th April, 2005. The barn in question is located some 7 m from the application buildings.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY objects as the existing agricultural use of the buildings is likely to have consisted of mostly internal movements whereas an industrial use will result in an increase of external traffic movements. I have particular concern with regard to the restricted forward visibility for vehicles turning right into the site, in addition to the restricted visibility to the east at the point of access. I note from the site plan, there are a number of agricultural buildings on this site and I would not want a precedent set for this type of development in this location unless significant improvements can be made to improve the visibility concerns as set out above. It is noted that the roadside hedge, which would need to be set back and lowered, is not included within the applicant's ownership and therefore cannot be conditioned. The latter objections are still raised regarding B1 use only.

NATURE CONSERVATION AND RESERVES OFFICER concern that protected species such as bats or owls may be using the building, and swallows may nest there. On the application to convert the adjacent barn 07/2005/007, a recommendation from Greenwoods report (Feb 2005) was made that further summer survey work was necessary to establish if crevice dwelling bats are using that building, before development goes ahead; there are also recommendations that provision is made for swallows and little owls to nest. This adds to my concern that

we do not have enough information at present time to determine this application. ENVIRONMENTAL HEALTH OFFICER B1 use only would be acceptable. DRAINAGE OFFICER no objections with notes relating to foul drainage. TOURISM OFFICER no observations.

PARISH COUNCIL no objections however concerned about the amount of visibility when vehicles are accessing the site from Bradford on Tone.

TWO LETTERS OF OBJECTION have been received raising the following issues:- there are already four light industrial developments within two miles of Bradford which is supposed to be a conservation Area; no need for this type of development so close to a beautiful village; it would be a very unsatisfactory living arrangement for the occupier of the recently approved barn conversion; are other barns on the complex also to be converted for light industry?; a major concern is noise that will emanate from the site even if a working hours condition is imposed; the proposed light industry is far too close to properties in the village; the thought of whining motors or vehicle noise throughout the day is abhorrent making life unbearable for the residents and ruining the village; the development will also seriously de-value our properties; access from the country road will be on an S bend with restricted visibility and narrow carriageway; considerable improvement will be required to widen the road and remove hedging to provide sight lines and this will destroy the rural character of the village.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development and Policy 49 – Transport Requirements.

Taunton Deane Local Plan Policy S1 covers general requirements, including noise and highway safety. Policy S2 of the same plan provides guidelines for the design of new developments. Policy EC6 promotes the conversion of rural buildings to industrial use where amongst other criteria that the residential amenity of neighbouring properties and highway safety would not be detrimentally affected.

ASSESSMENT

The principle of the conversion to industrial use is supported in by Policy EC6 provided that residential amenity of neighbouring properties, the visual amenity of the area and highway safety would not be detrimentally affected.

The proposal has been amended to only allow B1 use in light of comments from the Environmental Health Officer. B1 uses comprise of light industry which by definition can be compatible in residential areas, i.e. the noise levels allowed would not harm residential amenity. The residential amenity of the future occupiers of the adjacent barn that has received permission for conversion to a dwelling and existing nearby dwellings at Bradford on Tone would not therefore be detrimentally affected.

In terms of the visual impact of the proposal, the replacement of corrugated iron cladding and rendering of open face brickwork would appear to be suitable in design terms. The proposed use of dark green profiled cladding would not be out of place

on a rural agricultural building and is therefore considered acceptable and the visual amenity of the area would not be detrimentally affected.

Objections have been received however from the Highway Authority regarding the increased use of the existing access and setting of a precedent for future similar conversion of the remaining farm buildings. Particular concern has been raised with regard to the restricted forward visibility for vehicles turning right into the site, arriving from the Bradford on Tone direction, in addition to the restricted visibility to the east at the point of access. The proposal would therefore not satisfy the requirements of the Development Plan and the proposal would be prejudicial to highway safety and is accordingly recommended for refusal.

Concern has also been raised by the Nature Conservation and Reserves Officer regarding the affect of the proposal on local wildlife. A wildlife survey has not been submitted with the proposal and therefore the Local Planning Authority are not in a position where the impact upon protected species can be properly assessed. Considering the recommendation for refusal on highway grounds the applicants have not been asked to go to the expense of conducting a survey.

Issues relating to the need of the proposed development and affect to the value of surrounding properties are not considered to be material considerations.

RECOMMENDATION

Permission be REFUSED on the grounds that the increased use of the existing sub-standard access such as would be generated by the proposal would be prejudicial to road safety and would set an unwanted precedent for the future similar development of surrounding buildings. As such the proposal is contrary to Somerset and Exmoor Nation Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 and EC6 and insufficient information has been submitted by the regarding the affect of the development upon protected wildlife species to enable the Local Planning Authority to give proper and favourable consideration thereto. As such the proposal is contrary to Taunton Deane Local Plan Policies EN3 and EN4. Notes regarding reserving the right to consider the wildlife impact at appeal.

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

CONTACT OFFICER: TEL: 356586 MR R UPTON

NOTES:

12/2006/009

DR G FRANCIS

ERECTION OF NEW TIMBER STABLES AND GARAGING IN REAR YARD OF FARMHOUSE, BROOK FARMHOUSE, CORFE

323344/119033

FULL

PROPOSAL

The proposal comprises the erection of a triple garage, and a separate building comprising 2 No. stables and additional garaging. The buildings would be constructed of weatherboarding and cedar shingles, would replace dilapidated concrete block structures, and would be sited to the rear of the complex of buildings comprising Brook Farm.

Brook Farmhouse is a thatched Grade II listed building and its curtilage includes a number of the outbuildings which have been granted planning permission and listed building consent, references 12/2006/001 and 12/2006/202LB for repairs and alterations. Members may recall application 12/2006/001 being presented to Committee on 1st March, 2006.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY on the basis that the stables/garaging are used ancillary to the main farmhouse and will not result in any increase in traffic utilising the substandard access, no objection subject to condition.

PARISH COUNCIL You have received a letter from the Clerk of the Parish Council saying that we had no objection to the development under this reference provided that an alternative and safer exit on to the B3170 was provided. At the time of our meeting we were not aware that the previous application under reference 12/2006/001 had been granted conditional approval and that the Committee considered that there would be no intensification in use of the vehicular access as a result of the work covered by that reference. I am writing to emphasise that my Council is very concerned indeed that no restriction has been placed on the first proposed development and to ask that the matter of vehicular access should be treated very seriously when considering the second application under this reference. The current access to Brook Farm is over a private road which also leads to two cottages. The access from this road on to the B3170 is very dangerous and the proposed Exhibition Centre with additional accommodation would increase the traffic on the private road. It is now proposed that two stables and two garages should be erected adding further to the traffic especially the prospect of horses being taken from the property on to the main road. There is no other access from the private road and Brook Farm and its ancillary buildings other than the narrow exit on to the B3170 and I should be very grateful if you would kindly refer this matter to the Traffic Department and for them to arrange for an officer to visit the site and see for himself the speed of the traffic leaving Corfe village as the 40 mph limit ends and the

acceleration round the blind bend which means that the drivers of vehicles leaving Brook Farm have very limited visibility both to the north and to the south. There have been accidents in the past and with the greatly increased traffic on the B3170 further accidents are bound to take place. The owner of the private road is willing for a better entry to be built by the owner of Brook Farm across the private road which would come out on the main road further south with better visibility in both directions. I am writing this letter as Chairman in support of the previous letter sent by the Clerk on behalf of the Parish Council who feel very strongly about this matter and in my personal capacity as a long-term resident of the village.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy EN16 seeks to safeguard the setting of listed buildings. Policy EN10 seeks to safeguard the character and appearance of Areas of Outstanding Natural Beauty.

ASSESSMENT

Whilst the Parish Councils concern over the access is understandable, the proposal relates to the domestic needs of the current owner, and consequently there would be no intensification in use of the vehicular access. Accordingly, it would be unreasonable to resist on highway grounds. The Parish Council raised a similar objection to previous application 12/2006/001.

In addition, given the siting of the proposed development in an unobtrusive and well screened rear part of the garden, it is not considered that visual amenity, the setting of the listed farmhouse, or the character and appearance of this area of Outstanding Natural Beauty would be adversely affected.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials and restriction of business/commercial use.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the setting of the listed building, road safety, visual amenity, or the character or appearance of this Area of Outstanding Natural Beauty. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, EN16 or EN10.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

14/2006/002

MR M FOX

ERECTION OF EXTENSION ABOVE GARAGE TO FORM TWO STOREY EXTENSION TO SIDE AND ERECTION OF SINGLE STOREY LEAN-TO EXTENSION TO REAR OF DWELLING AT BY CANAL COTTAGE, CREECH ST MICHAEL, TAUNTON AS AMENDED BY DRAWING NO. 11005/4 REV. A. RECEIVED 2ND MARCH, 2006

27340/25549

FULL

PROPOSAL

The proposal involves building over the existing foot print of the flat roof garage which is attached to the southern end of the dwelling. The proposal extends up to the southern boundary of the site. The proposal measures 7.0 x 6.5 m in footprint. The height to the ridge is 6.1 m. The depth of the garage will be increased over the existing by extending the front elevation 1.0 m closer to the highway. The proposal involves the provision of an external staircase to the rear to allow access from the garden.

Amended plans were received reducing the eaves and ridge height of the proposal by 0.4 m. The lean to element extends the remaining width of the existing dwelling to the north of the first floor extension. It projects 3.0 m and extends to a maximum height of approximately 3.8 m.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. BRITISH WATERWAYS no objection.

PARISH COUNCIL object to the application due to detrimental impact on the neighbouring property through loss of light and privacy. Objection is also raised to the lack of parking within the proposal.

ONE LETTER OF OBJECTION has been received raising the following issues:- concerns over the provision for one parking space within the site and that the applicants already use overspill parking opposite their property.

POLICY CONTEXT

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

ASSESSMENT

The site consists of a detached dwelling in an area characterised by relatively spacious residential development within Creech St Michael. The west elevation of

the dwelling fronts on to the highway. Its southern boundary borders with The Moorings a bungalow, whilst the northern boundary of the site borders with a footpath with detached dwellings beyond.

The ground and floor levels of The Moorings the dwelling to the south and the dwelling under application are similar. To the rear of the dwelling its area of curtilage is raised by approximately 1.3 m.

The key considerations with the application are its impact on the character and appearance of the dwelling and the area and its impact on neighbour amenity. The two storey element is considered subservient in scale and bulk to the existing dwelling. The ridge and eaves are stepped in below those of the existing dwelling. The proposal will not appear overly dominant or incongruous in the street scene as it is sited 5.0 m away from the highway and mirrors the appearance of the southern elevation of the existing dwelling.

Regarding neighbour amenity the key aspect to consider is the impact on The Moorings directly to the south of the site.

The relationship between the proposed development and the neighbour is considered acceptable. This is due to a combination of factors including their siting, orientation and aspect. The development is located directly to the north of 'The Moorings'. It will therefore not impact directly on sunlight falling on the dwelling in an easterly, southerly and westerly direction. It is also noted that the principal windows of The Moorings face in a southerly and westerly direction. As such they will be unaffected by the development.

The siting of the proposal approximately 4.0 m away from the nearest point of The Moorings is considered acceptable in terms of visual impact. It is also noted that the proposed development's southern elevation faces the front of The Moorings and will not affect private amenity space to the rear. Regarding overlooking no openings are proposed on this elevation. A planning condition is recommended to eliminate any occupiers permitted development rights in terms of openings on the southern elevation.

The siting and height of the external staircase is considered acceptable and will not cause any loss of privacy to occupiers of The Moorings. The single storey extension is considered acceptable in its scale and design and will not have any impact on neighbours.

The Highway Authority do not object to the proposal. It will not result in a loss of on site parking which is retained as existing.

The application form states that the materials used in the development will match those in the existing dwelling.

For the reasons outlined above the proposed development is considered in accordance with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, GPDO windows

REASON(S) FOR RECOMMENDATION:- The proposal by reason of its siting, size, bulk and materials respects the character of the area and causes no demonstrable harm to neighbour amenity in accordance with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: Mr M Hicks Tel: 356468

NOTES:

20/2006/003

MR & MRS WHITE

REMOVAL OF CONDITION 04 OF PLANNING PERMISSION 20/1979/005 (AGRICULTURAL TIE) ON THE OLD CIDER HOUSE, PICKNEY, KINGSTON ST MARY.

19421/29035

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

It is proposed to remove the agricultural tie in respect of this barn conversion which was approved in 1979. The building is 3 bedroomed, 3 reception, with garage and workshop. The farmland to which the house related was sold off in 1991, leaving only the immediate garden area. The property has been occupied since 1979 by the original farmer and wife. They are now more elderly and wish to move into Taunton nearer facilities. As background evidence, the applicants have provided details of numbers of agricultural workers currently and in June 1980, showing a substantial fall in numbers, (3,376 to 1,104 in Somerset MAFF/DEFRA). The applicants have also surveyed a number of local farmers in order to see if there is any demand for a dwelling with an agricultural tie. The applicants also refer to PPS 7 stating that there have been changes in the scale and character of farming...which may affect the long term requirement for dwellings (with tie)...they should not be kept vacant, nor should their present occupants be unnecessarily obliged to remaining occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. The property has been on the market since July 2005 for a guide price of £400, 000 - £425,000; other estate agents suggested, at that time, that with an agricultural tie, the marketing price should be around £275,000 to £325,000.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommends refusal, objects on basis that the building is remote from services etc., occupiers are likely to be dependant on private cars, which would be contrary to Government Advice. The asking price might be achievable but only without the agricultural tie. RIGHTS OF WAY OFFICER no observations.

PROPERTY SERVICES OFFICER concerned that the sale price is excessive given the size of property and its agricultural tie, should be in the region of £325,000 to £350,000 maximum.

PARISH COUNCIL supports as it considers that the agricultural tie is no longer necessary. This is suggested by the information attached.

POLICY CONTEXT

PPS 7 Sustainable Development in Rural Area.

S1 General requirements, S7 outside settlements, H12 and H13 Agricultural Workers – dwellings for agricultural workers will be permitted outside the limits of settlements provided

there is a proven functional need for the dwelling there and the farm for which it is sought ...viable, and appropriate tie condition, H13 Where agricultural or forestry dwellings are permitted in accordance with H12, appropriate conditions will be used to retain the dwelling for agricultural occupation. Applications to remove these conditions will not be permitted unless: (A) the dwelling is no longer needed on that unit for the purposes of agriculture or forestry; (B) there is no current demand for dwellings for farmers, farm workers and foresters in the locality; and (C) the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period.

ASSESSMENT

The building is in open countryside, and previously was used in association with farmland which has now been sold off. The applicants have shown marketing details and have done a survey of local demand for buildings with an agricultural tie. They have found no demand and no demand for the property with its tie and asking price of £400,000 - £425,000. It is considered that this figure is excessive given the agricultural tie, and that as such this attempt is not in line with Policy H13(C). The property services officer has been asked to carry out a full assessment which includes internal viewing, in order that a formal valuation is considered.

RECOMMENDATION

That subject to the formal valuation by the Property Services Officer, that permission be REFUSED on the basis of the marketing being at an excessive level, contrary to Policy H13(C) relating to buildings with agricultural tie.

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

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

NOTES:

23/2005/049

MR R WRIGHT

ERECTION OF AGRICULTURAL WORKERS DWELLING ON LAND TO SOUTH OF LOWER PARK FARM, WIVELISCOMBE (RESERVED MATTERS) AS AMENDED BY AGENTS LETTER DATED 9TH FEBRUARY, 2006 AND DRAWING NOS. 1288/1A, 2A, 3A AND 4A

08987/26222

RESERVED MATTERS

PROPOSAL

The proposal comprises the clearance of reserved matters following previous outline application 23/2002/027, granted at the 29th January, 2003 Planning Committee. The proposed 4 bedroom agricultural worker dwelling is of one and a half storey construction with an attached garage. The proposed cottage style design proposes rendered walls with brick quoins and a slate roof with first floor windows intersecting eave level. The amended plans have a combined internal floor area of 150 sq m, excluding the garage. The previous outline permission has established the principle of an agricultural workers dwelling on the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection subject to the conditions of the Outline permission being met. RIGHTS OF WAY OFFICER no comment.

LANDSCAPE OFFICER no objection subject to appropriate landscaping to mitigate the rural impact of the workers dwelling. The landscape officer has provided a suggested scheme that has been forwarded to the agent. DRAINAGE OFFICER no objection with recommended notes regarding surface water and foul drainage.

PARISH COUNCIL objected to the originally submitted proposal on the grounds that the size of the proposed dwelling was bigger than necessary for an agricultural worker. The need was also questioned as there was a concern that the agricultural system on the farm had changed since 2002 (the date of the outline permission) with the result that the need established then was no longer relevant. As the consent was not activated the applicants should re-submit the agricultural appraisal to see if they still meet the criteria. Objected to the revised drawings on the grounds the Parish Council saw no reason to depart from their original comments. The farm no longer has a dairy herd and therefore the basic requirement for this workers dwelling no longer exists. The Parish Council therefore urges TDBC to refuse the application and reappraise the case. To fail to do so would allow development in the open country contrary to policy because no proven agricultural need, for this extra dwelling on the holding, exists.

POLICY CONTEXT

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 provides guidelines for the design of new developments. Policy H12 and H13 cover agricultural or forestry workers dwellings. Policy M4 sets out guidelines for residential parking standards.

ASSESSMENT

The principle of an agricultural workers dwelling on the site has already been established by the previous outline planning permission for the site. This Reserved Matters application only deals with detailed issues such as design, external appearance and landscaping. Issues relating to the current need and changes in agricultural practice can not be challenged at this stage.

The proposal has been reduced in scale to an internal floor area of 150 sq m that is generally considered an acceptable size for an agricultural worker dwelling.

In terms of design, the revised proposal incorporates a cottage style development and utilises materials that are sympathetic to this rural location. The Landscape Officer is satisfied that appropriate landscaping will mitigate the rural impact of the worker dwelling. 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

Permission be GRANTED. Notes re compliance with the conditions of the outline permission with specific regard to landscaping issues.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Government Guidance and Taunton Deane Local Plan Policies S1, S2, S7 and H12 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: 356586 MR R UPTON

NOTES:

25/2006/003

TAUNTON DEANE BOROUGH COUNCIL

FORMATION OF 2ND BORROW PIT TO OBTAIN EARTHWORKS CONSTRUCTION MATERIAL FOR PROPOSED DAM (PLANNING PERMISSIONS 25/2001/076 AND 25/2005/036), AREA TO BE BACKFILLED AND RESTORED TO AGRICULTURAL USE WHEN CONSTRUCTION OF DAM HAS BEEN COMPLETED, LAND WEST OF MONTYS LANE, NORTON FITWARREN.

17780/26660

FULL

PROPOSAL

The proposal is a further supplementary planning application to obtain earthworks construction material for the proposed dam for the development in Norton Fitzwarren from a second borrow pit as well as the already identified and consented first borrow pit, which will become a permanent wetland feature. The borrow pit the subject of the current application will be backfilled and restored to agricultural use when construction of the dam has been completed. This further application follows a necessary reappraisal of material required for the dam which has arisen during the detailed design of the dam. It is proposed that the area will have an interception ditch to the north which would store water pumped out of the proposed excavation prior to being pumped through a mobile silt removal plant and into the local watercourse. The application also includes provision for topsoil storage, drainage and restoration to agricultural land. The borrow pit would provide different source materials from those present in the northern borrow pit, as they are less variable and more suited to the construction of the impermeable central core and near surface layers on the dam shoulders. Groundwater levels in the vicinity of the currently proposed borrow pit are lower than those at the location of the northern borrow pit, which would make excavation and the winning of acceptable earthworks materials easier and would avoid the need for comprehensive groundwater control measures. After all excavation from the borrow pit has been completed, the area would be restored by bulk infilling with materials won from the excavation of the dam and borrow pits that are not acceptable for incorporation into the embankment structure but are acceptable for restoration of the borrow pit. An appendix to the application comprises a method statement for the treatment and protection of agricultural land. Whilst it would not be possible to reinstate the existing topographical contours exactly, it is intended to replicate the general topography of the existing slope.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST an evaluation has taken place which has shown that there are medieaval remains present in some areas of the borrow pits. Following discussions with the agent's consultant it has been agreed that excavation in the form of strip plan sample should take place. This should be secured by the use of model condition 55. WESSEX WATER no objection in principle to the proposal provided there is no impact on Wessex Water infrastructure. ENGLISH NATURE Ecologists working for Hyder

Consulting found great crested newts in the vicinity, and because the creatures are fully protected and they are impacted upon by the works, a European protected species licence was applied for from Defra. Do not object to the planning application but the work should be assessed for the impact it may have on the great crested newts.

LANDSCAPE OFFICER subject to suitable silt controls and reinstatement to agriculture once construction of the dam is complete the proposed works should have a minimal longer term impact. There will be some landscape impact during the construction period but little extra can be done to minimise these works. NATURE CONSERVATION OFFICER the impact on great crested newts has been considered and have no objections. DRAINAGE OFFICER no observations to make.

PARISH COUNCIL no comments to make.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, STR7, 5 and 59.

Policy M51 of the Somerset Minerals Local Plan states that proposals for borrow pits will only be permitted where:-

- the site is adjacent to the construction project on which the mineral will be used;
- the extraction and restoration activity will be of limited duration;
- the site can be restored to its original levels or an alternative acceptable landform only utilising materials from the construction project;
- the use of the minerals raised will be restricted to the specific construction project;
- the use of borrow pit material will avoid the depletion of mineral reserves
- which are capable of meeting higher specification end uses; and
- any impacts on the environment or local communities can be controlled to acceptable levels.

It is considered that these criteria are met with the current proposal.

Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28, EN29 and T4.

ASSESSMENT

The current proposal is considered to be an integral part of the overall proposals for the proposed dam, and is required in order to provide for suitable construction materials. Taken together, the current and previous applications would help to facilitate the development of significant areas downstream of the dam, all of which are in accordance with PPG25 and the Taunton Deane Local Plan.

RECOMMENDATION

Subject to the receipt of the views of the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and if permission is GRANTED be subject to conditions of

time limit, operations to be completed within one year of commencement, material only to be used to supply proposed dam, archaeology, development to be carried out in accordance with the submitted details and no work until widening of Montys Lane. Notes re archaeology, no impact on Wessex Water infrastructure and adherence to Code of Practice on Borrow Pits.

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

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

NOTES:

38/2006/041

MR P SMITH & M S PADGETT

ERECTION OF TWO FLATS AND DWELLING ON LAND TO EAST OF ST ALBANS PLACE AND NEXT TO JUNCTION WITH ST PATRICKS ROAD, TAUNTON

23046/26861

FULL

PROPOSAL

Planning permission was refused in October 2005, reference 38/2005/408, for a similarly designed 2 storey building at this site, but which comprised 4 No. flats. It was refused for 2 reasons:- that overlooking would result; and that inadequate provision was made for off-street parking.

The current proposal comprises the erection of a similar 2 storey building, but incorporating 2 No. 1 bedroomed flats, and 1 No. dwellinghouse. 3 No. on site parking spaces are proposed, and the agent has additionally advised that 2 nearby garages would also be available for use. The site is located at the junction of St Albans Place with St Patricks Road.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal is now considered acceptable.

LANDSCAPE OFFICER there is scope for some small tree planting in the area of ground to the north otherwise landscaping opportunities are limited. DRAINAGE OFFICER recommends notes.

10 LETTERS OF OBJECTION have been received raising the following issues:- additional traffic will be created which would exacerbate road safety and parking problems; the area is already over populated; extra noise and disturbance will be created; loss of view would result; the building not in character with surroundings; landslip may occur; the properties will deteriorate; the proposal is speculative; the proposal will invite more anti-social trouble; reduction in house prices will result; an undesirable precedent will be set.

A petition of 71 signatures objecting to the application has been submitted.

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan seeks to safeguard, inter alia, road safety, and visual and residential amenity. Policy H2 accepts residential development within settlement limits provided, inter alia, there would be no loss of visual and residential amenity. Policy M4 seeks to ensure an average of no more than 1.5 car parking spaces per dwelling, and expects a significant reduction in this average for elderly persons, student and single persons accommodation.

ASSESSMENT

In purely land use policy terms, the principle for the development is clearly acceptable, and the design reflects the simple architectural form of neighbouring properties. The key issues are whether the 2 No. refusal reason relating to the previous proposal have been resolved. Firstly, with regards to parking, given that the development has been reduced from 4 to 3 units, the Highway Authority now consider that the provision of 3 No. on site spaces is acceptable, and there are, of course, 2 additional garages available for use if required. Finally, in respect of overlooking, this objection has also been overcome by the enclosure of the staircase to the first floor flat.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, road safety, landscaping, walls and fences, fenestration to be recessed, removal of PD rights and windows to be obscure glazed.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect road safety, or visual or residential amenity, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, H2 or M4.

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

CONTACT OFFICER: Tel . 356465 MR J GRANT

NOTES:

38/2006/047

STRONGVOX LTD & BENJAMIN-WESTROCK

CHANGE OF USE AND CONVERSION OF BUILDING TO 75 APARTMENTS, RETENTION OF OFFICE SPACE TO FRONTAGE, ROOF EXTENSION, EXTERNAL ALTERATIONS AND ASSOCIATED FACILITIES AT TELEPHONE HOUSE, THE CRESCENT, TAUNTON AS AMPLIFIED BY AN ADDITIONAL DESIGN STATEMENT RECEIVED 15TH MARCH, 2006

22562/24301

FULL

PROPOSAL

The proposal comprises the conversion of this vacant building to 75 apartments, (31 2 bed and 44 1 bed) with the retention of 8,500 sq ft of office accommodation. This former British Telecom office building has three principal external elevations with frontages to The Crescent, Crescent Way and the Crescent Car Park. There are also three internally facing elevations forming a courtyard to this 'U' shaped building.

The site is partially located within the Conservation Area. However there are no proposed external alterations to the important west elevation facing The Crescent. Ten new windows are proposed in the external north elevation that are currently bricked up former openings. Similarly a bricked up window and a gas meter cover are proposed to be used as windows to the northern section of the external east elevation. The main external alterations are to the southern section of the external east elevation where all existing windows are proposed to be replaced. Furthermore the column surrounding the existing stairwell windows and the rooftop lift shaft is proposed to be cladded, with a new feature clock added to the top storey. At ground level an existing vehicle entrance, which is currently enclosed by doors, would be opened up to provide pedestrian and vehicular access to the internal courtyard. The ground floor southern section of the east elevation is currently boarded up or enclosed with metal railings that are proposed to be finished in banded render and new windows formed. Six parking spaces are also proposed to the southern end of this east elevation.

Similarly the internally facing ground floor elevations are currently boarded up or enclosed with metal railings that are proposed to be finished in banded render and new windows formed. The theme of the vertical section of cladding on the external east elevation is continued with a mirrored section on the westward facing internal elevation. Entranceways to the flats would also be provided from this internal courtyard area. A large metal chimney/piping system is also proposed to be removed. 32 parking spaces are proposed to be formalised along with some planting within the courtyard. A new bin store is proposed to be erected to the only unattached, south elevation, leaving a gap for an alternative pedestrian access to the internal courtyard.

The existing sixth floor covers only the eastern section of the building and this is proposed to be extended to form an 'L' shaped top storey. This rooftop extension

would not extend onto the western section of the building facing The Crescent. It is this western section of the building that is proposed to be retained as offices.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection in principle to the proposed development. In detail, the access is to remain as presently exists, being served off The Crescent car park. The parking will be within the confines of the building and will in itself be a reduction as, at present, there are forty-four spaces within the site which will be replaced by parking for thirty-two vehicles. I do not think that provision for thirty-two vehicles will be a problem for the site as the adjacent public car park is available should it be required. In consequence, I propose not to recommend refusal to the application, subject to any details of access, parking and turning shown on the drawings accompanying the application being provided prior to the first occupation of any of the planning units or the office space. COUNTY COUNCIL PROPERTY SERVICES research recently carried out within the Property Services department into the numbers of school-age children living in flats in Somerset suggests that one primary school place will be required for each additional 13 additional flats, while one secondary school place will be required for each additional 24. This is likely to be a more accurate reflection of the numbers of school-age children living in this type of accommodation than the general standard of 30 primary places for each 150 dwellings and 30 secondary places for each 210. (However, in schemes comprising a mix for houses and apartments, the latter average standards should continue to be applied). The proposed development of the above site makes provision for 75 apartments and this would equate to 6 primary places and 3 secondary places. The site lies within the catchments of Parkfield Primary School and the Castle School, both of which are easily accessible from the site but already popular and these have little or no existing surplus capacity. Contributions will therefore need to be sought to provide additional re-modelled accommodation. The County Council is evolving the way in which educational contributions are calculated, with the use now of the DfEs "Basic Need Cost Multiplier", that is, the Government's estimation of the capital cost of providing a school place. These are updated annually and in Somerset, these are currently £10,165 per primary pupil and £15,531 per secondary place. Six primary and 3 secondary places would therefore total £107,583 and a contribution of this amount (BCI-Indexed) should be sought from the developer through a planning obligation. WESSEX WATER comments awaited.

TAUNTON VISION DELIVERY TEAM would want to support the principle of introducing a mix of uses into the town centre and this is consistent with the approved UDF Report which suggests a mix of retail and residential uses on the adjoining Crescent car park. I would hope that it will prove possible to achieve a mix of tenures in this location, together with an appropriate proportion of affordable units. I would specifically comment:- 1. that discussions should take place with the Vision Delivery Team about connection to services in general and surface/foul water sewers in the adjoining car park in particular having regard to the development proposals for that adjoining area and the potential need to realign/replace existing services in pursuance of the Vision proposals. 2. that regard should be had to the proposed construction of a new multi-storey car park on land to the south and east of Telephone House in connection with the retail redevelopment of land to the east and west of High Street. We would be concerned at any proposal which unduly

constrained or which prejudiced those proposals having regard to either rights to light or distances between Telephone House and any new building. 3. that the precise area of car parking on the existing Crescent car park and shown on the layout plan as being to the south and east of the eastern elevation of Telephone House should be the subject of more detailed discussions so as to ensure that the layout does not constrain the development of the adjoining land or, more particularly, restrict access to the proposed new multi-storey car park. Subject to these comments, I would raise no objection to the proposed application and would welcome the reuse of a large and prominent building which has been vacant for some time. DRAINAGE OFFICER no observations. HOUSING OFFICER fully supports this application. TDBC are currently in negotiations with current owners/developers and a Registered Social Landlord into the possibility of taking the whole building of 75 apartments for low cost/affordable housing. This is a prime site in the centre of Taunton that could provide homes for people in need either to rent or purchase close to local amenities. LEISURE DEVELOPMENT OFFICER in accordance with policy C4 provision for play and active recreation must be made. The site is within easy walking distance of Wilton Lands which could be improved for the benefit of new residents. I would therefore request a contribution of £1,785 per each 2 bed dwelling towards childrens play facilities at Wilton Lands and £777 per each dwelling toward borough wide outdoor recreation. In addition to the play and outdoor recreation contribution I would also request that in accordance with Local Plan Policy C6, which recognises the importance of sports centre to the population an additional contribution of £37,519 should be sought towards the additional demand for indoor sports facilities that will be generated by the development. A total contribution from this development for children's play, outdoor recreation and indoor sports facilities of £127,042.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review STR1 - Sustainable Development, STR4 - Development in Towns, Policy 9 - The Built Historic Environment, Policy 33 - Provision for Housing, Policy 35 - Affordable Housing, Policy 48 - Access & Parking, Policy 49 - transport requirements.

Taunton Deane Local Plan S1 - General Requirements, S2 - Design, H2 - Housing in Classified Settlements, H3 - Residential Conversions in Town Centres, H10 Affordable Housing, H19 - Designing Out Crime, EC9 - Employment Land, M4 - Residential Parking Requirements, C4 - Recreational Space Provision, C5 - Sports Centres, EN14 - Conservation Areas.

ASSESSMENT

The site lies within Taunton central area, where a mix of uses is generally encouraged. The application proposes the conversion of a vacant office building to 75 apartments, with 8,500 sq ft of office accommodation retained. This use is considered to comply with Policy H1 of the Local Plan as this a central, highly sustainable site, located near amenities and services and would reduce the need to travel. This benefit is considered to outweigh any loss of the employment use of the site.

Telephone house is also included within the supplementary text to Policy T23 for The Crescent redevelopment that states residential use of the building would be suitable. The developer should be aware of the comments of the Taunton Vision Delivery Team with regard to the future re-development plans for The Crescent car park. The Taunton Vision Master Plan as well as Policy T23 has earmarked The Crescent area for major retail uses. Specifically in the vicinity of telephone house a multi-storey car park and bus station is proposed. The developer should therefore have regard to these proposed future uses and will be advised accordingly.

The impact of the appearance and character of the building is important here and it is considered that the approach taken by the developer does reflect the nature of the building and does not adversely affect its character or appearance. The new roof extension will be visible from public vantage points but given its design it will read as part of the building. In general the existing negative design elements will be improved and the architecturally important features retained.

The existing vehicular access to the central courtyard will be retained where 38 parking spaces will be retained. Given the central location of the site the Highway Authority are satisfied with the overall parking provision. The proposal creates a number units beyond the threshold for the provision of sport and recreation facilities and as there is no scope for on site provision a Section 106 is required to secure adequate provision. The proposal is also considered to generate a need for additional school places that the developer is also required to contribute towards through a Section 106. In accordance with the policy and at a rate of 25%, 18 of affordable housing units should be provided for within the scheme. However there may be the possibility of securing 100% affordable housing should a Registered Social Landlord (RSL) purchase the building, if the other contributions be waived.

In summary the re-use of this building for residential purposes is a sustainable town centre use that complies with policy and subject to conditions and a S.106 Agreement is considered acceptable.

RECOMMENDATION

- (1) Subject to the completion of a Section 106 Agreement relating to sport and recreation contributions, an appropriate level of affordable housing and an education contribution by 3rd April, 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, sliding sash windows, timber windows and doors, landscaping, boundary treatment, surface materials, parking, cycle parking, details of cycle and refuse stores, removal of rights for satellite dishes. Notes re contact details of the Taunton Vision Delivery Team and provision of communal satellite dish.
- (2) Subject to the completion of a Section 106 Agreement relating 100% affordable housing to be secured through an agreement with an RSL by 3rd April, 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, sliding sash windows, timber windows and doors, landscaping, boundary treatment, surface materials,

parking, discharge of water to highway, cycle parking, details of cycle and refuse stores, removal of rights for satellite dishes. Notes re contact details of the Taunton Vision Delivery Team and provision of communal satellite dish.

(3) Should the Section 106 not be completed by the 3rd April, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission as contrary to Taunton Deane Local Plan Policies C4, C5 and H9.

REASON(S) FOR RECOMMENDATION:- The development subject to conditions is a sustainable town centre use that complies with Taunton Deane Local Plan Policies S1, S2, H2, H3, H10, H19, EC9, M4, C4, C5 and EN15 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: 356469 MR R UPTON

NOTES:

41/2006/003

MR R HERROD

ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND (SCHEME B, PHASE 1)

09840/32237

FULL

PROPOSAL

The proposal relates to the erection of a poultry unit measuring 49 m x 9.5 m x 4.4 m to the ridge. The unit would be constructed using timber boarding for the walls and profiled metal sheeting for the roof.

The site is located on the north side of the western road leading out of Tolland, which joins the B318. It is proposed to use an existing agricultural access that is located some 240 m from the junction with the B3188 and some 340 m to the centre of Tolland (measured from the junction with the track leading to St John The Baptists Church). This application has been submitted together with application 41/2006/004 for an identical poultry unit located some 60 m to the east of the unit subject to this application, which uses the same access point.

Two further applications for units on the south side of the western road leading out of Tolland are to be refused under delegated powers at the time of writing on visual impact grounds.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal is for the erection of two poultry/agricultural buildings on existing agricultural land utilising an existing access and on this basis it would be unreasonable to raise an objection. Based on the additional information supplied by the agent, I do not consider that the proposal will result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety I would recommend that the access into the site is improved so the HGV's can enter, exit and turn within the site easily as to avoid conflict on the adjacent highway. Recommend conditions relating to access requirement and surfaced parking/turning space for HGV's.

LANDSCAPE OFFICER it should be possible to integrate the proposals into the local landscape subject to details of landscaping and earth mounding. The landscaping will only work if both areas – phase 1 and 2 are mounded and planted i.e. if phase 1 were completed in isolation it would not be sufficient just to implement phase 1 landscape works. ENVIRONMENTAL HEALTH OFFICER comments awaited.

PARISH COUNCIL objects on the grounds that high visibility to the detriment of the amenity of the area; inadequate access for large vehicles; increase in traffic through the village and along narrow approach lanes. This will occur not only when poultry is

moved but also for delivery of feed etc; Proximity to residential area with disturbance by smell and noise, especially by night time operations. In addition it was commented that scheme B is on wet ground, with drains crossing the area which may have implications.

49 LETTERS OF OBJECTION have been received raising the following issues:- detrimental to the residential amenity of the area; pollution (noise, odour, dust and public health issues relating to avian borne diseases; visual amenity/landscape impact; water pollution; highway issues (access and increased traffic through Tolland and lanes); noise nuisance; insufficient planting scheme; management practice; other available land further away from residential properties; setting of the listed church; loss of value to properties; loss of house sales as a result of the application.

POLICY CONTEXT

The proposal is considered not to harm the visual or residential amenity nor harm the rural character of the area, in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

ASSESSMENT

In terms of the visual impact of the proposal, the landscape officer has visited the site and has recommended that subject to appropriate landscaping and bunding the proposal will integrate within the local landscape. The site is currently screened by roadside and field hedges that combined with the bunding and planting will mean that the visual amenity and local landscape will not be detrimentally affected.

The unit is located some 120 m from the nearest residential property, Church Barn, with a further 5 dwellings located within 240 m of the site. It is considered that subject to an appropriate waste management and operation management plan that the proposal should not create unwanted nuisance by way of odour, noise or dust, nor pollution of the water course. The formal comments of the Environmental Health Officer are however awaited. Issues relating to avian borne diseases are not considered to be a relevant material consideration.

The Highway Authority has raised no objection to the proposal as it will not result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety visibility improvements area recommended. The visibility improvements would involve a 5 m wide recessed access, constructed 10 m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees, 4.5 m back towards the carriageway edge. The required access is only 1 m wider than a standard agricultural access that is not considered to detrimentally affect the visual amenity of the area or lane.

St Peters Church is located some 200 m from the site and its grounds are well screened by mature trees. Even without the latter screening the proposal would not be seen within the context of the church and therefore its setting would be satisfactorily maintained.

Loss of value to properties in Tolland and loss of house sales as a result of the application are not considered to be relevant planning considerations.

RECOMMENDATION

Subject to the receipt of no adverse comments received from the Environmental Health Officer with the addition of any necessary conditions recommended, 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, waste management plan, operational management plan access and consolidated surface for turning.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the visual or residential amenity nor harm the rural character of the area, in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

41/2006/004

MR R HERROD

ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND (SCHEME B, PHASE 2)

09780/32250

FULL

PROPOSAL

The proposal relates to the erection of a poultry unit measuring 49 m x 9.5 m x 4.4 m to the ridge. The unit would be constructed using timber boarding for the walls and profiled metal sheeting for the roof.

The site is located on the north side of the western road leading out of Tolland, which joins the B318. It is proposed to use an existing agricultural access that is located some 240 m from the junction with the B3188 and some 340 m to the centre of Tolland (measured from the junction with the track leading to St John The Baptists Church). This application has been submitted together with application 41/2006/003 for an identical poultry unit located some 60 m to the west of the unit subject to this application, which uses the same access point.

Two further applications for units on the south side of the western road leading out of Tolland are to be refused under delegated powers at the time of writing on visual impact grounds.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal is for the erection of two poultry/agricultural buildings on existing agricultural land utilising an existing access and on this basis it would be unreasonable to raise an objection. Based on the additional information supplied by the agent, I do not consider that the proposal will result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety I would recommend that the access into the site is improved so the HGV's can enter, exit and turn within the site easily as to avoid conflict on the adjacent highway. Recommend conditions relating to access requirement and surfaced parking/turning space for HGV's.

LANDSCAPE OFFICER it should be possible to integrate the proposals into the local landscape subject to details of landscaping and earth mounding. The landscaping will only work if both areas – phase 1 and 2 are mounded and planted i.e. if phase 1 were completed in isolation it would not be sufficient just to implement phase 1 landscape works. ENVIRONMENTAL HEALTH OFFICER comments awaited.

PARISH COUNCIL objects on the grounds that high visibility to the detriment of the amenity of the area; inadequate access for large vehicles; increase in traffic through the village and along narrow approach lanes. This will occur not only when poultry is

moved but also for delivery of feed etc; Proximity to residential area with disturbance by smell and noise, especially by night time operations. In addition it was commented that scheme B is on wet ground, with drains crossing the area which may have implications.

49 LETTERS OF OBJECTION have been received raising the following issues:- detrimental to the residential amenity of the area; pollution (noise, odour, dust and public health issues relating to avian borne diseases; visual amenity/landscape impact; water pollution; highway issues (access and increased traffic through Tolland and lanes); noise nuisance; insufficient planting scheme; management practice; other available land further away from residential properties; setting of the listed church; loss of value to properties; loss of house sales as a result of the application.

POLICY CONTEXT

The proposal is considered not to harm the visual or residential amenity nor harm the rural character of the area, in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

ASSESSMENT

In terms of the visual impact of the proposal, the landscape officer has visited the site and has recommended that subject to appropriate landscaping and bunding the proposal will integrate within the local landscape. The site is currently screened by roadside and field hedges that combined with the bunding and planting will mean that the visual amenity and local landscape will not be detrimentally affected.

The unit is located some 170 m from the nearest residential property, Church Barn, with a further 5 dwellings located within 300 m of the site. It is considered that subject to an appropriate waste management and operation management plan that the proposal should not create unwanted nuisance by way of odour, noise or dust, nor pollution of the water course. The formal comments of the Environmental Health Officer are however awaited. Issues relating to avian borne diseases are not considered to be a relevant material consideration.

The Highway Authority has raised no objection to the proposal as it will not result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety visibility improvements are recommended. The visibility improvements would involve a 5 m wide recessed access, constructed 10 m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees, 4.5 m back towards the carriageway edge. The required access is only 1 m wider than a standard agricultural access that is not considered to detrimentally affect the visual amenity of the area or lane.

St Peters Church is located some 260 m from the site and its grounds are well screened by mature trees. Even without the latter screening the proposal would not be seen within the context of the church and therefore its setting would be satisfactorily maintained.

Loss of value to properties in Tolland and loss of house sales as a result of the application are not considered to be relevant planning considerations.

RECOMMENDATION

Subject to the receipt of no adverse comments received from the Environmental Health Officer with the addition of any necessary conditions recommended, 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, waste management plan, operational management plan access and consolidated surface for turning.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the visual or residential amenity nor harm the rural character of the area, in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12. Notes re the implementation of the landscaping scheme associated with application 41/2006/003 in conjunction with this application.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

42/2006/002

DR M GORMAN

ERECTION OF REPLACEMENT DETACHED GARAGE AND SINGLE STOREY EXTENSION TO REAR OF DWELLING AT BYWAYS, DIPFORD ROAD, TRULL.

21205/22393

FULL

PROPOSAL

The proposed garage will be located to the east of the application dwelling. The proposed garage measures 6.5 m x 3.4 m in footprint. The height to the ridge is 3.7 m. The ridge is orientated so that the gable end forms the boundary with The Conifers the dwelling to the east.

The single storey extension measures 6.5 m in width and projects 3.4 m from the rear of the dwelling. It is designed with a hipped roof.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

PARISH COUNCIL object to the proposal due to unnecessary loss of light to the neighbouring property, The Conifers.

ONE LETTER OF OBJECTION has been received from The Conifers raising the following issues:- concern is expressed over loss of light the proposal will cause to their dining room window and to the impact on the view out of the window. It is suggested that the plans are redrawn so that the garage does not extend beyond the adjacent dining room window.

POLICY CONTEXT

Taunton Deane Local Plan (2004): Policy S1- General Principles, Policy S2 – Design, Policy H17- Extensions to dwellings.

ASSESSMENT

The form, and scale of the garage and the extension are considered acceptable in terms of their visual impact on the dwelling and the street scene.

The second consideration is regarding the impact of the proposal on the adjacent dwelling The Conifers. It is noted that the ground levels are approximately 500 mm higher on the application site in relation to those for The Conifers. However it is not considered that harm will occur to the amenity of the adjacent occupiers through loss of light.

The east elevation of the garage overlaps the west elevation of The Conifers by 4.1 m. However there are no windows on the west elevation of The Conifers facing the east elevation of the proposed garage. The garage is not orientated parallel to the adjacent dwelling. It follows the boundary which is angled closer to the adjacent dwelling towards the rear of the garage. At its closest point the garage will be approximately 1.8 m from The Conifers. This distance is considered acceptable in planning terms.

The objection over loss of light relates to the rear of the garage which projects approximately 2.2 m from the adjacent dining room window. It is not considered that any harm will result due to the projection which is considered minimal combined with its height at this point of between 2.3 and 3.3 m and its siting approximately 3.0 m away from the centre point of the window.

Regarding the materials the application states that facing bricks will be used to match those in the existing dwelling. In order to achieve the shallow roof pitch on the garage natural slate is proposed rather than concrete tiles which are on the existing dwelling. The same materials are also proposed for the single storey extension. The slate is considered acceptable as the roofs of the proposals will not relate closely to the existing roof of the dwelling, in visual terms. As such it is considered that they will not appear discordant to a detrimental degree.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposal by reason of its size, scale and materials respects the character and appearance of the dwelling and the locality and causes no demonstrable harm to residential amenity in accordance with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: MR M HICKS Tel: 356468

NOTES:

42/2006/005TEN

02

ERECTION OF 15 M MAST ASSOCIATED ANTENNAE GROUND BASED CABINETS AND ANCILLARY EQUIPMENT AT TRULL GREEN FARM, LAND OFF CLAREMONT LANE, TRULL

21451/23031

NOTIFICATION - TELECOMMUNICATION

PROPOSAL

The proposal comprises the installation of a 15 m high telecommunication mast with 6 antennas and 4 equipment cabins on agricultural land adjacent to Claremont Lane, poorly surfaced, unadopted public right of way. Claremont Lane links Trull Road, to the south east, with College Way to the north west.

It should be noted that the proposed mast would be sited some 25 m south east of an existing T-Mobile mast that is also 15 m in height and a large electricity sub station some 30 m beyond the existing mast adjacent to College Way.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER the proposed mast, although close to the existing mast is further into the area of open space (agricultural/sports field) and will in my opinion have a detrimental impact on the landscape character of this area. There may be scope to move the mast further to the north west? It is understood that by mast sharing with the nearby T-mobile mast a lattice tower would be needed and the height increased by an additional 5 m. Mast sharing in this instance would therefore be unacceptable as the increased height would take the mast above the skyline and its bulk would be detrimental to the visual amenity of the area. If approval is given I recommend moving it one metre further into the field so that the concrete apron does not damage the existing hedgerow. Planting to soften the impact of the enclosure should also be required.

TRULL PARISH COUNCIL supports the application and would like to take this opportunity to request that consideration be given to improving the surfacing of the access lane (Claremont Lane) via the installation works.

COMEYTROWE PARISH COUNCIL none received.

4 LETTERS OF OBJECTION have been received raising the following issues:- an additional mast would be unacceptable; health grounds due to the radiation they emit combined with the existing mast and large electricity sub station cannot conform to ICNIRP guidelines; no irrefutable evidence that telecommunications masts cause health problems; the proposal will affect the saleability of out property; there is a low frequency buzzing from the existing mast which will be doubled; the mast will be substantially higher than the 3 storey ridges of the properties on College Way when viewed from the Trull Road end and is therefore visually intrusive; is it not possible

for the additional equipment to be incorporated or attached to the existing mast; the mast is located near a school.

POLICY CONTEXT

S1 General requirements, S2 Design, C14 large telecommunications masts - will be permitted provided that their siting and appearance would minimise harm to the landscape, there are not alternative sites, and no other structures or masts that could be used.

ASSESSMENT

Government advice contained within Planning Policy Guidance Note 8 states that it is Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Furthermore Local Planning Authorities are encouraged to respond positively to telecommunications development (whilst taking account of the rural and urban policy framework). This notification, contains evidence that there is a requirement to provide additional coverage in the area of the application site.

The ideal scenario would be to mast share with the existing T-mobile mast located some 25 m to the north west. The agents have looked into the latter possibility and have concluded that in order to mast share the existing mast would have to be converted to a lattice tower with an increase in height of 5 m, taking the overall height to 20 m. In this instance the resulting lattice tower would raise the structure above the sky line and its bulk would be detrimental to the visual amenity of the area.

The proposed site is well screened from College Way by an abundance of trees along the Queens School playing field boundary. The cabin would be well screened by high hedges each side of Claremont lane. It is considered that any other site in the search area would be likely to be located in a more prominent position, with a greater impact in visual terms from residential properties. Although the concerns of the Landscape Officer are noted the current site is considered the best possible position to site an installation since it is still near the edge of this undeveloped agricultural/playing field area. On balance therefore the proposal is considered acceptable in visual impact terms. Amended plans will however be sought to move the concrete apron enclosure 1 m into the field to protect the adjacent hedgerow. A condition requiring further planting on the field side is proposed.

The mast would be located some 120 m to the nearest dwelling in the south east direction and some 120 m to the nearest dwelling to the north west. The mast would conform to the International Commission for Non-Ionising Radiation Protection (ICNIRP) that takes into account existing telecommunication apparatus in the vicinity and in such circumstances there would be no objection based on concerns for health. The associated equipment cabin at base level is considered modest in size and would have little visual impact in comparison to the existing electricity sub-station.

The Parish Council have requested that consideration be given to improving the surfacing of Claremont Lane. In this instance improvements to the lanes surface are

considered an unreasonable condition as the development is considered suitable without the surfacing improvement. Only in circumstances where the proposal were not considered acceptable otherwise could this form of condition be imposed.

RECOMMENDATION

1. Subject to the receipt of satisfactory amended plans by 3rd April, 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 and landscaping.

REASON(S) FOR RECOMMENDATION:- The siting and design of the mast minimises harm to the landscape and there are no alternative sites or solutions with less environmental impact. As such the proposal is in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

2. Should satisfactory amended plans not be submitted by 3rd April, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission as contrary to Taunton Deane Local Plan Policy EN6.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

46/2006/001

MR & MRS WELSHER

**CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC CURTILAGE AT
LAND ADJACENT TO 1 CALWAY COTTAGE, WEST BUCKLAND**

17047/19358

FULL

PROPOSAL

The proposal seeks to change the use of agricultural land to garden/residential curtilage, extending the applicants garden. The existing garden is triangular in shape and the proposal retains this form with the addition of another triangular piece of land. The eastern corner of the existing garden would be extended some 15 m adjacent to the highway, the boundary then returns 5 m perpendicular to the road, into the field and then joins the existing northern point of the garden. The existing garden is approximately 1575 sq m and the proposed additional area measures 750 sq m.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL feel that this development is not appropriate as it is contrary to policy.

POLICY CONTEXT

Policies S1 (general requirements), S2 (design) and S7 (development outside settlement limits) of the Taunton Deane Local Plan are relevant to this application.

ASSESSMENT

Policy S7 requires that development will not be permitted unless it maintains or enhances environmental quality and landscape character of the area. This extension to garden area is considered modest in scale compared to the existing garden. The character of the garden would also be maintained as the resulting area would be similar in nature to the existing situation. The proposal is therefore not considered detrimental to the visual amenity of the area and would maintain environmental quality and the landscape character of the area.

RECOMMENDATION

Subject to the receipt of no further letters of representation raising new issues by 5th April, 2006, the Development Control Manager in consultation with the Chair/Vice be authorised to determine and permission be GRANTED subject to conditions of time limit and boundary treatment. Note re hedge.

REASON(S) FOR RECOMMENDATION:- The proposal does not constitute an intrusive feature and is in keeping with character of the rural surroundings in accordance with Taunton Deane Local Plan Policies S1, S2 and S7.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

PLANNING COMMITTEE – 29 MARCH, 2006

REPORT OF THE DEVELOPMENT CONTROL MANAGER

MISCELLANEOUS ITEM

06/1998/042 CONSTRUCTION OF INFRASTRUCTURE WORKS INCLUDING ROADS, SEWERS & DRAINAGE/FLOOD ATTENUATION WORKS (PHASE 2), COTFORD ST LUKE

Members may recall that the above development was the subject of a Miscellaneous Report to the Planning Committee on 2 March, 2005,

The original Master Plan following the grant of outline planning permission at Cotford St Luke envisaged a footway/cycleway in the general vicinity of the public footpath around the western side of Burge Farm linking to the footpath leading to the lane which connects Burge Farm with Tithill Lane to the north. Subsequent reserve matters permissions provided for this footway/cycleway. As the housing development proceeded, it became apparent that the developers, Cofton, had provided the footway/cycleway within the area approved for residential development. Accordingly, the footway (1.5 m wide) was repositioned beyond the residential development, but there was insufficient room between the residential development and the top of the bank of the adjacent stream to also provide a separate cycleway. At the 2005 meeting. Members were very concerned that the required width for a footway/cycleway could not be provided and requested that further negotiations be undertaken. It was resolved that the Development Control Manager be requested to enter into further negotiations with both the developers and the Environment Agency with a view to the full 2 m width for a combined footpath/cycleway being provided along its full length.

Subsequent to the Committee decision, a site meeting was held with representatives of the developers, the Environment Agency and the County Highway Authority. The outcome of that meeting was that further discussions took place to look into the technical feasibility of providing the link to the required width. This revealed that these works cannot be implemented without restricting the floor and volume of the existing ditch. The Environment Agency has stated that restrictions of this nature would not be acceptable.

Although it is unfortunate that a full width footway/cycleway cannot be provided for this small 50 m length of development, the path is hard surfaced to 75% of the normally required width and will merely link with a narrow gravel public footpath beyond the Cotford St Luke development. In view of the discussions that have taken place, in particular the views of the Environment Agency, I consider that encroachment into the area of the adjacent ditch to provide the additional 0.5 m width of footway/cycleway would be inappropriate.

RECOMMENDATION

That the situation be noted and the submitted amended plan be APPROVED under the minor amendment procedure.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

PLANNING COMMITTEE – 29 MARCH, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Waterrow

1. **File/Complaint Number** E290/09/2005
2. **Location of Site** Hele Vale Farm, Waterrow, Wiveliscombe.
3. **Names of Owners** Mr H Discombe
4. **Nature of Contravention**

Provision of timber lodge for residential purposes.

5. **Planning History**

A complaint was received on 20 September, 2005 that a parcel of land at Bovey Farm was being developed. A timber lodge had been erected and other structures were in the process of being erected. A touring caravan was also on site. A site visit was made on 27 September, 2005 and the owner informed that the developments carried out require planning permission. He confirmed that he had appointed Acorus Rural Property Services to submit applications for both the dwelling and the other structures. An application was submitted for a temporary agricultural workers dwelling on 5 October, 2005 but the site plan indicated the dwelling in a different location to that on site. The application was subsequently refused under delegated powers on 29 November, 2005. The dwelling remains on the site in its original unauthorised position.

7. **Reasons for taking Action**

The dwelling is considered to be an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality, character and appearance of the Brendons Landscape Character Area. As such it is contrary to Taunton Deane Local plan Policies S1, S2, S7 and EN12

8. **Recommendation**

The Solicitor to the Council be authorised to commence enforcement action and take prosecution proceedings subject to sufficient evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 29 MARCH, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Pitminster

1. **File/Complaint Number** E53/30/2004
2. **Location of Site** Former Nursery, Wrexon, Trull, Taunton.
3. **Names of Owners** Mr D J Cryer, 156 Outer Circle, Taunton.
4. **Names of Occupiers** Mr D J Cryer, 156 Outer Circle, Taunton.
5. **Nature of Contravention**

Use of land as a scrap yard and for the stationing and residential use of caravans.

6. **Planning History**

Members may recall that Enforcement action was authorised at this site on 16 February, 2005. An Enforcement Notice was served on 30 June, 2005 specifying that the activity should cease and the site cleared. The applicants lodged an appeal against the notice but in the meantime had stopped using the land as a scrap yard and were in the process of clearing the site. The applicant made a request to The Planning Inspectorate for the Notice to be withdrawn. A site inspection was carried out on 17 August, 2005 where it was noted that significant efforts had been made to clear the site of rubbish and the majority of scrap had been cleared. It was therefore agreed that the notice would be withdrawn together with the ongoing appeal.

Unfortunately, complaints were received in December 2005 and again in January 2006 that the activity of a scrap yard had started again and the site was, if anything, untidier than before. Neighbours have witnessed cars being brought to the site and a large skip being loaded with vehicle parts etc. It is believed that the caravans/mobile homes on the site are used as permanent residential accommodation. There are a number of structures on site that are also unauthorised. The site is very visible from the M5 southbound just before the Taunton Deane Services entry road.

7. **Reasons for taking Action**

As the notice had been withdrawn authorisation is required from members to serve another notice for the following reasons. It is considered that the use of the land for the breaking of vehicles and the storage of scrap is an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality. The stationing and occupation of caravans in the

countryside without a proven agricultural or horticultural need is considered to be contrary to Taunton Deane Local Plan Policy H12.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action subject to satisfactory evidence should the notice not be complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

PLANNING COMMITTEE – 29 MARCH, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Wiveliscombe

1. **File/Complaint Number** E327/49/2005
2. **Location of Site** Land rear of Culverhay Cottage, Culverhay Lane, Wiveliscombe
3. **Names of Owners** Mr S & Mrs S M B Neate
4. **Names of Occupiers** Mr S & Mrs S M B Neate
5. **Nature of Contravention**

Access track, extension and increase roof height to building.

6. **Planning History**

A complaint was received on 30 October, 2005 that substantial works were being carried out at the former piggeries near Culverhay Cottage, Wiveliscombe. An access track had been formed and excavations had been dug around the existing agricultural building. A visit was made to the site on 9 November, 2005 but it was not possible to gain access. A further site visit was made on 16 November, 2005 and both the owner and her son were on site. They confirmed that the access track had always been there but admitted it had been widened. The existing building was in a bad state of repair and it requires renovation and extension in order to house sheep and lambs in a weatherproof building. I was shown the work being carried out which involved concrete blockwork in cavity construction with window and door openings which, appeared to resemble a domestic arrangement. I informed the owners that an application for planning permission should be submitted without delay and any further work undertaken is done so in the knowledge that it is unauthorised. I said I would forward application forms and urged them to appoint an agricultural consultant to assist with the application and any further development planned for the site. Application forms were received on 10 January, 2006 together with drawings of the proposed extension to the building. These were not to scale and no details were received of the access track. A letter was sent on 25 January, 2006 informing the applicant that the application could not be registered as the Planning Officer required more details. Nothing further was received. A letter from Enforcement was sent on 22 February, 2006 requesting the details and a cautionary paragraph stating that work appears to have continued unabated since 16 November, 2005 and that the Local Planning Authority may take further action over the unauthorised building. To date no reply or application has been received and it would appear the building is complete and in use.

7. **Reasons for taking Action**

The site is in a very prominent position set on a slight ridge. The additional

volume of the building and the increased roof height is a dominant feature on the skyline and detracts from the visual amenities of this attractive rural area. The site lies within the open countryside where it is the policy of the Local Planning Authority to consider all development proposals against the following criteria: -1. The detailed siting of the proposal is compatible with the character of the surrounding area and safeguards nature conservation interests; 2. The design of the buildings, structures and materials indicated in the proposal relate satisfactorily to the setting; 3. Landscaping associated with the proposal takes into consideration both immediate impact and distant view of the development. As no details have been forthcoming the development is contrary to Policy S1 of the Taunton Deane Local Plan

8. Recommendation

The Solicitor to the Council be authorised to take Enforcement action and commence prosecution proceedings subject to satisfactory evidence that the notice has not been complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479