



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 5TH JULY 2006 AT 17:00.

(RESERVE DATE : MONDAY 10TH JULY 2006 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 14 June 2006 (TO FOLLOW).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal or prejudicial interests in accordance with the Code of Conduct.
5. ENFORCEMENT ACTION IN RELATION TO THE O2 TELECOMMUNICATIONS MAST AT SHOREDITCH ROAD, TAUNTON. Enforcement item
6. BISHOPS HULL - 05/2006/015
ERECTION OF DWELLING AT LAND ADJOINING 49 SMITHY, BISHOPS HULL, TAUNTON
7. CHURCHSTANTON - 10/2006/007
SUBDIVISION TO FORM TWO DWELLINGS AT THE POST OFFICE, CHURCHINFORD
8. KINGSTON ST. MARY - 20/2006/013
REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION 06 IMPOSED BY VIRTUE OF PERMISSION NUMBER 20/1991/027 AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY AS AMPLIFIED BY AGENTS LETTER DATED 9TH JUNE, 2006 WITH ADDITIONAL FARMERS QUESTIONNAIRE AND APPLICANTS E-MAIL DATED 14TH JUNE, 2006 AND 22ND JUNE, 2006
9. MILVERTON - 23/2006/021
RETENTION OF BRIDGE AND ERECTION OF ROADSIDE TIMBER FENCE AT FOURACRE SAWMILLS, STATION ROAD, MILVERTON
10. OAKE - 27/2006/007
ERECTION OF STABLE BLOCK LAND AT FROG STREET, HILLFARRANCE AMENDED BY APPLICANTS E-MAIL DATED 6TH JUNE, 2006
11. TAUNTON - 38/2006/198

DEMOLITION OF DWELLING AND COMMERCIAL GARAGE BUILDINGS AND ERECTION OF 24 FLATS WITH ASSOCIATED PARKING AT EASTWICK FARM HOUSE AND EASTWICK COTTAGE, EASTWICK ROAD, TAUNTON

12. TAUNTON - 38/2006/200
CONSTRUCTION OF TWO ALL WEATHER SPORTS PITCHES WITH FENCING AND FLOODLIGHTS TOGETHER WITH SPORTS PAVILION AND ANCILLARY CAR PARK FOR TAUNTON SCHOOL AT LAND NORTH OF GREENWAY ROAD, TAUNTON
13. TAUNTON - 38/2006/203
REORGANISATION OF SHALE HOCKEY PITCH TO FORM 4 TENNIS/NET BALL COURTS AND REPLACEMENT FLOODLIGHTING FOR TAUNTON SCHOOL AT LAND SOUTH OF GREENWAY ROAD, TAUNTON
14. TAUNTON - 38/2006/215
ERECTION OF TWO STOREY EXTENSION TO SIDE OF PROPERTY INCLUDING CAR PORT AT 24 GRAFTON CLOSE, TAUNTON
15. WELLINGTON - 43/2006/057
ERECTION OF 11 NO. ONE BED DWELLINGS ON LAND TO THE REAR OF SANS OMBRE AND GARDEN HOUSE, WHITE HART LANE, WELLINGTON
16. COMEYTROWE - 52/2006/010
ERECTION OF FIRST FLOOR EXTENSION, INSTALLATION OF DORMER WINDOW AND ERECTION OF SINGLE STOREY EXTENSIONS TO SIDE AND REAR OF DWELLING AT 37 STONEGALLOWS, TAUNTON AS AMENDED BY PLANS RECEIVED 8TH MARCH, 2006 AND AS AMENDED BY AGENTS LETTER DATED 31ST MAY, 2006 WITH ACCOMPANYING DRAWING NOS. 2006/27/1 REV A AND 2006/27/2 REV A
17. COMEYTROWE - 52/2006/021
ERECTION OF TWO STOREY EXTENSION TO SIDE OF PROPERTY AT 1 GILL CRESCENT, TAUNTON
18. STOKE ST. GREGORY - 36/2006/009
ERECTION OF EXTENSION AND GARAGE AT FOUR WINDS, SLOUGH LANE, STOKE ST. GREGORY. Miscellaneous item
19. OBJECTION TO TAUNTON DEANE BOROUGH (WELLINGTON NO.3) TREE PRESERVATION ORDER 2006 AT THE REAR OF 23-33 FORE STREET, WELLINGTON (TD1006). Countryside item
20. E222/05/2005 - WALL BUILT OVER 2M TO THE SIDE OF 16 STONEGALLOWS, TAUNTON. Enforcement item
21. E22/38/2006 - DISPLAY OF TWO INTERNALLY ILLUMINATED SIGNS, ONE STOP SHOP, 101-103 PRIORSWOOD ROAD, TAUNTON. Enforcement item

22. PLANNING APPEALS - APPEALS RECEIVED AND THE LATEST DECISIONS.

Appeals

G P DYKE
Member Services Manager
28 June 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 Bowrah
Councillor Miss Cavill
Councillor Croad
Councillor Denington
Councillor Floyd
Councillor Guerrier
Councillor Henley
Councillor C Hill
The Mayor (Councillor Hindley)
Councillor House
Councillor Lisgo
Councillor Phillips
Councillor Mrs Smith
Councillor Stuart-Thorn
Councillor Wedderkopp

IMPORTANT NOTE!!!

SHOULD THE ENGLAND FOOTBALL TEAM REACH THE SEMI-FINAL OF THE WORLD CUP (WHICH IS DUE TO BE PLAYED ON THE SAME EVENING AS THE PLANNING COMMITTEE), THE CHAIRMAN HAS AGREED THAT THE MEETING OF THE COMMITTEE WILL BE ADJOURNED AT 7.00 P.M.

ANY REMAINING BUSINESS WILL BE DEALT WITH BY THE COMMITTEE AT ITS RESERVE DATE - 5.00 P.M. ON MONDAY, 10 JULY 2006.



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



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



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

Planning Committee –14 June 2006

Present: Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Guerrier, Henley,
C Hill, House, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer
(Development Control Area Manager – West), Mr G Clifford
(Development Control Area Manager – East), Mr R Upton
(Development Control Area Manager), Mrs J Moore (Development
Control Principal Officer – East), Mrs K Marlow (Development Control
Principal Officer – West) Mr J Hardy (Development Control Senior
Enforcement Officer), Mrs J M Jackson (Senior Solicitor) and
Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

66. Apologies

The Mayor (Councillor Hindley) and Councillor Denington.

67. Minutes

The minutes of the meeting held on 17 May 2006 were taken as read and were signed.

68. Provision of a large mobile home in the rear garden of 39 Whitmore Road, Taunton

Reported that over several weeks during last summer, the owners of 39 Whitmore Road, Taunton had been in contact with the Council to establish whether the positioning of a mobile home in the rear garden of their property would require planning permission.

At the time, advice was given both verbally and in writing that, provided the use of the mobile home was ancillary to the main dwelling and not self-contained, planning permission would not be required.

The owners had also made various other contacts with the Council as to whether the Building Regulations would apply or whether a Site Licence was required.

Nothing further was heard in relation to this matter until approximately two months' ago when a large mobile home was delivered to 39 Whitmore Road, Taunton where it was then craned over the roof of the house and sited in the rear garden.

This had prompted a number of complaints and enquiries in relation to the mobile home.

A site visit, shortly after the installation of the mobile home, had revealed that the unit had two bedrooms, a living/dining room, a kitchen and a bathroom, that relevant mains services had been installed and that more than one person was occupying the unit.

It had also become apparent that the mobile home was being used as a separate unit of accommodation with little or no connection with the main residence.

Further reported that the legal interpretation of this situation was that planning permission would be required as the nature of the accommodation provided and the way it was occupied could not be considered ancillary to the use of the main house.

Noted that the factors taken into account had been derived from case law and took into account such matters as the extent to which the occupier used facilities within the main house, the level of facilities provided in the mobile home and whether the accommodation was occupied on a full-time basis.

From a planning point of view, the siting, size and appearance of the mobile home had a detrimental effect on the neighbouring properties and a detrimental visual impact on this residential area.

The Senior Solicitor, Mrs Jackson, explained that the owners of 39 Whitmore Road, Taunton considered that they had made all appropriate enquiries beforehand and felt aggrieved to now be informed that planning permission to retain the mobile home was required. They felt that they had been misled by the Council. She confirmed, however, that planning permission was required to retain the mobile home. An offer had been made to the owners to meet up with them before any further action was taken, to explain in greater detail her reasons for taking this viewpoint.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised mobile home which had been positioned in the rear garden of 39 Whitmore Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with.

69. **Applications for Planning Permission**

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

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

42/2006/007

Erection of dwelling, Eastbrook Villa, Trull

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014A – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C111 – materials – for drives;
- (g) C112 – details of guttering, downpipes and disposal of rainwater;
- (h) C215 – walls and fences;
- (i) Plans showing a parking area, providing for two vehicles, shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
(Note to applicant:- Applicant was advised to ensure the surface of the footpath is maintained during and after construction. Any change to the surface must be authorised by Somerset County Council.)

Reason for granting outline planning permission:-

The increase in traffic from a single dwelling house was not considered to have an increase in highway danger given the nature of the access, and a dwelling at this location was in accordance with Taunton Deane Local Plan Policy H2.

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

The Committee felt that the increase in traffic from this further dwelling would not significantly increase highway dangers.

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

14/2006/014

Removal of condition 02 of planning approval 14/2000/040 to permit the use of the building for B1 and B2 Use, buildings adjacent to Unit 18, Creech Mills, Creech St Michael.

Condition

C001A – time limit.

Reason for granting planning permission:-

The proposed use, by reason of its scale and location, respected the character of the area and caused no demonstrable harm to highway safety or residential amenity in accordance with Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

27/2006/005

Change of use of piano repair workshop to live/work unit, Mansfield Pianos, Court Farm, Hillfarrance.

Conditions

- (a) C001A – time limit;
- (b) C010 – drainage;
- (c) C101 – materials;
- (d) C324 – parking;
- (e) The building shown to be removed and/or renovated shall be removed/renovated within six months of the date when the conversion works have commenced;
- (f) C927 – remediation investigation/certificate;
- (g) The buildings shall be used as a workshop for piano repairs and a store for pianos and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the class in any Statutory Instrument revoking and re-enacting that Order);
- (h) The use of the site for piano repairs and storage shall be restricted to the current and proposed building as indicated on the submitted plan;
- (i) C706 – restricted use – no retail sales;
- (j) C708 – restricted use – no storage except where stated;
- (k) No machinery installed in the building(s) shall be operated except between the hours of 0730 and 1900 hours on weekdays and such machinery shall not be operated on Sundays;
- (l) No additional machinery shall be installed without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that condition (b) relates to details of sizes of pipes and the details of the bio-disc unit; (2) Applicant was advised that condition (c) relates to the roof materials; (3) N126 – land contamination; (4) Applicant was advised that the site boundary appears to be partially within

Flood Zone 3 (high risk flood plain). However, the building in question lies in the Flood Zone 1 (the lowest risk flood plain). As a precaution, flood-proofing should be used in the redevelopment. For example, electric sockets should be positioned at 600mm above ground level. The new bio-digester unit will require both a Consent to Discharge and Land Drainage Consent; (5) Applicant was advised that conditions (g) – (l) are updated versions of the conditions placed on the original permission. These conditions are considered to be applicable to application No 27/2006/005.)

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

The Committee took the view that the proposed alterations to an existing permanent and substantial building were considered not to be so significant to warrant the refusal of permission.

38/2006/177

Siting of 18m telecommunications mast adjacent to M5 bridge, Shoreditch Road, Taunton (as an alternative to the existing O2 mast located at Shoreditch Road adjacent to 90 Bilberry Road).

Conditions

- (a) C001A – time limit;
- (b) C207A – existing trees to be retained;
- (c) C208E – protection of trees to be retained;
- (d) Prior to the commencement of development, a detailed statement confirming that the mast, hereby approved, conforms to the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason for granting planning permission:-

The siting and design of the mast minimised harm to the landscape and there were no alternative sites or solutions with less environmental impact. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

48/2006/030

Erection of single-storey rear extension, conversion of garage and erection of first-floor extension over to serve as annex at 3 St Quintin Park, Bathpool.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) The annex 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 a separate unit of accommodation;
- (d) The link between the annex and the main house shall be maintained in perpetuity;
 - (e) The 2 No spaces shown on the amended plan, submitted on 30 May 2006, shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building or visual or residential amenity and would not, therefore, conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

49/2006/027

Conversion of barn to dwelling and extension to stable to form garage at land to rear of 24 North Street, Wiveliscombe.

Conditions

- (a) C001A – time limit;
 - (b) C927 – remediation investigation/certificate;
 - (c) Wildlife mitigation measures shall be undertaken in accordance with the recommendations of the Wildlife Survey received on 31 March 2006;
 - (d) C102 – materials;
 - (e) C601 – schedule of works to ensure safety and stability of structure;
 - (f) The approved rooflights shall be flush fitting;
 - (g) Prior to the building being first occupied, a 1.5m high stone wall shall be constructed in accordance with the details hereby approved along the south boundary or otherwise any variance as agreed in writing by the Local Planning Authority;
 - (h) C106 – second-hand materials;
 - (i) C654A – windows;
 - (j) Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
 - (k) P001A – no extensions;
 - (l) P006 – no fencing.
- (Notes to applicant:- (1) N126 – land contamination; (2) Applicant was advised that a public sewer crosses the site. Wessex Water normally requires a minimum 3m easement width either side of its apparatus. You are advised to contact Wessex

Water to discuss the matter; (3) Applicant was advised that prior to the commencement of any works, a Department for Environment, Food and Rural Affairs (DEFRA) Licence will be required; (4) Applicant was advised to confirm that they have a legal right of way prior to the use of the lane; (5) Applicant was advised that bats are known to be using the barns. The report, prepared by Greena Ecological Consultancy, dated 20 March 2006, recommends that a DEFRA Development Licence will be required before works can commence on the barns. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. The condition on the certificate relating to bats requires the submission of a strategy to protect bats through the development stage and to provide future roosting opportunities in line with the report recommendations. Further survey work to meet the requirements of the DEFRA Licence may be necessary and your consultant will be able to advise on this.)

Reason for granting planning permission:-

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, EN12, EN28 and H17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1.

52/2006/017

Erection of single-storey extension and car port at 63 Claremont Drive, Taunton.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials – for carport;
- (c) C102A – materials – for extension.

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, or road safety, or visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies H17, S1 or S2.

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

19/2006/015

Demolition of conservatory and replacement with new green oak-framed conservatory including WC and shower room at Hatch Green Farm, Hatch Green, Hatch Beauchamp.

Reason

The proposed development by reason of its size and design, would be out of keeping with, and would adversely affect, the character and appearance of this Grade II listed building and would conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

19/2006/016LB

Demolition of conservatory and replacement with new green oak-framed conservatory with WC and shower room at Hatch Green Farm, Hatch Green, Hatch Beauchamp.

Reason

The proposed development, by reason of its size and design, would be out of keeping with, and would adversely affect, the character and appearance of this Grade II listed building and would conflict with Taunton Deane Local Plan Policies EN16 and EN 17.

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

38/2006/113

Erection of 24 No one-bedroom flats with cycle parking and bin stores, 5-7 Compass Hill, Taunton.

Reason

The proposed scheme, due to the three-storey element at the rear, adjacent to Dovetail Court, will have an overbearing impact to the detriment of occupants' amenity contrary to Taunton Deane Local Plan Policy H2(E).

(Note to applicant:- Applicant was advised that a revised scheme reverting back to the two-storey design at the rear, as originally submitted, may be acceptable.)

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

The Committee was of the view that the proposed three-storey element of the proposal so close to Nos 1-4 Dovetail Court would be overbearing on those properties.

49/2006/023

Retention of existing structure and completion to form agricultural building for animals, Culverhay, Wiveliscombe.

Reasons

- (a) The building by reason of its design, size and external appearance, is considered to be tantamount to a new dwelling in the countryside which is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policies S7 and EN12;
- (b) The building is considered, by reason of its size in this prominent rural site, to be contrary to Taunton Deane Local Plan Policies S1(D) and S2.

Also RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised building at Culverhay, Wiveliscombe; and
 - (2) Such action be deferred for a period of three months from the date of the meeting to allow a revised scheme, based on the size of the original building, to be negotiated.
- (4) That the following application be **withdrawn**:-

30/2006/013LB

Formation of new internal opening between kitchen and dining room and the formation of a doorway in lieu of window, Duddlestone House, Duddlestone.

70. Erection of 14 dwellings, demolition of buildings, Little Wilcox and Hucker's Hill, Station Road, Hatch Beauchamp (19/2006/014)

Reported this application.

RESOLVED that subject to the receipt of acceptable additional highway details and no further letters of representation raising new issues by 28 June 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The Velux windows in the roof of houses on Plots 11, 12 and 14 shall be glazed with obscure glass which shall thereafter be maintained. There shall be no alteration or additional windows in these roof elevations without the prior written consent of the Local Planning Authority;
- (b) There shall be no new windows at first-floor level on the south-eastern elevation of Plot 9 facing The Rectory.

Reason for approving detailed plans, if granted:-

The proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

71. Appeals

- (1) Reported that the following appeals had been lodged:-
- (a) Erection of new dwelling at 7 Orchard Close, Trull (**42/2005/040**);
 - (b) Redevelopment to provide 48 sheltered housing apartments at 2 and 4 Compass Hill, Taunton (**38/2005/422**);
 - (c) Erection of internally illuminated fascia sign at 6A East Reach, Taunton (**38/2005/450LB and 451A**);
 - (d) Erection of bungalow, garaging and formation of access at rear of 29 Blackbrook Road, Taunton (**38/2005/388**);
 - (e) Erection of one detached dwelling with integral double garage, extension to No 1 Piffin Lane and erection of garages for Nos 1 and 4 Piffin Lane, land adjacent to north side of Piffin Lane behind 1-4 Church Street, Bishops Lydeard (**06/2005/033**);
 - (f) Display of double sided internally illuminated pole sign at Olds Taunton, Norton Fitzwarren (**25/2005/039A**);
 - (g) Conversion of barn into five bedroomed, two-storey dwelling with detached double garage at Chestnut Farm, Helland (**24/2005/037**);
 - (h) Erection of dwelling and garage to the north of Maidenbrook Farmhouse (The Tudor), Tudor Park, Maidenbrook (**08/2005/034**);
 - (i) Erection of a bungalow at 3 Francis Close, Creech Heathfield (**14/2005/039**);
 - (j) Erection of bungalow at Manderleigh, Bagley Road, Rockwell Green, Wellington (**43/2005/105**);
 - (k) Erection of single-storey extension to form covered swimming pool, Higherlands, Ford Street, Wellington (**44/2005/019**);
 - (l) Retention of private double garage to the north of Chestnut Farm Barn Conversion, North Curry (**24/2005/065**);
 - (m) Retention of boundary fence at 1 Burch's Close, Comeytrowe (**52/2005/033**);
 - (n) Formation of access and driveway to 2 and 3 Burnshill Terrace, Norton Fitzwarren (**25/2005/033**);

- (o) Appeal against Enforcement Notice – Retention of covered storage area at rear of Taunton Motor Company, Priory Bridge Road, Taunton;
 - (p) Erection of two flats to side of 87 Staplegrove Road, Taunton (**38/2006/021**);
 - (q) Erection of three terraced houses and parking at rear of 87 Staplegrove Road, Taunton (**38/2006/022**);
- (2) Reported that the following appeal decisions had been received:-

- (a) **Formation of vehicular access at 4 Greenway Road, Taunton (38/2005/251).**

Decision

The Inspector noted that the proposed drive would be at an angle to the road which would make left turns, out of the drive, difficult. He also noted that the vision of drivers in emerging cars would be obstructed by parked vehicles and that the location of traffic signals, only 35m from the proposed driveway, would be unacceptably dangerous. The appeal was dismissed.

- (b) **Retention of change of use from holiday let to separate permanent dwelling and formation of access and parking area at The Retreat, Sampford Moor (adjacent to Blue Ball Inn), Wellington (32/2005/007).**

Decision

The Inspector felt that whilst the appearance of the building was in keeping with local properties, it was small in relation to other properties which would lead to applications for extensions and alterations. He also found no evidence that the dwelling was required to support the rural economy. Due to the fact that the surrounding area was predominantly rural, the Inspector thought that the use of the property as a permanent dwelling would give rise to substantial car use, which was not sustainable. The appeal was dismissed.

- (c) **Demolish garage buildings, erect 13 flats and parking at Eastwick Farm Cottage, Eastwick Road, Taunton (38/2005/052).**

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the

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

- (d) **Conversion of barns into 2 No holiday lets at Whipprells Buildings (part of Pontispool Farm), Norton Fitzwarren (27/2004/016).**

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was allowed and planning permission granted subject to conditions. An award of costs was made in favour of the appellant.

- (e) **Residential development to form eight houses, 53 flats and the formation of an access at Pollards Way, Wood Street, Taunton (38/2004/324) and residential development to form eight houses, five flats over garages and 44 apartments and associated roads and parking at Pollards Way, Wood Street, Taunton (38/2004/570).**

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeals were allowed and planning permission granted subject to conditions. A partial award of costs was made in favour of the appellants.

- (f) **Erection of dwelling on land adjacent to 28 Longforth Road, Wellington (43/2005/054 and 055).**

Decision

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

- (g) **Erection of four dwellings with associated works, land north of former hospital buildings, Cotford St Luke (06/2004/039).**

Decision

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

- (h) **Demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings**

into 25 self-contained dwellings, restoration of the park land and erection of 45 dwellings at Sandhill Park, Bishops Lydeard (06/2004/013 and 014LB) – Call-in by the First Secretary of State.

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The First Secretary of State decided not to grant planning permission or listed building consent for this development.

(The meeting ended at 8.27 pm.)

PLANNING COMMITTEE – 5 JULY 2006

Report of the Chief Solicitor

Enforcement action in relation to the O2 Mast at Shoreditch Road, Taunton

Background

Members will recall that at the meeting held on the 14 December 2005 the Committee considered Counsel's advice in relation to proposed enforcement action against the telecommunications mast at Shoreditch Road, Taunton.

At that stage Counsel advised that prior to further action, the Council ought to serve a Planning Contravention Notice on O2 to establish the exact nature of what had been erected. The Council was also advised to identify and seek planning permission for an alternative site for the mast.

A Planning Contravention Notice was served and although the responses of O2 indicate that the mast as erected is in accordance with the deemed permission, the evidence on the ground is that this is not the case. The deemed permission is for a silver slimline monopole whereas the mast erected is bulkier and green in colour. It is considered sufficiently different to warrant the taking of enforcement action.

Specialist advice was also sought as to the possibility of an alternative siting for a mast which would still meet the technical demands of the existing mast as well as being acceptable in planning terms. A site was identified adjacent to the Motorway and Members will recall that at the meeting of the Committee on the 14 June 2006 permission was granted for a mast on this alternative site.

In the light of the above Members are therefore now in a position to consider what further action to take.

If an enforcement notice is served it is likely that O2 will appeal against the enforcement notice with a consequent Public Inquiry. If the Council is successful, the notice would require the current mast to be removed. It would however leave O2 with the option to erect a mast of the type that has deemed permission on the existing site.

However, the Council is now in a position to negotiate with O2 for the erection of a mast at the alternative site, which is owned by the Council, and might result in the relocation of the mast without the need to hold a Public Inquiry. If this course of action is not successful in securing the relocation of the mast, Members would still have the option of authorising discontinuance action requiring removal of the mast.

Recommendation

It is therefore **RECOMMENDED** that :-

1. The Solicitor to the Council be authorised to serve an enforcement notice on O2 requiring the removal of the unauthorised mast erected at Shoreditch Road, Taunton;
2. The Asset Holdings Manager be asked to instigate discussions with O2 as to an agreement being reached for O2 to erect a mast on the alternative site identified on Council owned land and for which planning permission exists; and
3. O2 be advised that the Committee are committed to securing the removal of the mast from the existing site and if the action currently proposed is unsuccessful, further consideration will be given to the service of a Discontinuance Notice.

Chief Solicitor

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

05/2006/015

JARL & LOUISE BENNETT

**ERECTION OF DWELLING AT LAND ADJOINING 49 SMITHY, BISHOPS HULL,
TAUNTON**

320900/124375

FULL

PROPOSAL

The proposal relates to the erection of a two storey dwelling to the side/east elevation of 49 Smithy, a semi-detached dwelling. The proposal will therefore create a terrace of three dwellings. Externally the proposed dwelling would match the existing property. The proposed property would be the same width as the existing property however it would be 2 m longer. Rear pedestrian access would be provided by a passageway between the existing and proposed dwellings. The first floor of the proposed dwelling would be built over the latter passage. Off road parking would be provided in the front gardens of the proposed and existing properties.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited. WESSEX WATER comments awaited.

DRAINAGE OFFICER no objections. As the land was previously owned by TDBC, the Housing Division should be consulted for their observations. HOUSING OFFICER comments awaited.

PARISH COUNCIL comments awaited.

4 LETTERS OF OBJECTION have been received raising the following issues:- the existing dwelling is shared by three people with three cars making parking a problem. With a bigger dwelling and more occupants the existing parking problem will be worsened on this narrow road where there is little room to turn; where would visitors park?; all the occupants of the existing dwelling are youngsters which I feel can only lead to disruptive behaviour; we already have 5 houses being built at the rear. I do not want all our lives disrupted through inconvenience or noise; the extension is too large and if allowed would be an over development of the property.

POLICY CONTEXT

Policy S1, S2, H2 and M4 of the Taunton Deane Local Plan are relevant to this application.

ASSESSMENT

In terms of design the dwelling would satisfactorily reflect the character of the existing dwelling, continuing the style of the property, utilising matching materials.

The principle of creating a terrace of three dwellings is considered acceptable and there are plenty of groups of three and groups of four dwellings attached to each other in the area. The increase in length of the proposed development of 2m compared to the existing dwelling is not considered excessive. After the development is completed the existing and proposed dwellings would be afforded an appropriately sized amenity area. The resulting plot sizes of the proposed and existing dwelling would be comparable to others in the area. The visual amenity of the area would therefore be maintained.

The dwelling does not incorporate any windows that would detrimentally overlook neighbouring properties to an unreasonable degree, nor would it cause any detrimental loss of light through overshadowing. The residential amenity of the area would therefore not be detrimentally affected.

Two off-road parking spaces would be provided for the proposed and existing dwelling. This provision more than accords with the parking standards. The creation of the two off-road parking spaces to the existing dwelling would not require the benefit of planning permission and could be carried out regardless of this application. The plot of land to the side of the existing dwelling is already served by an access.

RECOMMENDATION

Subject to the receipt of no adverse comments received from the County Highway Authority, Housing Manager and Wessex Water 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 and parking.

REASON(S) FOR RECOMMENDATION:- The proposal, for residential development, is located within defined settlement limits where new housing is encouraged and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

10/2006/007

MR M NEWMAN

**SUBDIVISION TO FORM TWO DWELLINGS AT THE POST OFFICE,
CHURCHINFORD**

321286/112597

FULL

PROPOSAL

The proposal is to subdivide the existing accommodation at the Post Office to two separate units. Internally the accommodation is already separate with two staircases.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the village of Churchinford, has a post office, doctors surgery however it does not accommodate sufficient services and facilities, such as, education, employment, retail and leisure, and the public transport services within the village are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. In detail the proposal seeks to sub-divide an existing dwelling into two dwellings. There is no information on the submitted plans showing details of parking for the proposed dwelling and it is considered that a new dwelling will result in additional traffic above the existing single dwelling. Therefore in the absence of adequate off street parking I would recommend that this application be refused on highway grounds for the following reason:- The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free. flow of traffic and thereby add to the hazards of road users at this point.

PARISH COUNCIL have no objections to the proposal.

POLICY CONTEXT

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR5 – Development in Rural Centres and Villages, Policy3 – Areas of Outstanding Natural Beauty, Policy48 – Access and Parking.

Taunton Deane Local Plan Policies S1 – General Requirements, H2 – Housing in Settlements, H4 – Self-contained Accommodation, M4 – Parking .

ASSESSMENT

The proposal seeks to subdivide an existing property to provide an additional small unit of accommodation in the centre of the village. The proposal is not considered to have any adverse amenity impact on neighbours. Any future extension on the rear may have such an impact and it is therefore considered appropriate to remove permitted development rights here. The property fronts the road and there is no off street parking available. Notwithstanding the comments of the Highway Authority the site is considered to be a sustainable location on a bus route and the key issue here therefore is the availability of parking. There is already on street parking occurring in this location and the Highway Authority has objected on the basis of additional parking causing a hazard in this location.

The Parish Council raise no objection and on balance it is not considered that the lack of an additional parking space here would warrant refusal of the application given the existing situation in the area. The proposal is therefore considered acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit and removal of extension rights.

REASON(S) FOR RECOMMENDATION:- The proposal is not considered to adversely affect highway safety and to comply with Taunton Deane Local Plan Policies S1 and H2.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

20/2006/013

MR & MRS CHRISTOPHER HEAYNS

REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION 6 IMPOSED BY VIRTUE OF PERMISSION NUMBER 20/1991/027 AT MILLFIELD HOUSE, PARSONAGE LANE, KINGSTON ST MARY AS AMPLIFIED BY AGENTS LETTER DATED 9TH JUNE, 2006 WITH ADDITIONAL FARMERS QUESTIONNAIRE AND APPLICANTS E-MAILS DATED 14TH JUNE, 2006 AND 22ND JUNE, 2006

322266/129080

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

It is proposed to remove the agricultural tie in respect of this dwelling which was allowed on appeal in 1992. The dwelling is 4 bedroomed (with scope to convert a games room to an additional 2 bedrooms), 4 reception rooms, utility, study and integral double garage. Planning permission has been granted by applications 20/2005/005, dated 26th April, 2005 for 5 holiday cabins and 20/2005/012, dated 16th September, 2005 for 12 holiday cabins on this former nursery site that has ceased to operate, leaving only the immediate garden area. In addition planning application 20/2001/036, dated 28th January, 2002 extended the residential curtilage and erected a detached swimming pool that has been built. Application 20/2005/023 dated 27th January, 2006 also approved an annexe with a conservatory link.

A valuation of the property has been submitted with the application giving a full market value of £1,150,000. The agent's letter accompanying the application maintains that with the occupancy condition the property would be valued in the region of £700,000. The agent concludes that it is unlikely that a farmer or retired farmer in the locality would be in a position to purchase. The agent also refer to PPS 7 stating that where 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 remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.

The agent also addresses the requirements of Policy H13 as follows:- the dwelling is no longer needed for agriculture as the nursery has closed; there is no current demand for dwelling for a worker dwelling in the locality as shown by the questionnaire survey. Questionnaires were sent out to 13 farmers in the locality. Six replies were received stating that there was no interest; a marketing exercise to sell the property is not required as the applicants wish to live in the property and this application is intended to regularise the situation.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL objects. The Parish Council requests the retention of the tie to provide on-site security for the current development. We refer you to the original inspectors report on this matter.

9 LETTERS OF OBJECTION have been received raising the following issues:- the word “onerous” should not be used in the application description as it has been made so by the applicant disposing of his agricultural practice and land; some efforts have been made to establish demand for an agricultural worker however I thought more wide range marketing is required; the house could be subdivided to provide smaller affordable units for agricultural workers; the condition could be amended to relate to the holiday park that has replaced the agricultural business; the house is outside settlements and the condition has not been met for at least 10 years and if no other tied condition is feasible, the house should be removed; an application for a dwelling in the garden of the applicants house was refused, surely by lifting the tie this would be viewed in the same light; a house in Hob Lane was removed after appeal once the conditions could not be met (20/1996/022) why is this any different; at least the tie should be retained and the application refused; this is the latest in a series of applications designed to get around the planning system but more importantly has adversely transformed the southern edge of our village; it scarcely seems worthwhile to respond in view of the fact that the Borough Council almost invariably consents to whatever the applicant submits, regardless of the views of the village; it constitutes a visual intrusion to the amenities of the Special Landscape Area; principle objections; the culmination of applications at this site has led to an increase in traffic on Parsonage Lane which is substandard and Mill Cross is an unsafe junction; the tie should remain as no satisfactory case for its retention has been made;

4 LETTERS OF SUPPORT have been received raising the following issues:- fully support the removal of the tie as there is no longer an agricultural need either on the site or in the locality.

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 main issue relating to this application are the three tests contained in Policy H13. The removal of the condition would not have any detrimental impact on visual or residential amenity, nor would it be likely to result in an increase in traffic movements.

The building is in open countryside, and previously was used in association with agricultural/horticultural activities which have now ceased. The applicant has sent a questionnaire to farmers in the locality in order to survey local demand the property with an agricultural tie with 6 out of 13 farmers responding. From this information they assume there to be no demand for the property with its tie at an asking price of £700,000 - £800,000.

Responses received from 6 farmers in the locality are not considered a rigorous enough appraisal in which to properly assess the demand of dwellings for farmers. Recent appeal decisions have stated that contacting farmers in the locality is insufficient on its own to establish that there is no demand and that it is normal practice to undertake a marketing exercise over an appropriate period. Part (C) of Policy H13 states that the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period. In order to satisfy Part (C) of Policy H13 the dwelling would normally be advertised for sale by at least one estate agent at a price reflecting the tie for a minimum period of 12 months, which the applicants have not carried out. Policy H13 states that applications to remove these conditions will not be permitted unless this marketing has been carried out.

The applicants attempt to address the issue of Part (C) of Policy H13 by stating that they have no wish to move from the property so why carry out a marketing exercise. This evades the issue that the dwelling is located outside of any defined settlement boundary and has an agricultural tie and therefore it should be made available to an agricultural worker or retired farmer.

RECOMMENDATION

Permission be REFUSED for the reason that the site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority insufficient evidence has been put forward to show that there will not be a long term need for the dwelling for occupation by a retired agricultural worker or agricultural worker employed in the locality such as to outweigh that policy. As such the proposal would be contrary to Taunton Deane Local Plan Policies S7 and H13.

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:

23/2006/021

CLANVILLE SAWMILLS LTD

**RETENTION OF BRIDGE AND ERECTION OF ROADSIDE TIMBER FENCE AT
FOURACRE SAWMILLS, STATION ROAD, MILVERTON**

312528/126071

FULL

PROPOSAL

It is proposed to retain an existing bridge at the northern side of the saw mill yard, and erect of a new 2 m high close boarded fence set back 2 m, at the roadside boundary. There was an application for works at this site for retention of change of use from agriculture to use for storage of timber on the northern side of the Hillfarrance Brook, retention of earth bund, retention of bridge, retention of roadside fence, and other works; this was refused by Planning Committee on 19th April, 2006 with agreement that enforcement action be held in abeyance for 6 months. The fence was refused on the basis that the existing fencing did not incorporate the necessary visibility splays which were essential in the interests of highway safety. A subsequent site meeting the applicant agreed to the provision of a new fence at a location 2 m from the edge of the carriageway

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY views awaited. ENVIRONMENT AGENCY (on previous application) - the Agency has previously advised the landowner that it will not be taking any enforcement action on this occasion, notwithstanding the fact that a formal Land Drainage Consent should have been secured from the Agency, prior to works commencing. On current application – objects on the grounds that it is within a High-Risk flood area, the proposed development would be at risk of flooding and reduce the flood flow conveyance of the floodplain, the cumulative effect of which increases the risk of flooding elsewhere. A Flood risk Assessment is required in order to prove that engineering and mitigation works are possible to prevent the proposal from unacceptably increasing the risk of flooding over the lifetime of the development. The bridge as shown obstructs the channel, the concrete piers and deck would obstruct flood flows. Should the Local Planning Authority wish to approve the application in spite of the concerns, the Agency wishes to have further discussions. Further views awaited.

LANDSCAPE OFFICER would like to see at least two trees planted at the road frontage to soften the impact of the timber yard on this important gateway route into Milverton. CONSERVATION OFFICER timber fence detrimental to character of the area, panels with vertical boards missing could be used to help break up the expanse of fencing.

1 LETTER OF OBJECTION has been received raising the following issues:- bridge and fence already constructed; a timber fence will be better than the existing; unsightly storage of timber which should be removed; storage area seems to be

expanding; constant bonfire; the land was pasture and should be kept as a buffer and on the basis that the use is unauthorised, the application for the bridge should be refused; if a chipping machine is installed, does this need permission and are there any safeguards about noise?

POLICY CONTEXT

S1 General Requirements, S2 Design, EC1 Employment development, will be permitted within defined settlements subject to criteria, EN14 Conservation Areas (the site is adjacent, but not within Milverton Conservation Area, EN28 Development and flood risk, EN29 flooding due to development, development which would result in a greater risk of flooding due to increase surface water run-off will not be permitted. Whilst there are no specific policies for Milverton, the Local Plan text states that the village streets are narrow and poorly aligned with sub-standard junctions, and acknowledged problems from on-street parking and HGV traffic.

ASSESSMENT

This application follows the Planning Committee meeting in April when permission was refused, and enforcement action agreed but suspended in respect of the bund and change of use of the land. The current application shows a fence in a location agreed on site as being acceptable in highway safety terms. The design of the fence however has caused the Conservation Officer to object. The site is adjacent but just outside the settlement and Conservation Area boundary, and the Conservation Officer has strong concerns in respect of a solid fence as the site is on one of the main routes into Milverton. The agent has advised that any break in the fence to have areas of trellis or gaps to provide views through will not meet the criteria of having the security fence along the boundary. The agent has also advised that there is little scope for planting. It is concluded that the need to provide security in this instance outweighs the visual appearance issues of the fence. In any case the new boarded fence will screen the saw mill, the yard and the piles of wood and finished goods, although there will be this view in through the open gates when the yard is in operation. The Environment Agency has indicated that the objection will be withdrawn, and there is no objection to either the bridge or the new fence. The existing bridge is not considered to be detrimental to the area and is required in order to remove the piles of wood, as required by the authorisation of enforcement action agreed in April.

RECOMMENDATION

Permission be GRANTED subject to conditions of fencing be installed within 3 months of the date of permission, the existing temporary fence be removed within 3 months of the date of permission, no obstructions to visibility, tree planting, Notes re contact Environment Agency, trees as per letter.

REASON(S) FOR RECOMMENDATION:- It is considered essential for the economic wellbeing of the applicant's operation that a secure fence be erected, and this is considered to outweigh the visual impact issues in this instance and is considered to accord with Taunton Deane Local Plan policies S1, S2, and EC1 without detriment to Policies 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: 356460 MS K MARLOW (MON/TUES ONLY)

NOTES:

27/2006/007

MR S STEEL-PERKINS

ERECTION OF STABLE BLOCK LAND AT FROG STREET, HILLFARRANCE AS AMENDED BY APPLICANTS E-MAIL DATED 6TH JUNE, 2006

316655/125012

FULL

PROPOSAL

The proposal is for the erection of a stable block comprising three stables, a tack room and hay store. The proposed is located in the southwest corner of a field situated adjacent to the flood alleviation scheme on Frog Street, north of Hillfarrance. The materials to be used are shiplap boarding for the external walls and black onduline corrugated fibre based roofing sheets for the roof. An e-mail dated 6th June, 2006 has been submitted by the applicant confirming the stable block will be 'dug in' to the ground by 300 mm, therefore reducing the ridge height shown on the plans by 30 0mm.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY has no objection on the basis the stables are for private use and no business/commercial use. The point of access is in close proximity to the bridge, but it remains an existing access and it is felt that the use of the land for private stabling of horses would not lead to a significant increase in vehicular movements above and beyond the existing use.

LANDSCAPE OFFICER states the landscape is low lying and open and the stables will be prominent in the landscape. It would be possible to 'dig it in' slightly but otherwise the only form of mitigation would be substantial planting.

PARISH COUNCIL objects to the proposal on grounds of high visual impact and also safety of entry and exit too close too new bridge.

THREE LETTERS OF SUPPORT have been received. Two letters are from the same person, the first one says they are in agreement with the plans submitted, and the second letter says they are in agreement with the proposal subject to adequate screening being provided, particularly on the south and west sides of the building. The third letter says they have no objection to the proposal subject to permanent screening on the south and west frontages.

POLICY CONTEXT

The policies relevant to this application are S1 (general requirement) and S2 (design) of the adopted Taunton Deane Local Plan.

ASSESSMENT

It is considered that with the mitigation of a landscaping scheme, along with the maturity of the existing hedge planting on the south and west boundaries of the field where the stable block is situated, the visual implications created by the erection of a stable block will be minimised. The proposal has also been amended to reduce the ridge height of the stable block, again minimising an adverse impact on the landscape and street scene.

The proposal will make full and effective use of the site, which due to surrounding narrow lanes cannot be accessed by modern agricultural machinery. The access to the field will be unaltered from the double gates that were erected when the flood alleviation scheme was built.

The stable block is for domestic use only and the applicants live within close vicinity to the site. Therefore the site will mostly be visited on foot and there will be little or no additional road traffic created by the proposal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, and siting of muckheap.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356569 MISS C NUTE

NOTES:

38/2006/198

MITCHELL DEVELOPMENTS

**DEMOLITION OF DWELLING AND COMMERCIAL GARAGE BUILDINGS AND
ERECTION OF 24 FLATS WITH ASSOCIATED PARKING AT EASTWICK FARM
HOUSE AND EASTWICK COTTAGE, EASTWICK ROAD, TAUNTON**

323225/126476

FULL

PROPOSAL

Planning Permission was granted on appeal for the erection of a block of 13 flats with 8 associated parking spaces on the eastern part of the current application site. This application includes the demolition of Eastwick Farm House and the redevelopment of both sites to provide 24 flats with 14 parking spaces. The development would provide a mix of 6 bedsits, 10 x one bed roomed units and 8 x two bed roomed units. The accommodation would be mostly provided in a two storey building with flats contained within the roof, however a lower single storey element, with rooms in the roof, would be provided along the northern elevation. 14 parking spaces and cycle parking would be provided. The flats would be red/brown brick on the ground floor with rendered walls above and a tiled roof.

When considering the appeal proposal, the Planning Inspector accepted the relationship between the buildings and the neighbouring properties, considered that the reduced level of parking was acceptable in this location with good access to the town centre and a local centre opposite and considered that the recreational open space requirement depended on need and that Lyngford Park, opposite seemed well equipped and able to provide for the additional residents without the need for any financial contributions to be made for improved facilities.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited COUNTY ARCHAEOLOGIST no objections. WESSEX WATER FIRE OFFICER no objection but means of escape, access for appliances and water supplies must conform to the relevant Building Regulations or British Standards.

ENVIRONMENTAL HEALTH OFFICER no objection subject to contaminated land condition and note. DRAINAGE OFFICER no observations. LEISURE AND RECREATION OFFICER in accordance with policy C4 leisure and recreation contributions are required for children's play and recreation facilities.

1 LETTER OF OBJECTION has been received raising the following points:- whilst the second floor windows facing 45a Eastwick Road are obscure glazed they should be restricted opening to avoid overlooking; block A is now 4 m closer to the adjacent bungalow and will have an overbearing impact on the neighbour amenity parking for three cars is shown along the access road and this would be likely to lead safety problems with vehicles reversing onto the main road; the application represents an

over development of the site out of keeping with the surrounding 2 storey flats and resulting in two family homes being replaced by 24 flats.

1 LETTER OF SUPPORT development of the site as a whole will avoid the negative impacts of the development on the adjoining property Eastwick Farm House, which is now part of the development site.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 - Development should be focuses within towns, Policy 49- transport requirements of new development.

Taunton Deane Local Plan Policies S1- General Requirements, S2- Design, H1- Housing within classified settlements; M3a Residential Parking Requirements C4 recreation space provision.

ASSESSMENT

The previous planning permission was granted on appeal for 13 flats and 8 parking spaces. This application proposes a similar approach to the development but has a larger site, including Eastwick Farmhouse that lay to the south west of the proposed flats. This proposed development would replace an existing garage business and both of the dwellings with a block of 24 flats and 14 parking spaces. The agent has shown that the proposed buildings have a similar footprint to the existing. Due to differences in the site levels between the adjacent bungalow, lying to the west of the site, the hieght of the proposed 2 storey building (with accomodation in the roof) would be lower than the apex hieght of the bungalow. The new development has windows within the roofspace that would overlook the side of the bungalow. The applicant has agreed that these should be obscure glazed and fixed, emegency only opening to preserve the amenity of the existing occupants. To the north of the site lies a block of sheltered housing flats and associated garden. The proposed development would erect its northern wall along the boundary. This wall would have no openings and serve to replace an existing close boarded fence. The windows for that accomodation would face into the internal courtyard except for velux rooflights in the roof but these would be situated at a height to avoid any direct overlooking of the existing properties. The proposal would utilise the existing access off Eastwick Road. Parking spaces would be laid out along the easternside of the driveway with turning in front of the flats. These spaces would be at a higher level than the adjacent pbulic house but as they are to be located to the rear of the public house they are considered to be acceptable. In considering the 8 proposed parking spaces for the 13 flats, the Appeal Inspector accepted that a reduced level of parking would be suitable for this site. He considered that the accessability of the site to facilities and sevices was likely to result in a development that was not highly dependant on the use of a car, in addition a mix of bedsits, 1 and 2 bedroomed flats were likely to be more attractive to " single person households and old people", with reduced car ownership and that there was additional parking in the local centre car park so that additional on street parking could be avoided. Taking this into account and the provision of 1 cycle space per unit, I consider that the proposed level of 14 parking spaces for 24 flats is acceptable. Leisure and Recreation required contributions for

the non-provision of childrens play area or site and playing fields. The Inspector did not accept that such contributions were justified in this case and considered Lyngford Park to provide adequate public open space and childrens play area. Since the appeal decision I am unaware of a change in circumstances that would justify a contrary view. Proposal considered acceptable.

RECOMMENDATION

Subject to the completion of a S106 agreement for contributions to provide off-site children's play and recreational open space provision and the receipt of no additional letters raising new issues by ... 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, second floor windows in sw elevation shall be obscure glazed, secondfloor windows in sw elevation shall benon opening except for emergencies, removal of permitted development rights for new windows on the sw elevation, details of proposed 14 parking spaces and 24 cycle spaces, construction, surfacing gradients, surface water drainage and visibility spaly to be submitted; landscaping; bin dtorage; contaminated land, no construction work on Sundays, public holidays or before 0800hours or after 1800 hourson Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. Notes re contaminated land,encroachment, Wessex Water infrastructure, disabled persons, energy conservation, meter boxes, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposal provides for a brownfield development of a good design, acceptable access situated in a sustainable location in keeping with the street scene. The proposal therefore meets the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and H1 (Revised Deposit numbering).

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2006/200

TAUNTON SCHOOL

CONSTRUCTION OF TWO ALL WEATHER SPORTS PITCHES WITH FENCING AND FLOODLIGHTS TOGETHER WITH SPORTS PAVILION AND ANCILLARY CAR PARK FOR TAUNTON SCHOOL AT LAND NORTH OF GREENWAY ROAD, TAUNTON

321836/126206

FULL

PROPOSAL

The proposal is for the formation of two Astroturf pitches intended for school and community use together associated fencing, a sports pavilion and parking. In addition the proposal includes the floodlighting of the sports pitches via eleven 15m high columns.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY there is no objection on transport grounds subject to the details of access, visibility, parking and turning shown on the drawings accompanying the application being conditioned to be constructed prior to the development permitted coming into use.

LIGHTING CONSULTANT the all weather pitch has uneven design of lighting for one pitch that will be noticeable to both players and spectators. The floodlighting scheme will have a major impact on the night time vision of drivers using Gypsy Lane and the scheme must be approved by the relevant Highway Authority. The scheme will have a major impact on the residents at 5, 7, 9 and 10 Gypsy Lane and their views and approval should be sought. A boundary mounted light proof fence would resolve the light ingress into the kitchen and lounge of the bungalow at 10 Gypsy Lane.

LANDSCAPE OFFICER subject to detailed landscape design and measures to protect trees during construction it should be possible to integrate the proposals into the local landscape. ENVIRONMENTAL HEALTH OFFICER external lighting shall be so located, installed and permanently maintained that inconvenience from glare, whether direct or reflected shall not be caused at any other premises. LEISURE DEVELOPMENT TEAM the pavilion seems to be of a suitable size and the pitches large enough to comply with the English Hockey standards. It is unclear from the drawings whether there is enough overrun at the ends or side of each pitch. A 5 m clear overrun should be provided at each end and 4 m to the sides. The minimum size for each pitch and overrun area is 101.44 m x 68.86 m. Pitch A appears to meet this need, the plans do not make it clear whether Pitch B does the same. It is unclear whether both pitches meet the minimum required and are suitable for hockey. The floodlighting must comply with English Hockey standards. Currently the required horizontal luminance is 300 lux at pitch level for 'low level' games and junior hockey. This is a maintained figure and initial figures should be increased by a factor of 1.25 to ensure that this level can be achieved. English Hockey specifies that

floodlight masts must be provided at each corner to provide acceptable luminance for the goalkeeper for corners and that a pole height of 15 m is only enough for non-competitive activities. The plans show this luminance figure is not achieved for pitch A while the floodlight masts on both pitches do not meet English Hockey standards. I cannot support this proposal as it stands as it fails to meet basic guidelines set out by the governing body. The chosen surface must be suitable for both football and hockey and it is unclear if this is the case. I would want to see details before deciding if the surface was suitable for community use. The use is subject to the School and Council entering a Community Use Agreement relating to the pitches. I object to the proposal as the floodlighting does not appear to meet the standards laid down by the Governing Body concerned and there are doubts about the sizes of the pitches and overruns.

9 LETTERS OF OBJECTION have been received raising the following issues:- light shining through windows and would cause problems like Taunton Vale lighting; light pollution will be worse due to proximity to resident's houses; floodlighting totally unacceptable and would increase use of pitches late into the evening; light mitigation not acceptable and property will be more than inconvenienced from glare; it will blight property and lighting is completely out of place this close to housing (3 m fencing less than 8 m from house windows and 15 m lighting towers 10 from windows); is there a need for this use?; school do not need to reorganise pitches for school use, existing all weather pitches could be resurfaced; reorganising is related to the desire to generate revenue, not to the requirement for playing pitches; all weather pitches should be placed on the Uppers; increase in traffic onto A358 Greenway Road will add to traffic congestion, will cause access problems to private property, increase in noise and air pollution, loss of parking and lay-by and buildings will affect water table; concern over lack of parking for sports facilities; detrimental impact to ambience and character of area, loss of views across site to Staplegrove Green Wedge and Quantock Hills AONB contrary to policy S1(D) and EN12; impact on Neolithic archaeology; loss of value of properties and impact on quality of life; any tree planting should be semi-mature specimens and not saplings; the small gate to Gypsy Lane should remain sealed off.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, C5 – Sports Facilities, EN34 – Control of External Lighting.

ASSESSMENT

The proposal consists of a number of separate elements to provide improved sports facilities that are intended for both school and community use. The issues here are whether the proposals have an acceptable impact on the amenity of the area and residential properties in particular.

The application proposes a new pavilion on site to replace a previous structure that was burnt down to provide changing facilities, a social area, small kitchen and a maintenance store. The building would be single storey and constructed of brick and render. It would be up to 4.5 m high and sited 5 m off the southern boundary and 13

m away from the property to the west. Parking would be provided to the east of the building and would consist of 18 car spaces and 4 minibus spaces. The design and impact of the pavilion on the nearby properties is considered to be acceptable and a condition could be imposed to limit the use and amplified music.

The access to the site is off Stanway Close and this is intended to remain the same. The Highway Authority has raised no objection on highway grounds subject to conditioning of the submitted details prior to the development being brought into use. The proposed sports pitches require a certain level of security and safety fencing and this is illustrated on the submitted drawings. The closest residential property at 10 Gypsy Lane lies adjacent to the sports pitches and the closest fencing in front of the dwelling is a wire mesh fence 3 m high. A further 2 m high security fence runs at right angles to the residential boundary. This fencing will be clearly visible from the adjacent property and while this will have an impact, this is not considered so severe an impact on amenity to warrant refusal of the proposal on these grounds.

The major impact of the scheme is the amenity impact on the area from the floodlighting proposed. The lighting is intended for school use up to 5pm year round and up to 10 p.m. for community use in the winter. The use would be throughout the week other than use on a Sunday until 4 p.m. The submitted lighting proposed has been designed to limit the impact on the adjacent residential property. The scheme utilises 11 x 15 m high masts which according to the applicant meets lighting levels for all sporting activities. This view is not agreed with by the Council's Leisure Development Officer who objects to the scheme on this basis. The proposal indicates a back shield behind mast 11 to limit the amount of light overspill to the adjacent bungalow. The Council's own lighting consultant however considers the proposal will still have a major impact on the properties in Gypsy Lane, particularly No.10. While a boundary mounted light proof fence would limit light ingress to living room windows this would not be considered acceptable in terms of its amenity impact on the property. The impact of the light on the adjoining carriageway has yet to be fully assessed by the Highway Authority. However on the grounds of the impact on the amenity of adjacent residential properties alone the application is considered wholly unacceptable.

RECOMMENDATION

Permission be REFUSED for reason of detrimental impact and loss of amenity on the nearby residential properties contrary to Taunton Deane Local Plan Policy S1.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/203

TAUNTON SCHOOL

REORGANISATION OF SHALE HOCKEY PITCH TO FORM 4 TENNIS/NET BALL COURTS AND REPLACEMENT FLOODLIGHTING FOR TAUNTON SCHOOL AT LAND SOUTH OF GREENWAY ROAD, TAUNTON

322023/125900

FULL

PROPOSAL

The proposal is to alter the existing floodlit shale hockey pitch to provide alternative sports pitches for the school use. The area will provide for 4 netball or tennis courts that will be floodlit by 8 x 10 m high new modern lighting standards that will strictly limit light spill in relation to existing properties.

CONSULTATIONS AND REPRESENTATIONS

ENVIRONMENTAL HEALTH OFFICER external lighting shall be located, installed and permanently maintained that inconvenience from glare, whether direct or reflected shall not be caused at any other premises.

LIGHTING CONSULTANT the floodlighting scheme will have a medium impact on residents of 1-19 Beverley Close and 59 & 61 Addison Grove and their views and approval should be sought. There will be a medium impact on the future residents of the proposed development and prospective owners should be advised.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, C5 – Sports Facilities, EN34 – Control of External Lighting.

ASSESSMENT

The proposal is for the redesign of an existing area of sports pitch that is floodlit to provide improved facilities for tennis and netball. The area will be lit by lighting on eight 10 m high columns with deflector cowls to limit visibility of the light source. This is considered sufficient to prevent any significant adverse impact on the amenity of the existing dwellings adjacent to the site, although it is considered appropriate to impose a condition to limit the use of the lights beyond 9 p.m. in the evening. On the basis of the advice from the lighting consultant it is considered that the lighting scheme as proposed on this site is acceptable and would not be so detrimental to the amenity of the area as to warrant refusal given the existing situation.

RECOMMENDATION

Subject to no adverse comments by 12th July, 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, installation as report and limited hours (not Sundays or after 9 p.m.).

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies S1 and EN34 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/215

MR AND MRS CRANE

**ERECTION OF TWO STOREY EXTENSION TO SIDE OF PROPERTY INCLUDING
CAR PORT AT 24 GRAFTON CLOSE, TAUNTON**

323495/126665

FULL

PROPOSAL

The proposal comprises the erection of a 2 storey side extension with single storey element, to a modern semi-detached dwelling house.

Planning application 38/2006/086 was refused in May this year, for a larger 2 storey extension, on the grounds of loss of light and overbearing impact.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the plans imply that the existing car parking space to the side of the property is 2.4 m wide and this reduces to 2.1 m with the car port. As such this is too narrow leading to the car port not being used. In such a case I would therefore recommend refusal for the following reason:- The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and thereby add to the hazards of road users at this point.

1 LETTER OF OBJECTION has been received raising the following issues:- the short term construction work would not be welcome; an intrusive and overbearing mass would be created; outlook would be affected; loss of daylight would result; a terraced effect could be created; an adverse impact on the character of Grafton Close would result; and the proposal is contrary to policy.

POLICY CONTEXT

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

ASSESSMENT

The proposal represents an improvement to previous refusal 38/2006/086 insofar as the depth of the 2 storey element has been reduced. Accordingly, it is now considered that the neighbouring property would not be adversely affected in terms of loss of light or in terms of the extensions overbearing impact.

Notwithstanding the above however, the application is presented to Committee because of the County Highway Authority objection, and given that the County Highway Authority were consulted with regard to the previous application but made

no observations, it is considered unreasonable to now resist a proposal which is identical in terms of its potential impact on road safety.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character of the building, visual or residential amenity, or road safety. The proposal does not therefore conflict 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: 356465 MR J GRANT

NOTES:

43/2006/057

MR E DOWSEY

ERECTION OF 11 NO. ONE BED DWELLINGS ON LAND TO THE REAR OF SANS OMBRE AND GARDEN HOUSE, WHITE HART LANE, WELLINGTON

313860/120760

FULL

PROPOSAL

The proposal is a full application for 11 No. one bed dwellings on land to the rear of White Hart Lane (adjoining Co-op Car park). The plot measures approximately 72 m x 8 m, with additional areas for amenity area, bicycle storage and bin storage. New pedestrian access will be provided from White Hart Lane and the car park with lockable gates. The new dwellings will be built in two blocks, a block of five and a block of six. The smaller block measures 24.2 m x 5 m, and the larger 29 m x 5.2 m, at the highest point the dwellings measure 6.9 m.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER connection to foul sewer and water mains to be agreed at detailed design stage; details of surface water drainage should be agreed; 3 m easement.

LEISURE DEVELOPMENT provision for active recreation contributions must be requested.

TOWN COUNCIL views awaited.

FOUR LETTERS OF OBJECTION have been received raising the following issues:- small site, over-development of land; proposed dwellings less than 1 m from my garden wall, loss of privacy to bedroom and garden, loss of light; no parking provision or garages, lanes access is very narrow and additional traffic from 11 dwellings would cause further congestion; lack of vehicular access could pose safety hazard since no provision for fire brigade; main access in front of kitchen window and will result in noise and security threat, also bin storage will result in flies in warm weather; little amenity space for 11 dwellings; security and personal safety could be increased by alleys; two-storey out of keeping with bungalows and overbearing; site is not brownfield but gardens; five flats currently being built and will result in more traffic; previous application for two bungalows refused in 1990..'overdevelopment of the site out of keeping with scale and character.....cramped appearance...increase use of access detriment to...safety of traffic; other planning applications have restricted windows/position of windows and size of dwellings permitted in White Hart Lane.

ONE LETTER OF SUPPORT applicants have completed other developments in Wellington, building beautiful houses and flats; any tenant would use car park not White Hart Lane

POLICY CONTEXT

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H2 of the Taunton Deane Local Plan, including that small scale scheme will not erode the character or residential amenity of the area. The criteria of Policy S1 of the Taunton Deane Local Plan also apply in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area.

ASSESSMENT

An e-mail has been received confirming that amended plans will be submitted proposing the living accommodation on the first floor and bedroom to the ground floor.

The site lies within the centre of Wellington, outside of the conservation area. As the site is within the town centre, development without car parking is considered acceptable. The proposal accommodates space for cycle storage and two new pedestrian access. There will be no increase in the risk of highway safety as there will be no vehicular access into the site.

The existing boundary wall, and new boundary will be built to the height of 1.5 m – 1.8 m to prevent any overlooking from the ground floor windows. Furthermore, the first floor windows facing the existing bungalows will have obscure glazing.

The design of the dwellings is considered to be in keeping with the surroundings. Though the boundary of the site is shared with bungalows, small pitched roof dwellings are also characteristic of White Hart Lane and outbuildings to the rear of the High Street.

RECOMMENDATION

Subject to the completion of a Section 106 agreement to provide for contribution towards leisure facilities, the views of the County Highway Authority, County Archaeologist, and Wellington Town Council and subject to the receipt of amended plans the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to time limit, materials, landscaping, boundary details, bicycle storage, bin storage, pedestrian access, obscure glazing. Notes compliance, building over sewer, Wessex Water.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the visual or residential amenity and accords with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

In the event that the Section 106 Agreement is not completed by 31st July, 2006 the Development Control Manger in consultation with the Chair/Vice be authorised to REFUSE permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant permission subject to an additional condition requiring the Section 106 Agreement to be completed prior to commencement of the development.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

52/2006/010

S & S BURGE

ERECTION OF FIRST FLOOR EXTENSION, INSTALLATION OF DORMER WINDOW AND ERECTION OF SINGLE STOREY EXTENSIONS TO SIDE AND REAR OF DWELLING AT 37 STONEGALLOWS, TAUNTON AS AMENDED BY PLANS RECEIVED 8TH MARCH, 2006 AND AS AMENDED BY AGENTS LETTER DATED 31ST MAY, 2006 WITH ACCOMPANYING DRAWING NOS. 2006/27/1 REV A

320139/123877

FULL

PROPOSAL

The proposal is for extensions to create a first floor, provide ancillary accommodation within the attic including a rear dormer, new garage, utility and office to the side and a garden room to the rear. The first floor will be the same size as the existing ground floor. The main roof will be pitched as will the roof of the dormer and garden room.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL object to the proposal on grounds of over development, in terms of massing, and height of roof.

ONE LETTER OF OBJECTION has been received raising the following issues:- overlooking and loss of privacy from the proposed dormer.

POLICY CONTEXT

PPG 1 General Policy and Principals

Taunton Deane Local Plan Policy H17 supports extensions to dwellings provided they do not harm; the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

ASSESSMENT

Following discussions with the applicant, revised plans have been received, removing the new garage and utility room from the proposal. The amended plans are considered to significantly reduce the overall size of extensions, leaving some 3 m gap to the side boundary. A first floor extension clearly cannot strictly be subservient to the property. However, it is felt that the extensions are designed to be in keeping with the neighbouring properties and will not detract from the visual amenities of the area. The properties to the rear are sufficient distance away (35 m) to not be affected by the rear dormer.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials and no additional windows.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal complies with Taunton Deane Local Plan Policies S1, S2 and H17 in that it neither residential nor visual amenity would be adversely affected

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

52/2006/021

MR AND MRS J JAY

ERECTION OF TWO STOREY EXTENSION TO SIDE OF PROPERTY AT 1 GILL CRESCENT, TAUNTON

320943/123143

FULL

PROPOSAL

The proposal comprises the erection of a 2 storey side extension to a modern semi-detached property which is sited at the junction of Gill Crescent and Queensway.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle.

PARISH COUNCIL supports.

POLICY CONTEXT

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

ASSESSMENT

The proposal incorporates the continuation of the ridge line and front and rear elevations. This is clearly not subservient and would imbalance the pair of semi-detached properties to the detriment of their character. In addition, because the site is particularly prominent in terms of the street scene, the extension would be undesirably obtrusive.

RECOMMENDATION

Permission be REFUSED for the reasons of (1) the proposed development would unbalance the pair of semi-detached dwellings and this would detract from their character and would adversely affect the visual amenities of the area. Accordingly the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H17 and (2) and the proposed development would be undesirably intrusive in the street scene and would detract from the visual amenities of the area. Accordingly the proposal is considered contrary to Taunton Deane Local Plan Policies S1 and S2.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

PLANNING COMMITTEE – 5 JULY, 2006

Report of the Development Control Manager

MISCELLANEOUS ITEM

36/2006/009 ERECTION OF EXTENSION AND GARAGE AT FOUR WINDS, SLOUGH LANE, STOKE ST GREGORY

This application was received by the Council on the 7 April, 2006. It was issued as a delegated approval on the 1 June, 2006. However as the applicant is an elected Councillor the application should have been referred to the Committee for a decision.

PROPOSAL

The existing dwelling is a bungalow. The proposed single storey extension to the front of the dwelling measures 2.1 x 4.5 m in footprint with a ridge height of 4.3 m. The extension is designed to incorporate a garden room/hall. The plans illustrate facing bricks and tiles to match the existing dwelling (concrete interlocking tiles/red brick).

The garage is to be erected in place of an existing timber garage. It measures 7.8 x 3.4 m in footprint with a ridge height of 3.6 m. The plan illustrates facing bricks for its south elevation with render on those remaining.

The application site is bound by open countryside to the east and south and by Dykes Farm to the west.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations. WESSEX WATER no objections.

DRAINAGE OFFICER: Soakaways to be constructed in accordance with BRD 365.

PARISH COUNCIL support the proposal.

POLICY CONTEXT

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

ASSESSMENT

The proposals are minimal in scale and are subservient to the existing dwelling. No adverse neighbour or visual amenity issues will result from the application.

The proposal is therefore in accordance with the relevant policies of the Local Plan.

RECOMMENDATION

Permission be GRANTED subject to the conditions in respect of time limit and materials and notes re drainage.

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

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

CONTACT OFFICER: Mike Hicks Tel: 356468

PLANNING COMMITTEE – 5 JULY, 2006

Report of the Development Control Manager

COUNTRYSIDE ITEM

OBJECTION TO TAUNTON DEANE BOROUGH (WELLINGTON NO3) TREE PRESERVATION ORDER 2006 AT THE REAR OF 23-33 FORE STREET, WELLINGTON (TD1006)

PROPOSED OBJECTION

An objection has been received to a Tree Preservation Order placed on seven individual trees, at the rear of 23 - 33 Fore Street, Wellington.

BACKGROUND

The trees are to be found to the rear of 23-33 Fore Street Wellington, near to the centre of the town. They comprise four apples, one plum, one ornamental cherry and one ornamental plum, relics of when the properties' gardens were in cultivation (the properties are now predominately in business use). The gardens are in two blocks, divided by the 'Lloyds Bank alley' that runs between Fore Street and the North Street Car Park. A Tree Preservation Order was placed on the trees on 3 May, 2006 following the submission of a Notification to fell all the trees (Application No. 43/2006/037T). The sycamore trees, that were also part of the Notification, were not protected with the Order. Haunch Lane Developments Limited, the owner of the site, plans to develop the land in the near future.

OBJECTION TO THE ORDER

The Louis Hawkins Practice, the owners Architect, has objected to the Order (letter dated 16 May, 2006) on the grounds that the trees are in poor condition and that the law does not permit the protection of fruit trees. A report has been submitted by the owner's arborist that describes the trees to be in poor condition and recommends that they should be felled.

ASSESSMENT

The trees can be seen from North Street car park and the 'Lloyds Bank alley' that leads to Fore Street. A two metre high wall surrounds the neglected gardens and means that only the tops of trees can easily be seen. Many of the trees are shrouded in brambles and ivy and some are engulfed in the weedy sycamore growth. The trees closest to the path T1, T2, T6 and T7 are the most noticeable. The trees are in poor health, misshapen with canker and with much dead wood. Some trees are worse than others. This is partly because fruit trees have poor disease resistance, because they have been neglected, but also because they are being suppressed by the undergrowth of weeds and are short of light. The trees would be rejuvenated if they were pruned and had the weedy undergrowth removed from around them. They do

not appear to present any danger. They are small specimens growing in a private space, if they did fall they would be unlikely to damage property or cause injury.

Despite their poor health, the trees have high amenity value. They can easily be seen from well-used public spaces and are in the very centre of Wellington where there are few other trees. They are also special because they are garden trees, remnants from a time when the land behind the Fore Street properties was domestic gardens. They contribute to the historic character of the Conservation Area. The trees have the added attraction that they flower and have scent.

The owner objects to the Order on the grounds that it is not lawful to protect fruit trees. Under Part VIII of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, fruit trees may be protected by a TPO, provided the Local Planning Authority believe it to be in the interests of amenity to do so. The only exceptions are where fruit trees are cultivated in the course of a business. Then it is unnecessary for consent to be sought to cut down or prune the trees, if it is in the interest of the business. The fruit trees at 23 - 33 Fore Street are not in commercial cultivation and therefore are not eligible for exception.

The protected trees will limit how much of the site can be built on. The Agent has pointed out that T1, 2, 3 and 4 can be accommodated within the development proposals but that trees T5, 6 and 7 will limit what can be built. It may be appropriate to allow some of the trees to be removed if a good scheme requires it. However, this can be considered when a planning application is made.

CONCLUSION

The serving of Tree Preservation Orders on fruit trees is permitted. The trees are not in commercial cultivation and are therefore not exempt from Tree Preservation Order regulations. The trees are currently in poor condition but they are not dangerous. If the weed growth is cleared and tree work is carried out to remove dead wood, it is considered that the trees will be restored to health. An application can be made to fell any trees that do not succeed. The trees are visible from a well-used public space in an area where there are few other trees. The trees have high amenity value and help to reinforce the character of the Conservation Area. Development proposals may require that some of the trees are felled but this can be addressed when an application is made and mitigation can be considered.

RECOMMENDATION

That the Order be confirmed.

CONTACT OFFICER: Paul Bryan Tel. 356493 (Weds/Thurs/Fri)

PLANNING COMMITTEE – 5 JULY, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Bishops Hull

1. **File/Complaint Number** E222/05/2005
2. **Location of Site** 16 Stonegallows, Taunton
3. **Names of Owners** Mr R Vassallo
4. **Names of Occupiers** Mr R Vassallo

5. **Nature of Contravention**

Wall built over 2 m to the side of 16 Stonegallows, Taunton.

6. **Planning History**

The wall was first brought to the Councils attention in August 2005. Contact was made with the owner and he was advised that a planning application needed to be submitted should he wish to retain the wall. An application was received in August 2005. Members may recall that this case came to Committee in September 2005 with a recommendation of approval subject to a condition in respect of the finishing of the wall on the eastern boundary in a protective coating and colour to match the existing dwelling. The owner has roughcast and painted the wall on each end abutting the neighbours side to match his dwelling. However, there is a portion of the wall with only 260mm between it and the neighbour's extension where it would be impossible to apply roughcast. Therefore, Members are requested to consider whether it is reasonable to expect this portion of wall to be finished in accordance with the condition, particularly given the very limited visual impact.

7. **Recommendation**

The Committee resolve to take no further action.

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 – 5 JULY, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Taunton

1. **File/Complaint Number** E22/38/2006
2. **Location of Site** One Stop Shop, 101 - 103 Priorswood Road, Taunton
3. **Names of Owners** Primesight Advertising Limited

4. **Nature of Contravention**

Display of two internally illuminated signs

5. **Planning History**

A complaint was received on 30 January, 2006 that two internally illuminated signs had been installed on the forecourt of the One Stop Shop in Priorswood Road. A site visit was made and photographs taken of the two signs. The provision of this particular form of advertising requires consent under the Town and Country Planning (Control of Advertisement) Regulations 1992. The owners, Primesight Advertising Limited were contacted and an application was requested. An application was received via the Planning Portal on 27 March, 2006 and was subsequently refused under delegated powers on 19 May, 2006.

6. **Reasons for taking Action**

It is considered that the illuminated freestanding signs are inappropriate on these premises having regard to the residential character of the area. They also detract from the visual amenity of the area contrary to Taunton Deane Local Plan Policy EC26 and Taunton Deane Borough Council Advertisement Control Policy Guidance ADV/2

7. **Recommendation**

The Solicitor to the Council be authorised to commence prosecution action in order to secure the removal of the two internally illuminated freestanding signs.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 5 JULY 2006

1. The following appeals have been lodged:-

Applicant	Date Application	Proposal
Mr N McKennan (38/2006/046A)	DD	Display of illuminated fascia sign at 42 Bridge Street, Taunton
Mr A Rowland (43/2005/132)	DD	Retention of fence to side of 80 Laburnum Road, Wellington
Mr J Luckes (38/2006/027)	DD	Erection of terrace of four houses, existing buildings to be demolished on land adjoining Wilson's Yard, Priory Bridge Road, Taunton

2. The following appeal decisions have been received:-

(a) Change of use of ground floor and basement from retail (A1) to estate agency and surveyors office (43/2005/092)

The Inspector considered the main issue was the impact of the proposed use of the property on the vitality of Wellington as a shopping centre.

The appeal property was a Grade II listed building which stood close to a crossroads in the centre of the town. It was within the Primary Shopping Area (PSA) and within a Conservation Area. The premises had been vacant since spring 2004 and marketed since autumn 2004.

The Council acknowledged that the property was in need of some repair and improvement and this was likely to affect its rental value. However, the building had an attractive external appearance and did not appear to be in such a poor condition to warrant an exception being made to the normally restrictive development plan policy.

The Inspector did not consider that the proposed use in the heart of the shopping area would sustain and enhance its vitality and viability. Around 66% of units in the PSA were currently in retail and the proposal would reduce this.

The Inspector had no grounds to conclude that the appeal site was not in an attractive trading position for retail use at an appropriate rent. Whilst the use of the property for non-retail purposes could help with the upkeep of the building he did not consider that this benefit would outweigh the presumption against such proposals in the development plan or the effect on the PSA. The Inspector concluded that the proposed use would have a harmful impact on the vitality of Wellington as a shopping centre.

The appeal was dismissed.

(b) Erection of extension to side and rear of 4 Colesmore, Milverton (23/2005/025)

In the Inspector's view the extension would be subservient to the original massing of the house and sympathetic to its overall proportions, materials and asymmetrical design.

He noted that the ground level of No.2 Colesmore was lower than that of the appeal site, however it was felt that the single storey eave and rear roof slope would not cause significantly more overshadowing than the present house, or the high close boarded boundary fence between the properties.

With regard to the proposal blocking the view towards the village from the rear garden of No.2, although the Inspector agreed to some extent, planning policies did not protect a private view. He did not consider that the extension would be overbearing, nor unacceptably detrimental to living conditions at No.2.

The Inspector felt that privacy would not be significantly altered from that already inherent between the properties by the addition of "velux" type windows in the extension or through the positioning of the side door.

The Inspector concluded that the proposal would not be unacceptably detrimental to the adjacent occupier, or detrimental to the character and surroundings, or the street scene.

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

(c) Display of a double sided internally illuminated pole sign at Olds Taunton, Norton Fitzwarren (25/2005/039A)

The appeal sign was quite large at 2m x 1.6m and would be mounted on a pole at an overall height of 4.5m. It would be sited at the north western end of the frontage where it would occupy an exposed position away from the commercial activity of the petrol forecourt and dealership building, which would make the sign readily visible on approach.

The sign would be seen with housing to the rear from the south east, which in the Inspector's opinion would look out of place and it would also be visible

from some of the adjacent houses and would stand out as unduly intrusive in this locality.

With the existing garage and dealership signs, the Inspector felt the addition of the appeal sign would lead to the impression of excess signage, giving the complex a cluttered appearance.

He also felt that the internal illumination would be sufficient to over accentuate its presence at night, particularly to the nearby neighbours.

The Inspector concluded that the display of the pole sign would be detrimental to the interests of amenity.

The appeal was dismissed.

(d) Erection of new dwelling at 7 Orchard Close, Trull, Taunton (42/2005/040)

The appeal site was presently part of the rear garden of 7 Orchard Close, but had a road frontage onto Trull Green Drive.

The plot would be smaller than most in the area, however the Inspector considered that it was large enough to accommodate a small dwelling together with adequate amenity, car parking and turning areas.

Although the siting of the proposed dwelling was likely to be close to the road, the Inspector felt that a dwelling could be sited here without being too obtrusive or harming the outlook from the houses opposite.

The Inspector noted that the County Highways Authority raised no objection in principle to the use of Trull Green Drive to serve the proposed dwelling and he saw no reason to disagree with that view.

He concluded that the proposed development would make full and effective use of the site without harm to the character or appearance of the area or road safety.

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

(e) Erection of internally illuminated fascia sign at 6a East Reach, Taunton (38/2005/450LB and 451A)

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

The appeals were dismissed.

(f) Erection of 8 No. one-bedroom flats with demolition of three garages on land to rear of 51- 53 Cheddon Road, Taunton (38/2005/426)

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

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

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