



## 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 26TH JULY 2006 AT 17:00.

(RESERVE DATE : MONDAY 31ST JULY 2006 AT 17:00)

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### **AGENDA**

1. Apologies.
2. Minutes of the meeting of the Committee held on 5 July 2006 (attached).
3. Public Question Time.
4. Declaration of Interests - To receive declarations of personal or prejudicial interests in accordance with the Code of Conduct.
5. BATHEALTON - 03/2006/001  
EXTENSION TO FORM A GROUND FLOOR POOL AND GAMES ROOM AT, HURSTONE HOUSE, WATERROW, WIVELISCOMBE
6. CHIPSTABLE - 09/2006/004  
EXTENSION TO BARN CONVERSION AND ERECTION OF GARAGE, WEST BOVEY FARM, WATERROW
7. CHIPSTABLE - 09/2006/005LB  
EXTENSION TO BARN CONVERSION, WEST BOVEY FARM, WATERROW
8. CHURCHSTANTON - 10/2006/008  
CHANGE OF USE OF GARAGE/OUTBUILDING TO A BIODIESEL PRODUCTION AND STORAGE UNIT AT LOWER WILLAND FARM, CHURCHSTANTON, TAUNTON
9. OTTERFORD - 29/2006/013  
ERECTION OF A DETACHED DWELLINGHOUSE, PLOT 2 AT HILLVIEW, BISHOPSWOOD, CHARD
10. OTTERFORD - 29/2006/014  
ERECTION OF A DETACHED DWELLINGHOUSE, PLOT 1 AT HILLVIEW, BISHOPSWOOD, CHARD
11. TAUNTON - 38/2006/221  
ERECTION OF A 3 STOREY EXTENSION TO THE DUCHESS BUILDING FOR STAFF/PATIENT ACCOMMODATION, RESPIRATORY, NEUROLOGY, DIABETES AND DIETICIANS DEPTS AT MUSGROVE PARK HOSPITAL, TAUNTON

12. TAUNTON - 38/2006/233  
CONVERSION OF HUNTS COURT TO A WINE BAR, RESTAURANT AND RESIDENTIAL DEVELOPMENT OF 3 FLATS AND 4 MAISONNETTES AT HUNTS COURT, CORPORATION STREET, TAUNTON
13. TAUNTON - 38/2006/234LB  
CONVERSION OF HUNTS COURT TO A WINE BAR, RESTAURANT AND RESIDENTIAL DEVELOPMENT OF 3 FLATS AND 4 MAISONNETTES AT HUNTS COURT, CORPORATION STREET, TAUNTON
14. TAUNTON - 38/2006/239LB  
INSTALLATION OF 2 REPLACEMENT SASH WINDOWS ON FIRST FLOOR OF FRONT ELEVATION AND RETENTION OF 8 WINDOWS TO FRONT AND REAR, THE OLD BEAR RESTAURANT, 14 UPPER HIGH STREET, TAUNTON
15. WELLINGTON - 43/2006/073  
ERECTION OF INDUSTRIAL UNIT AT PLOT 19, RYELANDS FARM INDUSTRIAL ESTATE, BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON
16. WEST BUCKLAND - 46/2006/009  
ERECTION OF INDUSTRIAL UNIT PARK AT MONUMENT VIEW, SUMMERFIELD AVENUE, CHELSTON BUSINESS PARK, CHELSTON, WELLINGTON AS AMENDED BY E-MAIL DATED 12TH JULY, 2006 WITH ACCOMPANYING DRAWING NO.D015/06/112A
17. WEST HATCH - 47/2006/006  
ERECTION OF AGRICULTURAL WORKER'S DWELLING AT EAST HADDONS FARM, WEST HATCH
18. ENFORCEMENT ACTION IN RELATION TO LAND AT KNAPP LANE, NORTH CURRY Enforcement item
19. E298/38/2005 - ROOF HEIGHT NOT IN ACCORDANCE WITH APPROVED PLANS AT 34 MANOR ROAD, TAUNTON. Enforcement item

G P DYKE  
Member Services Manager  
19 July 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





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

## **Planning Committee – 5 July 2006**

Present: Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, C Hill, Hindley,  
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 J M Jackson (Senior Solicitor)  
and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

### **72. Apologies**

Councillors Denington, Floyd, Guerrier and Henley.

### **73. Minutes**

The minutes of the meeting held on 14 June 2006 were taken as read and were signed.

### **74. Declarations of Interest**

The Chairman (Councillor Mrs Marie Hill) and Councillor C Hill both declared personal interests in agenda item No 9, application No 23/2006/021. Both Councillors left the meeting during the discussion of this item.

Councillor Miss Cavill declared a personal interest in agenda item No 13, application No 38/2006/203, and left the meeting during consideration of this item.

Councillor House declared a prejudicial interest in agenda item No 18, application No 36/2006/009, and left the meeting during consideration of this item.

### **75. Enforcement action in relation to the O2 Mast at Shoreditch Road, Taunton**

Reference Minute No 160/2005, reported that a Planning Contravention Notice had been served on O2. Their response indicated that the mast as erected was in accordance with the deemed permission. However, this was not the case as the mast was bulkier and a different colour and was considered sufficiently different to warrant the taking of enforcement action.

Further reported that an alternative siting for the current mast had been identified and the Committee had granted permission at its last meeting for a mast to be sited on this land.

In the circumstances, Members were now in a position to consider what further action to take.

If an enforcement notice was served, it was likely that O2 would appeal against the notice with a consequent public inquiry being held. If the Council was 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 had deemed permission on the existing site.

However, the Council was now in a position to negotiate with O2 for the erection of a mast at the alternative site, and this could result in the relocation of the mast without the need to hold a public inquiry. If this course of action was not successful in securing the relocation of the mast, Members would still have the option of authorising discontinuance action requiring removal of the mast.

RESOLVED 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 existed; and
- (3) O2 be advised that the Council was committed to securing the removal of the mast from the existing site and, if the action currently proposed was unsuccessful, further consideration would be given to the service of a discontinuance notice.

## 76. **Applications for Planning Permission**

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

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

**10/2006/007**

**Subdivision to form two dwellings at the Post Office, Churchinford**

**Conditions**

- (a) C001A - time limit;
- (b) P001A - no extensions.

**Reason for granting planning permission:-**

The proposal was not considered to significantly affect highway safety and it complied with Taunton Deane Local Plan Policies S1 and H2.

**23/2006/021**

**Retention of bridge and erection of roadside timber fence at Fouracre Sawmills, Station Road, Milverton**

**Conditions**

- (a) The fence hereby approved shall be erected within three months of the date of this permission;
- (b) The existing metal/wire fence and supports shall be removed within three months of the date of this permission;
- (c) There shall be no obstruction to visibility greater than 900 mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided within three months of the date of consent and shall thereafter be maintained at all times;
- (d) C201 - landscaping;
- (e) Full details of the style of fence described in the e-mail dated 3 July 2006 shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection;
- (f) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum of 4.5 m from the carriageway edge.

(Notes to applicant:- (1) Applicant was advised to contact the Environment Agency in order to discuss any matters required as the site is within 250 m of a known landfill and to discuss any flood risk issues; (2) Applicant was advised that the planting scheme required by condition (d) should comprise three standard trees of native species to the north-east of the new fence, planting to the rear of the gaps in the fence (suggest shrubs in order to maintain some visibility through the gaps), and a grassed area to the front of the fence facing the highway.)

**Reason for granting planning permission:-**

It was considered essential for the economic well-being of the applicant's operation that a secure fence was erected and this was considered to outweigh the visual impact issues in this instance and was considered to accord with Taunton Deane Local Plan Policies S1, S2 and EC1 without detriment to Policies EN28 and EN29.



**27/2006/007**

**Erection of stable block, land at Frog Street, Hillfarrance**

**Conditions**

- (a) C001A - time limit;
- (b) C102 - materials;
- (c) C201A - landscaping;
- (d) Before the development hereby permitted is commenced, details of the positioning and design of any manure/dung heap shall be submitted to, and approved in writing by, the Local Planning Authority.

(Note to applicant:- Applicant was advised that the timber field shelter currently placed at the southern end of the field does not have the benefit of planning permission.)

**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 and S2.

**38/2006/215**

**Erection of two storey extension to side of property including car-port at 24 Grafton Close, Taunton**

**Conditions**

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

**Reason for granting planning permission:-**

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

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

**20/2006/013**

**Removal of agricultural occupancy condition 06 imposed by virtue of permission No 20/1991/027 at Millfield House, Parsonage Lane, Kingston St Mary**

### **Reason**

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.

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

#### **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**

#### **52/2006/010**

**Erection of first floor extension, installation of dormer window and erection of single storey extension to rear of dwelling at 37 Stonegallows, Taunton**

#### **52/2006/021**

**Erection of two storey extension to side of property at 1 Gill Crescent, Taunton**

77. **Erection of dwelling at land adjoining 49 Smithy, Bishops Hull, Taunton (05/2006/015)**

Reported this application.

RESOLVED that subject to the receipt of no adverse comments from the County Highway Authority or the Council's Housing Manager, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) Sufficient space for two parking spaces shall be provided for the dwelling hereby approved, details of which shall be approved in writing by the Local Planning Authority. The said spaces shall be constructed or hard surfaced before the dwelling hereby permitted is occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access;
- (d) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason for planning permission, if granted:-**

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

**78. Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton (38/2006/198)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement regarding leisure and recreation contributions for 11 flats;
- (2) The receipt of a satisfactory amended parking plan; and
- (3) The receipt of no further representations raising new issues by 20 July 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
  - (a) C001 - time limit;
  - (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  - (c) The second floor windows in the south-west elevation of the development hereby permitted shall be glazed with obscure glass and shall thereafter be retained as such;
  - (d) P011 - no windows on the south-west elevation;
  - (e) The second floor windows in the south-west elevation of the development hereby permitted shall be non-opening other than for emergency escape purposes. No development shall take place until the details of such window opening arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be retained as such;
  - (f) No development shall take place until a scheme for the details of the access, parking for 14 cars and 24 cycles and manoeuvring arrangements has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the construction, surfacing, gradients (which shall not

- be greater than 1:10) surface water drainage and 2 m x 2 m visibility splays. The scheme shall also include a programme for the implementation and sequencing of the approved details. Development shall be carried out in accordance with the approved details and programme prior to the first occupation of the dwellings hereby permitted. The turning area and visibility splays shall thereafter be kept unobstructed and the parking area shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) No development shall take place until a scheme for landscaping has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
  - (h) No development shall take place until a scheme for bin storage has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
  - (i) C926B - remediation investigation/certificate;
  - (j) No construction work shall be carried out on the site at any time on Sundays or Public Holidays, or before 0800 hours or after 1800 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays;
  - (k) Prior to the commencement of work on site, all details of the proposed excavation works and retaining walls/slope retention measures shall be submitted to, and approved in writing by, the Local Planning Authority.

**Reason for planning permission, if granted:-**

The proposal provided for a brownfield development of a good design, acceptable access, situated in a sustainable location in keeping with the street scene. The proposal therefore met the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy No 49 and Taunton Deane Local Plan Policies S1, S2, M4 and H1.

Also RESOLVED that should the Section 106 Agreement not be completed by 1 August 2006 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

79. **Reorganisation of shale hockey pitch to form four tennis/netball courts and replacement floodlighting for Taunton School at land south of Greenway Road, Taunton (38/2006/203)**

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 12 July 2006, the Development Control Manager be authorised

to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A - time limit;
- (b) The floodlight design shall be carried out as per the consultant's report by Ferguson Brown dated April 2006 and details of any cowls/baffles for light fittings to prevent nuisance shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) The floodlights shall only be illuminated between the hours of 1600 and 2100 hours, Monday to Saturday, and not at all on Sundays.

**Reason for planning permission, if granted:-**

The proposal was considered to comply with Taunton Deane Local Plan Policies S1 and EN34 and material considerations did not indicate otherwise.

**80. Erection of 11 No one-bed dwellings on land to the rear of Sans Ombre and Garden House, White Hart Lane, Wellington (43/2006/057)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicant entering into a Section 106 Agreement to provide a contribution towards off-site leisure facilities; and
- (2) The receipt of no adverse views from the County Highway Authority or the County Archaeologist, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
  - (a) C001A – time limit;
  - (b) C101 – materials;
  - (c) C201 – landscaping;
  - (d) C215 – walls and fences;
  - (e) C331 – provision of cycle parking;
  - (f) Before the development hereby permitted is occupied, the new pedestrian access onto the adjoining car park shall be available for use by the occupiers of the dwellings. Any alterations to the access must first be agreed in writing by the Local Planning Authority;
  - (g) The window(s) in the first floor of the south-west elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
  - (h) P010 – no further windows;
  - (i) None of the dwellings hereby approved shall be combined to create a larger dwelling without first submitting an application to the Local Planning Authority;
  - (j) Lockable gates shall be provided in accordance with the details set out in the e-mail dated 5 July 2006 prior to the occupation of any of the

- dwelling hereby approved;
- (k) The proposed pedestrian access onto White Hart Lane over the first 5m of its length as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (l) Any entrance gates shall be hung to open inwards;
  - (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1)N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) Applicant was advised to contact Wessex Water prior to the commencement of works on site to agree connection onto Wessex Water infrastructure; (4) Applicant was advised to protect the integrity of Wessex Water systems and agree prior to the commencement of works, any arrangements for the protection of infrastructure crossing the site; (5) N118A – disabled access; (6) N114 – meter boxes; (7) Applicant was advised to ensure that the highway in White Hart Lane is kept in a clean and tidy condition during the period of construction; (8) Applicant was advised that a condition survey of the existing public highway will need to be carried out before, and agreed with the County Highway Authority, prior to works commencing on site and any damage to the existing highway made as a result of this development is to be remedied by the developer before occupation of the development; (9) N061A – Highways Act – Section 184 Permit.)

**Reason for planning permission, if granted:-**

The proposal was considered not to harm the visual or residential amenity and accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

Also RESOLVED that should the Section 106 Agreement not be completed by 31 July 2006 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

**81. Erection of extension and garage at Four Winds, Slough Lane, Stoke St Gregory (36/2006/009)**

Reported that permission for this proposed development was granted under delegated powers on 1 June 2006 subject to conditions of time limit and materials and a note to applicant relating to drainage.

It had now been brought to the attention of the Development Control Manager that the applicant was in fact a Member of Taunton Deane Borough Council.

Details of the proposed extension and garage was submitted for the information of Councillors.

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

**82. Taunton Deane Borough (Wellington No 4) Tree Preservation Order 2006**

Reported that a Tree Preservation Order had recently been made in respect of seven individual fruit trees on land at the rear of 23/33 Fore Street, Wellington.

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

It was felt that the fruit trees, which were not exempt from Tree Preservation Order regulations, had a high amenity value and helped to reinforce the character of the Conservation Area. Noted that future development proposals might require that some of the trees were felled but this could be addressed once an application was made and mitigation could be considered.

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

**83. Wall built over 2 m in height to the side of 16 Stonegallows, Taunton**

Reported that it had been brought to the Council's attention last year that a wall over 2 m high had been built between numbers 16 and 14 Stonegallows, Taunton without the appropriate consent.

The owner was advised that planning permission was needed to retain the wall and an application was submitted.

Permission had subsequently been granted subject to condition requiring the application of a protective coating to the wall and painted to match the existing dwelling.

Although the owner had roughcast and painted the wall on each end, abutting the neighbour's side, there was a portion of the wall with only 260 mm between it and the next door extension where it was impossible to apply roughcast.

In the circumstances, consideration had to be given as to whether it was reasonable to expect this portion of the wall to be finished in accordance with the condition, particularly given the very limited visual impact.

RESOLVED that no further action be taken.

84. **Display of two internally illuminated signs at One Stop Shop, 101-103 Priorswood Road, Taunton**

Reported that despite advertisement consent being refused on 19 May 2006, two internally illuminated advertisement signs installed on the forecourt of the One Stop Shop in Priorswood Road, Taunton currently remained in position.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised internally illuminated advertisement signs that had been installed on the forecourt of the One Stop Shop, 101-103 Priorswood Road, Taunton, unless they were removed within one month.

85. **Appeals**

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

- (a) Display of illuminated fascia sign at 42 Bridge Street, Taunton (**38/2006/046A**);
- (b) Retention of fence to side of 80 Laburnum Road, Wellington (**43/2005/132**); and
- (c) Erection of terrace of four houses, existing buildings to be demolished on land adjoining Wilson's Yard, Priory Bridge Road, Taunton (**38/2006/027**).

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

- (a) **Change of use of ground floor and basement from retail (A1) to estate agency and surveyor's office, 3 Fore Street, Wellington (43/2005/092)**

**Decision**

The Inspector did not consider that the proposed use in the heart of the shopping area would sustain and enhance its vitality and viability. He 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, the Inspector did not consider that this benefit would outweigh the presumption against such proposals in the development plan. He 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)**

**Decision**

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 took fully into account the views of the neighbouring properties but concluded that the proposal would not be unacceptably detrimental to the adjacent occupier, or detrimental to the character of the surroundings, or the street scene. The appeal was allowed and planning permission granted, subject to various conditions.

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

**Decision**

The sign, which was quite large, 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. It was 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)**

**Decision**

The Inspector considered that the plot would be large enough to accommodate a small dwelling together with adequate amenity, car parking and turning areas. Although the dwelling would be close to the road, he felt that it could be sited here without being too obtrusive or harming the outlook from the houses opposite. 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)**

**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.

- (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)**

**Decision**

Due 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 various conditions.

(The meeting ended at 6.59 pm.)

03/2006/001

MR JOHN BONE

**EXTENSION TO FORM A GROUND FLOOR POOL AND GAMES ROOM AT,  
HURSTONE HOUSE, WATERROW, WIVELISCOMBE**

305643/125167

FULL

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**PROPOSAL**

Permission is sought for the erection of a flat roofed single storey rear extension to provide a games room. An external staircase and access is also proposed. In addition a single storey side extension is proposed to provide a garden room, a new swimming pool and associated facilities. The measurements for the swimming pool are 4.0 m x 8.0 m with a depth of 1.5 m. A new 1.0 m high boundary wall is also proposed to be built to the rear of the site.

The application is before Committee as the applicant is a Councillor.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY on the basis there is no loss of parking turning, no objection.

LANDSCAPE OFFICER subject to one tree planted to the north-east corner of the site it should be possible to integrate the proposals into the local landscape.

**POLICY CONTEXT**

PPS1 (Delivering Sustainable Development)  
PPS7 (Sustainable Development in Rural Areas)

Somerset & Exmoor National Park Joint Structure Plan Review 1991 Policy STR1 (Sustainable Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Area).

**ASSESSMENT**

The pertinent issues in the determination of this application concern the visual impact of the proposed extension upon the character and appearance of the dwelling and the wider area and secondly the impact upon the amenity of adjoining residents.

The proposed games room to the rear incorporates a 'flat roof' design. However, it is considered due to the siting of the development set well down from the adjacent highway and the considerable screening along the north boundary the proposal would not harm the character or appearance of the area. It is however important that

landscaping is retained or supplemented to the north and as such it is considered appropriate to impose a condition requesting landscaping details.

The proposed swimming pool building is linked to the main dwelling through a proposed garden room. This ensures the integrity of the main dwelling is maintained and as such the proposed extension is considered subservient. The use of matching materials will help to assimilate the development within the locality and secure a harmonious development. It is considered therefore the proposed development would not have a harmful effect on the appearance of the dwelling or the visual amenities of the area.

It is considered that by reason of the scale and siting of the proposed development and given the existing separation distances between the application site and the nearest dwellings there would no loss of residential amenity.

### **RECOMMENDATION**

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

**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, S2, EN12 and H17 and Somerset & Exmoor National Park Joint Structure Plan Review Policy STR1.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

09/2006/004

ANTHONY SANDERCOCK

**EXTENSION TO BARN CONVERSION AND ERECTION OF GARAGE, WEST BOVEY FARM, WATERROW**

304574/124753

FULL

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**PROPOSAL**

Permission is sought for the erection of an extension to an approved barn conversion and the construction of a detached garage. In addition a number of alterations are proposed. These comprise the provision of roof lights within the roof slope. The original consent incorporated garaging within the converted building. The proposed plans now show this to be a bedroom with a new detached double car port/garage.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection subject to imposition of conditions.

CONSERVATION OFFICER extension to barn inappropriate and detrimental to historic plan form. Objection raised. No objection to garage which only requires planning permission.

PARISH COUNCIL the Council supports the proposal.

**POLICY CONTEXT**

PPG15 Planning and the Historic Environment

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and EN16 & EN17 (Listed Buildings).

Policy 9 (The Built Historic Environment) of the Somerset & Exmoor National Park Joint Structure Plan Review.

The statutory background for the protection of listed buildings is found within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 (2) of the Act states the key responsibility of the LPA is to have 'special regard' for 'the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

Material considerations are Planning Policy Guidance Note (PPG15): Planning and the historic environment and the Development Plan which comprises Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy EN16 & EN17 of the Taunton Deane Local Plan.

PPG15 (3.3) emphasises the prime consideration in determining an application for consent is the importance to society of protecting listing buildings...from 'unsuitable and insensitive alteration'.

## **ASSESSMENT**

It is considered the proposed detached garage would have no harmful impact upon the setting of the listed building and as such no objection is raised to this element.

There are no objections to the proposed external alterations to the original integral garage or the proposed roof lights. The main issue for consideration is the proposed sun lounge which would measure 4.0 m x 6.0 m with a full gable roof design, measuring 5.1 m to the ridge. The proposed extension would incorporate two sets of double doors, stone finish to match the existing barn and timber cladding to the gable end.

It is considered in consultation with the Conservation Officer that the proposed extension is neither desirable nor necessary to achieve the required residential conversion of the building. The proposed alteration to the building would have a detrimental impact upon the character and historic plan form of the barn.

To conclude, it is considered that the proposed alterations would conflict with Policies EN16 & EN17 of the Taunton Deane Local Plan and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and national guidance intended to protect listed buildings from damaging alterations. The proposal would have a significantly adverse effect on the character of the converted barn as a building of special architectural and historic interest.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the proposed development, specifically the sun lounge, would constitute an inappropriate extension detrimental to the simple historic form of the building. As such the proposal would conflict with Taunton Deane Local Plan Policies H17, EN16 & EN17 and of the Somerset & Exmoor National Park Joint Structure Plan Review Policy 9 and national guidance (PPG15) intended to protect listed buildings from damaging alterations.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:

09/2006/005LB

A SANDERCOCK

**EXTENSION TO BARN CONVERSION , WEST BOVEY FARM, WATERROW**

304574/124753

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

Permission is sought for the erection of an extension to an approved barn conversion and the construction of a detached garage. In addition a number of alterations are proposed. These comprise the provision of roof lights within the roof slope. The original consent incorporated garaging within the converted building. The proposed plans now show this to be a bedroom with a new detached double car port garage.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER extension to barn inappropriate and detrimental to historic plan form. Objection raised.

**POLICY CONTEXT**

PPG15 Planning and the Historic Environment

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and EN16 & EN17 (Listed Buildings).

Policy 9 (The Built Historic Environment) of the Somerset & Exmoor National Park Joint Structure Plan Review.

The statutory background for the protection of listed buildings is found within the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16 (2) of the Act states the key responsibility of the LPA is to have 'special regard' for 'the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses'.

Material considerations are Planning Policy Guidance Note (PPG15): Planning and the historic environment and the Development Plan which comprises Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy EN16 & EN17 of the Taunton Deane Local Plan.

PPG15 (3.3) emphasises the prime consideration in determining an application for consent is the importance to society of protecting listing buildings...from 'unsuitable and insensitive alteration'.

**ASSESSMENT**

It is considered the proposed detached garage would have no harmful impact upon the setting of the listed building and as such no objection is raised to this element.

The main issue for consideration is the proposed sun lounge which would measure 4.0 m x 6.0 m with a full gable roof design, measuring 5.1 m to the ridge. The proposed extension would incorporate two sets of French doors, stone finish to match the existing barn and what would appear timber cladding to the gable end.

It is considered in consultation with the Conservation Officer that the proposed extension is neither desirable nor necessary to achieve the required residential conversion of the building. The proposed alteration to the building would have a detrimental impact upon the character and historic plan form of the barn.

To conclude, it is considered that the proposed alterations would conflict with Policies EN16 & EN17 of the Taunton Deane Local Plan and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan 1991-2011 and national guidance intended to protect listed buildings from damaging alterations. The proposal would have a significantly adverse effect on the character of the converted barn as a building of special architectural and historic interest.

## **RECOMMENDATION**

Permission be REFUSED for the following reason that the proposed development, specifically the sun lounge, would constitute an inappropriate extension detrimental to the simple historic form of the building. As such the proposal would conflict with Taunton Deane Local Plan Policies EN16 and EN17 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9 and national guidance (PPG15) intended to protect listed buildings from damaging alterations.

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

**CONTACT OFFICER: 356586 MR A PICK**

NOTES:



10/2006/008

MISS REBECCA DE LUCA

**CHANGE OF USE OF GARAGE/OUTBUILDING TO A BIODIESEL PRODUCTION AND STORAGE UNIT AT LOWER WILLAND FARM, CHURCHSTANTON, TAUNTON**

319493/113368

FULL

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**PROPOSAL**

The proposal comprises the change of use of a detached stone garage and outbuilding to a unit for the production and storage of bio-diesel fuel.

The applicant advises that bio-diesel is a clean burning alternative fuel produced from renewable resources; the processing system comprises a processor of 1.0 m width, 1.2 m depth and 2.1 m in height, and will produce 400 litres of bio-diesel in 2 hours; it does not emit any noxious fumes or smells, and the noise level during production is equivalent to that of a domestic washing machine; it is intended to produce one 400 litre batch on 4 consecutive days in every eight; a by-product 'glycerine' will also be supplied as an alternative heating fuel; 3 products are needed for the process i.e. vegetable oil, methanol and sodium hydroxide (caustic soda or lye); there will be one delivery of vegetable oil once a fortnight and one delivery of methanol once every 3 to 4 weeks; the bio-diesel will be packaged in 10 and 20 litre plastic re-useable jerricans and delivered in her own 4 x 4 vehicle to customers in and around Churchinford and Upottery, and this will require only a few journeys per week.

Although the garage would be lost as a parking space, the driveway is long enough to accommodate 3 No. on-site vehicles.

No internal or external alterations to the garage and outbuilding are proposed.

Lower Willand Farmhouse is a Grade II listed building

Planning permission and listed building consent were granted in February 2005, reference 10/2004/029 and 10/2004/030 respectively for the conversion of the buildings to guest accommodation. These permissions have not been implemented.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site is located outside of any development limit and is therefore in what is considered to be an unsustainable location in terms of transport policy. In detail the proposal is for the change of use of an existing garage/outbuilding to a bio-diesel production and storage unit. It is stated in the applicant's supporting letter that the development will not have a negative impact upon traffic levels, however there will be an increase in vehicular movements resulting from the change of use, taking into account the delivery of the base

products, delivery of the end product and the two staff which will be employed to operate the proposed change of use. Notwithstanding the aforementioned comments' it must be a matter for the Local Planning Authority to decide whether the re-use and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. The Highway Authority are concerned that once such a use is granted, a precedent is set and there would be difficulty in controlling the type of development and traffic generated in the future. If the Local Planning Authority are minded to grant consent, it should be ensured that there is adequate parking to serve any resulting change of use in addition to replacing any displaced parking. Therefore in the event of permission being granted I would recommend that the following conditions are imposed:- 1. The use hereby permitted shall enure for the benefit of the applicant only. 2. The permission hereby granted shall relate specifically to the use applied for. 3. Plans showing a parking area providing a total of four spaces, (two to serve the change of use and two to serve the displaced parking) shall be submitted to and approved by the Local Planning Authority before the development is commenced. This area shall be properly consolidated (not loose stone or gravel) before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

ENVIRONMENTAL HEALTH OFFICER none received.

PARISH COUNCIL does not have any objections to the proposal. It would however require the insertion of a condition restricting the consent to three years initially so that it can be reviewed after that time to assess the project's viability and its effect on the local environment. Concerns were expressed from the floor regarding health and safety issues but it was felt that these aspects would be covered by TDBC and the Authority responsible for the granting of licenses/certificates etc.

1 LETTER OF SUPPORT has been received on the grounds that it is a positive environmental move.

## **POLICY CONTEXT**

Taunton Deane Local Plan accepts the creation of a workplace within a dwelling provided that the essentially residential character of the building and area is maintained. Policy EC6 accepts conversions of buildings to business or industrial use, provided, inter alia, no adverse impact on the character of the building or on residential amenity. Policy S1 seeks to safeguard, inter alia, the character of the building, and residential amenity.

## **ASSESSMENT**

The contentious issue, in this case, is that of impact on the road network and whether sufficient on-site parking is available. The Highway Authority raise no objection in principle but express the concern that once the use is granted there may be difficulty in controlling the type of development and traffic generated in the future. To combat this concern they have suggested that conditions be imposed which restrict the development solely for the applicant only, and which ensures provision for 4 No. on site spaces. I would suggest however that the 'personal' condition be

replaced with a condition which restricts the use and operation to that specified in the applicants submission. I would also point out that the Highway Authority wrongly believe that 2 additional staff would be employed, whereas in fact the owners would be the staff. The Highway Authority's request that 4 No. on site space be provided is therefore excessive. The existing 3 No. spaces would be more than adequate.

With regard to the Parish Council's request that a temporary condition of 3 years be imposed, this is considered both unnecessary and unreasonable in light of other conditions being imposed.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time and restriction of operating to the details submitted in the applicants submission.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect residential amenity or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies EC4, EC6 and S1.

**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:

29/2006/013

MR & MRS R NEWBERRY

**ERECTION OF A DETACHED DWELLINGHOUSE, PLOT 2 AT HILLVIEW,  
BISHOPSWOOD, CHARD**

325494/112815

OUTLINE APPLICATION

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**PROPOSAL**

This is an outline application with all matters reserved for approval, and illustrative plans accompany the application. These indicate provision of a three bedroomed chalet bungalow within the rear curtilage of Hillview. An existing vehicular access would be utilised.

The application is accompanied by another outline application, for an identical chalet bungalow, as a replacement for Hillview reference 29/2006/014. Planning permission has already been granted for a differently designed replacement, in December 2004 reference 29/2004/013.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the village of Bishopswood does not accommodate adequate services and facilities, such as, education, employment, health, 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 given in PPG13 and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000). Notwithstanding the aforementioned comments, it is noted that the site is located within the development limits of Bishopswood and as a consequence, there may be a presumption in favour of small-scale development in this location. This is a matter for the Local Planning Authority to decide whether the principle of development on this site outweighs the transport policies that seek to reduce reliance on the private car. The access to the proposed development is off a private lane. This lane by reason of restricted width, poor alignment and visibility at the sub-standard junction with the category 3 road is considered unsuitable to serve as a means of access to the proposed development. The use of the lane in connection with the development would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all As pointed out by the agent and noted during my site visit the existing dwelling. Hill View currently benefits from three points of access. One is situated at the front of the dwelling (onto the public highway) and two off of the private lane, which provides access into the garden area and outbuildings. It is evident from the existing layout of the site that the safest and obvious vehicular access for the parking of vehicles in relation to the existing dwelling, would be the access situated at the front of the dwelling. I do not consider the fact that there are two further accesses which could be used or may have been used historically

reasonable justification for the erection of a dwelling in this location deriving sole access from what is considered a substandard lane. The lane irrespective of what private accesses are currently in place, remains to be substandard as previously stated in pre-application correspondence and the previous planning application, 29/2005/006 for a building plot further along the lane. In addition the applicant does not control the land at the point of access to make the improvements which would be necessary in the interests of highway safety and therefore I would recommend refusal of this application for the following reasons:- Any increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial of road safety. 2. The lane providing access to the site is not of the condition nor is maintained to the standard necessary to accommodate the extra volume of traffic likely to be generated by the proposed development. WESSEX WATER recommends note.

PARISH COUNCIL objects – the grounds for objection are that the proposed application, (together with the allied application for Plot 1) represents an unwarranted escalation of development within the village boundaries. Other applications have failed on precisely this point. The lie of the land along the main road through the village of Bishopswood gives a beauty and a simplicity to the present development and to allow a ‘doubling up’ of the buildings along the road would be a retrograde step.

5 LETTERS OF OBJECTION have been received raising the following issues:- intensification in the use of the access and road network would adversely affect road safety; and additional property would overload the existing system; the dwelling would be out of character with surrounding properties; loss of light and privacy would result; trees and a hedge would be lost; the AONB would be adversely affected; an undesirable precedent would be set.

## **POLICY CONTEXT**

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy H2 accepts housing development within villages, provided, inter alia, no loss of residential amenity, and no loss of established character. Policy EN10 seeks to safeguard Areas of Outstanding Natural Beauty. Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review seeks to ensure highway safety issues are addressed.

## **ASSESSMENT**

The site is inside the settlement limit of Bishopswood, a dwelling could be designed to avoid any loss of residential amenity, and a suitably designed dwelling would not detract from either visual amenity, or the character and appearance of the Area of Outstanding Natural Beauty. The contentious issue concerns that of road safety, and whilst the County Highway Authority raise objection to use of the substandard existing access to serve the dwelling, and to the intensification in use of the substandard lane which serves the substandard access. The agent argues that the substandard access and lane are already used as the main access to serve the existing bungalow, and there would consequently be no increase in traffic usage of the lane or substandard access. The other dwelling, of course, which is a

replacement to the existing bungalow, would be served by an existing access off the main road running through Bishopswood. Accordingly, although objection is raised by the County Highway Authority given the existing situation it is not felt that the amount of additional traffic generated by this single dwelling is such as to warrant refusal of the application.

### **RECOMMENDATION**

Permission be GRANTED subject to conditions of time, drainage, materials, landscaping, removal of permitted development rights and fenestration to be recessed.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not materially adversely affect visual or residential amenity, or road safety or the character and appearance of the AONB, and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2, H2 or E10.

**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:

29/2006/014

MR & MRS R NEWBERRY

**ERECTION OF A DETACHED DWELLINGHOUSE, PLOT 1 AT HILLVIEW,  
BISHOPSWOOD, CHARD**

325494/112815

OUTLINE APPLICATION

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**PROPOSAL**

This is an outline application with all matters reserved for approval, and illustrative plans accompany the application. These indicate provision of a three bedroomed chalet bungalow as a replacement for the bungalow Hillview. An existing vehicular access off the main road running through Bishopswood would be utilised.

Permission has already been granted for a differently designed replacement dwelling in December 2004, reference 29/2004/013.

This application is accompanied by another outline application, reference 29/2006/013, for an identical chalet bungalow, sited in the rear garden of Hillview.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY recommends conditions. WESSEX WATER recommends note.

PARISH COUNCIL wish to object in the strongest terms. The grounds for objection are that the proposed application, (together with the allied application for Plot 2) represents an unwarranted escalation of development within the village boundaries. Other applications have failed on precisely this point. The lie of the land along the main road through the village of Bishopswood gives a beauty and a simplicity to the present development and to allow a 'doubling up' of the buildings along the road would be a retrograde step.

3 LETTERS OF OBJECTION have been received raising the following issues:- intensification in the use of the access and road network would adversely affect road safety; and additional property would overload the existing system; the dwelling would be out of character with surrounding properties; loss of light and privacy would result; trees and a hedge would be lost; the AONB would be adversely affected; an undesirable precedent would be set; and there is insufficient space for 2 dwelling.

**POLICY CONTEXT**

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity and road safety. Policy H2 accepts housing development within villages, provided, inter alia, no loss of residential amenity, and no loss of residential amenity, and no loss of established character. Policy EN10 seeks to safeguard Areas of Outstanding Natural Beauty.

## **ASSESSMENT**

Given that permission has already been granted for a replacement dwelling at this site (29/2004/017), and given that the principle is clearly acceptable in terms of policy, and there has been no material change in circumstances it would be unreasonable to resist the application.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, drainage, materials, landscaping, removal of permitted development rights, highway conditions, and fenestration to be recessed.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect visual or residential amenity, or road safety or the character and appearance of the AONB, and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2, H2 or E10.

**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:



38/2006/221

TAUNTON AND SOMERSET NHS TRUST

**ERECTION OF A 3 STOREY EXTENSION TO THE DUCHESS BUILDING FOR STAFF/PATIENT ACCOMMODATION, RESPIRATORY, NEUROLOGY, DIABETES AND DIETICIANS DEPTS AT MUSGROVE PARK HOSPITAL, TAUNTON**

321550/124068

FULL

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**PROPOSAL**

The proposal comprises the erection of a three storey extension filling a corner of the site adjacent to the existing Duchess building and north of the existing surface car park. This is an extension of the existing building designed to allow for an expansion of the cardiology unit, as well as accommodating staff and patients from existing facilities with links to the existing building and continued use of the ambulance area while minimising any impact on the barrier controlled car park. Materials will be brick and timber cladding reflecting the existing building and the new multi-storey car park.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY it would appear that the application seeks to provide new buildings to house uses that already exist on the hospital site. In this case it is very unlikely that there will be additional traffic generation associated with the use and in consequence I do not propose to raise a highway objection to the proposed development. WESSEX WATER The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. The developer has proposed to dispose of surface water to existing mains on site. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water.

**POLICY CONTEXT**

Regional Planning Guidance for the South West  
Policy SS.14 – Taunton, Policy EN5 – Health, Education and other Social Infrastructure

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 48 – Access and Parking.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, M3 – Parking, EN28 – Flood Risk.

## **ASSESSMENT**

The proposal is to erect an extension to the existing Duchess building of just over 300 sq m on each of three floors. The building will accommodate existing facilities currently elsewhere on the site. The extension lies on the western side of the existing building and will face out to the west and south with the other two sides linked to the existing building. The design is considered an appropriate one and it blends in with the existing building with materials that reflect the character of the hospital buildings in the area.

The proposal is designed not to materially affect the existing car park layout. The site lies on the edge of a flood risk zone and comments in respect of the Flood Risk Assessment in relation to the proposal are awaited. Provided there are no adverse flood risk impacts from the proposal the application is considered acceptable.

## **RECOMMENDATION**

Subject to no adverse comments from the Environment Agency by the 16<sup>th</sup> August, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit and materials. Note re drainage.

**REASON(S) FOR RECOMMENDATION:-** The siting and design of the building are considered acceptable and not to harm the amenity of the area and the proposal is considered to comply with Taunton Deane Local Plan Policies S1 and S2 and material considerations do not indicate otherwise.

If the Environment Agency raise objection then permission be REFUSED for reason of contrary to Taunton Deane Local Plan Policy EN28.

**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:

38/2006/233

TRAPP PROPERTIES LTD

**CONVERSION OF HUNTS COURT TO A WINE BAR, RESTAURANT AND RESIDENTIAL DEVELOPMENT OF 3 FLATS AND 4 MAISONETTES AT HUNTS COURT, CORPORATION STREET, TAUNTON**

322586/124471

FULL

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**PROPOSAL**

Hunts Court is an imposing listed building in Corporation Street and is a significant landmark in terms of the street scene. The building was commissioned in the early twentieth century by Taunton Art School and has a number of large internal spaces. The building was passed to Somerset County Council in the seventies and has been used as offices for the last 30 years. During this time numerous alterations, additions and modifications have been carried out to the interior of the building which have detracted from its character and appearance. Since the County Council sold the building it has remained empty, although permission for conversion to five flats and five maisonettes was granted in January 2005. The building has since been sold to the current applicants.

The intention with the current application is a mixed use development that will secure the restoration of the building and will allow public access to the lower two floors in commercial use as a wine bar and restaurant on the main ground floor. The upper two floors would be used for residential purposes with subdivision to four maisonettes and three flats designed as loft style apartments taking advantage of the large windows.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection. ENVIRONMENT AGENCY due to the location and the associated level of flood risk, our comments should be applied directly by your Authority using the standing advice we have provided.

DRAINAGE OFFICER no objections subject to the Environment Agency's approval of the Flood Risk Assessment.

**POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 9 – The Built Historic Environment, Policy 11 – Areas of High Archaeological Potential.

Taunton Deane Local Plan Policies S1- General Requirements, S2 – Design, H2 – Housing in Settlements, C4 – Open Space Requirements, M4 – Parking, EN14 – Conservation Areas, EN16 – Setting of Listed Buildings, EN17 - Alteration of Listed

Buildings, EN23 – Areas of High Archaeological Potential, EN28 – Flood Risk, T22 – Diversity in the Town Centre.

## **ASSESSMENT**

The proposal is for a mixed use development within a highly sustainable town centre location where car free development for residential use is considered acceptable. The residential use on the upper floors is one that is considered to comply with policy H2 of the Local Plan and the commercial use on the lower floors is also considered to be in keeping with policy for providing diversity in the town centre.

Policy C4 requires adequate play and open space provision for developments of six units or more. Where this cannot be provided on site a monetary contribution is required through a Section 106 Agreement. This application will require such a contribution and this is reflected in the recommendation.

The main issue with the proposal is the changes proposed to the listed building and the impact on its historic character. The main changes involve a new stair and dumbwaiter from the lower ground floor to the ground floor, a new external door on the side elevation to give access to the new flats, a new platform and disabled lift in the same area and an alteration to the roof to provide a flat section between the ridges to accommodate bedrooms for the maisonettes. The proposals allow for the restoration and reinstatement of a number of internal features such as timber panelling, glazed brickwork, original rooflights and decorative mouldings, coving and cornices.

Previous permission for the conversion of the building to ten residential units has been granted and the current scheme is considered to be an equally if not more appropriate use. The associated alterations to the listed building are also considered to better preserve the character of the building. They will secure a stable investment to secure the habitation, continuous use and public access to the building which will allow for its constant maintenance and repair.

## **RECOMMENDATION**

Subject to a Section 106 for the provision of off site play and recreation provision 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, archaeological programme of works and notes re LB consent, section 106, disabled access and Wessex Water infrastructure.

In the event of the Section 106 not being signed by 13th August, 2006 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED as contrary to Taunton Deane Local Plan Policy C4 or GRANT permission with an additional condition requiring the applicant to enter a Section 106 prior to commencement of development.

**REASON(S) FOR RECOMMENDATION:-** The scheme represents a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan policies S2, H2, C4, EN14, EN16 and EN17 and guidance on PPG15 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:

38/2006/234LB

TRAPP PROPERTIES LTD

**CONVERSION OF HUNTS COURT TO A WINE BAR, RESTAURANT AND RESIDENTIAL DEVELOPMENT OF 3 FLATS AND 4 MAISONETTES AT HUNTS COURT, CORPORATION STREET, TAUNTON**

322586/124471

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

Hunts Court is an imposing listed building in Corporation Street and is a significant landmark in terms of the street scene. The building was commissioned in the early twentieth century by Taunton Art School and has a number of large internal spaces. The building was passed to Somerset County Council in the seventies and has been used as offices for the last 30 years. During this time numerous alterations, additions and modifications have been carried out to the interior of the building which have detracted from its character and appearance. Since the County Council sold the building it has remained empty, although permission for conversion to five flats and five maisonettes was granted in January 2005. The building has since been sold again to the current applicants.

The intention with the current application is a mixed use development that will secure the restoration of the building and will allow public access to the lower two floors in commercial use as a wine bar and restaurant on the main ground floor. The upper two floors would be used for residential purposes with subdivision to four maisonettes and three flats designed as loft style apartments taking advantage of the large windows.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER the main changes from that previously approved under 38/2004/4580LB are:- 1. (a) additional entrance on west elevation; (b) segregation of principal staircase from principal rooms on ground floor; (c) removal of central section of existing roof lights and introduction of flat roof. 2. Whilst ventilation for residential accommodation has been addressed in the submitted Design Proposal Appraisal, required ventilation for the proposed restaurant, wine bar and kitchens have not been addressed. Suspended ceiling and air conditioning units are obvious ways of addressing this, which could adversely impact on the character of the building. A condition requiring these details to be submitted before any works are commenced should be attached if consent recommended. 3. How are the toilets on the ground floor to be vented?; I note not staff accommodation on lower and ground floors.

**POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, Policy 9 – The Built Historic Environment, Policy 11 – Areas of High Archaeological Potential.

Taunton Deane Local Plan Policies S1- General Requirements, S2 – Design, H2 – Housing in Settlements, C4 – Open Space Requirements, M4 – Parking, EN14 – Conservation Areas, EN16 – Setting of Listed Buildings, EN17 - Alteration of Listed Buildings, EN23 – Areas of High Archaeological Potential, EN28 – Flood Risk, T22 – Diversity in the Town Centre.

## **ASSESSMENT**

The proposal is for a mixed use development within a highly sustainable town centre location where car free development for residential use is considered acceptable. The residential use on the upper floors is one that is considered to comply with policy H2 of the Local Plan and the commercial use on the lower floors is also considered to be in keeping with policy for providing diversity in the town centre.

The main issue with the proposal is the changes proposed to the listed building and the impact on its historic character. The main changes involve a new stair and dumbwaiter from the lower ground floor to the ground floor, a new external door on the side elevation to give access to the new flats, a new platform and disabled lift in the same area and an alteration to the roof to provide a flat section between the ridges to accommodate bedrooms for the maisonettes. The proposals allow for the restoration and reinstatement of a number of internal features such as timber panelling, glazed brickwork, original rooflights and decorative mouldings, coving and cornices.

Previous permission for the conversion of the building to ten residential units has been granted and the current scheme is considered to be an improvement on that use. The associated alterations to the listed building are considered to better preserve the character of the building and to be justified. They will secure a stable investment to secure the habitation, continuous use and public access to the building which will allow for its constant maintenance and repair.

## **RECOMMENDATION**

Consent be GRANTED subject to conditions of time limit, materials, assessment of finishes and details of reinstatement, joinery details, staircase modification details, window/ventilation details, no suspended ceilings, no fireplace/chimney breast removal, new works details, new partitions, removal of partitions, details of new external door and surround. Notes re planning permission, Section 106 and disabled access.

**REASON(S) FOR RECOMMENDATION:-** The scheme represents a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan Policies S2, EN14, EN16 and EN17 and guidance on PPG15 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:**



38/2006/239LB

MR & MRS RODERICK

**INSTALLATION OF 2 REPLACEMENT SASH WINDOWS ON FIRST FLOOR OF FRONT ELEVATION AND RETENTION OF 8 WINDOWS TO FRONT AND REAR, THE OLD BEAR RESTAURANT, 14 UPPER HIGH STREET, TAUNTON**

322507/124170

LISTED BUILDING CONSENT-WORKS

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**PROPOSAL**

The proposal is largely retrospective, and comprises the retention of 4 No. recently installed modern sash windows to the front elevation, the retention of 4 No. recently installed windows to the rear elevation, and the installation of 2 No. replacement sash windows to the first floor of the front elevation. The property is a 19<sup>th</sup> Century Grade II Listed Building. Whilst the proposal is identical to previous refusal 38/2005/473LB, additional information accompanies the current application, namely: vibration from heavy traffic resulted in panes of glass falling out onto the pavement; living conditions were very noisy; the windows were deteriorating and rotten; the applicants were unaware that listed building consent was required; the new windows have cost £20,000 to purchase and install; and the windows have been made by a master craftsman in order to replicate existing.

**CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER as per previous application:- 1. The replacement windows are all timber framed 6-over-6 sash types which match their respective original apertures; no historic masonry fabric appears to have been removed; 2. Double-glazed and tinted reflective glass is used for all lights in the replacement windows; 3. The dimensions of the glazing bars in the replacement windows are far too wide, giving them a very "heavy" appearance when contrasted against their slimmer counterparts in the originals (see Figures 2 & 3); glazing bar width is 41 mm compared to 16 mm; 4. Glazing bar profiles in the replacement windows are wrong; a broad double "ovolo" profile has been used to retain the double-glazing units instead of the elegant "lamb's tongue" of the originals; 5. Meeting rail dimensions on the replacement windows are comparable to those of the originals (which are most likely 20th century repaired sections anyway). The facade of any building is analogous to its "face" and replacement of 60% of the original windows on the main facade has significantly altered this building's appearance and character. The changes also make it sit somewhat uncomfortably with the adjoining buildings on the south side of Upper High Street and so its "group" value has also been impacted. Overall the building has suffered a considerable loss of historic fabric through unauthorised and illegal action on the part of the owner. Whilst I appreciate the issues with regard to noise, pollution and vibration from passing traffic on Upper High Street, none of these windows should have been removed without prior Listed Building Consent. Conservative repair of decayed fabric would most likely have saved the originals and careful application of secondary double glazing would have mitigated some of the environmental issues. The surviving pair of windows on the

main facade must be retained at all costs. Their measurements and profiles are crucial to the accurate reproduction of new windows to replace those already installed by the owner, all of which (8 in total) need to be removed. Consent for the current application should be REFUSED on the following grounds:- The development proposals will harm features of special or historic interest which the listed building possesses (EN16). This decision is made in accordance to policy EN16 of the Taunton Deane Local Plan, adopted November 2004. Enforcement proceedings should be instigated to effect the removal and suitable replacement of the eight new, unauthorised windows, subject to accurate recording of the surviving originals.

ONE LETTER OF OBJECTION has been received raising the following issues:- the personality of the modern windows are dominated by the modern broad glazing bars; no panes of glass have ever fallen out; and the applicants have a history of carrying out works without planning permission.

FOUR LETTERS OF SUPPORT have been received raising the following issues:- that the windows are of no discernible difference; that they represent a great improvement; and that the old windows were dangerous.

### **POLICY CONTEXT**

Taunton Deane Local Plan Policies EC16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 seek to safeguard the character and appearance of listed buildings.

### **ASSESSMENT**

The new windows are wholly inappropriate and the character and appearance of the building has been significantly altered. The remaining 2 No. sash windows to the front elevation should be safeguarded. It is considered that the proposal is entirely unacceptable and should be refused, and that enforcement proceedings be instigated seeking removal of the new windows and their replacement with more suitable windows which accurately reflect the original

### **RECOMMENDATION**

Consent be REFUSED on the grounds that the proposal detracts from the character and appearance of the listed building and that enforcement and prosecution proceedings be instigated.

**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:



43/2006/073

MR D HUNT

**ERECTION OF INDUSTRIAL UNIT AT PLOT 19, RYELANDS FARM INDUSTRIAL ESTATE, BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON**

312586/119338

RESERVED MATTERS

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**PROPOSAL**

The proposal provides for a building for industrial use on the existing Ryelands Farm development. The proposed walls and roof are to be olive green. The height of the proposed building is to be 8.5 m to the ridge.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY comments as on previous applications on the estate.

LANDSCAPE OFFICER the existing structure planting should be sufficient, although there is scope for a small amount of tree planting. DRAINAGE OFFICER soakaways should be provided in accordance with Building Research Digest 365.

TOWN COUNCIL in favour provided hours of working are subject to the existing noise emission levels which cover the industrial estate with no working on Sundays and bank holidays and the colour to blend in with the existing units. It would be useful if the owner could be encouraged to provide a larger location sign.

FOUR LETTERS OF REPRESENTATION have been received raising the following issues:- wish assurance that hours of working are to be 8 a.m. – 6 p.m. weekdays and 8 a.m. – 1.00 p.m. Saturdays and no working Sundays and Bank Holidays; building should be in keeping with other buildings, i.e. green; should be better signing; external lighting should be in keeping with the rural area; and surface water should be attenuated.

**POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy EC1 states that business, industrial and warehousing development will be

permitted within the defined limits of settlements provided that certain criteria are met. It is considered that the criteria are met with the current proposal.

The site is within an area allocated for employment development in the West Deane Local Plan, and there has been a previous outline planning permission covering the site.

## **ASSESSMENT**

The current application is a reserved matters application to seek approval of the details for one of the buildings on the estate, which has the benefit of an overall outline permission. The proposed building is similar to those previously approved here and is considered acceptable. The conditions on the outline planning permission are considered to meet the concerns of the local residents.

## **RECOMMENDATION**

Details be APPROVED. Notes re disabled access, energy/water conservation, CDM management, soakaways, external lighting and better signing.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site has good transport links and with the conditions imposed 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: 356461 MR J HAMER**

NOTES:

46/2006/009

C/O T P LEWIS & PARTNERS

**ERECTION OF INDUSTRIAL UNIT PARK AT MONUMENT VIEW, SUMMERFIELD AVENUE, CHELSTON BUSINESS PARK, CHELSTON, WELLINGTON AS AMENDED BY E-MAIL DATED 12TH JULY, 2006 WITH ACCOMPANYING DRAWING NO.D015/06/112A**

315340/121290

FULL

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**PROPOSAL**

The site is within an area allocated for employment use in the Taunton Deane Local Plan. A previous scheme was approved following a call-in Public Inquiry. The current scheme seeks to amend part of the previous approval following the successful marketing of the site. Part of the site has been reconfigured to meet the specific requirements of a number of potential end users. Materials are to be brick plinth with profile metal sheet colour hamlet/wedgewood for the walls with profile metal sheet colour albatross for the roofs. The height of the proposed buildings range from 8.1 m – 8.4 m. This compares to 6.8 m on the previously approved scheme.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER views awaited.

ENVIRONMENTAL HEALTH OFFICER noise emissions not to exceed background levels by more than 5 decibels Monday to Saturday working hours and no audible noise emissions at all other times including Bank Holidays. ECONOMIC DEVELOPMENT MANAGER no observations to make. DRAINAGE OFFICER note that surface water run off is to be discharged to an attenuated system before being finally discharged to the receiving watercourse. The chosen system needs to be designed in conjunction with 'Guidance Notes for Developers on Surface Water Drainage Issues'. Any design needs to be approved and made a condition of any permission given. LANDSCAPE OFFICER (originally submitted plans) - main concerns are there is not much planting to the western boundary to the west of unit A1 – this boundary needs landscaping to soften its impact; unit A2 is too close to the southern boundary hedgerow; and landscape details are indicative only. Further views on amended plans – amended plans address first two points and details can be covered by conditions.

ONE LETTER OF OBJECTION has been received raising the following issues:- earth bund presently in place will be removed making it impossible to provide an effective permanent barrier against noise and water run off or proper screening and planting – this will seriously compromise enjoyment of property and be a breach of human rights; question the height of the proposed building compared to that previously approved; concern with regard to the control and disposal of surface

water overloading the stream and the possibility of it affecting adjacent property; ground levels have been built up, which will cause the buildings to be more obtrusive and overpowering from property.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 on sustainable development is relevant. Part of this policy requires the development of a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy EC1 states that business, industrial and warehousing development will be permitted within the defined limits of settlements provided that certain criteria are met. It is considered that the criteria are met with the current proposal.

The site is within an area allocated for employment development in the Taunton Deane Local Plan, and there has been a previous planning permission covering the site.

## **ASSESSMENT**

Planning permission has previously been granted for employment development on the site. The current scheme provides for a repositioning of the proposed units on part of the site. The height of the proposed buildings has been increased, but the new height is considered to be in line with that expected on a new business park. The Landscape Officer is happy with the amended plans.

## **RECOMMENDATION**

Subject to the receipt of views from the County Highway Authority and Wessex Water, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine the application and permission be GRANTED subject to conditions of time limit, materials, landscaping, retention/protection of trees/hedges, no service trenches beneath canopies of trees, boundary treatment, estate road details, parking, service road, cycleways/footpaths, no open storage, noise report, bunding, surface water drainage details, scheme for provision/implementation of surface water limitation, visibility splays and cycle parking. Notes re disabled access, energy/water conservation, CDM Regulations, no surface water discharge onto highway, sustainable drainage, best management practice, attenuation system, Environment Agency, surface water drainage system, Water Resources Act, access to bank side of stream, prevention of pollution and agreement with CHA.

**REASON(S) FOR RECOMMENDATION:-** The proposal is within an area allocated for employment use in the Taunton Deane Local Plan and is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site has good

transport links and with the conditions imposed 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: 356461 MR J HAMER**

NOTES:



47/2006/006

MR MICHAEL P YORKE

**ERECTION OF AGRICULTURAL WORKER'S DWELLING AT EAST HADDONS FARM, WEST HATCH**

327762/121383

OUTLINE APPLICATION

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**PROPOSAL**

The proposal comprises an outline application with means of access included for approval, for the erection of a permanent agricultural workers dwelling as a replacement for a temporary mobile home which was granted permission for 3 years in February 2002, reference 47/2001/003. Planning permission was also granted for an agricultural building in March 2001, reference 47/2001/002.

The proposed dwelling would be sited at the same location as the mobile home, which is close to the agricultural building and well set back from the highway, and the means of vehicular access which was approved in association with the mobile home would be used.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY recommends visibility splay condition. WESSEX WATER recommends note.

DRAINAGE OFFICER recommends note.

PARISH COUNCIL We acknowledge that Mr Yorke has had a difficult time in the last few years and has changed the emphasis of his farming, but we are not happy that the financial projections put forward in the application are realistic. The accountants have prepared the accounts for the year ending April 2005, but they state that they have not been audited and are based on figures provided by Mr Yorke. They do not include any charge for interest payments. The enterprise margins put forward on page 14 of the supporting statement are a mixture of current year figures and estimate of what is hoped for in the current year. In view of the change of emphasis in the farming enterprise it might not be sound policy to give planning permission for a permanent building based on unproven estimates. Mr Yorke is extremely fortunate in being able to finance his business at an interest rate of 2.5% but we think it would be wrong to use this very low figure in an objection assessment of the projects viability. The Council opposes the present application, on the grounds that too much of the financial justification is based on unproven estimates, but would be happy to see the present temporary permission for a mobile home to be extended which would give Mr. Yorke an opportunity to prove the financial viability of the project.

1 LETTER OF OBJECTION has been received raising the following issues:- there is not sufficient verifiable information to justify the financial viability of the farm; future projections are a mixture of current figures and estimated revenues and therefore

unproven; finance at 2.5% is extraordinarily low and unrealistic; it is not sensible to grant permission until the financial position is much clearer; and the application should request a renewal of the mobile home to prove the long-term viability of his business.

5 LETTERS OF SUPPORT have been submitted.

## **POLICY CONTEXT**

Policy S7 of the Taunton Deane Local Plan and Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review seeks to resist new building in open countryside unless, inter alia, it is essential for agriculture.

## **ASSESSMENT**

In respect of the application for the temporary mobile home, a significant element of the farming business as presented in information submitted by ADAS, related to the production of raspberries, in addition to his cattle and sheep livestock enterprise. This was an important factor in the assessment of the application. The raspberry business however no longer forms a part of the proposal, and this element has been replaced by a Suffolk horse enterprise. This is effectively a new and different enterprise from the one which was assessed in 2001. Given this significant change in the operation of the farm, in addition to doubts over estimated financial revenues I am not convinced that permission should be granted for a permanent dwelling in open countryside until the financial position is clearer and has been proven to be successful. I consequently consider that permission be refused but that the applicant be invited to submit an application for a temporary renewal of the mobile home in order that he can prove a genuine need to meet both financial and functional tests in PPS7 before a permanent dwelling be granted permission.

## **RECOMMENDATION**

Permission be REFUSED on the grounds that a genuine agricultural need has not been proven, and that the proposal is accordingly contrary to Taunton Deane Local Plan Policy S7 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6.

**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 - 26 JULY 2006**

## **Report of the Chief Solicitor**

### **Enforcement action in relation to land at Knapp Lane, North Curry**

#### **Background**

Members will recall that in the past action has been taken to secure compliance with an enforcement notice served in respect of a small area of land at Knapp Lane, North Curry where a caravan has been stationed for residential use, together with associated activities.

In June 2005 prosecution proceedings were issued against the occupier at that time, Brian Smith. The proceedings became protracted but finally the matter was heard in the Crown Court in April 2006, when a guilty plea was entered. Mr Smith was given a two year conditional discharge and ordered to pay £500 costs. During the course of the proceedings the Court was told that the land had been sold to a third party.

Subsequently the current owner has been identified as Paul Boyer of Exmouth, Devon. It is not clear if the caravan is currently occupied but there is some evidence of activity on the site. The new owner is being requested to clear the site in accordance with the terms of the enforcement notice by the 31 July 2006. However, in view of the history of the site and the continued activity it may be necessary to take formal action.

The two main options available to the Committee are to take direct action by clearing the site or, alternatively, to seek an injunction against the owner requiring the land to be cleared in accordance with the terms of the enforcement notice and steps taken to prevent future unauthorised use.

The injunction is considered the better option since direct action would not allow any works to be carried out to prevent re-occupation.

#### **Recommendation**

It is therefore **RECOMMENDED** that if the site is not cleared by the 31 July 2006 the Solicitor to the Council be authorised to seek an injunction against Paul Boyer requiring the site at Knapp Lane, North Curry to be cleared in compliance with the enforcement notice relating to the land and steps taken to prevent re-occupation of the site for unauthorised uses.

#### **Chief Solicitor**

Contact Officer: Judith Jackson Telephone No. 01823 356409 or  
e-mail [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)

## **PLANNING COMMITTEE – 26 JULY, 2006**

### **Report of the Development Control Manager**

#### **ENFORCEMENT ITEM**

**Parish:** Taunton

1. **File/Complaint Number** E298/38/2005
2. **Location of Site** 34 Manor Road, Taunton.
3. **Names of Owners** Mr & Mrs D Temple
4. **Names of Occupiers** Mr & Mrs D Temple

5. **Nature of Contravention**

Roof height not in accordance with approved plans.

6. **Planning History**

An application was received on 29 July, 2005 for a single storey extension and was subsequently approved by the Planning Officer under delegated powers on 22 September, 2005. A complaint was received in late September 2005 that the roof height was not in accordance with the approved plan. A site visit has been made and the roof height was found to be approximately 150 mm higher than appeared on the approved plan. The agent was contacted who confirmed that the reason for this slight discrepancy was due to a step originally intended to be installed that had been omitted and therefore the floor level of the new extension was now at the same height as the existing dwelling. This was to accommodate the use of a wheelchair.

7. **Reasons for taking Action**

It is considered that the increase in roof height does not have a significant impact on the neighbouring properties and any amendment would be granted permission. Therefore it would not be expedient to take Enforcement action.

8. **Recommendation**

No further action be taken.

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

**CONTACT OFFICER: Mrs A Dunford Tel: 356479**