



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 16TH AUGUST 2006 AT 17:00.

(RESERVE DATE : THURSDAY 17TH AUGUST 2006 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 26 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. WEST BUCKLAND - 46/2006/006 Report Item
ERECTION OF 36 (30 NO. 2 BED AND 6 NO. 3 BED) AFFORDABLE HOMES, 36 PARKING SPACES AND ASSOCIATED ROAD WORKS AT LAND ADJACENT TO COB CASTLE AND CASTLE COTTAGES, HAM, CHELSTON AS AMENDED BY LETTERS DATED 14TH JULY 2006 WITH ACCOMPANYING DRAWING NO.S 1085/1A AND 3A
6. ENFORCEMENT ACTION IN RELATION TO THE FORMER Enforcement Item
POULTRY HOUSE, A38 BATHPOOL
7. CHEDDON FITZPAINE - 08/2006/011
CONVERSION OF GARAGE TO PLAYROOM AND ERECTION OF CONSERVATORY TO REAR OF 50 STANDFAST PLACE, NERROLS FARM, TAUNTON
8. CHURCHSTANTON - 10/2006/017
REPLACEMENT STABLES AND GARAGES WITH ANCILLARY ACCOMMODATION ON FIRST FLOOR AT HUNTERS LODGE BARN, CHURCHINFORD
9. HATCH BEAUCHAMP - 19/2006/020
DEMOLITION OF GARAGE AND ERECTION OF NEW DWELLING WITH ATTACHED GARAGE, LAND ADJACENT TO IVY COTTAGE, HATCH BEAUCHAMP
10. KINGSTON ST. MARY - 20/2006/017
REMOVAL OF CONDITIONS 05 AND 06 OF PLANNING APPROVAL 20/2000/025 TO PERMIT THE USE OF THE BUILDING FOR WARDEN ACCOMMODATION, RECEPTION, OFFICE AND STORAGE IN CONNECTION WITH HOLIDAY CABIN

DEVELOPMENT AT SWALLOWS BARN, PARSONAGE LANE,
KINGSTON ST MARY (REVISION 20/2006/010) AS AMPLIFIED BY
APPLICANTS E-MAIL AND DRAWINGS RECEIVED 2ND AUGUST,
2006

11. NORTON FITZWARREN - 25/2006/012
DEMOLITION OF BUILDINGS, EARTHWORKS, HIGHWAY
CONSTRUCTION, SURFACE WATER AND FOUL DRAINAGE, NEW
SERVICES TO SERVE RESIDENTIAL AND COMMERCIAL
DEVELOPMENT AREAS SUBJECT TO FURTHER RESERVE
MATTERS APPLICATIONS (PHASE 1) AT TAUNTON TRADING
ESTATE, NORTON FITZWARREN
12. TAUNTON - 38/2006/237
ERECTION OF 12 NO FLATS AT 1 VICTORIA STREET, TAUNTON
AS AMENDED BY
13. TAUNTON - 38/2006/274
RETENTION OF TWO FLATS (1 NO. TWO BEDROOM AND 1 NO.
THREE BEDROOM) AT 14 GREENWAY ROAD, TAUNTON AS
AMENDED BY
14. TOLLAND - 41/2006/007
ERECTION POULTRY BUILDING AT GLEBE FARM, TOLLAND,
PHASE 1, (REVISED APPLICATION 41/2006/003)
15. TOLLAND - 41/2006/008
ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND
(PHASE 2)
16. TRULL - 42/2006/017
ERECTION OF DWELLING AT 7 ORCHARD CLOSE, TRULL AS
AMENDED BY
17. WEST BUCKLAND - 46/2006/013
ERECTION OF GLAZED CANOPY TO REAR COURTYARD AND
PORCH TO ENTRANCE AT THE STABLE HOUSE, MANLEY'S
HOUSE, WEST BUCKLAND
18. WEST HATCH - 47/2006/008
ERECTION OF CONSERVATORY AT IVY COTTAGE, WEST HATCH

G P DYKE
Member Services Manager
08 August 2006

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2.

Planning Committee Members:-

Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillor Mrs Allgrove
Councillor 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 (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 26 July 2006

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

(The meeting commenced at 5.00 pm.)

86. Apologies

Councillors Mrs Allgrove, Denington and Hindley (the Mayor).

87. Minutes

The minutes of the meeting held on 5 July 2006 were taken as read and were signed subject to the inclusion of the following amendment:-

Minute No 74. Declarations of Interest

Add "Councillor Bowrah declared a personal interest in agenda item No 15, application No 43/2006/057, and left the meeting during consideration of this item."

88. Declarations of Interest

Councillor Bowrah declared a personal interest in agenda item No 15, application No 43/2006/073, and left the meeting during consideration of this item.

89. Applications for Planning Permission

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

- (1) That **outline planning permission be granted** for the under-mentioned 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:-

29/2006/013

Erection of a detached dwellinghouse, Plot 2 at Hillview, Bishopswood, Chard

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C010 – drainage;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) P001A – no extensions;
- (g) P003 – no ancillary buildings;
- (h) P005 – no garages;
- (i) P006 – no fencing;
- (j) All fenestration shall be recessed in accordance with the details to be submitted to, and approved in writing by, the Local Planning Authority before development commences.
(Notes to applicant:- Applicant was advised to agree a point of connection onto the Wessex Water system prior to the commencement of any works on site.)

Reason for granting outline planning permission:-

The proposed development would not adversely affect visual or residential amenity, or road safety or the character and appearance of the Area of Outstanding Natural Beauty, and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2, H2 or E10.

29/2006/014

Erection of a detached dwellinghouse, Plot 1 at Hillview, Bishopswood, Chard

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C010 – drainage;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) P001A – no extensions;
- (g) P003 – no ancillary buildings;
- (h) P005 – no garages;
- (i) P006 – no fencing;
- (j) All fenestration shall be recessed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (k) The dwelling hereby permitted shall not be occupied until two parking spaces for the dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles or for the purpose of access;
- (l) The dwelling hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles

has been constructed within the site in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;

- (m) Any garage erected shall be at least 6m from the highway boundary;
- (n) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (o) Provision should 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.

(Note to applicant:- Applicant was advised to agree a point of connection onto the Wessex Water system prior to the commencement of any works on site.)

Reason for granting outline planning permission:-

The proposed development would not adversely affect visual or residential amenity, or road safety or the character and appearance of the Area of Outstanding Natural Beauty and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2, H2 or E10.

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

43/2006/073

Erection of industrial unit at Plot 19, Rylands Farm Industrial Estate, Bagley Road, Rockwell Green, Wellington

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N058B – health and safety; (5) Applicant was requested to ensure that the provision of any external lighting does not cause light pollution to the nearby residential properties; (6) Applicant was requested to give consideration to seeking improved signage to direct vehicles to the estate; (7) It is noted that surface water is to be discharged to soakaways. Applicant was advised that these should be constructed in accordance with Building Research Digest 365 (September 1991).)

Reason for approving detailed plans:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

- (3) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute

No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

03/2006/001

Extension to form a ground floor pool and games room at Hurstone House, Waterrow, Wiveliscombe

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, EN12 and H17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1.

10/2006/008

Change of use of garage/outbuilding to a bio diesel production and storage unit at Lower Willand Farm, Churchstanton, Taunton

Conditions

- (a) C001A – time limit;
- (b) The business shall be operated in accordance with the applicants submission in the letter and “overview” of the 12 June 2006 and, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, there shall be no intensification of use or any deviation from the operation specified unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.
(Note to applicant:- Applicant was advised that any internal or external alteration to the building will require the benefit of listed building consent and any external alterations would also require the benefit of planning permission.)

Reasons for granting planning permission:-

The proposed development would not adversely affect residential amenity or road safety and therefore did not conflict with Taunton Deane Local Plan Policies EC4, EC6 and S1.

38/2006/234LB

Conversion of Hunts Court to a wine bar, restaurant and residential development of 3 flats and 4 maisonettes at Hunts Court, Corporation Street, Taunton

Conditions

- (a) C002B – time limit – listed building;
- (b) Prior to the works for which consent is hereby granted are commenced, details of the external surfaces of the works shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, an historic paint/finishes analysis shall be undertaken by a qualified/recognised expert in this field of the existing stair, lobbies and other common areas and submitted to the Local Planning Authority for approval with a view to reinstatement of finishes sympathetic to the original;
- (d) Prior to the works for which consent is hereby granted are commenced, specific details of all new joinery shall be submitted to, and approved in writing by, the Local Planning Authority. Such new joinery to include doors, linings, architraves, skirtings and staircases and provide for accurate representation or original detailing to enable the accurate restoration of original joinery details and new detailing consistent with historic prototypes;
- (e) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which fire separation, sound insulation and limitation of reverberation in common areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which the main staircase can be positively adapted to comply with Health and Safety/Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority with such details to include the removal of the “extended” handrail;
- (g) Prior to commissioning, specific details of the new/adapted windows, venting of enclosed baths/en-suites and kitchen fittings shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
- (i) No fireplace or chimney breast shall be removed as a result of the internal alterations without the written approval of the Local Planning Authority;
- (j) C679 – listed building – new works – damp proofing – heating, lighting, plumbing;
- (k) C658 – partitions;
- (l) C659 – cornices, skirtings and other features;
- (m) C660 – cornices, skirtings and other features;
- (n) Details of the new external door and surround shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (o) Details of the roof alteration to the central section of rooflights,

- including cross section and junction details, shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (p) Details of the air conditioning and ventilation of toilets, kitchens, restaurant and wine bar shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.

Reason for granting listed building consent:-

The scheme represented a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan Policies S2, EN14, EN16 and EN17 and guidance in Planning Policy Guidance Note No 15 and material considerations did not indicate otherwise.

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

38/2006/239LB

Installation of two replacement sash windows on first floor of front elevation and retention of eight windows to front and rear, The Old Bear Restaurant, 14 Upper High Street, Taunton

Reason:-

The proposal adversely detracts from the character and appearance of this Grade II listed building and therefore conflicts with Taunton Deane Local Plan Policies EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

Also RESOLVED that:-

- (1) Listed building enforcement action be taken to seek the removal of the unauthorised replacement windows;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with; and
- (3) The Solicitor to the Council be also authorised to institute legal proceedings in respect of the unauthorised work undertaken to the listed building.

47/2006/006

Erection of agricultural workers dwelling at East Haddons Farm, West Hatch

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 need. The Local Planning Authority is not convinced that the proposal

constitutes a genuine need and, accordingly, it is contrary to Taunton Deane Local Plan Policy S7 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6.

(Note to Applicant:- Applicant was advised to submit an application for a renewal of 47/2001/003 for the temporary mobile home in order to demonstrate that there is a genuine need for a permanent dwelling.)

- (5) That the following applications be **withdrawn**:-

09/2006/004

Extension to barn conversion and erection of garage, West Bovey Farm, Waterrow

09/2006/005LB

Extension to barn conversion, West Bovey Farm, Waterrow

90. **Erection of a three storey extension to the Duchess Building for staff/patient accommodation, Respiratory, Neurology, Diabetes and Dieticians Departments at Musgrove Park Hospital, Taunton (38/2006/221)**

Reported this application.

RESOLVED that subject to no adverse comments being received from the Environment Agency by 16 August 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C926B – remediation investigation/certificate;
- (d) Details of the colour of the windows and brise soleil shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing.

(Notes to applicant:- (1) NO33A – drainage/water; (2) N048A – land contamination.)

Reason for planning permission, if granted:-

The siting and design of the building was considered acceptable and not to harm the amenity of the area and the proposal was considered to comply with Taunton Deane Local Plan Policies S1 and S2 and material considerations did not indicate otherwise.

91. **Conversion of Hunts Court, to a wine bar, restaurant and residential development of 3 flats and 4 maisonettes at Hunts Court, Corporation Street, Taunton (38/2006/233)**

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no further representations raising new issues by 11 August 2006; and
- (2) Subject to the applicants entering into a Section 106 Agreement by 13 August 2006 relating to the provision of off-site play and recreation facilities, 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) Details of the size, position and finish colour of any external venting shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
 - (d) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
 - (e) C331 – provision of cycle parking;
 - (f) Noise from any air extraction system should not exceed background noise levels by more than 3 dB (A) for a 2 minute Leq, at any time when measured at the façade of residential or other noise sensitive premises.

(Notes to applicant:- (1) Applicants attention is drawn to the listed building consent relating to the property 38/2006/224LB; (2) NO75 – Section 106 Agreement; (3) N118A – disabled access; (4) Applicant was recommended to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. The integrity of Wessex Water systems should also be protected and any arrangements for the protection of infrastructure crossing the site should be agreed prior to the commencement of works; (5) Applicant was advised that during the planning, design and operation of this establishment, you will need to have regard to the requirements of the Food Safety Act (Amendment) Regulations 2004, General Food Safety Regulations 2004, Regulation (EC) Nos 178/2002, 852/2004 and 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006. Failure to comply with the regulations is a criminal offence. Applicant was also advised of other Environmental Health recommendations; (6) Applicant was advised that all external ducting should be so designed that the flue discharges not less than 1m above the roof eaves level.)

Reason for planning permission, if granted;-

The scheme represented 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 in Planning Policy Guidance Note No 15 and material considerations did not indicate otherwise.

Also RESOLVED that should the Section 106 Agreement not be completed by 13 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.

92. **Erection of industrial unit park at Monument View, Summerfield Avenue, Chelston Business Park, Chelston, Wellington (46/2006/009)**

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse views from the County Highway Authority or Wessex Water;
- (2) The further views of the Environment Agency; and
- (3) The receipt of satisfactory cross section plans and the receipt of no additional representations raising new issues on these amended plans, 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) C102 – materials;
 - (c) C201A – landscaping;
 - (d) C207 – existing trees to be retained;
 - (e) C208A – protection of trees to be retained;
 - (f) C208B – protection of trees – service trenches;
 - (g) C209 – protection of hedges to be retained;
 - (h) C210 – no felling or lopping;
 - (i) C215 – walls and fences;
 - (j) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (k) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
 - (l) The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
 - (m) In the interest of sustainable development, none of the units hereby permitted shall be occupied until a network of cycleways and footpaths has been constructed within the development

- site in accordance with a scheme to be approved in writing by the Local Planning Authority. Each individual unit within the site shall demonstrate adequate visibility in accordance with DD32 - Places, Streets and Movements;
- (n) No work shall commence on the development site until a pedestrian footway measuring 1.8m is provided between the development site and the existing footway on Summerfield Avenue in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority;
 - (o) C708 – restricted use – no storage except where stated;
 - (p) Prior to the commencement of any development works the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise arising from the proposed industrial units will not cause nuisance to neighbouring premises. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works;
 - (q) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious basis and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
 - (r) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (s) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to, and approved in writing by, the Local Planning

- Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (t) C314 – visibility splays;
 - (u) The development hereby approved shall not be occupied until sufficient secure cycle parking has been provided on site in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
 - (v) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and fuel filling facilities shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which should be submitted to, and approved in writing by, the Local Planning Authority. Such drainage should be provided prior to the access first being brought into use; (6) Applicant was advised that Haywards Water currently floods out of bank in this area and the development must not contribute to the problems of flooding. It is suggested that a sustainable urban drainage scheme be used for the site to improve the flooding and water quality situation; (7) applicant was advised to investigate the use of best management practices for drainage on this site in order to reduce the rate of run off and to reduce pollution. These methods consist of controlling the sources of surface water and include:- (a) Infiltration techniques; (b) Detention/attenuation; (c) Porous paving/surfaces; and (d) Wet lands; (8) Applicant was advised to refer to the Environment Agencies leaflet on Sustainable Urban Drainage Systems; (9) Applicant was advised to ensure that any surface water discharges to watercourses should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on-site attenuation; (10) Applicant was advised that the design storm for any attenuation system should be for a 1 in 25 year return period storm; (11) Applicant was advised to approach the Environment Agency for consent to discharge and for their requirements regarding oil interceptors and headwall design; (12) Applicant was advised to provide details of proposed point of discharge to watercourse together with details of headwall; (13) Applicant was advised that the poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse.

Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDS) for dealing with urban run off. It is strongly recommended that some form of SUDS be used at this proposed development; (14) Applicant was advised that if there is regular tanker traffic to the site, the Environment Agency would recommend the use of a sluice which may be closed at the end of the ditch to allow a spill to be retained. All the buildings, roads and the surface water system itself must be located outside of the predicted flood plain of Haywards Water; (15) Applicant was advised that the future maintenance and management of the surface water drainage system should be arranged in advance with parties taking responsibility for that maintenance. Commuted sums may be required to be paid for such maintenance. In order to allow for maintenance, machine access to the ditch should be preserved; (16) Applicant was advised that under the terms of the water resources at 1991 and the land drainage bylaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Haywards Water, designated a "main river"; (17) Applicant was advised that any works that would affect the flow of water in any stream or watercourse on the site would require the prior consent of the Environment Agency. There is another existing ditch adjacent to unit C. Any culverting or restriction of flow would require the prior permission of the Environment Agency; (18) Applicant was advised to use this opportunity to improve access to, and the working strip along, the bankside. Efforts should also be made to improve the habitat of the river bank by producing a sensitive planting and landscaping scheme; (19) In the interests of pollution prevention, applicant was advised that appropriate measures should be taken at the construction stage to ensure that surface and ground water are not polluted. Practical guidance is outlined in the attached pollution prevention notes however the Environment Agency can advise further regarding this matter; (20) With regard to condition (n), applicant was advised of the need to enter into an agreement with the County Highway Authority.) (21) Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant's agent. (22) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways. (23) All foul drainage must be conveyed to the foul sewer, with the prior approval of the sewerage undertaker. The applicant should ascertain from Wessex Water whether the existing sewerage network can adequately accommodate the increase in foul sewage flows from this development. (24) The proposed surface water storm

drain must be assessed to establish the need for an interceptor, silt trap and screen. This will depend largely on the nature of industrial processes undertaken at the site. (25) According to Environment Agency records there is a landfill site within 250 metres of the proposed development. The landfill site. Agency ref WML 28, was issued to Wyvern Waste Services Ltd (originally operated by Somerset County Council). The licence permits the disposal of household waste; commercial and industrial; clinical waste and some difficult wastes. The licence has been modified to remove special waste and bonded asbestos from the list of waste types that can be deposited. The licence is still valid. The site is classified as being at high risk from the production of landfill gas. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and where appropriate, remediate against the possibility of gas migration affecting the development site. (26) If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. (27) During construction the following pollution prevention measures must be adopted, where applicable: (i) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (ii) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed. (iii) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

Reason for planning permission, if granted:-

The proposal was in an area allocated for employment use in the Taunton Deane Local Plan and was considered to comply with Local Plan Policies S1, S2 and EC1 in that the site had good transport links and, with the conditions imposed, neither residential nor visual amenity would be adversely affected.

93. Enforcement Action in relation to land at Knapp Lane, North Curry

Reported that in the past, action had 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 had been stationed for residential use together with associated activities.

Further reported that in June 2005 prosecution proceedings had been issued against the occupier at that time, Mr Brian Smith. The matter had been heard

in the Crown Court in April 2006 where Mr Smith was found guilty and he was given a two year conditional discharge and ordered to pay £500 costs. However during the course of the proceedings the Court was informed that the land had been sold to a third party.

Subsequent investigations had shown that the current owner was a Mr Paul Boyer of Exmouth, Devon. The new owner had been requested to clear the site in accordance with the enforcement notice by 31 July 2006. However, in view of the history of the site and the continued activity it was felt that the taking of formal action might be necessary. Noted that the two main options available to the Committee were to take direct action by clearing the site or, alternatively, to seek an injunction against the owner requiring the land to be cleared and steps taken to prevent future unauthorised use.

RESOLVED that if the site was not cleared by 31 July 2006, the Solicitor to the Council be authorised to seek an injunction against Mr 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.

94. **Roof height not in accordance with the approved plans at 34 Manor Road, Taunton**

Reported that planning permission had been granted in September 2005 for a single storey extension at 34 Manor Road, Taunton.

A complaint was subsequently received that following commencement of the building works, the roof height was not in accordance with the approved plan. A site visit had been made and the roof height was found to be approximately 150 mm higher than shown on the approved plan.

Noted that this slight discrepancy was due to a step on the original drawings being 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.

In the view of the Development Control Manager, the increase in roof height did not have a significant impact on the neighbouring properties and any amendment submitted would be granted permission.

RESOLVED that no further action be taken.

(The meeting ended at 6.15 pm.)

46/2006/006

SUMMERFIELD DEVELOPMENTS SW LTD

ERECTION OF 36 (30 NO. 2 BED AND 6 NO. 3 BED) AFFORDABLE HOMES, 36 PARKING SPACES AND ASSOCIATED ROAD WORKS AT LAND ADJACENT TO COB CASTLE AND CASTLE COTTAGES, HAM, CHELSTON AS AMENDED BY LETTERS DATED 14TH JULY, 2006 WITH ACCOMPANYING DRAWING NOS. 1085/1A AND 3A

315798/121465

OUTLINE

1.0 **RECOMMENDATION**

Subject to:-

- (i) the views of the Secretary of State under the Departure procedures;
- (ii) the receipt of a satisfactory Unilateral Undertaking under Section 106 of the Act; and
- (iii) receipt of a satisfactory Wildlife Survey

The Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a

healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

- 03 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 04 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 1991); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 05 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 06 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:1991. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 8 and detailed in figures 4 and 5 of B.S.5837:1991.
- 06 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.

- 07 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 07 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 08 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 08 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 10 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 10 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 11 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 11 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 12 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 12 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

- 13 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 13 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 14 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 14 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 15 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 16 Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.
- 16 Reason: To ensure that the proposed development is not prejudice by any noise from the nearby business park in accordance with Taunton Deane Local Plan Policy S1(E).

Notes to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.

- 04 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 05 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 06 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 07 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 08 In line with Government policy, the applicant is advised to contact Wessex Water to see if any of the on-site or off-site drainage systems can be adopted.
- 09 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours. All other times, including Public Holidays no noisy working.

REASON(S) FOR THE RECOMMENDATION:- Whilst not strictly in accordance with Taunton Deane Local Plan Policy H11, which requires that exception affordable housing schemes should be either within or adjoining the identified limits of villages and rural centres, the site is immediately adjacent to existing residential areas, accessible to regular bus services and close to a well established business park. In view of this and the urgent need for affordable housing in the area, the proposal is considered to be acceptable.

2.0 **APPLICANT**

Summerfield Developments (SW) Ltd.

3.0 **PROPOSAL**

The proposal provides for the erection of 36 affordable houses together with associated parking and road works. 30 of the properties will be two bed and 6 will be three bed. Proposed materials are to be render/brick and tiles. The proposed dwellings will all be terraced. The two bed properties would be 56.24 sq m and the three bed properties 70 sq m. Access will be from the existing development.

4.0 **THE SITE**

The site measures 0.58 ha and is located to the south-west of the Cob Castle development at Ham. The latter development was allowed as an affordable rural exceptions site in 1992.

The earlier Castle Cottages housing area lies to the south-west of the site. The site comprises a grassed area and is generally bounded by hedges and trees, although the boundary with Castle Cottages properties also includes a mix of fencing. An area of trees lies to the north-west of the site and the lane leading to Ham runs along the site to the north-east.

5.0 **RELEVANT PLANNING HISTORY**

46/1991/025 Development of land for social housing, Ham, Chelston. Application with drawn.

46/1992/006 Development of social housing consisting of 16 No. dwellings, land north-east of Castle Cottages, Ham, Chelston, Wellington. Full planning permission granted September 1992.

6.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10): September 2001

VIS1 - Expressing the Vision

Policy SS3 - The Sub-Regional Strategy

Policy SS7 - Meeting Local Needs

Policy SS19 - Rural Areas

Policy H03 - Affordable Housing

Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 200)

The following policies are relevant:-

POLICY STR1 Sustainable Development

Taunton Deane Local Plan (Adopted November 2004)

The following policies are relevant:-

Policy S1 General Requirements

Policy S2 Design

Policy S5 Villages

Policy S7

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and:

- (A) is for the purposes of agriculture or forestry;
- (B) accords with a specific development plan policy or proposal;
- (C) is necessary to meet a requirement of environmental or other legislation; or
- (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement.

New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable:

- (E) avoid breaking the skyline;
- (F) make maximum use of existing screening;
- (G) relate well to existing buildings; and
- (H) use colours and materials which harmonise with the landscape.

Policy H2

Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation

routes, to create locally distinctive developments well related to their surroundings;

- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

(Note: Policy included because of cross reference from Policy H11)

Policy H11

As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) there is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - (1) households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation;
 - (2) newly formed households living or including someone employed in the parish or adjoining parishes;
 - (3) households including dependants of the households living in the parish or adjoining parishes; or
 - (4) households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) the site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) the proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) the layout and design of the scheme conforms with policy H2.

Policy M4 Residential Parking Requirement

Policy C4

In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards:

- (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;
- (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones;
- (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations;
- (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and
- (E) developers will be required to arrange for maintenance of the recreational open space.

7.0 **RELEVANT CENTRAL GOVERNMENT ADVICE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 13 - Key Principles

Paragraph 16 - Social Cohesion and Inclusion

Paragraph 17 & 18 - Protection and Enhancement of the Environment

Paragraph 27 - Delivering Sustainable Development – General Approach

Paragraph 33 – 39 - Design

Planning Policy Guidance 3 – Housing (PPG3)

As part of the Government's objectives for Housing, the Guidance indicates at paragraph 2 that Local Planning Authorities should plan to meet the housing requirements of the whole community, including those in need of affordable housing.

Paragraphs 14 – 17 Delivering Affordable Housing

Paragraph 18 Local planning authorities should seek to meet the needs of local people for affordable housing in rural areas by making effective use of the affordable housing policy set out above. Rural affordable housing provision may, however, be augmented by an 'exception' policy. This enables local planning authorities to grant planning permission for land within or adjoining existing villages which would not normally be released for housing, in order to provide affordable housing to meet local needs in perpetuity. Local plans and UDPs should make clear whether such a policy exists and how it will be applied. Details of the rural exception policy are contained in Annex B to this guidance.

Paragraph 57 Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided.

Paragraph 58 Local planning authorities should therefore:-

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

Paragraph 71 The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy (see paragraph 18 and Annex B).

Annexe B

Paragraph 2 An exception policy enables the authority to grant planning permission for small sites, within and adjoining existing villages, which may be subject to policies of restraint, such as Green Belt, and which the local plan would not otherwise release for housing, in order to provide affordable housing to meet local needs in perpetuity. Local plan policies should make clear that such sites would be released as an exception to normal policies for general housing provision in rural areas. Policies should clearly set out the circumstances where sites may be released and criteria against which proposals will be considered, including:-

- what the local authority considers to be 'affordable' housing for the purpose of the policy; and
- the area within which needs will be considered 'local', for example, in terms of groups of villages or parishes or even a single parish. In some areas it may be possible to name particular settlements where there is evidence of need and where opportunities for affordable housing on exception sites will be explored.

General market housing, or mixed developments consisting of high-value housing used to cross subsidise affordable housing on the same site, are inappropriate on exception sites.

Draft Planning Policy Statement 3 : Housing (PPS3)

In this Consultative Draft the Government defines affordable housing as including social-rented and intermediate housing.

Paragraph 30 Local planning authorities should make sufficient land available either within or adjoining market towns or villages, for both affordable and market housing, in order to sustain rural communities. In determining the approach to planning for housing and affordable housing in rural communities, local planning authorities should have regard to the relevant subregional housing market and land availability assessments, the relevant Regional Spatial Strategy, Regional Housing Strategy and Local Housing Strategy.

Paragraph 31 The focus for significant development should be market towns or local service centres that are well served by public transport and other facilities. Development may be provided for in villages and other small rural communities where needed to contribute to their sustainability. The priority for development is developable brownfield land, but where this is either insufficient or not available developable greenfield may need to be used.

Paragraph 32 Local development documents should set out the approach to planning for affordable housing in rural communities that contributes to the creation of mixed and sustainable rural communities. This could include, for example, a lower site-size threshold or a higher proportion of affordable housing than that which applies for the rest of the plan area, or the allocation of small sites solely for affordable housing in larger villages or market towns (other than those provided for by the rural exception site policy – see paragraph 33).

Paragraph 33 In addition, all local planning authorities that have small rural communities⁷ should include a rural exception site policy in relevant development plan documents that applies to all these communities within their area. This policy enables local planning authorities to allocate or release small sites within and adjoining existing small rural communities, which may be subject to policies of restraint (such as Green Belt), and would not be released for market housing. Development plan documents should set out the criteria against which sites not allocated in the development plan will be considered. Rural exception sites should only be released for affordable housing in perpetuity. Local planning authorities should consider, in applying the rural exception policy, the need to meet the needs of the rural economy, and in particular the needs of households who are either current residents or have an existing family or employment connection, in order that rural communities remain sustainable, mixed, inclusive and cohesive.

Annex A
Paragraph 8 In addition, all local planning authorities that have small rural communities should include a rural exception site policy in relevant development plan documents that applies to all these communities within their area. This policy enables local planning authorities to allocate or release small sites within and adjoining existing small rural communities, which may be subject to policies of restraint (such as Green Belt), and would not be released

for market housing. Development plan documents should set out the criteria against which sites not allocated in the development plan will be considered. Rural exception sites should only be released for affordable housing in perpetuity. Local planning authorities should consider, in applying the rural exception policy, the need to meet the needs of the rural economy, and in particular the needs of households who are either current residents or have an existing family or employment connection, in order that rural communities remain sustainable, mixed, inclusive and cohesive.

Paragraph 12 Housing at prices or rents above those of social-rent but below market prices or rents. This can include shared equity products (for example HomeBuy) and intermediate rent (i.e. rents above social-rented level but below market rents). Intermediate housing differs from low cost market housing (which Government does not consider to be affordable housing – see definition of affordable housing above).

Planning Policy Statement 7 : Sustainable Development in Rural Areas (PPS7)

Paragraph 1 - Key Principles

Paragraphs 8 and 9 - Housing

Planning Policy Statement 13 : Transport (PPS13)

Paragraphs 12 – 71 - Housing

Paragraph 19 - Accessibility

8.0 CONSULTATIONS

County Highway Authority

“The proposed development site is outside of any development boundary limit, is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. Public transport services are frequent on the A38 County Route, however the stops are some distance from the site, and involve pedestrians negotiating this busy road. 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 RPGIO, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).

In detail the junction of Ham Road with the A38 is substandard in terms of visibility, it is close to several other points of access where the chance of conflict is increased and there is currently no right turn lane for traffic from the A38. The addition of a further 36 dwellings in this location is likely to necessitate the introduction of such a facility.

The footway links between the site and the A38 are poor and in the main un-surfaced. There are no crossing facilities on the A38, and as such pedestrians utilizing the bus service into Wellington or from Taunton will have to cross this busy and fast stretch of highway unaided.

On the A38 in the vicinity of the Ham Road junction, there are several Personal Injury Accidents, involving right turn vehicles, busses pulling into and out of the bus stops and vehicles emerging into the carriageway into the path of oncoming vehicles. Any increase in the number of movements on this junction, is likely to exacerbate this situation, and is unacceptable to the Highway Authority.

The Highway Authority is aware that there are exceptions allowed in the Local Plan, under Policy H11. This policy makes provision for small affordable housing schemes, which meet the local community's needs, to be permitted on sites where housing would not otherwise be permitted. These should, however, be within or adjoining the identified limits of villages and rural centres providing they meet the appropriate criteria.

In this instance, the Highway Authority has concerns with regard to sustainability, the increase in use of the Ham Road/A38 junction and pedestrian safety. As such the application receives a recommendation of refusal for the following reasons:

- The site is outside any recognized development boundary limits, where it is remote from adequate services and facilities. The development, if approved, will increase the reliance on the private motor vehicle and foster a growth in the need to travel, contrary to advice contained within PPG13, RPG10 and the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- The increase in the use made of the substandard junction of Ham Road with A38, such as would be generated by the proposed development would be prejudicial to road safety.
- The proposed development is likely to generate an increase in pedestrian traffic on the A38 County Route, with consequent additional hazards to all road users."

Suggestions for Section 106 obligations and conditions to make the development more acceptable, should it be approved contrary to recommendation, are awaited.

Wessex Water

"Foul Sewerage

There is insufficient capacity in the system to serve this site. An appraisal is required to identify the point of adequacy in the existing system and whether any off-site system reinforcements are needed.

Surface Water

Surface water is to discharge to the local land drainage system with the consent of the Land Drainage Authority (Taunton Deane Borough Council).

Possible Adoption of New Sewers

In line with Government Policy, the applicant is advised to contact Developer Services to see if any of the on-site or off-site drainage systems can be adopted under a Section 104 Agreement."

Landscape Officer

"The boundary hedgerows are the most important landscape features of the site and should be retained. I suggest laying the hedges before any development takes place and providing a fence line to provide long term security. Given the above plots 9, 21 and 33 are too close to the hedgerow and should be no closer than 3 m to the base of the hedge/hedge banks. Car parking spaces should be no closer than 1.5 m. The landscape proposals are indicative only but give limited opportunity for tree planting. The Ham Road aspect will need particular careful consideration."

Nature Conservation Officer

"My concern is that no wildlife survey has been submitted with the application. There is a likelihood of protected species (e.g. nesting birds, badgers, dormice and reptiles) using the site. I therefore advise that there is insufficient information to determine the application. I recommend that a wildlife survey is requested. The survey should identify the use of the site by protected species and mitigation proposals as necessary.

The site is bounded on the road side by a hedge of mixed native species including blackthorn, hawthorn, field maple with a thick bramble strip to the north west boundary. I believe that there is connectivity through tree and scrub planting to the open space between Ham Road and the tip site. With a suitable food source and connectivity with trees and other hedgerows it is possible that dormice inhabit the site.

There is a possible badger track and other possible signs, such as snuffle holes, in the north east corner of the site that runs underneath the fence.

Stony areas on site may have significance for reptiles. The hedgerow and brambles are good habitat for nesting birds.”

Environmental Health Officer

“Noise

Prior to the commencement of any development works, the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development.

The consultant shall submit a written report to the Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed, in writing, by the Planning Authority prior to the commencement of development works.

Noise Note

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:

Monday - Friday	0800 - 1800
Saturdays	0800 - 1300

All other times, including Public Holidays no noisy working”

Leisure Development Manager

“This development should provide 900 sq m of equipped play space in line with Policy C4.

The play area shown next to the development site was provided by Summerfield, the applicant, in 1992 when it developed social housing on the adjacent site. This play area is 300 sq m and is in very poor condition with no equipment.

The current application does not make sufficient provision for children’s play which should be on site.

In addition to on site childrens play the development should also provide a contribution of £859.00 per dwelling towards off site active recreational facilities.”

Housing Officer

“The Housing Officer supports this application. These low cost houses will contribute towards the demand for affordable home ownership homes. It is

necessary to ensure that the low cost discounted figures remains in perpetuity and that housing waiting list applicants are given the first nomination. This to be contained in the nominations agreement.”

Parish Council

“The Parish Council feel that the proposal is far too large a number of homes for the site. The Parish Council would support the existing plans for 20 homes. One parking space per property is not adequate. The number of homes on the proposal would lead to unacceptable change to the environmental structure of the area.

The Parish Council are concerned that there would be problems with noise and pollution on such a congested site.

The present visibility splay to Ham Lane is not adequate and this number of homes would generate a large number of vehicle movements from Ham Lane onto the A38 at Piccadilly where there are particular safety concerns for vehicles turning right. There are also concerns about vehicles turning right from the A38 into Ham Lane. There is a lack of dedicated footway adjacent to the carriageway in Ham Lane. The Parish Council also consider that it is very dangerous for children crossing the A38; necessary when using school transport. There has been an increase in traffic density since the outline permission was granted for this site. There is no additional open space/play area linked to this proposed development.”

Note from Development Control Manager:- there are no existing plans for 20 dwellings on the site. The originally submitted plans for the planning permission for the Cob Castle development did include an indicative layout for a further 20 dwellings, but this was outside the red line for the site and the amended plans subsequently deleted this.

9.0 **REPRESENTATIONS**

9 letters of objection have been submitted making the following points:-

1. If approved, Taunton Deane Borough Council will be guilty of comprehensively destroying this entire area along with the lives of the council tax paying members of the public who live here.
2. Plans are purely motivated by greed.
3. Cramming 36 houses together with an entirely inadequate 36 parking spaces into this tiny space will create nothing short of a shanty town in an otherwise pleasant rural location.
4. Proposed houses are of miniscule proportions affording no real quality of life to their occupants.

5. The driveway shown for the inevitable incoming vehicles, which will bring total chaos to an already chaotic area.
6. Occupants likely to have more than one vehicle, resulting in the area becoming clogged up.
7. Ham Lane is a single lane country road which is already being used as a rat run.
8. The A38 is an incredibly busy thoroughfare and sometimes joining it can involve an agonising and dangerous wait – additional vehicles will make this worse.
9. Plans are impractical, ill conceived, money motivated and inhumane and must be thwarted at all costs.
10. Realise that a small number of houses may be built on the land.
11. Lack of pavements for pedestrians to use, especially children.
12. Children here at the moment have a reasonably safe living area and play on the proposed building area. Question where they will go when site is built on.
13. The natural environment will be badly affected by having such a large development.
14. There have been a number of near-miss accidents nearby.
15. Should be restrictions placed on the use of the road through Ham, e.g. a one-way system.
16. There is a lack of facilities and services, especially for teenagers, and the police have had to deal with a number of occurrences involving teenage crime in the area.
17. Local teenagers are bored due to a lack of facilities – which can only worsen with additional housing.
18. The landscaping around the newly extended business park has offered nothing to the community of Ham – would have preferred it to be properly sealed from view with no access to or from the site.
19. Detrimental effect as the development will alter the balance in the rural community of Ham.
20. Additional noise and pollution will cause concern to local residents in an area that has been extensively developed in recent years with the expansion of the business park and the increased volume of private traffic to Poole tip.

21. The plans override a footpath that is in use at the far end of the garden.
22. It is important that Ham survives as a village and is not allowed to be suburbanised into one large housing site with a disproportionate number of houses.
23. The original planning approval was for 20 houses.
24. Could the proposed development just be a mirror image of Cob Castle providing shared ownership properties.
25. Properties very small. When would the wheelie bin, green recycling box and food waste bins be stored – it would be an eyesore if they were in the front gardens.
26. No provision is made for visitor parking, so visitors will be forced to park outside other houses and cause obstruction. This will have a significant effect on traffic volumes, emission and stationary cars will cause a hazard. This could also hamper access for refuse collection vehicles, but more importantly emergency vehicles.
27. The development, as planned, will mean that mature trees will be torn down, thus destroying wildlife habitat. The hedgerows are abundant with wildlife and it would be an utter shame if they were destroyed.
28. Proposed development will have a detrimental effect on the value of existing houses in Cob Castle.
29. Appreciate that affordable houses are urgently required and have no objection in principle to a development there.
30. The endless terracing is not in sympathy with the local cottage style of housing.
31. Would be better for Summerfield to build half the number of houses to an acceptable size and design with space between them and make them available on a 50% shared ownership through a Housing Association.
32. Each property should have a side access.
33. The present visibility splay to Ham Lane will need widening to take account of any development, as it has barely been adequate to meet the demands of current traffic, let alone the extra vehicles.
34. Cars will inevitably be parked outside the proposed properties 1 -4, resulting in a dangerous situation with the close proximity of the Cob Castle/Ham lane junction. Those houses should face the opposite way, with the back gardens screened by the present maturing trees

and hedgerow, that are a valuable visual amenity at the entrance to Cob Castle, and will screen the new development.

35. Due consideration should be given to the provision of an additional access to the site further up Ham Lane.
36. Hope and trust that normal planning regulations will prevail and not be cast aside on the face of the current Central Government dictate for affordable houses at any price.
37. Is this site the current one for 'budget houses' – there are no local shops except the Spar outlet at Piccadilly Garage, there is no local school, the lane would require widening to allow safe and more heavily used two way traffic and further input into the relatively narrow diameter sewer pipe down the lane is likely to create problems.
38. Part of the land in question was originally a play area, which, due to anti-social behaviour by non-residents, had to be dismantled.
39. Given the nature of the use of the nearby retail distribution warehouse, there is the potential for noise impacts on residential properties. Buildings should therefore be constructed in a manner which ensures that residents will not be subject to noise levels above the accepted range for such uses in such locations, via appropriate conditions. Would be very concerned if a new housing development was constructed and the occupiers of the properties felt that the neighbouring established use, which creates significant local employment, was too noisy. This would potentially impact on ability to operate and also on the potential expansion of the operation in the future.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Is the proposal in line with the Development Plan and National Planning Policy Guidance? POLICY
- B. Is there a proven local need for the proposed development? NEED
- C. Are the arrangements that are proposed to ensure that the proposed dwellings remain affordable appropriate? AFFORDABILITY
- D. Is the highway network linked to the site and the proposed access arrangements acceptable? ACCESS AND HIGHWAYS
- E. Is the design and layout of the proposed development appropriate? DESIGN
- F. Is the impact on the residential amenity of adjacent properties acceptable? RESIDENTIAL AMENITY

- G. Is proper provision made for wildlife in the area? WILDLIFE
- H. Will the proposal be adequately screened? LANDSCAPING
- I. Is the proposal sustainable? SUSTAINABILITY
- J. OTHER ISSUES

A. Policy

Residential development such as that proposed needs to be assessed against the policies set out in the Development Plan, the Regional Planning Guidance, County Structure Plan and the Taunton Deane Local Plan, together with Central Government Planning Policy advice. The site is not within a recognised settlement and therefore for the purposes of planning policy is located within the open countryside. Policy S7 of the Taunton Deane Local Plan states that outside defined settlement limits, new buildings will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and also meets certain criteria. One of these criteria is that any proposals should accord with a specific development plan policy or proposal. Affordable housing schemes may be considered appropriate in the countryside in certain circumstances. This exception to the normal strict control of new residential development in the open countryside is set out in Policy H11 of the Taunton Deane Local Plan relating to rural needs housing. This policy states that small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing should not otherwise be permitted, either within or adjoining the identified limits of village and rural centres, again provided that certain criteria are met. Such proposals will only be acceptable where there is a proven local need and environmental and other standards are met.

The assessment of the proposal against the various criteria is considered in the following sections. The policy indicates that to be acceptable an exception site should normally be located either within or adjoining the identified limits of village and rural centres. Ham and Chelston are not recognised settlements. The nearest recognised settlements are Wellington, Bradford on Tone and West Buckland. However, the site is adjacent to the Castle Cottages and Cob Castle housing areas, the latter of which was granted under the rural exceptions policy in the early 1990s. The site is also close to the well established Chelston Business Park with its various employment opportunities and there is a convenience store outlet at the nearby petrol filling station on the A38. The site is owned by a developer who is keen to provide this form of housing at an early date. Road access is readily available from the existing development. I consider that this proposal provides a real opportunity of providing a number of affordable housing units on a relatively accessible site in the near future.

In terms of the criteria in Policy H11 my conclusions are as follows:-

While the number of housing units is greater than normally provided under this exceptions policy, I consider the proposed scheme to be small in the context of the adjoining development and the scale of housing need.

Criterion A. The Housing Officer confirms that there is a local need for affordable housing.

Criterion B. I consider this site to be the best available in the short term to meet a pressing need. I do not consider that the proposal will significantly harm the character and landscape setting of the area.

Criterion C. Arrangements will be in place through the Section 106 Planning Obligation to secure the availability of the dwellings in perpetuity for those in housing need.

Criterion D. The proposal does not incorporate high value housing.

Criterion E. Despite the objection from the County Highway Authority I consider that the site is reasonably located in relation to local facilities, employment and regular bus services to Wellington and Taunton (Criteria (A) – (C)). I regard the layout of the proposed development to satisfy the requirements of Criteria (D) – (H).

The following section notes the urgent need for additional affordable housing. I consider that taking this into account together with the above considerations, the principle of affordable housing on this site is acceptable.

B. Need

Policy H11 of the Taunton Deane Local Plan requires that for an exception site to be acceptable, there should be a local need for affordable housing. Affordable housing is defined in the Local Plan as housing that is provided with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The need for affordable housing is a planning consideration and Government policy encourages Local Planning Authorities to increase the supply of affordable housing through appropriate planning policies. The Borough Council is strongly committed to the provision of affordable housing as part of its corporate aims. One of the principal objectives of the Corporate Strategy 2006 – 2009 is to enable the building of 985 units of affordable housing between April 2006 and March 2011. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning role. Government policy requires that affordable housing should include both low cost market and subsidised housing.

The Couttie Report, commissioned by the Borough Council and published in 2002, indicated a substantial need for affordable housing in the Borough. It concluded that this would not be met by the expected operation of the housing

market and the likely investment programmes of the social housing providers including the Local Housing Authority. Accordingly it provided a justification for the inclusion of appropriate policies and proposals in the Local Plan. The report concluded that there was a need for an additional 131 units per year to be found from both the current housing strategy and sites coming through the planning process.

In 2004 the five Somerset districts decided to use a common method to inform all the councils of their Housing Needs. The Draft Report, prepared by Ark consultancy was published in October 2005. The Council has agreed to use the Report to inform the Planning Service of the need for social and affordable housing. The Report concludes that the need for affordable housing is now in excess of 550 units per annum. It recommends that there is ample justification for a 50% target in urban areas and 2/3rds in rural areas, split equally between social rent and intermediate market. It sees no reason why the Local Development Framework should not allocate sites for affordable housing only in suitable rural settlements, in line with current Central Government Guidance. The provision of affordable units in recent years has fallen significantly below the Couttie figure, with an average of 77 units per annum over the last 4 years. The need is therefore acute.

The Housing Officer confirms that there is a demand for affordable home ownership houses in the area.

C. Affordability

The application has been submitted specifically for affordable houses. Because the site is beyond the limits of any recognised settlement, it is necessary to ensure that the proposed dwellings remain as affordable houses in perpetuity. The applicants have submitted a Unilateral Planning Obligation under Section 106 of the Town and Country Planning Act 1990. This requires that all the dwellings to be built pursuant to the planning permission shall be affordable dwellings. The owner of the dwellings shall not sell the freehold or let other than to an Initial Qualifying Person unless otherwise agreed in writing with the Council. An Initial Qualifying Person is defined as a person who is considered in the reasonable opinion of the Council to be in 'housing need' and who has a 'strong local connection' with the 'primary locality'. Further definitions of the above are included in the Obligation. The first sale of the 2 bedroom dwellings shall not exceed £75,000, plus the cost of any other Section 106 requirements and off-site works and the 3 bedroom dwellings not to exceed £99,000. The second or subsequent sale is to be no more than the 'average earnings figure' multiplied by 3¼ for the two bedroom dwellings and 4½ for the three bedroom dwellings.

Alternatively for rented properties, the rent shall be an amount which does not exceed the relative indicative target rent levels updated annually by the Housing Corporation.

There is also provision that where there is no 'initial qualifying person' agreeing terms to purchase or taking a tenancy or lease, a dwelling may be

offered to a 'secondary qualifying person', defined as a person who is considered to be in housing need and who has a strong local connection with the secondary locality (defined as within the District).

It is considered that these management and nomination arrangements will ensure that, as far as is practicable, the proposed dwellings will remain affordable in the future.

D. Access and Highway

The proposed development is to be accessed from the existing Cob Castle housing estate, which in turn is served by the lane leading from the A38 to Ham.

As well as objecting on transport sustainability grounds, the County Highway Authority is also objecting to the application on grounds of the substandard junction of the Ham road with the A38 and the increase in pedestrian traffic on the A38.

Notwithstanding the above comments and the recommendation of refusal by the Highway Authority, the Authority is suggesting Section 106 Obligations and conditions that may be imposed to make the development more acceptable, in the event of the application being approved contrary to their recommendation.

The applicants have costed out these requirements, but has indicated that the scheme would only be viable if the cost of these requirements were included in the price of the dwellings. This would have the effect of increasing the price above the £75,000/£99,000 threshold.

In my view, to load these costs on the purchase/rental price of the properties would take them beyond the level of affordability. I therefore conclude that if the need to satisfy the demand for affordable housing is of paramount importance, it would defeat the object if the cost of highways requirements result in the scheme no longer providing affordable housing.

E. Design

The proposal provides for the dwellings in the form of terraces at a relatively high density for a rural area such as this. However, in order that the scheme can provide the necessary affordability of the dwellings, this is considered to be acceptable in this particular instance. The site is adjacent to existing housing areas which have a mixture of semi-detached properties and terraces.

The elevation treatment is in the form of cottage style dwellings with small windows and simple porches and canopies. The proposed materials are considered to be acceptable for this location.

F. Residential Amenity

The proposed development is adjacent to the existing Cob Castle and Castle Cottages developments. The closest point to any of the Cob Castle properties is 18 m, at an angle across the road leading into Cob Castle. Although the depth of the rear gardens to some of the proposed dwellings backing on to the Castle Cottages properties is only 7 m, the existing properties at Castle Cottages do have very generous sized rear gardens (at least 18 m). A condition is recommended for boundary treatment and I consider that it is appropriate to provide for new close boarded fencing along the boundary with Castle Cottages. Subject to this, I consider that the residential amenity of the occupiers of the existing dwellings will not be adversely affected.

G. Wildlife

The Nature Conservation Officer considers that there is a likelihood of protected species, e.g. birds, badgers, dormice and reptiles, using the site. A wildlife survey and report has been requested addressing this issue. The favourable recommendation in this Report is made subject to the receipt of a satisfactory wildlife report.

H. Landscaping

There is a well established hedge boundary to the Ham road. This will be retained, ensuring that the rural character of the lane at this point is not significantly affected. There is a substantial group of trees beyond the site to the north. The amended plans address the concerns initially raised by the Landscape Officer.

J. Sustainability

Although the site is not within or adjacent to an existing settlement, it is within a short distance of the A38 along which a 20 minute daytime interval bus service links Taunton and Wellington. This service also operates at a reduced frequency in the evenings and on Sundays. The existing employment areas at Chelston Business Park are within easy walking distance. The employment area at Chelston Manor and the proposed employment site at Chelston House Farm are also relatively close.

A wildlife survey and report is to be submitted.

J. Other Issues

At the request of the Environmental Health Officer a condition is recommended requiring the submission of an acoustics report to identify measures (if needed) to ensure that noise from the nearby employment areas will not cause nuisance to the occupiers of the proposed dwellings.

The Leisure Development Manager is requesting the provision of an equipped childrens play area on the site. A childrens play area was provided for the

adjacent Cob Castle development, but prior to being adopted by the Borough Council, the equipment was removed due to repeated instances of vandalism. In view of the history and the need to ensure that the proposed dwellings are provided at an affordable price, I consider that it is more appropriate to retain the previous play area, which is immediately adjacent to the current site, as an open ground area. I also consider that any contribution towards off-site recreational facilities would be inappropriate in view of the need to keep the proposed dwellings affordable.

One parking space per dwelling is within the current parking requirement for new residential developments.

11.0 **CONCLUSION**

Although the application site is not within or adjacent to an existing settlement, it is adjacent to existing housing areas, which in turn are immediately adjacent to the Chelston Business Park. It is close to the A38, along which there is a frequent bus service and there is a local convenience store at the petrol filling station on the A38. In view of these factors I consider that it is an appropriate site for the provision of affordable housing, as a rural exception site. The submitted Unilateral Undertaking ensures that the proposed dwellings will remain affordable and meet local housing needs in perpetuity. I regard the need for affordable housing to be acute.

In order to ensure that the proposed dwellings are affordable in the first instance, I consider that the requested leisure contributions and highway improvements should not be acceded to.

The land is in the hands of the applicant and has the capability of providing low cost affordable housing in this location at an early date.

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: Mr J Hamer Tel: 356461

PLANNING COMMITTEE – 16TH AUGUST, 2006

Report of the Development Control Manager

ENFORCEMENT ITEM

- Parish:** West Monkton
1. **File/Complaint Number** E188/48/2006
 2. **Location of Site** Former Poultry House, A38 Bathpool.
 3. **Names of Owners** Mrs L Wright
 4. **Names of Occupiers** Ashwood Timber Products and Activity Toys
 5. **Nature of Contravention**

Retail sales and display of sheds and play equipment

6. **Planning History**

An area of land in front of the former Poultry House in Bathpool has been excavated and an area of hard standing was being laid. Also fence posts were erected around the perimeter of the site. The owner was contacted and informed that the development constituted a change of use and therefore a planning application should be submitted. The owner stated that the business was relocating from Taunton Trading Estate, as that had been scheduled for redevelopment. A letter was sent on 19th June, 2006 to the owner requesting an application be submitted. Visits were made to the site and it was noticed that the works were continuing and timber sheds and play frames were being erected. Banner signs were displayed on the now erected boundary fence and the site open to the public. A further letter was sent on 11th July, 2006 requesting an application but nothing has been received. This letter prompted the owner to contact us stating that the initial letter was not received and that an application would be submitted without day. To date no application has been submitted and the site continues to be used. Further complaints have been received regarding the unauthorised banner signs and advertising material, which also requires advertisement consent.

7. **Reasons for taking Action**

The development in this semi rural location outside any recognised retail area is contrary to normal retail policy therefore contrary to Policies EC1 and EC10 of the Taunton Deane Local Plan. The access to and from the site involves vehicles using the A38. Near to the site entrance is a right hand turning lane leading to Monkton Heathfield. Vehicles using the site are in conflict with other road users within that lane creating a very dangerous situation. Also the degree of advertising displayed on the site is a distraction to road users approaching a junction onto the Principal Road A38.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action, subject to satisfactory evidence being obtained in the event that the notice is not complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

08/2006/011

VICKI MOORE

CONVERSION OF GARAGE TO PLAYROOM AND ERECTION OF CONSERVATORY TO REAR OF 50 STANDFAST PLACE, NERROLS FARM, TAUNTON

324059/126686

FULL

PROPOSAL

The site consists of a two storey end of terrace dwelling with a garage attached to the side. The property is for conversion of the garage to ancillary accommodation and erection of a conservatory to the rear of the garage. The conservatory will run along the side of the existing dwelling and have a maximum height of 3 m. The conversion of the garage involves replacing the garage door with a window on the front elevation.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommend refusal on the grounds that the proposal would result in the loss of vehicle parking facilities and would thereafter encourage parking on the highway with consequent risk of additional hazards to all users of the road.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H17 – supports extensions to dwelling provided they do not harm; the residential amenities of surrounding properties or the site, the form and character of the dwelling are subservient to it in scale and design, M4 – the residential parking requirements are a maximum of 1.5 spaces per dwelling.

ASSESSMENT

The proposed conversion and conservatory would not result in any adverse impact upon the amenities of surrounding residential properties. Both the design of the conservatory and the alterations to the front elevation of the garage are in keeping with the design of the house.

The main concern in respect of this application is the loss of parking facilities and the resulting impact on highway safety. The highways officer has reported that the paved parking area to the front of the dwelling forms part of the area to be adopted by highways and cannot therefore be a designated parking space for the dwelling. One parking space can be provided in front of the existing garage, which will not be adopted by highways. There are several criteria which need to be considered in respect to this. Firstly, the road is a no through road and there is no passing traffic. Secondly, it is expected that residents/visitors will park on the paved areas in front of

the dwellings and general parking for the area serve the group of dwellings within the cul-de-sac. This being the case it is unreasonable to insist upon two off-road parking spaces in this instance. Thirdly, many of the garages within this group of dwellings are not attached to the relevant dwelling and are in a block layout. Therefore approval of this application would not set an undesirable precedent of similar proposals within this particular locality.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and H18.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

10/2006/017

MR G KENNIS

REPLACEMENT STABLES AND GARAGES WITH ANCILLARY ACCOMMODATION ON FIRST FLOOR AT HUNTERS LODGE BARN, CHURCHINFORD

321248/114317

FULL

PROPOSAL

The proposal comprises the replacement of a single-storey stable, garage, and stone building, with a two-storey building which also incorporates stable, garaging, storage, and a carport. The building would be clad in timber, would be of similar ground area to the existing building, and the ridge height would be 6.3 m in comparison to the existing 3.5 m. 2 No. dormer windows are also proposed.

The proposed building would be within the curtilage of a converted barn to dwelling, which was a granted permission in November 2003 reference 10/2003/038.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL whilst it does not have any objections per se, it does have concerns about the future use of the proposed building. The construction of a storage facility with large, south facing windows seems a little unusual. My Council does not, therefore, have any objections to the proposals but would like to see the introduction of a condition limiting the use to 'storage only' until such time as more detailed plans are submitted for 'ancillary accommodation'.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, the character and appearance of landscapes. H18 relates to ancillary accommodation which should be subservient to the main dwelling. Policy EN10 seeks to resist developments which would adversely affect the landscape, character and appearance of Areas of Outstanding Natural Beauty.

ASSESSMENT

Whilst the existing building is unobtrusive in terms of its bulk and ground to ridge height, the proposed addition of another floor to the building, together with addition of dormer windows, would result in a building of far greater bulk and size, and with a far greater impact on the surrounding landscape, and on the setting of the main dwelling. The proposal is consequently considered unacceptable having regard to its adverse effect on visual amenity and the Area of Outstanding Natural Beauty.

RECOMMENDATION

Permission be REFUSED because of its adverse impact on visual amenity and on the Area of Outstanding Natural Beauty, and on the setting of the main building.

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:

19/2006/020

MR M GRAINGER

DEMOLITION OF GARAGE AND ERECTION OF NEW DWELLING WITH ATTACHED GARAGE, LAND ADJACENT TO IVY COTTAGE, HATCH BEAUCHAMP

330592/120053

FULL

PROPOSAL

The proposal comprises the erection of a 3 bedroomed detached dwellinghouse with attached garage on land currently within the curtilage of Ivy Cottage. The dwelling would replace an existing detached garage building, and an existing vehicular access would be utilised. Ivy Cottage is also served by another existing access with on-site parking facilities and this would be utilised by the occupiers of Ivy Cottage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY no comments as outside scope of Appendix 2. WESSEX WATER although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

DRAINAGE OFFICER there has been localised flooding in the area in the past. The applicant advises that there was a blockage on the culvert that passes through Ivy Cottage's grounds and that this has now been removed and there has been no flooding since. It would however seem sensible to get floor levels for this new property set at a level above previous flooding levels. Also no works should be carried out to the open section of watercourse on the southern boundary of this proposal without consent from Taunton Deane Borough Council and the Environment Agency.

PARISH COUNCIL objects to the development for the following reasons:- (1) this area is already prone to flooding making the road impassable for lengthy periods and this development will exacerbate the problem. TDBC be asked to have examined the flooding problem in the area in light of the fact that the proposed building will be built over one of the overflows, and consider whether there is a legal requirement for a report to be prepared before considering the application. The attention of TDBC be also drawn to reports that there is periodic flooding from the sewage works. (2) concerns have been raised that ownership of the proposed access point to the

highway is not within the ownership or control of the applicant, and the creation of a new access point in this location would be hazardous and should be resisted on road safety grounds (3) the development would result in a loss of amenity for Ivy Cottage by the loss of garage facilities (which if replaced would result in further building in this rural area) and requires anew access onto the road in a position where access points should be resisted on road safety grounds. (4) the adjoining road is already congested with parked vehicles and the addition of a further dwelling will cause farther problems and be detrimental to road safety. The addition of one and possibly two new access points in this short stretch of narrow road is of concern on road safety grounds. (5) the design of the proposed dwelling is inappropriate to the rural locality.

2 LETTERS OF OBJECTION have been received raising the following issues:- the problem of flooding will be exacerbated; road safety problems would be exacerbated; permission has not been granted for a new access at Ivy Cottage; the development is driven by financial greed; loss of view and light would result; the site is in a flood plain, and flood risk assessment should have been submitted; the building would be close to mature trees and directly in the fall line of those trees; and overlooking will result.

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 development inside settlement limits provided, inter alia, residential and visual amenity is safeguarded. Policy EN8 seeks to resist development that would harm the character, landscape or wildlife value of important tree groups (such a group is sited on the rear boundary of the application site).

ASSESSMENT

It is considered that the proposal is acceptable for the following reasons:- the site is within the settlement limit of Hatch Beauchamp; no adverse overlooking of or loss of light to neighbouring properties would result; the dwelling would be directly opposite an estate of modern properties, and a modern dwelling would not therefore be visually out of character; the proposal could represent a visual improvement having regard to the replacement of a flat roofed garage; the vehicular access is existing and a new garage and on-site parking would be available. Accordingly, it would be unreasonable to resist on road safety grounds; the important group of trees to the rear would not be affected by the proposal; and the proposal does not lie in a flood plain.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, drainage details, landscaping, recessed fenestration, removal of PD rights, boundary treatment, and obscure glazing.

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

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:

20/2006/017

MILLFIELD NURSERIES LIMITED

REMOVAL OF CONDITIONS 05 AND 06 OF PLANNING APPROVAL 20/2000/025 TO PERMIT THE USE OF THE BUILDING FOR WARDEN ACCOMMODATION, RECEPTION, OFFICE AND STORAGE IN CONNECTION WITH HOLIDAY CABIN DEVELOPMENT AT SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY (REVISION 20/2006/010) AS AMPLIFIED BY APPLICANTS E-MAIL AND DRAWINGS RECEIVED 2ND AUGUST, 2006.

322202/129032

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

The proposal relates to the removal of Conditions 05 and 06 of planning approval 20/2000/025, dated 13th November 2000, to this existing office building known as Swallows Barn. The latter conditions are as follows:- 05. The premises hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the site as Millfield Nurseries. Reason: It is in a rural area where a separate use may cause highway and other conflicts with existing Structure and Local Plan Policies. 06. The office, storage and staff accommodation hereby permitted shall be used for agricultural and ancillary purposes only. Reason: It is in a rural area where a separate use may cause highway and other conflicts with existing Structure and Local Plan Policies.

Additionally the existing building is proposed to be used in connection with the adjacent holiday cabin development as a reception, office and storage accommodation. Also proposed within the building is warden accommodation.

This proposal follows the recently refused application 20/2006/010 dated 15th June, 2006, to remove the above conditions to allow the building to be used as an independent office building for the following reason:- Removal of the conditions would give rise to traffic movements independent of uses on the land edged blue on the submitted location plan that would be likely to cause additional traffic movements attracted to the site to the detriment of highway safety. As such the proposal is contrary to Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

The applicants has submitted floor plans of the office building showing which floor and areas are to be used for the wardens accommodation. Also submitted is a statement requesting that the accommodation be tied to the cabin development and reasons why the use of the existing dwelling is unsuitable for warden accommodation.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY comments awaited.

PARISH COUNCIL object. Having received full permission for 18 log cabins for “tourism/education purposes” with strict occupation conditions, it would be most inappropriate to grant permission for any form of permanent residential accommodation on this site which is outside the village settlement limit. Millfield House was granted on appeal for the nursery Manager. In his report the inspector refers to security of the site as an important consideration in his decision. Since this dwelling is subject to an agricultural tie and occupied by the applicant, the PC believe that the need for a warden in permanent occupation at Swallows Barn is not necessary.

8 LETTERS OF OBJECTION have been received raising the following issues:- if the conditions are removed what is to stop the wardens accommodation being sold on the open market; this is one more unwelcome step in the overdevelopment of this part of the village; the owner has not set out his intensions with the previous application, this proposal is for residential not a holiday village; why was this application put forward at the time of the previous applications; how can the ties be removed when the office is still being used in connection with Four Winds transport and would appear to be operating a chicken farm; conditions 5 and 6 are just as valid now as they were when placed; the site is no longer a holiday cabin development but a site for holiday homes being advertised for £250,000 and being told they can be occupied for 11 months of the year, so what role will a warden possibly have; object in principle.

4 LETTERS OF SUPPORT have been received on the following grounds:- the status quo should be maintained; I cannot understand the problems the applicant is having in trying to find an alternative use for an existing building; the present use of the building will expire when the cabins are occupied; the proposed uses appear to be appropriate for the building.

POLICY CONTEXT

Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset & Exmoor National Park Joint Structure Plan Review.

Policies S1 (General Requirements) and S7 (Development Outside Settlement Limits) of the Taunton Deane Local Plan.

ASSESSMENT

The refusal of the previous application 20/2006/010 to remove these conditions was based on the fact that independent use of the building would generate significant further traffic movements attracted to the site above those of the cabin development. This proposal utilises the building in connection with the cabin development and therefore traffic movements will not be significantly increased as a result. The previous refusal reason would appear therefore to be overcome.

This proposal however raises new concerns, mainly with regard to the wardens accommodation that is affectively residential accommodation outside of any

settlement boundary. The applicant is happy for the wardens accommodation to be tied to the cabin development, however currently only one of the cabins has been partially constructed. There is therefore no current need for a warden. Any proposal for residential accommodation outside of the settlement boundary needs to be appropriately justified in a similar fashion to the functional test approach for agricultural workers dwellings. In other words there needs to be a proven need for someone to reside on the site 24 hours a day. The applicant has submitted no such justification. Furthermore the duties of a warden such as booking in holiday makers, handing over keys, taking them to the cabin, maintaining communal areas etc would not appear to justify a person to permanently reside on the site. Tying the wardens accommodation to the site would not overcome this lack of justification and therefore appears an inappropriate course of action.

The other proposed uses, i.e. reception, office, laundry facilities and storage in connection with the holiday cabin development would appear to be an appropriate re-use of the building.

The applicants make the point that the currently agriculturally tied dwelling is in different ownership to the cabin development site (albeit a relative) and could be sold at any point. It would therefore appear unreasonable to insist that wardens accommodation be provided within the existing dwelling.

RECOMMENDATION

Permission be REFUSED for the following reasons (1) The site is located outside the limits of a settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicle and would compromise sustainable development, which is contrary to advice contained within PPG 13 and RPG 10 and to the provisions of the Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and contrary to Taunton Deane Local Plan Policy S1(A); and (2) The site is located outside the limits of a settlement within the 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 need or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S7.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

25/2006/012

ST MODWEN DEVELOPMENTS LTD

DEMOLITION OF BUILDINGS, EARTHWORKS, HIGHWAY CONSTRUCTION, SURFACE WATER AND FOUL DRAINAGE, NEW SERVICES TO SERVE RESIDENTIAL AND COMMERCIAL DEVELOPMENT AREAS SUBJECT TO FURTHER RESERVE MATTERS APPLICATIONS (PHASE 1) AT TAUNTON TRADING ESTATE, NORTON FITZWARREN

320350/126000

RESERVED MATTERS

PROPOSAL

Outline planning permission has been granted for employment and residential development on the Trading Estate. The current application is a reserve matters application for the first phase of the infrastructure works to serve the comprehensive redevelopment scheme for the whole site. Phase 1 of the scheme covers an approximate area of 12.3 ha and covers the following works:- (i) demolition and clearance of existing buildings and structures within the area of the first phase; (ii) earthworks and ground clearance/remodelling, to form new, general levels, together with creation of flood compensation and balancing facilities; (iii) construction of the first section of the relief road, comprising the link from Silk Mills Lane with the bridge over the Back Stream to the internal site roundabout, with two short arms to the north and south west, with internal estate roads off the south western arm; (iv) construction of the bridge over the Back Stream as part of the relief road; and (v) the provision of foul and surface water drainage facilities and other services. The submitted plans have developed in line with strategy reports (covering highways, drainage, flood risk, contamination, noise, etc) submitted pursuant to conditions on the outline permission, together with the Master Plan, Phasing Plan and Design Brief previously submitted.

CONSULTATIONS AND REPRESENTATIONS

NETWORK RAIL no objection in principal. Sets out comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land re fencing, roads, drainage, safety, ground levels, support to adjoining land, no buildings to be closer than 2 m from boundary, noise/vibration/dust from operation of the railway, external lighting and landscaping. RIGHTS OF WAY TEAM no observations to make. ENVIRONMENT AGENCY no objection subject to conditions re fuel storage, storage of any hazardous substances, works affecting the watercourse channel to be undertaken during the summer/autumn period and river corridor survey to be undertaken to establish the presence or otherwise of protected species. Comments with regard to flood defence related issues, location of play area, future maintenance of balancing ponds, question realignment of Back Stream in relation to proposed bridge, welcomes removal of short length of stream culvert near railway but is disappointed that a further length of culvert upstream of the railway crossing is to remain, concern at use of gabions as bank reinforcement and suggested pollution prevention measures. COUNTY ARCHAEOLOGIST limited or

no archaeological implications and therefore no objections. SOMERSET ENVIRONMENTAL RECORDS CENTRE one or more legally protected species found at the application site. One County Wildlife Site, one County Geological Site and one or more legally protected species found within 1 km of site. ENGLISH NATURE there are no statutory sites in the immediate vicinity. English Nature does not have any records of any protected species at this location. WESSEX WATER no comments to make.

LANDSCAPE OFFICER there is no landscape buffer proposed along the northern side of the railway track, as required in the Development Guide. This is essential to reduce the impact of the development from passing trains and vice versa and also from views into the site from the south of the railway track. The structure planting is thin and requiring further planting from the developments to either side of the main spine road. Happy to accept as it is, but only if future developers are made aware that they would have to provide additional buffer planting. PLANNING POLICY the details appear to conform to the relevant elements of the TDLP policies, which set down the planning framework for the redevelopment of the Trading estate. More detailed requirements to secure the delivery of those policies are contained in the conditions and Section 106 Agreement relating to the outline planning permission for the site. These require the submission and approval of a Transport Strategy, Master Plan, Phasing Scheme and Design Brief prior to the submission of the first reserve matters application. ECONOMIC DEVELOPMENT MANAGER no observations to make. LEISURE DEVELOPMENT MANAGER any area of open space which will include flood compensation or attenuation ponds will need a full management plan taking account of not only maintenance issues but also the management issues around the public use of the land including public safety issues. If it is to be adopted by the Council a 20 years commuted sum for all management and maintenance costs will be required. The area left for the NEAP looks to be only just sufficient and there must be at least 1000 square metres of usable space for equipment for play and active recreation. Again a commuted sum will be required for maintenance and management. The area of land shown for the NEAP, or young peoples activity area, is separated from the Back Stream Open Space by a steep slope which I assume is not pre existing. Again this will require careful thought as it may become a hazard. The relationship of the NEAP to the Back Stream Open Space and to the adjacent flood attenuation area must be carefully planned with all users in mind but especially young people.

PARISH COUNCIL it is essential that no surface water drainage pipes are directed to the B3227, but that the drainage water be taken in the opposite direction towards Halse Water. The drainage pipes along the B3227 are already over capacity and the Parish Council have for many years been trying to get something done about this problem. Question what flood alleviation schemes there will be for this site. Pleased to note that native species of trees will be planted and question whether these will be protected by Tree Preservation Orders (TPOs) or replaced if they die.

TWO LETTERS OF OBJECTION have been received raising the following issues:- object to houses; want employment provision; question how houses will remain low cost; all houses should be low cost; shortage of services; adjacent stream turns into a raging torrent at certain times, which is destructive and very frightening – additional

housing may increase this; open space provision could be a magnet for drink and drug abuse;

POLICY CONTEXT

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S3 of the same plan states that proposals incorporating a mix of uses will be permitted provided that certain criteria are met. Policies T4 – T7 set out the policy requirements for the major site allocation at Norton Fitzwarren.

ASSESSMENT

None of the surface water flows from the new development will drain to the B3227. The proposed trees provided as part of the landscaping will be protected initially by planning condition for the first five years. There is a strong possibility that the areas where trees are to be planted will be adopted and therefore no TPO would be imposed. If not, the Landscape Officer would look to imposing a TPO on them at the end of the 5 year planning condition. The points raised by the Environment Agency have been included as advisory notes. The Transport Strategy, Master Plan, Phasing Scheme and Design Brief have been submitted for consideration. The proposed development will enable the release of land to provide residential and employment development on this brownfield land.

RECOMMENDATION

Subject to the views of the County Highway Authority, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and the details be APPROVED. Notes re reference to conditions and notes on outline planning permission 25/2002/018, CDM Regulations, road opening notice, Section 106 Agreement and items raised by the Environment Agency.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be compatible with National and Local Planning policies which encourage sustainable, mixed use development on previously developed land and in particular the proposal meets the requirements contained in Taunton Deane Local Plan Policies T4 - T7.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

38/2006/237

MRS C PIPE

ERECTION OF 12 NO FLATS AT 1 VICTORIA STREET, TAUNTON AS AMENDED BY LETTER AND PLANS

323586/124602

FULL

PROPOSAL

Erection of 12 flats on site of former disused building and gravelled area to rear used as a car park. The building is proposed to be three storeys on the majority of the site and amended plans show it dropping down to two storeys on the East Reach frontage. This has reduced the number of flats.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST no archaeological implications and therefore have no objections. WESSEX WATER the development is in a foul sewer area and the developer will need to agree a point of connection. There are no existing public/separate surface water sewers in the vicinity of the site and the developer should investigate alternative methods of disposal such as soakaways. Surface water should not be disposed of to the foul sewer. There is a public water main and combined sewer crossing the site and an easement or diversion or protection works may need to be agreed. An informative re the protection of Wessex systems is recommended.

DRAINAGE OFFICER no observations. ENVIRONMENTAL HEALTH OFFICER a contaminated land condition and note are recommended. LEISURE DEVELOPMENT MANAGER in accordance with Policy C4 provision for play and recreation must be made. I would request a contribution of £1,785 for each 2 bed dwelling towards children's play facilities and £859 for each dwelling towards active recreational facilities within the vicinity of the development.

1 LETTER OF OBJECTION has been received raising the following issues:- too many properties put up with inadequate parking. 12 flats would be parking for 24 cars; the ground floor flats should be dispensed with and made into parking for fewer flats above.

POLICY CONTEXT

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

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 11 - Areas of High Archaeological Potential, Policy 33 - Provision for Housing, Policy 48 - Access and Parking.

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

ASSESSMENT

The proposal is the redevelopment of the site which consists of an empty shop unit and a gravelled car park area to the rear off Victoria Street. Previously permission has been given to convert the existing building to flats. The existing building is not considered of significant street scene merit to warrant its retention. The main issue with the proposal is the design and impact of the new building on the street scene in this location.

The new building is 8 m to the eaves and 11.3 m to the ridge on the main 3 storey section of the building. This steps down Victoria Street to the East Reach frontage where the schem has been amended to two storey to reflect the adjacent frontage development. The scheme requires a contribution towards play and recreation under policy C4 and a Section 106 is recommended to address this requirement. Bin and cycle storage is provided for within the site and this is to be conditioned to ensure provision before occupation. The site is considered appropriate for a car free development given its location. The site lies within the area of high archaeological potential and a condition is considered appropriate to address this. The scheme is a suitable redevelopment of a brownfield site in a town centre location and the scheme is considered an acceptable one in line with the policies of the development plan and is therefore recommended for approval.

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, guttering, sample brick panel, internal meter boxes, timber windows, window design, recessed windows, cycle parking provision and bin storage, combined aerial, surface water disposal. Notes re Section 106, disabled access and Wessex Water infrastructure.

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

In the event of the Section 106 not being signed by 29th 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.

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:

38/2006/274

MR G CLARKE

RETENTION OF TWO FLATS (1 NO. TWO BEDROOM AND 1 NO. THREE BEDROOM) AT 14 GREENWAY ROAD, TAUNTON AS AMENDED BY

322528/125833

RETENTION

PROPOSAL

Planning permission was granted in April 2005, reference 38/2005/016, for the erection of two 2 No. bedroomed flats, on land adjoining 14 Greenway Road whilst the development has almost been completed, however, it has not been completed in accordance with the approved drawings. The major difference is that an additional floor has been incorporated in the roof in order to provide a third bedroom for one of the flats, and this has resulted in the ridge height being raised by some 0.7 m to 8.8 m. 2 No. velux rooflights have also been constructed in the south elevation overlooking the properties on the opposite side of Greenway Road, and 2 No. velux rooflights have been constructed in the northern elevation overlooking the properties in Gladstone Road. None of the velux lights are above eye level.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. Recommends condition

5 LETTERS OF OBJECTION have been received raising the following issues:- the building is higher than neighbouring properties; the velux lights result in direct overlooking; the porches shown on the plans have not yet been erected; parking problems would be generated; and cycle racks have not yet been constructed.

POLICY CONTEXT

Policies S1, S2 and H2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy M4 seeks to encourage a significant reduction in the average of 1.5 car parking spaces per dwelling on any residential development, and car free developments in appropriate locations such as within or adjoining Taunton Town Centre.

ASSESSMENT

It is not considered that the modest increase in ridge height proves a problem in visual terms, parking is not at issue because the principle for no on-site parking facilities has already been established by earlier permission and by a Planning Inspectorate appeal decision letter, and provision of cycle racks and refuse storage will be required by condition. The only outstanding remaining issue concerns the velux rooflights and the degree of overlooking, and those on the southern elevation are some 18 m from the properties on the opposite side of Greenway Road. Accordingly these velux lights would not give rise to undue overlooking. Conversely

however, the rooflights to the northern elevation are closer to the modern Gladstone Street properties and it would be justifiable to resist the development on the basis of adverse impact on the residential amenity of these occupiers. Notwithstanding this however, the applicant has agreed to omit these 2 velux lights, and replace them with one window in each of the two gables, and these would not result in overlooking. At the time of agenda preparation however, amended drawings had not been received.

RECOMMENDATION

Subject to receipt of satisfactory amended drawings which omit the 2 No. velux rooflights from the northern elevation, and which replace them with 2 No. gable windows, permission be GRANTED subject to conditions of cycle storage and refuse storage. Note re PD Rights not applicable for flats.

REASON(S) FOR RECOMMENDATION:- The proposed development would not give rise to any adverse impact on visual or residential amenity, or road safety, and would not therefore conflict with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

41/2006/007

MR R HERROD

**ERECTION OF POULTRY BUILDING AT GLEBE FARM, TOLLAND, PHASE 1,
(REVISED APPLICATION 41/2006/003)**

309840/132237

FULL

PROPOSAL

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

The site is located on the north side of the western road leading out of Tolland, which joins the B3188. It is proposed to use an existing agricultural access that is located some 240 m from the junction with the B3188 and some 340 m to the centre of Tolland (measured from the junction with the track leading to St John The Baptists Church). This application has been submitted together with application 41/2006/008 for an identical poultry unit located some 60 m to the north of the unit subject to this application, which uses the same access point.

Members will recall applications 41/2006/003 and 41/2006/004 for two similar poultry sheds, which were refused at Planning Committee 29th March, 2006. The reason for refusing the latter applications is as follows:- The proposed development would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. As such the proposal is contrary to Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

The difference between the previously refused applications and the current applications is the orientation of the buildings. The refused scheme proposed buildings running north south, perpendicular to the road with the second unit to the west of the first. The current scheme shows the buildings running in an east west direction parallel to the road with the second unit to the north of the first.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection as per previous comments which follow:- the proposal is for the erection of two poultry/agricultural buildings on existing agricultural land utilising an existing access and on this basis it would be unreasonable to raise an objection. Based on the additional information supplied by the agent, I do not consider that the proposal will result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety I would recommend that the access into the site is improved so the HGV's can enter, exit and turn within the site easily as to avoid conflict on the adjacent highway. Recommend conditions relating to access requirement and surfaced parking/turning space for HGV's. COUNTY

ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections.

LANDSCAPE OFFICER overall this is a better scheme than the previous one in that the east west orientation of the buildings will allow the buildings to be set lower in the landscape with greater scope for earth mounding to the west and a narrower gable end profile to the east /west. The longer elevations to the south should be largely screened and softened by existing hedgerows, landscaping and earth mounding. The proposed landscaping will need some amendments but is largely acceptable. ENVIRONMENTAL HEALTH OFFICER no objections subject to conditions of odour, noise, waste management and light.

PARISH COUNCIL objects on the grounds that the close proximity to residential buildings, with the probability of disturbance by noise and in particular smell, especially as the proposed development is to the west. Being on high ground the development would be very visible (especially feed silo). The proposed tree screening will take a long time to be affective. Access is via very narrow country lanes; the use of large delivery vehicles is likely to cause problems. The surface drainage on the site goes down towards a stream – there are concerns about the possible pollution of this and neighbouring land. The excavations necessary to build and landscape this development could affect watercourses.

34 LETTERS OF OBJECTION have been received raising the following issues:- no change from the previous refusal; 6 m silo's will be required that cannot be screened no matter how much landscaping is provided; detrimental to the residential amenity of the area; pollution (noise, odour, dust and public health issues relating to avian borne diseases; visual amenity/landscape impact; water pollution; highway issues (access and increased traffic through Tolland and lanes); noise nuisance; insufficient planting scheme; management practice; other available land further away from residential properties; setting of the listed church; loss of value to properties; loss of house sales as a result of the application.

POLICY CONTEXT

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

ASSESSMENT

As mentioned above the previous applications 41/2006/003 and 41/2006/004 were considered detrimental to the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. No other reasons for refusal were offered in light of the various consultation responses raising no objections, in particular those of the Environmental Health department. The proposal should therefore be assessed as to whether the changes from the previous application have overcome the visual impact concerns.

The proposal shows the buildings running in a east west direction parallel to the road with the second unit to the north of the first. As mentioned by the Landscape Officer

the visual impact of the development will be greatly improved from the wider landscape, namely views from the west. This is achieved by facing the gable ends of the buildings in this westerly direction, thus reducing the view of two 50 m elevations to two 10 0m elevation. The site is currently screened by roadside and field hedges that combined with the bunding and planting will mean that the visual amenity and local landscape will not be detrimentally affected.

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

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

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

RECOMMENDATION

Permission be GRANTED subject to conditions of time, limit, materials, landscaping, waste management plan, operational management plan, operational time restriction for loading and unloading of vehicles; details of lighting; access and consolidated surface for turning. Notes relating to DEFRA guidelines for the protection of air and watercourses.

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

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

41/2006/008

MR R HERROD

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

309780/132250

FULL

PROPOSAL

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

The site is located on the north side of the western road leading out of Tolland, which joins the B3188. It is proposed to use an existing agricultural access that is located some 240 m from the junction with the B3188 and some 340 m to the centre of Tolland (measured from the junction with the track leading to St John The Baptists Church). This application has been submitted together with application 41/2006/007 for an identical poultry unit located some 60 m to the south of the unit subject to this application, which uses the same access point.

Members will recall applications 41/2006/003 and 41/2006/004 for two similar poultry sheds, which were refused at Planning Committee 29th March, 2006. The reason for refusing the latter applications is as follows:- The proposed development would constitute an undesirable intrusion into an attractive area of open countryside to the detriment of the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. As such the proposal is contrary to Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

The difference between the previously refused applications and the current applications is the orientation of the buildings. The refused scheme proposed buildings running north south, perpendicular to the road with the second unit to the west of the first. The current scheme shows the buildings running in an east west direction parallel to the road with this proposed second unit to the north of the first.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection as per previous comments which follow:- the proposal is for the erection of two poultry/agricultural buildings on existing agricultural land utilising an existing access and on this basis it would be unreasonable to raise an objection. Based on the additional information supplied by the agent, I do not consider that the proposal will result in a significant increase in traffic movements over and above those associated with any agricultural use. However, in the interests of highway safety I would recommend that the access into the site is improved so the HGV's can enter, exit and turn within the site easily as to avoid conflict on the adjacent highway. Recommend conditions relating to access requirement and surfaced parking/turning space for HGV's. COUNTY

ARCHAEOLOGIST as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections.

LANDSCAPE OFFICER overall this is a better scheme than the previous one in that the east west orientation of the buildings will allow the buildings to be set lower in the landscape with greater scope for earth mounding to the west and a narrower gable end profile to the east /west. The longer elevations to the south should be largely screened and softened by existing hedgerows, landscaping and earth mounding. The proposed landscaping will need some amendments but is largely acceptable. ENVIRONMENTAL HEALTH OFFICER no objections subject to conditions of odour, noise, waste management and light.

PARISH COUNCIL objects on the grounds that the close proximity to residential buildings, with the probability of disturbance by noise and in particular smell, especially as the proposed development is to the west. Being on high ground the development would be very visible (especially feed silo). The proposed tree screening will take a long time to be affective. Access is via very narrow country lanes; the use of large delivery vehicles is likely to cause problems. The surface drainage on the site goes down towards a stream – there are concerns about the possible pollution of this and neighbouring land. The excavations necessary to build and landscape this development could affect watercourses.

34 LETTERS OF OBJECTION have been received raising the following issues:- no change from the previous refusal; 6 m silo's will be required that cannot be screened no matter how much landscaping is provided; detrimental to the residential amenity of the area; pollution (noise, odour, dust and public health issues relating to avian borne diseases; visual amenity/landscape impact; water pollution; highway issues (access and increased traffic through Tolland and lanes); noise nuisance; insufficient planting scheme; management practice; other available land further away from residential properties; setting of the listed church; loss of value to properties; loss of house sales as a result of the application.

POLICY CONTEXT

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

ASSESSMENT

As mentioned above the previous applications 41/2006/003 and 41/2006/004 were considered detrimental to the visual amenities of the locality and character and appearance of the Brendons Landscape Character Area. No other reasons for refusal were offered in light of the various consultation responses raising no objections, in particular those of the Environmental Health department. The proposal should therefore be assessed as to whether the changes from the previous application have overcome the visual impact concerns.

The proposal shows the buildings running in an east west direction parallel to the road with the second unit to the north of the first. As mentioned by the Landscape

Officer the visual impact of the development will be greatly improved from the wider landscape, namely views from the west. This is achieved by facing the gable ends of the buildings in this westerly direction, thus reducing the view of two 50 m elevations to two 10 m elevation. The site is currently screened by roadside and field hedges that combined with the bunding and planting will mean that the visual amenity and local landscape will not be detrimentally affected.

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

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

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

RECOMMENDATION

Permission be GRANTED subject to conditions of time, limit, materials, landscaping, waste management plan, operational management plan, operational time restriction for loading and unloading of vehicles; details of lighting; access and consolidated surface for turning. Notes relating to DEFRA guidelines for the protection of air and watercourses.

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

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

42/2006/017

S & M DODGE

ERECTION OF DWELLING AT 7 ORCHARD CLOSE, TRULL AS AMENDED BY

321521/122322

FULL

PROPOSAL

Outline permission was granted on appeal in May 2006, reference 42/2005/040, and the current full application seeks permission for the detailed design, which comprises the erection of a 3 bedroomed chalet bungalow within the garden area of No. 7 Orchard Close. Vehicular access is proposed off Trull Green.

Permission was also granted for an extension and dormer window at No. 7 Orchard Close, in November 2005, reference 42/2005/041.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommends conditions. WESSEX WATER recommends note.

PARISH COUNCIL recommends refusal. The proposed dwelling is of an excessive size for the plot. Reference should be made to the suggestion from the Planning Inspectorate that a small bungalow would be appropriate.

5 LETTERS OF OBJECTION have been received raising the following issues:- the proposal does not comply with the Planning Inspectorate's recommendation; the scale, height and size would have a serious adverse impact on amenity; the proposal conflicts with planning policy; dormer windows would result in direct overlooking; loss of light would result; the design is out of character with the area; a bungalow should be constructed, not a house; the proposal constitutes an overdevelopment of the site; existing properties would be devalued; and road safety would be jeopardised.

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 residential development inside settlement limits provided there is no adverse impact on visual and residential amenity.

ASSESSMENT

The principle for a dwelling at this site has clearly been established by the design granted on appeal, and whilst the Inspector does say in his decision letter:- "In my view a small dwelling, such as a bungalow, could be sited here without being too obtrusive or harming the outlook from the houses opposite", the submitted proposal nevertheless proposes a chalet bungalow. The principle issue therefore to be

assessed is whether it would be reasonable to resist the proposal based on its 2 storey design, and I not consider that to be the case. Firstly, the neighbouring property No. 7 was granted permission for a dormer window in November 2005, reference 42/2005/041. The proposal would not therefore be the only property the estate with a dormer window. Secondly, the proposed ridge height is some 5.95 m compared to that of No. 7 which is 5.55 m. A difference of 0.4 m can only reasonably be regarded as insignificant. Thirdly, the ground area of the proposed dwelling is significantly smaller than that of No. 7, and compares fairly equally with other bungalows on the estate. Fourthly, the applicant has agreed to omit the only one of the four dormers which could realistically be argued to give rise to any undue overlooking, although at the time of agenda preparation appropriately amended drawings had not been submitted. Finally, the design is not considered too out of character with the predominant bungalow design on the estate.

On balance, therefore, I consider that it would be unjustified and unreasonable to resist the proposal.

RECOMMENDATION

Subject to the receipt of satisfactory revised drawings which omit the dormer window from the southern elevation, and which replace it with a velux light above eye level, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time, materials, highway conditions, landscaping, recessed fenestration, removal of PD rights, details of walls and fences. Notes re soakaways, highways, Wessex Water

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

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:

46/2006/013

MR AND MRS G TOTTLE

ERECTION OF GLAZED CANOPY TO REAR COURTYARD AND PORCH TO ENTRANCE AT THE STABLE HOUSE, MANLEY'S HOUSE, WEST BUCKLAND

316832/119407

FULL

PROPOSAL

The proposal provides for the erection of a glazed canopy to the rear courtyard and a porch to the main entrance. The proposed canopy measures 11.7 m x 1.6 m and will be tucked underneath the eaves on the south elevation of the property. The proposed porch measures 3.3 m x 2.9 m, with height to eaves 2 m and to the ridge 3.5 m. Materials are to be natural stone to match the existing walls and artificial slate to match the existing roof. The existing property is the result of a barn conversion.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL the proposed porch is overlarge, visually intrusive and out of character with the existing development. No objection to the canopy.

ONE LETTER OF OBJECTION has been received raising the following issues:- proposed porch is an extension rather than just a porch; will enclose property to south with resulting loss of currently uninterrupted view across to West Buckland church and the Quantock Hills beyond from ground floor windows and patio – will now be looking directly onto the side of a roof; request that the ridge height of the porch be reduced by 650 – 700 mm or that the depth be reduced to approximately 1 m – otherwise will have a detrimental impact; new position of entrance to property will cause disturbance; proposed gate should be repositioned; an extension of this size is not in keeping with the original character of the barn.

POLICY CONTEXT

Policy H19 of the Taunton Deane Local Plan states that extensions to dwellings will be permitted provided they do not harm (a) the residential amenity of other dwellings; (b) the future amenities, parking, turning space and other services of the dwelling to be extended; and (c) the form and character of the dwelling and are subservient to it in scale and design. I consider that the proposal meets with these criteria.

ASSESSMENT

The proposed porch is 1.52 m from the boundary of the adjacent property and 8 m from the wall of the adjacent property and at a lower level. The proposed development would normally constitute permitted development, but the application property is the result of a barn conversion and permitted development rights were removed for extensions. It is considered that the proposed development will not

adversely affect the character and appearance of the dwelling and will not unduly impact on the amenities of the occupiers of the adjacent dwelling.

RECOMMENDATION

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

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

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

47/2006/008

MR & MRS J WILLIAMS

ERECTION OF CONSERVATORY AT IVY COTTAGE, WEST HATCH

327285/119742

FULL

PROPOSAL

The proposal comprises the erection of a conservatory measuring a maximum of 4.2 m x 7.2 m in ground area and 3 m to ridge. It would be sited to the rear of a semi-detached cottage.

Planning permission was granted in September 2004, reference 47/2004/008, for a two storey extension, and in May 2005 reference 47/2005/006, for another two storey extension.

The applicant is a member of the Taunton Deane Borough Council.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections

PARISH COUNCIL none received.

1 LETTER has been received, which whilst expressing support, want reassurance on drainage arrangements

POLICY CONTEXT

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

ASSESSMENT

The proposed conservatory is relatively modest in size, is sited to the rear of the cottage and accordingly not visible from the Highway, and the neighbouring property would not be affected in terms of light or privacy. Drainage arrangements are not at issue with regards to this planning application.

RECOMMENDATION

Permission be GRANTED subject to conditions of time and materials.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect the character of the building, or visual or residential amenity, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES: