



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 1ST NOVEMBER 2006 AT 17:00.

(RESERVE DATE : MONDAY 6TH NOVEMBER 2006 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meetings of the Planning Committee held on 27 September and 2 October 2006 and on 11 October 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. CHIPSTABLE - 09/2006/007
ERECTION OF AGRICULTURAL LIVESTOCK BUILDING AT HELE VALE FARM, WATERROW AS AMENDED BY AGENTS E-MAIL DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 200/03/REV A
6. CHIPSTABLE - 09/2006/008
RETENTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING AT HELE VALE FARM, WATERROW (RE-SUBMISSION OF 09/2005/006) AS AMENDED BY AGENTS E-MAIL DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 300/01/REV A
7. KINGSTON ST. MARY - 20/2006/026
CONVERSION OF BUILDING INTO TWO UNITS FOR HOLIDAY LETS AND REMOVAL OF CONDITIONS 05 AND 06 OF PLANNING PERMISSION 20/2000/025, SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY AS AMENDED BY E-MAIL DATED 23RD OCTOBER, 2006
8. MILVERTON - 23/2006/029CA
DEMOLITION OF GARAGES AT QUEENSMEAD, SILVER STREET, MILVERTON
9. MILVERTON - 23/2006/031
ERECTION OF DWELLING AND DOUBLE GARAGE ON LAND TO THE SIDE OF 8 FAIRFIELD TERRACE, MILVERTON (REVISED SCHEME OF 23/2005/026)
10. NORTH CURRY - 24/2006/040

ERECTION OF 5 DETACHED DWELLINGS AND 3 LOWCOST OWNERSHIP DWELLINGS AND ACCESS AT LAND OFF WHITE STREET, NORTH CURRY

11. NORTH CURRY - 24/2006/041
CHANGE OF USE OF AGRICULTURAL LAND TO RECREATIONAL USE AT LAND OFF WHITE STREET AND STOKE ROAD, NORTH CURRY.
12. RUISHTON - 31/2006/022
ERECTION OF DETACHED TWO STOREY 20 BEDROOM BLOCK AT LAND WEST OF PREMIER TRAVEL INN (RUISHTON LODGE), RUISHTON LANE, RUISHTON AS AMENDED BY AGENTS LETTER DATED 6TH OCTOBER, 2006 AND DRAWING NO. 2250/P2-B
13. STAPLE FITZPAINE - 33/2006/002
ERECTION OF 6 UNITS OF HOLIDAY LET ACCOMMODATION AND ASSOCIATED STABLING ON LAND ADJACENT TO THE GREYHOUND INN, STAPLE FITZPAINE
14. STAPLEGROVE - 34/2006/014
ERECTION OF 2 NEW SEMI DETACHED DWELLINGS AT LAND BETWEEN 17 AND 21 CRESSWELL AVENUE, TAUNTON, AS AMPLIFIED BY AGENTS LETTER RECEIVED 15TH JUNE, 2006, TREE SURVEY DRAWING NO. 6634/06/2, LETTER DATED 24TH JUNE, 2006 AND DRAWING NO. 6634/06/1A AND LETTER DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 6634/06/1B, AND FURTHER AMENDED BY AGENTS LETTER DATED 29TH SEPTEMBER, 2006 AND DRAWING NO. 6634/06/1B
15. TAUNTON - 38/2006/362
REDEVELOPMENT COMPRISING ERECTION OF 21 HOUSES, CONVERSION OF LISTED BUILDING TO TWO DWELLINGS AND CONVERSION OF MAIN BUILDING TO OFFICES AT FORMER SCAT ANNEXE, STAPLEGROVE ROAD, TAUNTON
16. TAUNTON - 38/2006/382
ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE ON LAND SOUTH WEST OF SAVERY ROW, TAUNTON.
17. TAUNTON - 38/2006/388T
APPLICATION TO CARRY OUT MANAGEMENT WORK TO ONE ELDER TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO.2) TREE PRESERVATION ORDER 2006 ON LAND BETWEEN SAVERY ROW AND HOLLAND MEWS (TD1008)
18. TRULL - 42/2006/034
ERECTION OF ENTRANCE CANOPY TO FRONT ELEVATION OF MENEVIA, 7 PATRICKS WAY, STAPLEHAY
19. WEST BUCKLAND - 46/2006/022
ERECTION OF PORCH, THE STABLE HOUSE, MANLEYS FARM, WEST BUCKLAND

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| 20. | 15 Eastbourne Gate, Taunton. Report of the Chief Solicitor (attached) | Miscellaneous Item |
| 21. | Craig Lea Compulsory Purchase Order. Report of the Chief Solicitor (attached) | Miscellaneous Item |
| 22. | Mobile Home on Land at 39 Whitmore Road, Taunton. Report of the Chief Solicitor and solicitor's letter (attached) | Enforcement Item |

G P DYKE
Member Services Manager
25 October 2006

Tea for Councillors will be available from 16.45 onwards in Committee Room No.1.

Planning Committee Members:-

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



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



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



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

Planning Committee – 27 September 2006 and 2 October 2006

Present:- (27 September 2006)

Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Henley, C Hill,
Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr G Clifford
(Development Control Area Manager - East), Mrs J Moore
(Development Control Principal Officer – East) Mrs J M Jackson
(Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

Present:- (2 October 2006)

Councillor Mrs Marcia Hill (Vice Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Guerrier, Henley, C Hill,
House and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer
(Development Control Area Manager – West), Mrs J M Jackson
(Senior Solicitor) and Mr R Bryant (Review Support Manager)

109. Apologies

27 September 2006:- Councillor Mrs Marie Hill (Chairman) and
Councillors Denington, Floyd, Guerrier, Hindley,
House and Lisgo.

2 October 2006:- Councillor Mrs Marie Hill (Chairman) and
Councillors Croad, Denington, Floyd, Hindley,
Lisgo, Philips, Mrs Smith and Stuart-Thorn.

110. Minutes

The minutes of the meeting held on 6 September 2006 were taken as read
and were signed.

111. Enforcement action in respect of unauthorised gypsy site at Oxen Lane, North Curry

Considered report previously circulated, concerning the unauthorised gypsy
site at Oxen Lane, North Curry.

The site had been set up with 16 plots being laid out over a weekend in
October 2004. An enforcement notice and stop notice were subsequently
served.

Following the refusal of planning permission for the use of the land at Oxen
Lane as a residential gypsy site in December 2004 (Minute No 163/2004

refers), an application was lodged in the High Court for an injunction seeking the removal of all the occupiers and caravans from the land and its reinstatement.

Although the proceedings were served, they were held in abeyance pending the holding of a Public Inquiry in June 2005 into an appeal against the enforcement notice.

An appeal against the refusal of planning permission was lodged immediately after the Public Inquiry. The Inspector decided however that he had heard sufficient evidence at the Inquiry to enable him to report to the Secretary of State on both appeals.

In September 2005, the Secretary of State confirmed that the enforcement notice would be upheld and the appeal against the refusal of planning permission dismissed. He did however vary the enforcement notice to allow 12 months for compliance – the site was to be vacated by 26 September 2006.

Since these decisions, the site had been monitored regularly to establish who was living on site. At the Inquiry it was stated that 16 families were either living, or intending to live, at the site. However, of the families who were appellants at the Inquiry, only four had remained on the site since then.

Although other families had moved onto and off the site in the intervening period, only one further family was on the land at Oxen Lane.

Further reported that an application for planning permission had been received during August 2006 from a former occupant of the site in respect of the stationing of a caravan at Oxon Lane. Individual applications had now also been received from the families currently living on the site. All applications received would be considered in the usual way and would be reported to a future meeting of the Planning Committee.

In the light of the recent guidance in Office for the Deputy Prime Minister Circular 1/2006, the Committee had to consider whether it was likely that temporary planning permissions would be granted in response to such applications either by the Council or the Secretary of State. If there was a reasonable prospect that temporary permissions would be granted, it was unlikely that a Court would grant an immediate eviction injunction.

The Circular required Local Planning Authorities to carry out an assessment of the need for gypsy sites in their areas. Results from these assessments would be submitted to the Regional Planning Authority which, through the Regional Spatial Strategy, would impose quotas for the provision of sites in each district. The Local Planning Authority would then be expected to make allocations through the new Development Plan Document process to allocate suitable land.

As this process was likely to take considerable time, the Government had included transitional arrangements within Circular 1/2006, particularly in respect of granting temporary planning permission.

Reported that there was recent case law (South Cambridgeshire District Council v Flynn) on the approach that the Courts would take to a claim for an eviction injunction in a case like Oxen Lane where there was a very recent decision of the Secretary of State refusing planning permission. Submitted for the information of Members details of the Flynn case.

The matters relevant to this judgement when compared to Oxen Lane were:-

- The present position with regards to the assessment of the need for gypsy sites in the district;
- The personal circumstances of the occupants;
- The present position with regard to the allocation of land for gypsies; and
- The planning assessment of the development made by the Inspector/Secretary of State.

(1) Needs assessment

At the time of the Public Inquiry there was no quantitative assessment of the need for gypsy sites across Somerset, although the Secretary of State did comment on the Council's good record with regard to site provision.

Since then, work had commenced on a County-wide Housing Needs Assessment prepared by the ARK Consultancy, which would include a continuing assessment of the needs of gypsy and traveller families. This work was likely to be completed within the next 12 months.

As at January 2006, four unauthorised gypsy or traveller sites had been identified with a total of 22 caravans (although not all were occupied). Reported on the current position in relation to these sites.

(2) Personal circumstances of families on the site

All those currently living on the site at Oxen Lane had been visited to assess their current needs. Details of the "make up" of each family, any special medical conditions that prevailed and the educational arrangements that had been made for the children on the site were reported.

(3) Alternative provision

The Council's Gypsy and Traveller Working Group had been working with Somerset County Council to identify suitable alternative sites for residential use in Taunton Deane. Whilst the Council was not yet in a position to identify any specific sites, progress was being made.

Additionally, in the light of other recent Government guidance, the Council's policy in relation to the prohibition of gypsy sites within Areas of Outstanding Natural Beauty had been relaxed so that formerly unacceptable sites might now be acceptable.

Further reported that it had come to the Council's attention that space currently existed on the gypsy sites at both Ilton and Tintinhull in the South Somerset District. Written confirmation of this was currently being sought.

(4) Relevant findings of the Inspector/Secretary of State

The following points had emerged from the Inspectors report/Secretary of States decision letter:-

- As a consequence of the development, the visual amenities of No 6 Oxen Lane had been reduced to a level far below that which ought reasonably to be expected;
- The development was a major encroachment in the countryside;
- The substandard junction at Oxen Lane/Greenway was a material highway objection to the development;
- The Secretary of State specifically considered and rejected the grant of temporary planning permission;
- It was implicit in the decision of the Secretary of State that he did not consider that the injury to amenity could be acceptably overcome by conditions – even if only a temporary planning permission was to be granted;
- The Council was unable to identify any alternative site so that if moved on immediately, the residents would be likely to be on the roadside with the consequent disruption to the education of the children and the health care associated with having a settled base;
- Although the Secretary of State recognised the good work done by the Council in assessing need and seeking land to allocate, there was no suggestion in the decision letter that the occupants should be allowed to remain at Oxen Lane until an alternative site was found for them by the Council;
- The period of one year allowed in the enforcement notice (as varied) “gave an adequate period for the appellants to seek an alternative site or sites”. It was noteworthy that the Secretary of State placed the onus on the appellants; and
- It was implicit in the decision that the Secretary of State considered that it would be unacceptable for the occupation of the land at Oxen Lane to continue beyond September 2006.

It was considered that eviction was now justified in planning terms, despite the present inability of the Council to offer an alternative site.

In making a decision as to whether or not to pursue injunction proceedings, the Committee needed to consider the rights of the occupiers under Article 8 of the Convention on Human Rights and whether the taking of such action

would be proportionate.

The prospect of homelessness of the occupiers (and the consequent hardship) needed to be balanced against the harm which arose from the continuance of the unauthorised development. In the balance, Members needed to weigh the factors identified by the Secretary of State as detailed above.

Noted that the number of occupants was now far less than at the time of the Inquiry. It therefore followed that eviction of the current occupants would cause less hardship in total than the Secretary of State must have had in mind when upholding the enforcement notice. If injunction proceedings were resumed, they were unlikely to come before the Courts until early in the new year.

There was little doubt that having a settled base had assisted the children on the Oxen Lane site in terms of education and all in terms of health care. However, balanced against this had to be the harm to the landscape and the amenity of neighbours which had arisen from the continued presence of the unauthorised development and the fact that the Secretary of State judged that the harm from the unauthorised development should not be tolerated beyond the 12 month period. Clearly as only four of the original appellant families remained on site, some 12 families had either relocated or not taken up occupation.

A letter received from solicitors acting on behalf of the gypsies had been received immediately prior to the meeting commencing. Its contents were verbally reported by the Senior Solicitor, Mrs J Jackson, in so far as the representations related to the reinstatement of proceedings.

After a lengthy discussion, Members came to the unanimous conclusion that further action should be taken which would result in the removal of all the occupiers and caravans from the land at Oxen Lane, North Curry together with its reinstatement to its former condition as agricultural land.

RESOLVED that an application be made to reinstate proceedings HQ05X00297 in the High Court against Packman and Others seeking an injunction to secure compliance with the Enforcement Notice.

112. **Applications for Planning Permission**

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

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

24/2006/034

Two replacement dwellings at 1 and 2 Oakehill Cottages, Lillesdon Lane, North Curry

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P005 – no garages;
- (g) P006 – no fencing;
- (h) Plans showing a parking area (providing for four vehicles) shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) The dwellings 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;
- (j) All fenestration shall be recessed in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water any points of connection onto their systems prior to the commencement of any works on site; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that Consent to Discharge is required from the Environment Agency for any foul sewage discharge.)

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity, or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and H8.

38/2006/334

Conversion of house into two flats at 95 St Augustine Street, Taunton

Conditions

- (a) C001A – time limit;
- (b) Full details of the proposed cycle parking and refuse facilities shall be submitted to, and approved in writing by, the Local

Planning Authority before any work is commenced and the details hereby approved shall be provided before the development hereby permitted is occupied, unless otherwise agreed in writing by the Local Planning Authority and thereafter be kept free of obstruction;

(Note to applicant:- Applicant was advised that this permission does not authorise any external alterations to the property for which the separate grant of planning permission is required.)

Reason for granting planning permission:-

The proposed development would not adversely affect residential amenity and there was safe and convenient access by foot to facilities and employment. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, H4 and H2.

(2) That the following applications be withdrawn:-

14/2006/029

Erection of detached garage and store with hobby room above at Lashpool Bungalow, Creech Heathfield, Taunton

19/2006/025

Erection of garden building in parkland opposite Hatch Court, Hatch Beauchamp, Taunton

113. **Erection of two storey extension to provide for function room and additional 13 bedrooms to existing hotel, together with landscaping work and new sewage treatment plant at The Mount Somerset Hotel, Henlade (31/2006/018)**

Reported this application.

RESOLVED that subject to the applicant entering into a Section 106 Agreement to secure the off-site landscape improvements, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C111 – materials – for drives;
- (e) C205 – hard landscaping;
- (f) C207A – existing trees to be retained;
- (g) C208E – protection of trees to be retained;
- (h) C324 – parking;
- (i) The access visibility at the junction of the drive with the adjoining road shall be maintained as agreed in writing with the Local Planning Authority;

- (j) The extension shall not be occupied until the proposed sewage treatment plant has been installed and is in operation;
- (k) C112 – details of guttering, down pipes and disposal of rain water;
- (l) Details of a Landscape Management Plan for the hotel and surrounding parkland and a timescale for implementation shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (m) Details of the planting for the green roof and plan for its future maintenance shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter complied with.

(Note to applicant:- N115 – water conservation).

Reason for planning permission, if granted:-

The proposal was considered to secure the future viability of the listed building and the proposed extension and landscape works were considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations did not indicate otherwise.

114. Demolition of Coach House and side addition to the east elevation, erection of a two storey extension to provide for a multi purpose function room and 13 additional bedrooms at The Mount Somerset Hotel, Henlade (31/2006/019LB)

Reported this application.

RESOLVED that subject to:-

- (i) amendments to, or clarification of, the views of the Conservation Officer; and
- (ii) receipt of no adverse views from the Secretary of State, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent was granted, the following conditions be imposed:-
 - (a) C002B – time limit – listed building;
 - (b) C101 – materials;
 - (c) The Coach House to be demolished shall be properly recorded by means of photographic and measured survey prior to demolition;
 - (d) C653 – no demolition before planning permission granted and contract let;
 - (e) C671 – making good building after demolition of adjoining structure;
 - (f) All new windows in the existing building shall be timber only and details of the size, sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;
 - (g) C664 – windows recessed;
 - (h) C662B – openings, doors, linings and architraves;
 - (i) C663 – details of fire precautions/means of escape;

- (j) Details of a landscape management plan for the hotel and surrounding parkland and a timescale for implementation shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (k) Details of all new windows and doors in the new extension shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation;
- (l) Details of the glazed lantern over the central court including cross sectional plans shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (m) A disabled access statement for the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (n) Prior to work on the extension commencing, details of the internal fireplaces to be unblocked shall be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N115 – water conservation; (2) N075 – Section 106 Agreement).

Reason for listed building consent, if granted:-

The proposal was considered to secure the future viability of the listed building and the proposed extension and landscape works were considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations did not indicate otherwise.

(Councillor Miss Cavill declared a prejudicial interest in the application covered by Minute No 115 below and left the meeting during its consideration.)

115. Erection of 22 No one bedroomed flats, cycle and bin stores at Nos 5 and 7 Compass Hill, Taunton (38/2006/316)

Reported this application.

RESOLVED that subject to the receipt of a revised landscape plan, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The windows on the eastern and south-eastern side elevations (indicated elevations B and E) shall be fixed and obscure glazed which shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority. There shall be no alteration of additional windows in these elevations.
- (b) The first floor kitchen window to Plot 18 shall be obscure glazed and restricted opening and details of the means and extent of the restriction shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented and retained as agreed.
- (c) The windows hereby permitted shall be recessed a minimum of 80 mm

unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicants attention is drawn to the conditions for outline planning permission No 38/2005/356 which must be complied with before development commences; (2) N117 – crime prevention; (3) N075 – Section 106 Agreement.)

Reason for approving detailed plans, if granted:-

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

116. Change of use of land for the siting of ten pitches to accommodate gypsies and travellers at Slough Green Caravan Park, West Hatch (47/2006/004)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of an acceptable location plan and a new unilateral agreement updating occupants and residential caravan/vehicle numbers to reflect the additional two pitches; and
- (2) The withdrawal of the objection from English Nature, 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) The site shall not be used other than as a caravan site for persons of nomadic habit of life or travelling people as defined in the Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policy 14 or any subsequent alteration or modification to those policies.
 - (b) This use hereby permitted shall enure for the benefit of Elizabeth Lirette, Vanessa Larkin, Anna Miller, Martine Croenen and Andy Borghs, Becky Davies, Harriet Doyle, James and Loll Gelding, Coriander Helen Pandora Smith, Bernard Bayldon and Haydon Thomas and their dependent children only and not for the benefit of the land. The numbers and location of towing vehicles, cars, structures, residential mobile homes/caravans on site shall be in strict accordance with the approved plan attached to this permission. At no time shall any additional vehicles, structures or residential units be located on the site.
 - (c) No trade, business or storage of goods or materials in connection with any trade or business shall take place at the site at any time.
 - (d) The fence along the western boundary of the site, between points A and B on the approved appeal site plan shall be maintained in good repair at all times in order to prevent penetration by persons or dogs, at a height of not less than 1.25m.

- (f) The existing hedges on the north and east boundaries of the site shall be retained to a minimum height of 5m.
- (g) The vegetation between the boundary fence and the highway in the vicinity of the site access shall be cut back to the line of the fence within four weeks of the grant of this permission and thereafter maintained in that state.
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates, walls, buildings or structures including any required by the condition of a Caravan Site Licence, shall be erected on the land without a prior grant of planning permission.

(Notes to applicant:- (1) Applicants were reminded of the need to comply strictly with the conditions relating to vehicle numbers and the Local Planning Authority wishes to encourage arrangements that would lead to a regular dialogue between the owner, the travellers and the Parish Council; (2) Applicants were advised that Thurlbear Wood, adjacent to the site, is a Site of Special Scientific Interest. You are requested not to take wood or other living plants from the site and not to allow any pets to have uncontrolled access to the site as they may damage the features of special importance; (3) Applicants are reminded of the details of the unilateral undertaking attached to this permission; (4) Applicants were advised that sanitary provisions on the site should have an adequate number of effective male and female toilets and wash hand basin with hot and cold running water maintained in a hygienic condition. The site should be provided with at least one shower unit with a sufficient supply of hot and cold running water. The septic tank should be of adequate capacity to suitably and sufficiently treat all foul waste discharged from the toilet block and any other appliances on site that may produce foul water. The septic tank should be maintained so as to effectively treat foul waste produced on site and should be emptied by an appropriate contractor at suitable time intervals; (5) Applicants were advised of relevant fire precautions. The site should be provided with a sufficient number of fire points such that no caravan or site building is more than 30m from a fire point. They should be housed in weatherproof structures, easily accessible and clearly and conspicuously marked "fire point". A water supply of sufficient pressure and flow to give a jet of at least 5m at 30 litres per minute from the hose nozzle at each fire point should be available and should include a permanently connected hydraulic hose reel that complies with the appropriate sections of British Standards 5274 and 5306 Part 1. Hoses should not be less than 30m long terminating in a small hand control nozzle and shall be housed in boxes painted red and marked "hose reel". Where stand pipes are not provided but there is water supply of sufficient pressure and flow, fire hydrants should be installed within 100m of every caravan standing. Hydrants should conform to the current relevant British Standard. A means of raising the alarm in the event of a fire should be provided at each fire point by way of manually operated rotating bells, other manually operated

sounders or an electrically operated alarm bell or siren. The alarm should be loud enough to be heard clearly inside all caravans on site; (6) Applicants were requested to avoid excessive noise from the site to protect the amenity of neighbours; (7) Applicants were advised that this planning permission supersedes any previous decision of the Local Planning Authority relating to any additional mobile residential units permitted or tolerated on the site; (8) Applicants were advised that any parts of vehicles, vehicles, residential mobile homes, caravans, touring vehicles or other structures on site and not shown on the plan referred to in condition (c) must be removed within 3 months of the date of this permission to avoid enforcement action by the Local Planning Authority.)

Reason for planning permission, if granted:-

The proposal was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies 1, 38 and 49 and Taunton Deane Local Plan Policies S1, H14, EN2 and EN12.

(The Vice-Chairman adjourned the meeting at 8.23 pm).

(The meeting recommenced at 5.00 pm on 2 October 2006).

117. Applications for planning permission

The Committee continued its consideration of the following applications for planning permission and it was RESOLVED that they be dealt with as follows:-

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

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

21/2006/007

Demolition of barn and erection of holiday chalet at Wellisford Farm, Lower Wellisford, Langford Budville, Wellington (re-submission of 21/2005/010)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C412 – restriction of occupation for holiday lets in permanent buildings;
- (e) Any holiday let cabin that is unoccupied and not let to holiday makers for more than a 24 month period shall be demolished

and/or removed including the removal of any foundations and/or floor slabs;

- (f) Development shall not commence until details of a scheme for the retention of swifts/swallows/house martins nest site(s) and their accesses (or the provision of alternative new sites or accesses) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the swifts/swallows/house martins nest site(s) being undertaken between March and September inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.
- (g) No site clearance works or development (or specified operations) shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority.
- (h) Prior to the demolition of the existing barn, an emergence survey of bats undertaken by a qualified environmental consultant between 1 April and 31 August, in any one year, shall be undertaken and the survey and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. Once these measures are approved, the works shall take place in accordance with the agreed scheme to protect bats and their roosts and thereafter the scheme shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats roost and related accesses has been fully developed;
- (i) C927 – remediation investigation/certificate.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) N126 – ground contamination; (4) Applicant was advised that bats and nesting birds may be present on site and all operatives on site should be appropriately briefed on their potential presence. If bats are found on site then work must stop and English Nature should be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and, if discovered, must not be disturbed; (5) N034A – drainage/water.)

Reason for granting planning permission:-

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

22/2006/008

Extension of dwelling and works to existing boundary banks to provide new retaining walls and drive with subterranean garage, Coursley Cottage, Lydeard St Lawrence.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) C326 – garages – domestic use only;
- (e) C305 – access and driveway to be hard surfaced;
- (f) C306 – access – gradient;
- (g) Any gate(s) provided shall be hung to open inwards;
- (h) Provision should be made within the site for the disposal of surface water to prevent discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) Prior to rendering of the new extension, a sample panel of render shall be erected on site for the approval of the Local Planning Authority and thereafter the rendering shall be applied strictly in accordance with the approved render panel;
- (j) Thatching shall be carried out in best quality combed wheat reed, with a flush built-up ridge being applied;
- (k) Prior to roofing of the extension, a sample slate shall be submitted to, and approved in writing by, the Local Planning Authority as shall the details of venting the roof. Following approval of these details, the roofing shall be undertaken strictly in accordance with the approved details;
- (l) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- roof lights; doors – external only; protection measures/barriers of the unprotected drop above the subterranean garage; windows – including adapted; glazed screens and finished treatment for joinery.

(Note to applicant:- Applicant was advised that the works must not affect the footpath, for example to the retaining walls. The footpath must be clear at all times).

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity and did not adversely affect the character of the listed building and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and EN16.

22/2006/009LB

Refurbishment and extension, Coursley Cottage, Lydeard St Lawrence

Conditions

- (a) C002B – time limit – listed building;
- (b) C103 – materials – listed building;
- (c) Prior to the works for which consent is hereby granted are commenced, a structural engineers report encompassing analysis of structural defects and appropriate recommendations for rectification of such defects shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
- (d) Prior to rendering of the new extension, a sample panel of render shall be erected on site for the approval of the Local Planning Authority and thereafter the rendering shall be applied strictly in accordance with the approved render panel;
- (e) Thatching shall be carried out in best quality combed wheat reed, with a flush built-up ridge being applied;
- (f) Prior to roofing of the extension, a sample slate shall be submitted to, and approved in writing by, the Local Planning Authority as shall the details of venting the roof. Following approval of these details, the roofing shall be undertaken strictly in accordance with the approved details;
- (g) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- roof lights; doors – external and internal; protection measures/barriers of the unprotected drop above the subterranean garage; architraves; skirtings; staircase; windows – including adapted; glazed screens and finished treatment for joinery;
- (h) Following investigative works to re-open the principal fireplace, the means by which it shall be made good shall be approved on site by the Council's Conservation Officer and thereafter made good strictly in accordance with the agreed details.

Reason for granting listed building consent:-

It was considered that the proposal was in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

44/2006/021

Change of use of land for residential gypsy site for 2 No mobile homes and 2 No touring caravans at Two Acres, Ford Street, Wellington

Conditions

- (a) The mobile homes to be stationed on the site shall not be used other than for the purpose of providing accommodation for gypsies as provided by Part 2 of the Caravan Sites Act 1968;

- (b) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (c) No business activities shall be conducted at the site unless otherwise agreed in writing by the Local Planning Authority;
- (d) There shall be no open storage of any material used in connection with business activities;
- (e) The use of the site hereby permitted shall be carried out solely by Mr J Isaacs and his spouse, together with their children and Mr Isaacs' sister, Louise Isaacs and her daughter;
- (f)
 - (i) Within three months of the date of this permission, a scheme of planting of trees and shrubs 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 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.
- (g) Within a period of three months from the date of this permission, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be put in place within six months of the date of this permission unless otherwise agreed by the Local Planning Authority;
- (h) Specific details of the second mobile home shall be submitted to the Local Planning Authority prior to its positioning of the site;
- (i) The existing hedge(s) on the boundaries of the site shall be retained except at the point of access to the satisfaction of the Local Planning Authority;
- (j) 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 unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (f) (i), a hedge should be provided along the frontage of the site comprising native hedge plants for example, hawthorn, dogwood, guelder rose or buckthorn and should be planted in two staggered rows 450mm apart with each plant separated a distance of 600mm; (2) With regard to condition (g), applicant was advised to provide a septic tank provided the ground

conditions are suitable. Percolation tests should be carried out to establish the situation. You are advised to seek advice from the Drainage Officer in this regard; (3) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that septic tank drainage is preferable to a sealed system in order to reduce the risk of nuisance being caused to which recourse for remedial action could be taken through Environmental Health legislation. If such a system is installed, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to an underground strata would also be required and their advice should be sought regarding the location of any irrigation drainage installed in relation to the open watercourse through the site.)

Reason for granting planning permission:-

It was considered that the proposal would have limited impact on the visual amenity of the Area of Outstanding Natural Beauty and furthermore the proposal was in line with Central Government advice contained in Office of Deputy Prime Minister Circular 1/2006.

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

09/2006/012

Conversion of barn to dwelling at Venn Farm, Waterrow, Wiveliscombe

Reason for refusal

The site lies within open countryside, outside the defined limits of settlements, where it is the policy of the Local Planning Authority to only allow the conversion of existing buildings to residential use where such a building to be converted is of permanent and substantial construction, is in keeping with its surroundings and has a size and structure suitable for conversion without major rebuilding or significant extension and alteration. In the opinion of the Local Planning Authority the building the subject of the application, is not of a structure which is of permanent and substantial construction, having regard to the details submitted in the structural report, and needs major rebuilding and significant alteration to form living accommodation. In addition there has been no marketing to assess whether business use may be suitable. The proposal is therefore contrary to Taunton Deane Local Plan Policies H7 (A)(2) and (3) and furthermore the proposed creation of the access drive would result in harm to the rural character of Venn Farm contrary to Taunton Deane Local Plan Policy H7 (B)(2).

118. **Demolition of buildings and erection of 57 residential retirement apartments, renovation of two cottages to form one residential cottage**

and one wardens cottage at Beauford Park and Fitzwarren House, Norton Fitzwarren, Taunton (25/2006/018)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards local community facilities and provision for affordable housing; and
- (2) The receipt of the views of the Nature Conservation Officer on the bat survey and any additional conditions resulting therefrom, 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) C013 – site levels;
 - (c) C101 – materials;
 - (d) C201 – landscaping;
 - (e) C205 – hard landscaping;
 - (f) C208A – protection of trees to be retained;
 - (g) C208B – protection of trees – no service trenches;
 - (h) C210 – no felling or lopping;
 - (i) C215 – walls and fences;
 - (j) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority;
 - (k) C324 – parking;
 - (l) C415 – elderly persons dwellings restriction;
 - (m) C416 – details of size, position and materials of meter boxes;
 - (n) No buildings shall be demolished until a contract has been let for the re-development work;
 - (o) C926B – remediation investigation/certificate;
 - (p) Prior to the demolition of the existing buildings on the site, a survey shall be carried out to ascertain the importance of the buildings for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;

- (q) None of the flats shall be occupied until provision has been made as part of the development for the associated bin storage area;
- (r) Details of the arrangements to be made for the disposal of surface water on the adjacent B3227 shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced. Such works shall be provided prior to the commencement of any works pursuant to this permission and shall include a surface water attenuation system and the laying of a new 375mm diameter pipe through the site to outfall into Norton Brook, the drain to run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to connect the existing highway drainage into it;
- (s) The visibility splays onto the B3227 shown on the submitted plan shall be constructed prior to the commencement of the use of premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (t) Within the site, visibility splays of 2m x 33m with no obstructions in excess of 300mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings.

(Notes to applicant:- (1) N048A – ground contamination; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) Applicant was advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. You are required to protect the integrity of Wessex Water systems and agree, prior to commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Connections to Wessex Water systems need to be agreed with them; (9) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including public holidays, no noisy working; (10) With regard to condition (r) applicant was advised that the details shall include the provision of a new 375mm diameter pipe through the site and the adjoining Park Home site to outfall into Norton Brook. It should run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect the highway drainage into it; (11) Applicant was advised that the provision of a Community Hall does not form part of this application; (12) Applicant was advised that guidance notes from developers on surface water issues should be used for the design of the required attenuation system; (13) Applicant was advised of the requirement for a Section 278 Agreement with the County Highway Authority to provide variable message signs.)

Reason for planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encouraged development on previously developed land. Furthermore, the proposal was considered not have a detrimental impact upon the visual or residential amenity of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

Also RESOLVED that should the Section 106 Agreement not be completed by 16 October 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 Policies H9 and 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.

119. Erection of 2 storey extension at Bella Vista, Stawley (35/2006/014)

Reported that an application for planning permission for this development had been received towards the end of July 2006.

Following the usual consultation exercise, only one objection appeared to have been lodged in respect of the proposal. As a result, a report was prepared and referred to the Chairman for a decision as to whether permission should be granted.

On receipt of the Chairman's approval, the planning permission was issued on 15 September 2006.

However, shortly afterwards, it had come to the attention of the Development Control Manager that due to an administrative error details of seven further objection letters, including one from Stawley Parish Council and two letters of support had not been taken into account before the application was determined. If they had, the application would have been referred to the Planning Committee for a decision to be made. Submitted full details of the objection received from the Parish Council.

Noted that the relevant planning issues of the case had been fully explored and addressed in the report prepared for the Chairman. One other issue raised though related to the impact of the proposal on the setting of Stawley Church. However, in the view of the Development Control Manager it was considered that the distance between the application site and the church was such that the proposed works would not harm the setting of the church.

Noted that the agent acting for the applicant had also submitted a letter in response to all of the objections received, details of which were reported.

RESOLVED that the decision made by the Development Control Manager, in consultation with the Chairman, to grant planning permission for the erection of a 2 storey extension at Bella Vista, Stawley be endorsed.

120. **Erection of additional extension at Pippins, 31 Wellington Road, Taunton**

Reported that this item had been withdrawn from the agenda.

(The meeting ended at 6.45 pm.)

Planning Committee – 11 October 2006

Present:- Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Denington, Floyd, Henley, C Hill, Hindley, 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 Moore (Development Control Principal Officer – East) Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

Also present:- Mrs A Elder (Independent Member of the Standards Committee)

(The meeting commenced at 5.00 pm)

121. Apology

Councillor Mrs Marie Hill (Chairman).

122. Declarations of Interest

Councillor Hindley declared a personal interest in Agenda Item No 10, application No 27/2006/015, and left the meeting during consideration of this item.

Councillor C Hill declared a personal interest in Agenda Item No 16, concerning advertisement signs for Langford Lakes Christmas Tree Farm, and left the meeting during consideration of this item.

123. Applications for Planning Permission

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

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

07/2006/017

Demolition of huts and erection of new building for Taunton and District Beekeepers, The Teaching Apiary, Heatherton Park, Bradford-on-Tone

Conditions

- (a) C001A – time limit;

- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The building shall be used only for the specific uses applied for unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:- N024 – development in accordance with approved plans.)

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity, highway safety or harm the setting of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN16.

09/2006/010

Erection of cattle shed and feed store at land at West Bovey, Waterrow, Wiveliscombe

Conditions

- (a) C001A – time limit;
- (b) Within two months of the building no longer being required solely for agricultural purposes, it shall be dismantled and removed from the land and the land returned to the condition that existed prior to the erection of the building;
- (c) C101 – materials;
- (d) C203 – landscaping;
- (e) C245 – disposal of surface water;
- (f) C917 – services – underground.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and Policy 5.

09/2006/011

Erection of 2 no holiday lodges and formation of new access at Pinkhouse Farm, Waterrow

Conditions

- (a) C001A – time limit;
- (b) C010A – drainage;
- (c) C013 – site levels;
- (d) C102 – materials;
- (e) C111 – materials – for drives;
- (f) Within a period of three years from the date of this permission, details of the arrangements to be made for the supply of water

and disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;

- (g) C201 – landscaping;
- (h) C208B – protection of trees – no service trenches;
- (i) P009 – entrance gates set back;
- (j) C684 – programme of archaeological work;
- (k) In the event of the site ceasing to be used for holiday chalets or structures, roads and hardstandings shall be removed forthwith from the site, unless their retention is agreed in writing by the Local Planning Authority, and the site returned to agricultural use;
- (l) P001A – no extensions;
- (m) P003 – no ancillary buildings;
- (n) C917 – services – underground;
- (o) C413 – restriction of occupation for holiday lets in permanent buildings.

(Note to applicant:- (1) Applicant was advised to submit further details of hardcore for drives. There must be no “spillage” of materials onto the highway; (2) Applicant was advised to place a notice within the site facing the exit to advise holiday makers to take care on the narrow and winding roads and on exiting the site.)

Reason for granting planning permission:-

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

10/2006/021

Erection of two holiday cabins and one timber building for garage and storage at Blackmores Paddock, Stapley

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C413 – restriction of occupation for holiday lets in permanent buildings;
- (e) The holiday cabins shall be removed from the site if not let within a 24 month period;
- (f) The treatment plant to serve the site shall be installed and operational prior to the occupation of any holiday unit;
- (g) Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900mm from adjoining carriageway level for a minimum distance of 16m on both sides of the point of vehicular access for a depth of 2m measured from the nearside edge of the adjoining

- carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (h) Plans showing a parking and turning area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. The area shall be properly consolidated and surfaced before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted and kept clear of obstruction at all times;
 - (i) The existing access, new drive and turning area shall be hard surfaced in tarmacadam, or such other material as shall be agreed in writing by the Local Planning Authority, for a distance of 10m back from the edge of the carriageway;
 - (j) Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 4.5m from the edge of the carriageway;

(Notes to Applicant:- (1) N112 – energy conservation; (2) N115 – water conservation; (3) N041 – drainage/water; (4) N070 – manure heaps).

Reason for granting planning permission:-

The scheme was considered a small scale development not harming the character of the Blackdown Hills Area of Outstanding Natural Beauty and complied with Taunton Deane Local Plan Policies S1, S2, EC24, EN6 and EN10 and material considerations did not indicate otherwise.

18/2006/005

Erection of garage door and internal partition to car port at 9 Halse Manor, Halse, Taunton

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the works for which consent is hereby granted shall be of materials as detailed in the applicants letter and brochure received 31 August 2006 and no other materials shall be used without the written consent of the Local Planning Authority;

Reason for granting planning permission:-

It was considered that the proposed works would not harm the character or appearance of the listed building and, as such, conformed with the provisions of Taunton Deane Local Plan Policies EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Guidance within Planning Policy Guidance Note No 15 – Planning and Historic Environment in respect of works within the curtilage of a Listed Building.

24/2006/023

Siting of two extra mobile homes and two extra touring caravans at Longacre, Rockhill, Wrantage

Conditions

- (a) The use hereby permitted shall be carried on by Mrs Sophie Smith (formerly Orchard) and Mr Michael Orchard, their spouses and family dependants only. When the site has ceased to be occupied by Mrs Sophie Smith (formerly Orchard) and Mr Michael Orchard and their dependants, the use hereby permitted shall cease and the site restored to its former condition, within three months from the date the occupants ceased occupation of the site and its use to revert to agricultural land;
- (b) No more than two mobile homes and two touring caravans in total shall be sited on the land edged red and attached to this permission;
- (c) The existing hedges on the west, south and east boundaries of the site shall be retained to a maximum height of 2m. Where part of the hedge has been damaged by fire, details of hedge replacement shall be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this permission;
- (d) P006 – no fencing;
- (e) Within the applicants land there shall be no obstruction to visibility higher than 900mm above the road surface within the zone taken from a point 2m back along the centre line of the access and extending to a part 120m to the south-west and 90m to the north-east. Such visibility shall be kept permanently clear of obstruction;
- (f) Prior to its erection on site, details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (g) The access shall have a minimum width of 3m and incorporate junction radii of 4.5m;
- (h) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 10m from the edge of the carriageway;
- (i) Details of the properly consolidated and surfaced (no loose stones or chippings) driveway from the edge of the carriageway to the entrance gates shall be submitted to the Local Planning Authority within one month of the date of this permission. The driveway shall be formed in accordance with the approved details within one month of their approval;
- (j) Within one month of the date of this permission, details showing a parking area for four vehicles and a turning area shall be submitted to the Local Planning Authority for approval. The parking and turning areas shall be formed in accordance with the approved details within one month of their approval and shall

be kept available at all times for the parking and turning of vehicles.

- (k) P013 – no storage of oils, fuels or chemicals.

(Note to Applicant:- Applicant was advised that there should be no more than four mobile homes and four touring caravans on the whole site (including the previous permission for Mr P Orchard and dependant family and Mr Joe Orchard). The mobile homes and caravans should be sited as shown on the attached plan.)

Reason for granting planning permission:-

The proposal was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policy H14.

27/2006/015

Erection of a horticultural nursery at land south of Harris's Farm, Hillcommon

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201A – landscaping;
- (d) C205 – hard landscaping;
- (e) Details of the arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use;
- (f) Prior to the commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge;
- (g) C308 – access – existing access to be closed;
- (h) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved in writing by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority;

- (j) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmac, or such other material as shall be agreed in writing by the Local Planning Authority, for a distance of 10m back from the edge of the carriageway;
- (k) The recommendations of the wildlife and habitat survey dated 10 May 2006 shall be carried out prior to the completion of the development hereby approved to the satisfaction of the Local Planning Authority. Any variation of the recommendations shall be agreed, and approved in writing, by the Local Planning Authority;
- (l) C215 – walls and fences;
- (m) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority;
- (n) The development hereby approved shall be used for nursery/horticultural purposes only as described in the applicant's e-mail dated 29 September 2006;
- (o) 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 additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of planning permission;

(Notes to Applicant:- (1) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that any alteration to the footpath, route or surface, must be authorised by the Somerset County Council. The path must remain open and unobstructed at all times.)

Reason for granting planning permission:-

The proposal was considered to be an appropriate development and did not conflict with Somerset and Exmoor Joint Structure Plan Review Policies STR1 and 49 and Taunton Deane Local Plan Policies S1, S2, S7, EN5 and EN12.

42/2006/031

Conversion of loft at 3 New Road, Trull

Conditions

- (a) C001A – time limit;
- (b) C101 – materials.

Reason for granting planning permission:-

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

51/2006/008

Change of use from a barn to form ancillary accommodation at Hales Farm, Burrowbridge

Conditions

- (a) C001A – time limit;
- (b) C404 – single family unit;
- (c) C927 – remediation investigation/certificate;
- (d) The development hereby approved shall be implemented in complete accordance with the flood mitigation measures outlined in the flood risk assessment received 31 July 2006;
- (e) The finished floor level of the development hereby approved shall be 6.76m AOD;
- (f) Prior to the development hereby approved being commenced, details of any replacement doors or windows (including design, materials, finish and cross sections if necessary) shall be submitted to, and approved in writing by, the Local Planning Authority;

(Notes to Applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection to Wessex Water infrastructure; (2) Applicant was advised that the premises could be subject to flooding if there were to be a breach or overtopping of the defences along the River Parrett; (3) N034A – drainage/water; (4) N126 – ground contamination.)

Reason for granting planning permission-

The proposal by reason of its use, siting and materials respected the character of the area and the character and appearance of the barn. The proposal would cause no demonstrable harm to residential amenity in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and H18.

- (2) That **planning permission be refused** for the under-mentioned development, subject to the standard reasons adopted by Minute 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

38/2006/355

Erection of dwelling on land to the rear of 103 Galmington Road, Taunton

A proposed two storey dwelling on this plot would not be acceptable due to its overbearing and detrimental effect on the amenity of neighbours contrary to Taunton Deane Local Plan Policy H2(E).

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

The Committee was of the view that a two storey dwelling on the proposed site would have a detrimental effect on neighbouring properties.

124. Change of use of site to form plant nursery and new access at Highfields, Stoke Road, Stoke St Mary (37/2006/006)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 12 October 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) C201 – landscaping;
- (c) C308 – access – existing access to be closed;
- (d) At the proposed access there shall be no obstruction to visibility greater than 600mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (e) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 15m from the carriageway edge;
- (f) The proposed access over the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) The proposed access shall be constructed in accordance with the details shown on the submitted plan, drawing No OB/1472:06/01 and shall be available for use before the commencement of the development hereby approved;
- (h) The proposed layout and position of roads and parking areas within the site shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before construction commences. Plans and sections indicating levels, gradients, materials and methods of construction shall be submitted for approval;
- (i) Details of any composting waste storage areas within the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Details of any external lighting on the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation.

(Note to Applicant:- Applicant was advised that any future building on this site will require planning permission. A wildlife survey will be required with any application.)

Reason for Planning Permission, if granted:-

The proposal was considered to be an acceptable use in this location and not to harm the amenities of the area and complied with Taunton Deane Local Plan Policies S1, S2, EC2 and EC7.

125. Erection of 2 No detached dwellings and alteration to existing access between 5 and 6 Barton Green at land adjoining Barton Green, Trull (42/2006/028)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Nature Conservation and Reserves Officer by 17 October 2006, the Development Control Officer 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) (i) Prior to the commencement of works on site, full details of a Landscape Management Plan for the existing hedges on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall include details for the replacement or reinforcement of the hedges. (ii) The Management Plan, once agreed, shall be fully implemented on site prior to the completion of the dwellings hereby permitted and future maintenance carried out fully in compliance with the details contained therein;
- (d) The existing hedges on the northern, southern, western and eastern boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
- (e) C209 – protection of hedges to be retained;
- (f) P006 – no fencing;
- (g) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only and shall remain ancillary to the relevant plot at all times;
- (h) A condition survey of the existing public highway shall be carried out before, and agreed with the County Highway Authority, prior to works commencing on site and any damage to the existing highway made as a result of this development shall be remedied by the developer before occupation of the development;
- (i) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking or turning of vehicles in connection with the development hereby permitted;
- (j) The driveway between the edge of the carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall

have been submitted to, and approved in writing by, the Local Planning Authority;

- (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed above ground floor level on the south and east elevations of Plot 1 and east elevation of Plot 2;
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed within the garage/studio of Plot 2;
- (n) The studio accommodation at first floor level over the garage shall be used for ancillary domestic purposes in association with the residential accommodation of Plot 2. It shall at no time be used as a separate unit of accommodation.

(Notes to Applicant:- (1) Applicant was advised about various requirements relating to the sub-surface drainage trench; (2) N117 – Crime Prevention; (3) N112 – Energy Conservation; (4) N115 – Water Conservation; (5) N061A – Highways – Section 184 Permit.)

Reason for Planning Permission, if granted:-

The proposed residential development was within the settlement limits of Trull and was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1, S2 and H2.

126. Display of Christmas Tree advertisements and directional signs for Langford Lakes Christmas Tree Farm, Langford Budville, Wellington

Reference Minute No 161/2005, reported that discussions had taken place with the owner of Langford Lakes Christmas Tree Farm concerning an appropriate level of signage. The owner had indicated that it was his intention to display only four trailer base advertisements at the following locations in the run up to Christmas 2006:-

- North side of A38 at Whitehall;
- North side of A38 at Rumwell;
- North side of A358 east of Cross Keys Roundabout; and
- North side of A358 immediately to the east of Junction 25 of the M25.

Whilst this type of roadside advertisement was generally resisted by the Council, it had been accepted that the nature of the business was very unusual having such a short season. The product therefore needed to be advertised intensively in the run up to Christmas if the business was to remain successful.

Although the level of advertising in recent years had been excessive and a number of the sites inappropriate, it was felt that advertisements at the four locations mentioned above could be tolerated if they were restricted to the period 25 November 2006 to 1 January 2007 only. Noted that the owner of the Christmas Tree Farm was currently discussing directional signage with the County Highway Authority.

RESOLVED that no enforcement action be taken in relation to trailer based advertisements for the Langford Lakes Christmas Tree Farm at the agreed four locations identified provided that they were displayed only between the 25 November 2006 and 1 January 2007.

127. Travellers camp within the Children's Wood, Bathpool, Taunton

Reported that a complaint had recently been received in respect of travellers who had positioned a caravan and a number of tents on land comprising part of the Children's Wood at Bathpool, Taunton.

Although the site was managed by the Council, it was owned by the Environment Agency.

Noted that as legal owners of the land, any action taken by the Council had to be against the Environment Agency.

RESOLVED that:-

- (1) enforcement action be taken to secure the removal of the unauthorised travellers caravan and tents from land comprising part of the Children's Wood, Bathpool, Taunton; and
- (2) Subject to being satisfied with the evidence, the solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 7.59 pm)

09/2006/007

MR W H DISCOMBE

ERECTION OF AGRICULTURAL LIVESTOCK BUILDING AT HELE VALE FARM, WATERROW AS AMENDED BY AGENTS E-MAIL DATED 27TH SEPTEMBER ,2006 AND DRAWING NO. 200/03/REV A

304334/124062

FULL

PROPOSAL

The proposal relates to the erection of a livestock building for the purposes of beef rearing that measures 27 m x 25 m x 7 m to the ridge.

Previous application 09/2005/007, dated 29th November, 2005, for 2 poultry units each measuring 48 m x 10 m, was refused at the same site for visual impact reasons.

This application is also accompanied by application 09/2006/008 for the revised siting of a temporary agricultural workers dwelling.

CONSULTATIONS AND REPRESENTATIONS

RIGHTS OF WAY there appears to be some new planting proposed on either side of the footpath. The owners will be responsible for ensuring that the vegetation is kept back from the footpath at all times.

LANDSCAPE OFFICER (on original plans) - this is a substantial building that will require a significant amount of landscaping to accommodate it. However subject to suitable landscaping, including earthworks, it should be possible to integrate it into the local landscape longer term. The building should be set down as low as possible and therefore a levels drawing should be provided. Any spoil should be used to provide banking to the north, west and east. These areas should also be planted to help soften the impact of the building. Levels for the concrete pad should also be provided. (On amended plans) - subject to details and agreed levels for mounding and regarding it should be possible to integrate the proposal into the local landscape.
DRAINAGE OFFICER no objection subject to notes relating to surface water.

PARISH COUNCIL (on original plans) - objections raised as part of the Hele Vale Farm enterprise since we strongly oppose the siting of any house on this land, we also oppose the agricultural livestock building as well as it would have a detrimental impact upon open countryside. (On amended plans) - object as we feel that a building of this size cannot adequately be screened and would be an intrusion on the landscape in this attractive area.

POLICY CONTEXT

Taunton Deane Local Plan - the following policies are considered especially relevant:
- Policy S1 (general requirements); Policy S2 requires development to be of a good design; Policy S7 states that 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 meets certain criteria. Policy EN12 requires that the distinct character and appearance of Landscape Character Areas should be maintained.

ASSESSMENT

Compared to the previous refusal for two poultry units this building would be located in a less prominent area of the field and also proposes significant bunding and landscaping. The landscape officer is satisfied that it should be possible to integrate the building into the local landscape and therefore the visual amenity and landscape character of the area would not be detrimentally affected.

The Parish Council have objected to the principle of a new farmstead. It is usually preferred to locate new farm buildings in the vicinity of existing groups of buildings. New isolated farm buildings are however considered acceptable where they do not detrimentally affect the visual amenity and landscape character of an area. Open Countryside policy S7 promotes agricultural development and where development accords with a specific planning policy. Specifically, policy H12 supports proposals for new agricultural dwellings in rural areas and therefore the principle of a new enterprise in this location would appear acceptable.

The Parish Council have also objected to this proposal on the grounds that it is accompanied by application 09/2006/008 for an agricultural workers dwelling. Whilst this building is proposed to provide justification for an agricultural worker to reside on the site, this application should be judged on its own merits in isolation to the latter proposal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping and details and agreed levels for mounding and re-grading. Notes re maintenance of vegetation adjacent to the public right of way.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity and the landscape character of the area and is therefore considered acceptable and, accordingly, does not conflict 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:

09/2006/008

MR W H DISCOMBE

REVISED LOCATION OF EXISTING TEMPORARY AGRICULTURAL WORKERS DWELLING AT HELE VALE FARM, WATERROW (RE-SUBMISSION OF 09/2005/006) AS AMENDED BY AGENTS E-MAIL DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 300/01/REV A

304258/124067

RETENTION OF BUILDINGS/WORKS ETC

PROPOSAL

The proposal relates to the revised siting of a retrospective temporary agricultural workers dwelling. Previous application 09/2005/006, dated 29th November, 2005, refused retrospective permission for the temporary workers dwelling currently on site for visual impact reasons. Enforcement action to secure the removal of the dwelling has been authorised.

The dwelling measures 12.1 m x 6.75 m x 4.2 m to the ridge and comprises a single storey, 3 bed trailed pine lodge.

This application, as originally submitted, proposed significant landscaping/bunding in order to reduce the visual impact of the dwelling in its current position. Following comments from the Landscape Officer it is now proposed to relocate the dwelling some 22 m down slope and south of its current location. Bunding and landscaping has been altered as a result of the relocation.

Previous application 09/2005/006 was accompanied by application 09/2005/007, dated 29th November, 2005, for 2 poultry units measuring 48 m x 10 m that was also refused for visual impact reasons. The applicant has decided to continue with the poultry business but using portable units that do not require the benefit of planning permission. This proposal is however accompanied by application 09/2006/006 for a livestock building intended as a beef rearing and fattening enterprise.

Submitted with the proposal is an agricultural appraisal that states there is sufficient justification for a dwelling to be located on site, based on 36,000 poultry, 25 suckler cows (including calves), 22 other cattle (12 - 24 months) and one bull. The appraisal also shows evidence that the enterprise will be financially viable.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no comments received however the response to the previous application 09/2005/006 was as follows:- objections raised on sustainability grounds however it is a matter for the Local Planning Authority to decide whether there is an overriding agricultural need. Should the application be recommended for approval the following conditions will need to be imposed, visibility splays of 2 m x 70 m in each direction, hard surfacing of first 8 m of track and provision of two parking spaces. RIGHTS OF WAY there appears to be some new

planting proposed on either side of the footpath. The owners will be responsible for ensuring that the vegetation is kept back from the footpath at all times.

LANDSCAPE OFFICER (on original plans) I am concerned that the proposed dwelling will remain prominent in the local landscape and that although some mitigation is proposed it will still not be able to integrate it into the local landscape. It would therefore be detrimental to the local landscape character of the area. (On amended plans) - subject to landscape details this is a much better location for the dwelling. Set further down the slope it should have limited visual impact from surrounding lanes.

PARISH COUNCIL (on original plans) we strongly oppose the siting of any house in this area which has very bad access roads. It would be an unwanted intrusion on lovely open countryside and set a precedent for other landowners to follow. (On amended plans) we strongly oppose this application because it would set a precedent for developing open countryside – contrary to TDBC plan policy.

POLICY CONTEXT

Somerset & Exmoor National Park Joint Structure Plan Review – Policy STR1 on sustainable development requires that development minimises the need to travel, Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Taunton Deane Local Plan - the following policies are considered especially relevant:- Policy S1 (general requirements), Policy S2 requires development to be of a good design. Policy S7 states that 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 meets certain criteria. These criteria include that it is for the purpose of agriculture, it is necessary to meet a requirement of environmental or other legislation and that it supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. Policy H12 states that dwellings for agriculture or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need for the dwelling there and the farm or forestry unit for which it is sought is proven to be financially viable. Policy EN12 requires that the distinct character and appearance of Landscape Character Areas should be maintained.

ASSESSMENT

An agricultural appraisal has been submitted with the application that appears to meet the financial and functional requirements of PPS7. This concludes that there is clear evidence of a firm intention and ability to develop the enterprise and there is an essential functional need for a dwelling to be located on the site.

The Parish Council have objected to the principle of a new farmstead. It is usually preferred to locate new farm buildings in the vicinity of existing groups of buildings. New isolated farm buildings are however considered acceptable where they do not

detrimentally affect the visual amenity and landscape character of an area. Open Countryside Policy S7 promotes agricultural development and where development accords with a specific planning policy. Specifically, Policy H12 supports proposals for new agricultural dwellings in rural areas and therefore the principle of a new enterprise in this location would appear acceptable. Considering the support by planning policy the issue of creating a precedent for this form of development is not considered a relevant material consideration.

The previous application 09/2006/008 was not refused due to inadequacies in the agricultural appraisal or the principle of a new farmstead but purely on visual impact grounds. It is now proposed to move the existing mobile log cabin down slope some 22 m resulting in a drop in ridge level of some 4.2 m. This repositioning means that the dwelling would be less prominent within the landscape and combined with the proposed landscaping and bunding would now appear acceptable.

The Highway Authority has raised concerns regarding the sustainability of the proposal. However this objection is overcome by Policy S7 that promotes agricultural developments in rural locations. Also requested is a visibility splay requirement of 70 m in each direction with a set back of 2 m. The latter splay would require the removal of a significant amount of hedgerow and bank to the south east of the access. Not only is this hedgerow outside the applicant's ownership but would also be detrimental of the visual amenity of the area. Considering the rural nature of this infrequently used lane, that this is an existing agricultural access and the latter visual impact, the visibility splay is not considered necessary. It should be noted that contrary to the Parish Councils comments that the Highway Authority are not objecting to the proposal due to the condition of any approach roads. Considering the latter and that the proposal uses an existing agricultural access the proposal is not considered prejudicial to highway safety.

RECOMMENDATION

Permission be GRANTED subject to conditions of 3 year temporary permission, materials, landscaping, agricultural tie, consolidation of access, parking and details of levels for mounding and regarding. Notes re maintenance of vegetation adjacent to the public right of way and moving mobile home from existing position.

REASON(S) FOR RECOMMENDATION:- The proposed mobile home for an agricultural worker has a proven functional need in connection with a viable business and as such provides suitable justification for its location outside the limits of a settlement. The proposal is considered not to have a detrimental impact upon visual amenity, residential amenity and the landscape character of the area. The scheme therefore accords with Taunton Deane Local Plan Policies S1, S2, S7, H12, EN12 and M4.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

20/2006/026

MR HEAYNS

CONVERSION OF BUILDING INTO TWO UNITS FOR HOLIDAY LETS AND REMOVAL OF CONDITIONS 05 AND 06 OF PLANNING PERMISSION 20/2000/025, SWALLOWS BARN, PARSONAGE LANE, KINGSTON ST MARY AS AMENDED BY E-MAIL DATED 23RD OCTOBER 2006

322202/129032

FULL

PROPOSAL

The proposal provides for the conversion of an existing building into two units of holiday accommodation. The building was previously used as office and welfare facilities for the plant nursery, which has now closed. The amendment provides for the retention of the existing materials or to match the materials approved for the adjacent holiday chalets. Each unit provides for 3 bed accommodation.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER points of connection need to be agreed for disposal of foul flows and water supplies.

ECONOMIC DEVELOPMENT MANAGER/TOURISM OFFICER there are clearly a number of existing facilities such as this that have a market position and that are trading reasonably successfully. In this instance we would support the proposed expansion.

PARISH COUNCIL objects.

EIGHT LETTERS OF OBJECTION have been received raising the following issues:- removal of timber cladding; question need for 2 more units; consider residential use will be sought if there is no demand or should be taken down; should be used for reception/laundry; should be tied into the holiday cabin development; more traffic generation onto substandard lane with poor junction at Mill Cross; original application was related to nursery, which no longer exists; nursery no longer exists; question whether there is demand for extra holiday accommodation in this particular area; submission of a succession of applications is insidious; the whole project is getting out of hand; should be converted to lettable residences.

POLICY CONTEXT

Policy STR1 of the County Structure Plan contains policies related to sustainable development. Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

Policy S1 of the Taunton Deane Local Plan sets out general requirements for new developments. Policy S7 of the same Plan states that 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 provided certain criteria are met. Policy EC6 of the Taunton Deane Local Plan states that outside the defined limits of settlements, the conversion of buildings to small scale business, industrial, warehousing, tourism, recreation, community, commercial or other employment generating use will be permitted provided that certain criteria are met. It is considered that the criteria are met with the current proposal.

ASSESSMENT

The amendment provides for the use of timber cladding rather than render. Previous planning permission has been granted for a total of 18 new holiday chalets on the former nursery land adjacent. By removing conditions 05 and 06 of approval 20/2000/025 the office building could be sold or let to a separate user. Against the background of the nursery having closed and the permission for new holiday accommodation on the adjacent land, the current proposal is considered an appropriate use for the building.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, restriction to holiday accommodation, removal of GPDO rights for extensions, ancillary buildings and means of enclosure and removal of conditions only if holiday let use implemented. Notes re disabled access and energy/water conservation.

REASON(S) FOR RECOMMENDATION:- The building is adequately screened and the proposal is not considered to be harmful to the landscape and has good access to the highway network, the visual and residential amenity of the area would not be detrimentally affected and therefore the proposal is compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

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:

23/2006/029CA

MR R WYNNE

DEMOLITION OF GARAGES AT QUEENSMEAD, SILVER STREET, MILVERTON

312442/125805 C.A. CONSENT - DEMOLITION OF UNLISTED BUILDING IN C.A.

PROPOSAL

Conservation Area Consent is sought for the demolition of a block of garages (blockwork and timber with a corrugated iron roof) within the settlement of Milverton. Only part of the garage block lies within the conservation area. The site is set back from the highway served from a drive serving one dwelling.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations received.

CONSERVATION OFFICER no objection. Good practice would suggest demolition should not occur until an approved scheme for replacement buildings is in place and a contract signed for their construction.

PARISH COUNCIL no observations received.

SIX LETTERS OF OBJECTION have been received raising the following issues:- recognised traffic problem; space for parking vehicles scarce; removing of garages would force 6 more cars to park on already overcrowded street; increased vehicles parking in Turnpike already narrows road, and vehicles scrape along out front wall causing damage; bus service having problems negotiating parked vehicles and another 6 cars would make problem worse; I would have no where to park our vehicles; Local Plan recognises that on-street parking within Milverton is a problem, paragraph 19.47 acknowledges that "The village streets are narrow and poorly aligned with sub-standard junctions, and there are acknowledged problems arising from on-street parking and HGV traffic"; Policy EN14 notes a reduction in on street parking within conservation areas would enhance, it can be assumed that any increase will harm character of conservation area; recent refurbishment of The Glove has attracted more custom from outside the village and has exacerbated on-street parking problems in the area.

POLICY CONTEXT

PPG15 Planning and the Historic Environment. PPG15 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area; and...this should be the prime consideration in determining a consent application. In essence account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

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

Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), and EN14 (Conservation Areas) and EN15 (Demolition in Conservation Areas).

Policy EN14 states Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.

Policy EN15 states there is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area. Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed.

ASSESSMENT

The pertinent issues in the determination of this application concern whether the building to be demolished makes a positive contribution to the character or appearance of the Milverton Conservation Area.

It is considered that the building to be demolished is of no architectural or historic merit and makes no positive contribution to the wider conservation area. As such there is no objection to its removal, and a replacement scheme is not considered to be required for its replacement

RECOMMENDATION

Consent be GRANTED subject to time limit.

REASON(S) FOR RECOMMENDATION:- It is considered that the part demolition of the building and its replacement building would preserve or enhance the wider Conservation Area and as such the proposal complies with Taunton Deane Local Plan Policies S1, S2, EN14 and EN15 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9 and guidance within PPG15 – Planning and the historic environment in respect of works relating to the demolition of buildings within a Conservation Area.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

23/2006/031

MR AND MRS I C WALKER

**ERECTION OF DWELLING AND DOUBLE GARAGE ON LAND TO THE SIDE OF
8 FAIRFIELD TERRACE, MILVERTON (REVISED SCHEME OF 23/2005/026)**

311856/126073

FULL

PROPOSAL

The proposed development comprises the erection of detached two storey dwelling, with a detached double garage, within the substantial garden of a property. The property forms part of a row of pairs of 'detached-semi' properties.

The proposal is a revised scheme of 23/2005/026 which did not include the garage in the location now proposed. The previous application was approved by Committee on 14th December, 2005.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. COUNTY ARCHAEOLOGIST limited or no archaeological implications to this proposal and we have no objections on archaeological grounds. WESSEX WATER recommends note for points of connection and easement. RIGHTS OF WAY any new drainage must be directed away from the Right of Way.

LANDSCAPE OFFICER revised scheme is acceptable in terms of low landscape impact.

PARISH COUNCIL no comments.

FOUR LETTERS OF OBJECTION have been received raising the following issues:- car park to front of dwelling not drawn to scale; turning area to front will present hazard to vehicles turning in Fairfield Terrace; granting permission would reduce available car parking spaces available at rear of Lower Fairfield and set a precedent; car to rear for residents of Lower Fairfield residents only, not Fairfield Terrace; more traffic using drive to reach garages, with more noise and pollution; where will materials be delivered; balcony on second floor will overlook our patio; modern house out of character with surrounding properties; will new building limit access to properties along Fairfield Terrace; will this set a precedent; object to new access to rear, car park only for Lower Fairfield residents, already difficulties with parking and turning.

POLICY CONTEXT

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H2 of the Taunton Deane Local Plan, which includes that: - small-scale schemes will

not erode the character or residential amenity of the area. The criteria of Policy S1 (General Requirements) of the Taunton Deane Local Plan also apply in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 (Design) requires good design appropriate to the area. Policy M4 (Residential Parking Requirements) is also relevant.

ASSESSMENT

The main concern from objectors has been regarding a new access at the rear of the site to serve a new garage block. Access will be derived from an existing area used for car parking. The applicant has submitted information from TDBC confirming that: as a resident of Fairfield Terrace there is entitlement to use the communal area to parking; a licence for access over communal parking area area for delivering building materials has been allowed; prepared to grant annual licences over land to garages to be erected at 8 Fairfield Terrace.

The objector to the balcony is approximately 75 m away, from dwelling to dwelling, and the balcony would be approximately 45 m to the boundary of the objectors property. Given the distance to the objector, the balcony is not considered to detrimentally harm the privacy of this property.

The new dwelling has been designed to maintain the appearance of Fairfield Terrace at the front elevation, which is a prominent raised site. The rear elevation is proposed to be constructed of timber, with a large number of openings, to address sustainability. These openings will compensate the small openings on the side elevations, and make most use of this South facing elevation. The rear elevation is not considered to detract from the character of the area.

The site is within the settlement limits of Milverton outside of the Conservation Area. The site is of adequate size to enable a detached dwelling to be erected, and the proposal is considered to meet the criteria of Local Plan Policy.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, boundary details, no obstruction to turning/parking area, consolidated surface, surface water, garage for parking vehicles only, obscure glazing to East and West elevation and no additional windows.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to be acceptable having regard to the location within the settlement limits and it would have no adverse effects on the amenities of neighbouring properties, it is considered to be in accord 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: 356463 MR D ADDICOTT

NOTES:

24/2006/040

THE TACCHI-MORRIS TRUST

ERECTION OF 5 DETACHED DWELLINGS AND 3 LOWCOST OWNERSHIP DWELLINGS AND ACCESS AT LAND OFF WHITE STREET, NORTH CURRY

332357/125287

OUTLINE APPLICATION

PROPOSAL

The site comprises agricultural land that lies outside of the settlement limits of North Curry and just to the south of the North Curry Conservation Area. The proposal is an outline application for the erection of 8 dwellings on land adjacent to White Street and a listed property known as Thatchers. Illustrative details show the provision of a new access off the northeast side of White Street with 4 houses fronting onto White Street and a new roadway running at right angles to White Street serving 4 additional houses (two on either side) and providing access to the land to the north and east of the site (the subject of application 24/2006/041 change of use to recreation/playing fields). The proposal includes three low cost “home ownership” homes, shown as a terrace fronting White Street with parking off the access road into the site. There are a group of trees covered by a Tree Preservation Order on the boundary of the site with White Street and these would be effected and some removed in order to provide the proposed access.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed roads are not of an acceptable standard and will not provide a safe access for the proposal and I recommend the refusal of the application COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER the site is within a sewered area with foul and surface water sewers. There is a water main in the vicinity of the site. SOMERSET WILDLIFE TRUST comments awaited. SERC no statutory species have been recorded at this site but legally protected species have been found within a 1km radius of the site including Badgers and their setts.

LANDSCAPE OFFICER the proposed dwellings would be within the recommended falling distance of the boundary trees (subject to a Tree Preservation Order); the proposed access visibility splay requirements would de stabilise a number of TPO'd trees requiring their felling. These trees have high amenity value although some are in a poor state of health. CONSERVATION OFFICER the scheme will have a negative impact on the listed buildings. NATURE CONSERVATION AND SPECIES OFFICER views on wildlife survey awaited. FORWARD PLAN The proposed housing development would be contrary to Policy S7 of the Taunton Deane Local Plan. In line with national and regional policy this seeks to apply strict control to development in the countryside. There are exceptions to that strict control, which include housing in certain circumstances. Those circumstances include the provision of affordable housing on sites adjoining villages, where there is evidence of local need for such housing. The site of the proposal does adjoin a village and evidence of need has been submitted. However, the relevant Local Plan Policy, H11, states, in

line with advice at Annex B of PPG3, that such sites should not include open market housing, which this proposal does. The proposal is therefore contrary to Policy H11. HOUSING OFFICER views awaited. LEISURE DEVELOPMENT OFFICER any permission should be linked to the provision of the sports facilities. Play provision should be provided on site in line with local plan provisions. NORTH CURRY PARISH COUNCIL are named as applicants and they strongly support the proposal

8 LETTERS OF OBJECTION have been received raising the following issues:- the application site is outside of the settlement limits of North Curry and adjacent to North Curry Conservation Area and should be ruled out by Taunton's own policies; the proposed housing is on Greenfield land outside of the building line breaching Taunton Deane's own policies for development; the development would be unacceptable, opposite a listed building and conservation area; the proposed access will result in the loss of roadside trees and hedges covered by a Tree Preservation Order; the roadside trees are habitat to many bird species including Green Woodpecker, Great spotted Woodpecker, Little Owl, Barn Owls and nesting starlings and removal of the trees will destroy this habitat; the proposed development would prepare the area for a larger scheme since, once the area is breeched, it will inevitably lead to urban sprawl in this well developed village (there is ample space for more development, more sensitively sited for more housing on a prepared extension of Overlands, which could connect with the vacant land owned by the Trust at the rear of Longs House); if any excess land were to be used for additional sports facilities than this would again increase the traffic, be unnecessary and expensive to upkeep and divorced from the existing facility; the proposals are an affront to the village plan, are unnecessary and undesirable and should be rejected; the proposed access is ill thought out and impractical, it has limited visibility and would create a hazard; the road opposite 18 Longs Field has a steep gradient with inadequate vision for emerging traffic; White Street is used by a considerable amount of traffic including farm vehicles (many of which already span the full width of the road) and lorries, pedestrians including children going to school; there are no pavements along this stretch of White Street, down to the junction with Stoke Road; the junction with Stoke Road is potentially dangerous especially with parked cars in the vicinity and an informal bus stop; the proposed access is opposite Longs Field and would result in the narrowing of the road, which is already only 16 ft across and virtually one way and this would be a problem to all road users including pedestrians, larger cars, lorries and farm vehicles, combines and the like; further narrowing of the road would mean that traffic would find it impassable without damaging hedges and walls; traffic from the houses and recreation facilities would be high at times and would present an increased hazard to other users of White Street; the proposed access is unsuitable and would be dangerous; illumination of the area has been staunchly resisted by North Curry, will this proposal set a precedent?; the rural housing need survey identifies a need for 6 affordable housing units but only proposed 3, this appears to defy logic; the proposed 5 unaffordable houses should be substituted for 3 extra affordable homes and North Curry School is already full to capacity and cannot take another 8 families.

3 LETTERS OF SUPPORT have been received raising the following issues:- much needed affordable housing will help young local people to get onto the property ladder; there has been a poll of the village that has resulted in a positive reaction from the villagers, creating a positive feeling after all the recent negative news; the

proposal will result in much needed low cost housing along with some standard housing, effectively infilling albeit technically outside the village limits

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 - Development in rural centres and villages, Policy 8 - Outstanding Heritage Settlement, Policy 49 Transport requirements for new developments.

Taunton Deane Local Plan Policies S1 - General requirements; 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. (Chris Please type in full) H11 Rural local need housing. EN6 - Protection of Trees, Woodlands, Orchards and Hedgerows, EN8 - Trees in and Around Settlements, EN14 - Conservation Areas, EN16 - Listed Buildings.

Taunton Local Plan villages with no allocations - NORTH CURRY:-

19.50 North Curry is one of the most attractive villages in Taunton Deane, being recognised as an Outstanding Heritage Settlement in the Structure Plan. It is relatively large, and consists of a tightly knit core, set around Queens Square, from which ribbons of development extend in 5 main directions. More recent development has consolidated this form. It has numerous listed buildings, particularly at its heart, and an extensive conservation area. Attractive open areas around St Peter and St Paul's church and south of The Manor House are areas to remain undeveloped. The village is set within a finger of North Curry Ridge Landscape Character Area, which extends north-eastwards into the Somerset Levels Landscape Character Area. There is a prominent scarp slope to the north of the village which is a proposed Special Landscape Feature called the North Curry Ridge, where policy EN11 will apply.

19.51 North Curry has a relatively wide range of services including a health centre, village hall, primary school, post office and two shops. However, it has a relatively low level of local employment. The bus link to Taunton is at a minimal level suitable for commuting and school attendance.

ASSESSMENT

The application is located outside of the settlement limits of North Curry. Taunton Deane Local Plan policy H11 is an exception policy that allows for the development of small scale affordable housing schemes on land where housing would not be permitted (see above for full text). Government advice is that allowing sites outside

of settlement limits for rural needs housing is acceptable as it provides sites where land values remain at agricultural prices thereby reducing the costs of the development. Falcon Rural Housing have undertaken surveys of the North Curry parish and have identified a need for 6 low cost home ownership properties within the parish. This application includes a mix of 3 low cost affordable home ownership houses and 5 open market houses. The applicants argue that the landowner (a charitable trust) needs to erect 5 houses to fund the cost of the remaining 3 low cost homes, the provision of land for recreational purposes (24/2006/041) and that all other proceeds would be put back into the local community. Government Guidance in Planning Policy Guidance Note 3 Annex B and the exceptions Policy H11 does not allow for open market housing to be permitted outside of settlement limits to fund low cost homes and as such I consider that this proposal is contrary to the requirements of Policy H11 and S7 for development outside of settlement limits.

The proposed site access, off White Street, does not conform to the requirements of the Highway Authority and is contrary to Somerset and Exmoor National Park Policy 49. The access and proposed visibility splays will have a detrimental impact on a roadside group of trees covered by a tree preservation order and are likely to result in the felling of some of those trees to the detriment of the visual amenity and character of the area contrary to Policies EN6 and EN8 of the Taunton Deane Local Plan. The proposed site for housing is immediately adjacent to the northwest and northeast boundaries of a grade II listed building, "Thatchers". It is the opinion of the Conservation Officer that this would have a detrimental impact on the setting of the Listed Building contrary to Taunton Deane Local Plan policy EN16. Finally, it is also the opinion of the Conservation Officer that the loss of the trees would alter the rural character to the approach to the conservation area contrary to the requirements of Policy EN14. Proposal considered unacceptable.

RECOMMENDATION

Permission be REFUSED for the reasons that the site lies outside of the settlement limit of North Curry where new housing is not allowed and is considered contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policies S7 and H11. The proposed access would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1 (A). The proposed access would result in the loss of trees considered to be of high amenity value adding to the local character of the area contrary to the requirements of Taunton Deane Local Plan Policies EN6 and EN8. The proposed development would have a detrimental impact on the character and setting of the adjacent Grade II listed building contrary to the requirements of Taunton Deane Local Plan Policy EN16. The proposed development would have a detrimental impact on the setting of the adjacent North Curry Conservation Area.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

24/2006/041

THE TACCHI-MORRIS TRUST

**CHANGE OF USE OF AGRICULTURAL LAND TO RECREATIONAL USE AT
LAND OFF WHITE STREET AND STOKE ROAD, NORTH CURRY.**

332451/125360

FULL

PROPOSAL

The site comprises agricultural land that lies outside of the settlement limits of North Curry and just to the south of the North Curry Conservation Area. The proposal is an outline application for the change of use of 4.24 hectares of agricultural land to provide recreation facilities including a cricket pitch, football pitch, and three tennis courts with associated changing and storage facilities, car parking and the provision of a new access off White Street. There are a group of trees covered by a Tree Preservation Order on the boundary of the site with White Street and these would be effected and some removed in order to provide the proposed access.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed roads are not of an acceptable standard and will not provide a safe access for the proposal and I recommend the refusal of the application. COUNTY ARCHAEOLOGIST views awaited. WESSEX WATER the site is within a sewered area with foul and surface water sewers. There is a water main in the vicinity of the site. SOMERSET WILDLIFE TRUST comments awaited. SERC no statutory species have been recorded at this site but legally protected species have been found within a 1 km radius of the site including Badgers and their setts.

LANDSCAPE OFFICER subject to reinforcement planting and management of existing boundaries with some additional planting it should be possible to integrate the proposals into the surrounding landscape, to reduce any landscape impacts the tennis courts would be better located adjacent to the changing facilities; the roadside trees have high amenity value (although some are in a poor state of health) and are covered by a Tree preservation Order. The proposed access would result in the loss of some of these. CONSERVATION OFFICER the proposal will have a negative impact on the listed buildings. NATURE CONSERVATION AND SPECIES OFFICER views on wildlife survey awaited. FORWARD PLAN the proposed housing development would be contrary to Policy S7 of the Taunton Deane Local Plan. In line with national and regional policy this seeks to apply strict control to development in the countryside. There are exceptions to that strict control, which include housing in certain circumstances. Those circumstances include the provision of affordable housing on sites adjoining villages, where there is evidence of local need for such housing. The site of the proposal does adjoin a village and evidence of need has been submitted. However, the relevant Local Plan Policy, H11, states, in line with advice at Annex B of PPG3, that such sites should not include open market housing, which this proposal does. The proposal is therefore contrary to Policy H11. The use

of land adjoining a settlement for playing fields is an acceptable use, and I would also consider the provision of an ancillary pavilion or changing rooms to be one of the legitimate exceptions allowed for by Policy S7. Given the small scale of the recreational facilities, which would appear to be designed to meet local needs, this element of the proposals would also comply with Policy C5 of the Local Plan. The issue in relation to the housing is thus one of assessing whether there are material planning considerations that justify the departure from policy. There would clearly be some benefits to the local community from the combined proposals, in the shape of affordable housing and recreational facilities. And evidence of community support for the proposals has been submitted. However, both might be deliverable on other sites without the enabling open market housing. There is also a wider concern in relation to the delivery of affordable housing if this proposal is permitted. This is that if landowners see that there is a prospect of securing some open market housing on rural affordable housing exception sites, it would become very unlikely in the future that any policy compliant affordable-only exception sites would come forward. The proposal would also adversely affect an important tree group on the site frontage, contrary to Policy EN8 of the Local Plan. LEISURE DEVELOPMENT OFFICER The existing recreation field's Cricket pitch is about 100 m too small on two sides to allow the standard 65 m minimum boundary limits to be provided; in terms of the football pitches the current orientation is too small for an adult team but is acceptable for a youth club. The proposed sports facilities would appear to meet the relevant standards in terms of size; the football pitch should be drained and levelled and the sports turf research institute should be consulted prior to work starting on the site; the provision of the sports facilities should be conditioned to any housing permission that may be granted; the pavilion needs to meet appropriate standards laid down by the Football Foundation; access to the tennis courts must be via a hard surfaced path and the tennis courts laid out to Lawn Tennis association standards.

NORTH CURRY PARISH COUNCIL are named as applicants and they strongly support the proposal.

7 LETTERS OF OBJECTION have been received raising the following issues:- the application site is outside of the settlement limits of North Curry and adjacent to North Curry Conservation Area and should be ruled out by Taunton's own policies; the site is not within the main built up area of North Curry and the description that it is surrounded on 3 sides by development is misleading; the relationship of the site to the core of the village is that it is on its outskirts and although local residents could walk there its use as a sports field is likely to end up with significant vehicular traffic as well; the informal recreation area would be likely to cause a nuisance to nearby residents and would be better located adjacent to the changing facilities and the informal recreation area changed to nature and wildlife area with hedgerows and trees retained and planted in the area; any permanent lighting would cause light pollution and should be resisted; if any excess land were to be used for additional sports facilities than this would again increase the traffic, be unnecessary and expensive to upkeep and divorced from the existing facility; the adjacent barn conversion suffered flooding as a result of land drainage problems and would not wish to see these exacerbated by additional development of the area; the proposed access is ill thought out and impractical, it has limited visibility and would create a hazard; the road opposite 18 Longs field has a steep gradient with inadequate vision for emerging traffic; White Street is used by a considerable amount of traffic

including Farm vehicles (many of which already span the full width of the road) and lorries, pedestrians including children going to school; there are no pavements along this stretch of White Street, down to the junction with Stoke Road; the junction with Stoke Road is potentially dangerous especially with parked cars in the vicinity and an informal bus stop; the proposed access is opposite Longs Field and would result in the narrowing of the road, which is already only 16 ft across and virtually one way and this would be a problem to all road users including pedestrians, larger cars, lorries and farm vehicles, combines and the like; further narrowing of the road would mean that traffic would find it impassable without damaging hedges and walls; traffic from the houses and recreation facilities would be high at times and would present an increased hazard to other users of White Street; the proposed access is unsuitable and would be dangerous; illumination of the area has been staunchly resisted by North Curry, will this proposal set a precedent?

1 LETTER OF CONCERN has been received raising the following issues:- is there a need for additional facilities? who will organise and fund the facilities in perpetuity? how will the site access cope with the traffic flow and limited parking shown on the sketch scheme? visitor teams may arrive in coaches how will they access the site and where will they park?

5 LETTERS OF SUPPORT have been received raising the following issues:- the cricket club is in need of a new cricket pitch and has been required to play home matches away from home due to the restricted size of the current facilities it is club with massive local interest and with suitable facilities young children will be able to be coached and a junior team created, the proposed site is located outside the settlement boundaries of North Curry; it will result in much needed low cost housing along with some standard housing, effectively infilling albeit technically outside the village limits; increased health and safety restrictions have precluded the continuance of cricket on the existing cricket pitch; the increasing requirements for play equipment has encroached upon the football pitch and it was recognised that an additional site for the facilities would be required for adult use whilst the existing recreational site could focus on young people; as such a new strategy has been developed with a MUGA being constructed with the help of County Council; we have rigorously looked at various options and believe the White Street option to be the only realistic opportunity within a close distance to the village centre, this application also provides a permanent green buffer to the eastern edge of the village under the control of the parish council; will provide low cost housing; and a limited amount of open market housing technically outside of the limit.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 8 - Outstanding Heritage Settlement, Policy 38 - Sport and Recreation in the Countryside, Policy 49 – Transport Requirements for New Developments.

Taunton Deane Local Plan Policies S1 - General requirements, 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. C5 - Sports Facilities, EN6 - Protection of Trees, Woodlands, Orchards and Hedgerows, EN8 - Trees in and Around Settlements, EN14- Conservation Areas, EN16 - Listed Buildings.

Taunton Local Plan villages with no allocations - NORTH CURRY:-

19.50 North Curry is one of the most attractive villages in Taunton Deane, being recognised as an Outstanding Heritage Settlement in the Structure Plan. It is relatively large, and consists of a tightly knit core, set around Queens Square, from which ribbons of development extend in 5 main directions. More recent development has consolidated this form. It has numerous listed buildings, particularly at its heart, and an extensive conservation area. Attractive open areas around St Peter and St Paul's church and south of The Manor House are areas to remain undeveloped. The village is set within a finger of North Curry Ridge Landscape Character Area, which extends north-eastwards into the Somerset Levels Landscape Character Area. There is a prominent scarp slope to the north of the village which is a proposed Special Landscape Feature called the North Curry Ridge, where policy EN11 will apply.

19.51 North Curry has a relatively wide range of services including a health centre, village hall, primary school, post office and two shops. However, it has a relatively low level of local employment. The bus link to Taunton is at a minimal level suitable for commuting and school attendance.

ASSESSMENT

The application is located outside of the settlement limits of North Curry where the Local Plan Policies S1 and C5 needs to be considered. Policy C5 allows new sports facilities outside of settlements provided there is a clear and demonstrable need for the facility. I am currently awaiting a statement of need, but from discussions with the Leisure and Recreation Officer, I understand that the existing recreation area does not have sufficient space for the proposed facilities. If a need is established then the principal of a recreation area in this location is acceptable. The recreation area will need a means of access and parking. The current proposal shows this to be a joint access via the new access and road proposed in connection with the residential development. The proposed site access, off White Street, does not conform to the requirements of the Highway Authority and is contrary to Somerset and Exmoor National Park Policy 49 and Taunton Deane Local Plan Policy S1. The access and proposed visibility splays will have a detrimental impact on a roadside group of trees covered by a tree preservation order and are likely to result in the felling of some of those trees to the detriment of the visual amenity and character of the area contrary to Policies EN6 and EN8 of the Taunton Deane Local Plan. It is the opinion of the Conservation Officer that the loss of the trees would alter the rural character to the approach to the conservation area contrary to the requirements of Policy EN14. Whilst I accept a balance needs to be made between the advantages

of the additional sports facilities and the objections to the proposal I consider that, in this case the balance is clearly against the development and I consider that the proposal is not acceptable.

RECOMMENDATION

Permission be REFUSED for the reasons that the proposed access would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A), the proposed access would result in the loss of trees considered to be of high amenity value adding to the local character of the area contrary to the requirements of Taunton Deane Local Plan Policies EN6 and EN8, the proposed access would have a detrimental impact on the setting of the North Curry Conservation Area contrary to the requirements of Taunton Deane Local Plan Policy EN14.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

31/2006/022

WHITBREAD GROUP PLC

ERECTION OF DETACHED TWO STOREY 20 BEDROOM BLOCK AT LAND WEST OF PREMIER TRAVEL INN (RUISHTON LODGE) RUISHTON LANE, RUISHTON AMENDED BY AGENTS LETTER DATED 6TH OCTOBER, 2006 AND DRAWING NO. 2250/P2-B.

325847/124832

FULL

PROPOSAL

The proposal comprises the erection of a two storey detached hotel block in the grounds of the Premier Travel Inn that will provide an additional 20 bedrooms. The design reflects the form of the existing hotel block incorporating similar materials, namely slate, brick and render, and gables to break up the roofslope. The amended drawing provides an additional 4 parking spaces (11 new spaces proposed in total) to the existing car park as recommended by the Highway Authority.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections. I have been in discussion with the agent regarding the proposed car parking provision. The exiting situation is that there are 38 rooms and 48 parking spaces. A survey carried out by the agent showed that when the 38 rooms were occupied a maximum of 35 parking spaces were used. The proposal is to extend the number of rooms to 58 and provide 58 spaces. I have agreed with the Agent that it would be appropriate to increase the car parking provision by another 4 spaces to provide 62 spaces. The additional parking therefore needs to be conditioned [or an amended plan sought] and as there would be little parking capacity remaining I would recommend that a condition be imposed requiring that the parking spaces only be used in connection with the development hereby approved. WESSEX WATER no objection. Surface water should be kept separate from foul drainage.

LANDSCAPE OFFICER no objection. The western boundary is poor and needs reinforcing however the existing TPO'd trees would be unaffected by the proposals subject to protection during construction. There is scope for further specimen tree planting.

PARISH COUNCIL objects – concern over impact of traffic in Ruishton Lane and Taunton with A358.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), M4 (parking requirements), EN6 (protected trees) and EC2 (expansion of existing business outside development limits).

ASSESSMENT

The design of the hotel block appears to reflect the characteristics of the existing hotel as it incorporates matching materials and features such as gables in the roofslope. The latter gables also serve to break up an otherwise large expanse of roofslope. The design of the building is therefore considered acceptable. Public views of the hotel block will be limited. The buildings south gable end will be glimpsed from the A358 but is set back some 35 m from the road and screened by trees and the adjacent Blackbrook Tavern. The visual amenity and landscape character area will therefore not be detrimentally affected.

Ideally it would be preferable to extend the existing hotel building however this is not possible due to the location of several trees subject to Tree Preservation Orders that surround the existing building. The proposed hotel block would be located in an area where protected trees and their roots would not be affected by the construction works. A condition is also proposed that requires protection of the existing trees.

The site is located outside of any defined settlement limit however the principle of this development is considered acceptable under the terms of Policy EC2. Policy EC2 allows for the expansion of existing firms outside settlement limits where relocation to a more suitable site is unrealistic. In this case it would seem inappropriate to require the whole business to relocate and therefore the proposal appears acceptable in principle.

The Parish Council has objected to the proposal on the grounds of highway safety due to the additional traffic movements onto Ruishton Lane and the A358. The proposal would appear to have little impact on the overall traffic flow on Ruishton Lane and its junction with the A358. Furthermore the Highway Authority has not objected to the proposal and therefore it would appear unreasonable to refuse the proposal on highway safety grounds.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees during construction and parking. Notes re landscaping and surface water.

REASON(S) FOR RECOMMENDATION:- The principle of expanding an existing business use outside defined settlement limits is considered acceptable and is considered not to have a detrimental impact upon visual amenity, residential amenity and the landscape character of the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, M4, EN6, EN12 and EC2.

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:

33/2006/002

MR AND MRS I EVANS

ERECTION OF 6 UNITS OF HOLIDAY LET ACCOMMODATION AND ASSOCIATED STABLING ON LAND ADJACENT TO THE GREYHOUND INN, STAPLE FITZPAINE

326457/118410

FULL

PROPOSAL

The proposal is to erect 6 self-contained 2 bedroomed units of holiday accommodation on land to the rear of the Greyhound Inn. The accommodation will be in two blocks, one a two storey pair of semis of permanent construction and the other a single storey block. Ten dedicated parking spaces are proposed within a defined hardstanding area separated off from the public house. The accommodation is intended to serve demands of the racing and polo fraternity in the area.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development site is remote from any urban area and therefore distant from adequate services and facilities and public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice. It must be a matter for the Local Planning Authority to decide whether the use of the site and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. In detail, the site is accessed from a classified unnumbered highway, and will utilise an existing access, which will be altered to continue to serve the public house and the traffic resulting from the proposed development. Visibility at the point of the existing access is currently restricted by roadside trees and hedges and in the interests of highway safety for all road users, it is imperative that adequate visibility is provided to serve the development being proposed and the increase in traffic resulting from the use. I would therefore seek the inclusion of visibility splays based on co-ordinates of 2 m back and parallel along the frontage to the west and 2 m x 90 m to the east. Unless the improvements outlined above can be made, (this should be demonstrated on a amended plan), I would recommend that this application is refused on highway grounds for the following reason:- The increased use of the existing substandard access, which does not incorporate the necessary visibility splays, such as would result from the proposed development, would be prejudicial to road safety. As a consequence, the proposed development would be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. ENVIRONMENT AGENCY the proposed development, according to the latest Environment Agency mapping, is partly located in Flood Zone 3. The Agency was initially concerned that the erection of holiday units and stabling on the south bank would obstruct flood flows across the site and potentially worsen the flood risk situation. The flood map suggests that the majority of flooding occurs on the south bank in the vicinity of the

proposed development. However, a recent site visit has demonstrated that the north bank is lower and would therefore flood preferentially. This is supported by historical evidence, and there have been works undertaken on the north bank to improve the flooding situation. For this reason, the validity of the data used to determine the flood map extent at this location should be called into question. Although flooding could still occur on the south bank, it is unlikely to be to the extent shown on the current Environment Agency flood map. Therefore, flooding should not pose a significant risk to the occupants of the holiday let accommodation. The units located nearer to the watercourse are two storey, with the sleeping accommodation on the first floor, and access is on the landward side. Therefore, the Agency has no objections to the proposed development, subject to the application of conditions.

LANDSCAPE OFFICER the site is generally well screened from the road by an existing mature hedge, however my concern is that the proposed holiday units are located within the canopy spread of the trees. To make a detailed assessment of the impact a tree survey showing the position, size and species of trees should be supplied. Given the above it may be better to interchange the holiday accommodation with the stable block to the north. It is not possible to tell from the drawings how close the proposals are to the stream to the north but the stream provides an important wildlife corridor with TPO'd trees that should be protected and if possible enhanced. As suggested within the application there is scope for hedge and tree planting to integrate the proposals into the surrounding landscape, conservation area and edge of the AONB location. CONSERVATION OFFICER the conservation boundary misses the curtilage of the listed building and while the site lies outside the boundary there is no real edge by which to separate it. Given that the village is so small the boundary can be considered fairly arbitrary. The evaluation in the design statement has no functional basis (no examples of traditional stables have been examined). There is also no assessment of the structure of the village which would help to harmonise development. Thus an odd selection of buildings is proposed to stand in an expanse of hard landscaping. The pub car park already represents a large blot which will merge with parking and roads proposed in the new scheme but for a thin hedge, entirely superficial when viewed from most angles. Looking at the planning history of the site a short length of hedgerow has been removed along the road and an access inserted for which permission was refused in 1992 and not subsequently granted. I concur with past opinion that access to any development is best made through the existing pub car park. I don't see the development here complimenting either the conservation area or the listed building adjacent. ECONOMIC DEVELOPMENT MANAGER we support this application as it seeks to add value to the development of holiday let accommodation through its linkage with stabling facilities and its proximity to the Greyhound pub. DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with BRD 365(Sept 1991) and made a condition of any approval. I note that a private sewage treatment plant is to be installed to deal with foul sewage. The EA should be consulted as their consent to discharge will be required.

PARISH COUNCIL is concerned at the volume and size of heavy traffic the development will generate in the location which is close to a difficult junction. The proposal is inconsistent with policy EC23 and the Council is concerned approval

would set a precedent. The Council is not satisfied that proper arrangements are in place to deal with the waste from the stables.

9 LETTERS OF OBJECTION (+2 anonymous) have been received raising the following issues:- racing and polo fraternities will not use site more than existing as racecourse stables need security staff and visiting polo players would not stable horses overnight, there are insufficient safe rides for holiday users and there are already numerous stables in the area; no storage space for equestrian supplies and waste is not addressed; there is insufficient land for 20 horses; no external lighting is included and this would impact on the immediate area; a Director of the Racecourse advises that the stabling proposed is unnecessary; holiday use should be linked to the pub; the design will impact on visual amenity; the site is not in an area for development and the proposals go against policy EC23; vehicles approach New Road junction at speed and any additional traffic generated by the proposal would increase the risk of accident; no horsebox parking shown; may affect existing livery businesses in the area and no need for new stables; noise and pollution will disturb nearby elderly residents; HGV and buses use the route through the village; an unauthorised access and gate has been erected to the car park; green site should not be built on; a previous appeal for a touring caravan park was dismissed here; the land could change hands in the future; the scheme will not enhance the character and appearance of the area or residential amenity and will urbanise the area.

4 LETTERS OF SUPPORT have been received on basis it will support local business; it would encourage leisure in the Blackdowns; it would not create additional traffic and design would be in keeping with the surroundings.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, POLICY 5 – Landscape Character, POLICY 9 – The Built Historic Environment, POLICY 23 – Tourism Development in the Countryside, POLICY 49 – Transport Requirements of New Development, POLICY 60 – Floodplain Protection.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, S7 – Outside Settlements, EC7 – Rural Employment Proposals, EC15 – Associated Settlements, EC23 – Tourist Accommodation, EC24 – Holiday Chalets, EN12 – Landscape Character Areas, EN14 – Conservation Areas, EN16 – Listed Buildings, EN28 – Development and Flood Risk.

ASSESSMENT

The proposal for holiday units has to be considered in light of its rural location, the scale of the use, the impact on the landscape and character of the area, the highway impact and the flood risk.

The site lies to the rear of the public house car park in Staple Fitzpaine, which is not an identified village in the Local Plan. The proposed development is therefore in the

countryside adjacent to the boundary with a conservation area and approximately 26 m from the rear of the listed building.

The design and layout of the site is such that the buildings are self-contained units which are physically separated from the pub. This implies that the use is not connected directly with the pub and would enable separation as a free standing business. The buildings proposed are of permanent construction with stone walls, timber cladding and tiled roofs. While the materials are characteristic of the area the single and two storey buildings are a mix not characteristic of the area. The development will be in close proximity to the rear of the listed building and the area is currently characterised by open views across fields away from the built upon area. This open area will be lost due to the development and this is considered to detract from the setting of the character of the conservation area and the listed building.

Policy EC15 looks to secure shopping and service facilities in settlements and villages. The current proposal however is not in a defined settlement and is not considered an extension of the existing use. There is no link in terms of the layout or in the applicants design statement linking the proposed accommodation to the public house use. Without such a linkage there would be no long term benefit to the pub and allowing the use here would allow a separate self-contained business use in the countryside.

The provision of permanent build tourist accommodation is restricted in policy EC23 to being within classified settlements. The current proposal is contrary to this policy in that the site is not within a classified settlement. In this location should the proposed holiday use fail then there would be 6 self contained units of accommodation for which there would then be pressure for permanent accommodation. The viability of the use has been called into question by a number of objectors and in light of this evidence, one being a racecourse director, the suitability of permanent build holiday accommodation here must be questioned.

Policy EC7 of the Local Plan does allow for small scale buildings outside settlement limits for uses such as tourism which would result in rural employment. The proposal for self-contained holiday units would not necessarily result in significant employment and this has to be balanced against other issues. In this case the Highway Authority has raised objection in terms of the access which has very poor visibility in an easterly direction. This objection would mean the proposal was contrary to policy EC7(C).

The Environment Agency have raised no objection in this application subject to conditions to protect the area in terms of the surface water run off and flood risk. This would involve re-siting the stables buildings, restricting their use, conditioning floor levels and surface water drainage disposal.

In summary the provision of permanent new build holiday accommodation here in this rural location is considered to be contrary to policy in terms of development in the countryside, its impact on the setting of the listed building and conservation area and also its adverse highway safety impact. The economic benefit of the proposal is not considered to outweigh these issues and the application is therefore recommended for refusal.

RECOMMENDATION

Permission be REFUSED for the reasons of development in countryside contrary to policies S7, EC23 and EC7(C), detrimental to the setting of the listed building and conservation area, Taunton Deane Local Plan Policies EN14 and EN16 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and detrimental to highway safety, Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

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:

34/2006/014

MR W J CHANNING

ERECTION OF 2 NEW SEMI DETACHED DWELLINGS AT LAND BETWEEN 17 AND 21 CRESSWELL AVENUE, TAUNTON, AS AMPLIFIED BY AGENTS LETTER RECEIVED 15TH JUNE, 2006, TREE SURVEY DRAWING NO. 6634/06/2, LETTER DATED 24TH JUNE, 2006 AND DRAWING NO. 6634/06/1A AND LETTER DATED 27TH SEPTEMBER, 2006 AND DRAWING NO. 6634/06/1B, AND FURTHER AMENDED BY AGENT'S LETTER DATED 29TH SEPTEMBER, 2006 AND DRAWING NO. 6634/06/1B

321530/126187

FULL

PROPOSAL

The proposal relates to the erection of two semi-detached dwellings at this vacant site between 17 and 21 Creswell Avenue. The dwellings incorporate hipped roofs and utilise matching bricks and tiles to those used on neighbouring dwellings.

The plans have been amended twice during the course of the application due to consultation responses. Firstly the dwellings were brought forward, south, 2 m in response to the Landscape Officers comments in relation to nearby trees subject to Tree Preservation Orders (TPO's). Secondly, the garage of the westernmost dwelling was integrated with the dwelling and single storey accommodation to the rear projecting 1 m northward in order to achieve appropriate parking space sizes.

Permission was refused on this site for two dwellings in 2000, application 34/2000/003, dated 27th April, 2000 on the grounds of overdevelopment of the site resulting in a cramped form of appearance.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY objected to the first set of amended drawings due to insufficient room for parking in front of the garage of the western most dwelling. This however can be overcome to provide 5.5 m between the back of the footway and the front of the garage. NATURAL ENGLAND (formerly English Nature) no objections. The proposals set out in the Badger survey are sufficient to mitigate any impact to local Badger populations.

LANDSCAPE OFFICER no objection to the amended plans. Although it was originally recommended to bring the dwellings 2 m forward, the rear projection of the westernmost dwelling, 1 m northward, should not detrimentally affect tree roots of protected trees. NATURE CONSERVATION AND RESERVES OFFICER no objections. The development on this site will mean the relocation of the Badger sett on the site. This would have to be done under licence from English Nature. Pending further comment from English Nature the following conditions should be applied requiring the submission of details for a strategy for the protection of Badgers.

PARISH COUNCIL (in response to the originally submitted application) has no objection to this site being developed but considers the erection of two semi-detached four bedroom dwellings to be out of scale on this site for the following reasons:- The infilling should be similar to the adjacent buildings and there are no semi-detached houses on this estate; the impact of a building of this size is not in keeping with the existing houses; the plot size is slightly less than No. 21 and slightly greater than No.17. However, when this is divided between the two semis the garden area for each is significantly less than adjacent; a single detached house would be preferred and more appropriate. (in response to the first set of amended drawings) With reference to the amendments to the above planning application, detailed in your letter dated 4th July, the moving of the buildings 2m does not effect our comments e-mailed to you on 5th June which we would like to still stand. (in response to the second set of amended drawings) Object, comments as before.

TWO LETTERS OF OBJECTION have been received in response to the originally submitted application raising the following issues:- the proposal will seriously affect the wildlife on the site; we would like assurances that the trees will be preserved; the dwellings will affect our views towards Staplegrove; space is very limited for two dwellings; access to main road is difficult and made worse by the increase in volume of traffic; two properties are being put on plots that accommodate only one equivalent plot size in the area; we are concerned that the new build will come very close to our boundary, this will impact on our privacy, light and the general look of the area; we are concerned that the Badgers will come into the new dwellings gardens.

TWO LETTER OF REPRESENTATION have been received in response to the originally submitted application raising the following observations:- I am not convinced that the Badger report is accurate as the numbers of Badgers on site varies greatly; a condition retaining the corridor of veteran trees should be imposed as bats and all forms of wildlife in the area use them; the site has been overgrown until the Council ordered it to be cleared; the development will mean that fly tipping will stop and the area no longer affected by the unsightly overgrown empty site; the Badger sett, bats, TPO's and other wildlife should be protected; concerns regards vehicle access sight lines; please ensure that there is sufficient visibility from our own property to allow good visibility between it and Nos. 15 and 17 for vehicles entering and leaving; please allow sufficient parking so that neighbours drives are not obstructed; we trust that the dwellings will be built to the highest standards of construction and energy efficiency/insulation and fit in architecturally.

ONE LETTER OF OBJECTION has been received in response to the first set of amended drawings raising the following issues:- as a result of moving the dwellings forward to create an acceptable distance from the protected trees they are now well ahead of our building frontage at No. 17, consequently the proposed houses would definitely be overlooking in relation to No. 17; there would also be some loss of natural light to the frontage of our house; access/egress would be even more hazardous. A single dwelling would be more appropriate.

ONE LETTER OF OBJECTION has been received in response to the second set of amended drawings raising the following issues:- as a result of the changes the dwellings would lose symmetry whilst previous objections remain.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), H2 (housing), EN5 (protected species) EN6, (protection of trees) and M4 (parking requirements are relevant to this proposal.

ASSESSMENT

The site is located within defined settlement limits and therefore there is a presumption in favour of development on the site. The main issue regarding this application appears to be whether two dwellings on the site are considered to overdevelop the site, resulting in a cramped form of appearance. Previous application 34/2000/003 was refused for the latter reasons and therefore to reach an alternative recommendation, new material considerations or policy must have come to light. The previous refusal was made before the current PPG3 guidance was adopted, which now encourages higher densities provided the character of the area is respected. In this instance two plots approximately (the site is slightly tapered) measuring 10 m x 40 m would be formed. Looking at a plan of the area it is evident that the plots will be of a similar size to those in the area. There are also four semi-detached properties within 80 m of the application site. Although the neighbouring property to the west is of 1 ½ storey construction, the majority of properties in the area are of full, two storey construction. The proposal is therefore considered to satisfactorily reflect the current built form of the area.

In specific design terms the proposed materials would match those used on neighbouring properties. Cresswell Avenue incorporates a variety of house designs and the proposed design would appear to reflect the character of the area. Hipped roofs are proposed to reduce the bulk of the dwellings in relation to immediately neighbouring properties and are considered appropriate. The dwellings are also staggered slightly to break up the roofslope and walls. The revised plans show differing garage treatments due to the required parking space requirements however the two designs are not considered to contrast each other unacceptably. Given the age of the estate a number of single storey porches and garages have evolved in the area with differing styles. The visual amenity and street scene will therefore not be detrimentally affected.

No windows serving habitable rooms are proposed in the gable ends of the dwellings and first floor bedroom windows face the rear garden as is the same situation with most rear facing first floor windows along Cresswell Avenue. The proposal would therefore not appear to cause any undue overlooking of neighbouring properties. The proposed dwellings are located more or less in line with the neighbouring 17 and 21 Cresswell Avenue. Considering the aspect of the dwellings in relation to neighbouring properties no detrimental overshadowing would appear to be caused. The sizes of the proposed dwellings are consistent with the area and would not appear to result in an overbearing relationship with neighbouring properties. The first floor bedroom window in the west elevation of 21 Cresswell Avenue will face the

dwellings but will be slightly forward of the building line and therefore maintaining the majority of its views. Furthermore the latter first floor bedroom window of No. 21 is served by a second window facing south. The residential amenity of the area will therefore not be detrimentally affected.

The second set of revised plans show a distance of 5.5 m for a parking space in front of the garage. Parking and visibility requirements whilst entering/exiting the site are in line with the Highway Authority requirements.

Natural England (formerly English Nature) and the Nature Conservation and Reserves Officer have raised no objections to the proposed wildlife mitigation measures that will involve the creation of an artificial badger sett. The landscape officer is satisfied that no protected trees will be detrimentally harmed.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, boundary treatments, parking, prevention of surface water to the highway, dropping of curbs, visibility, the recommendations of the wildlife survey shall be carried out, details of Badger protection measures, no site clearance works between 1st March and 31st July, no further extensions, no further outbuildings and obscure glazing to east and west first floor windows. Note re connection to the highway.

REASON(S) FOR RECOMMENDATION:- The proposal, for residential development, is located within defined settlement limits where new housing is encouraged and the development would not have a detrimental impact upon visual or residential amenity and would not detrimentally harm protected trees or wildlife species. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2, H2, EN5, EN6 and M4.

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

CONTACT OFFICER: 356469 MR R UPTON

NOTES:

38/2006/362

STRONGVOX LTD

REDEVELOPMENT COMPRISING ERECTION OF 21 HOUSES, CONVERSION OF LISTED BUILDING TO TWO DWELLINGS AND CONVERSION OF MAIN BUILDING TO OFFICES AT FORMER SCAT ANNEXE, STAPLEGROVE ROAD, TAUNTON

322134/125152

FULL

PROPOSAL

The existing site is approximately 0.5 hectare in area and was used for educational purposes but is currently vacant. The site has two road frontages, one facing Linden Grove and the other, main frontage, onto Staplegrove Road. It has a vehicular access off Staplegrove Road, opposite Weirfield Green.

Planning permission was refused earlier this year for the demolition of the existing school buildings and the erection of 74 flats and the conversion of two listed buildings into three dwellings. This proposal would retain the main front section of the school building and change its use into offices. The proposal would also provide 5 terraces of houses on the remainder of the site, 1 fronting Linden Grove, 2 fronting Staplegrove Road and three within the site. The existing access would be altered, widened and realigned slightly to the north with a new signal controlled junction replacing the previous pedestrian crossing. Although the site lies within walking distance of the town centre, 22 on-site parking spaces would be provided for the 21 houses and 7 spaces would be provided for the offices. The dwellings have been designed to respect the Victorian terraces of Linden Grove and although the materials are yet to be finalised it is anticipated that these will match those of the other Victorian properties as much as possible.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY formal views awaited however there appear to be some outstanding concerns over the proposed highway impact that requires further discussion with the developer. COUNTY ARCHAEOLOGIST no objections. ENVIRONMENT AGENCY no comment. WESSEX WATER, surface and foul water sewers are available. There may be a sewer crossing the site and the applicants will need to contact Wessex water to discuss this matter. SOMERSET CONSTABULARY the proposal should seek to apply secure by design standards. ENGLISH HERITAGE the retention off the main part of the school annexe is welcomed, the design of the buildings to the rear of the annexe does not reflect its character and this should be reconsidered; the designs imitate late 19th century, early 20th century styles and will need to be competently handled details such as depths of reveals, moulding and fenestration will need careful control and greater detail ought to be conditioned.

LANDSCAPE OFFICER views on new landscape plan awaited. CONSERVATION OFFICER the elevation to Linden Grove is generally appropriate although details of the entrance gates to Linden Grove need to be provided and details of the capping of the boundary wall made clear; given modern construction techniques we will need to be convinced that the end result will match the plans; it is therefore important to ensure that details are conditioned; artificial slate is unacceptable; slim profile windows will need to be seen to make sure they are appropriate; false chimney stacks regretted (should be real) dirth of landscape detail/private amenity space. ENVIRONMENTAL HEALTH OFFICER no objection subject to contaminated land and construction noise conditions. DRAINAGE OFFICER whilst the applicants state there is no potential for soak ways the technical report states that there may be some potential and additional testing should, therefore take place when the buildings have been demolished. The applicant should also consider source control via a drainage pavement system for the parking areas. HOUSING OFFICER there are no contributions as the scheme is below the 25 threshold. However due to concerns over the proposed numbers on the site the applicants have agreed to make a contribution to offsite affordable housing (in the town centre). LEISURE AND RECREATION OFFICER play and active play provision must be made. French Weir Park where children's play contributions can be allocated playing field contributions are required and will help address the playing field provision in Taunton.

ELMS ESTATE GROUND ASSOCIATION OF LOCAL RESIDENTS raise the following issues:- although the proposed parking is in line with current policy these are large family dwellings and purchasers are likely to be at least 2 car households as a result there is likely to be around 24 additional and permanent parking spaces taken up on the surrounding streets plus a similar number for visitors, any consent should ensure that the office car parking is available to residents outside of working hours; the parking permit boundary needs to be redrawn to include properties fronting Linden Grove only, this appears to be the only way the existing 2 hour shoppers parking around the square will continue to be available; with the reduced scale of the development are traffic lights still required?; this will only exacerbate the existing problems of the "rat run" via Elm Grove and The Avenue; The Avenue is a dedicated cycle route into town and additional speeding traffic will increase highway danger; our preferred approach is to prohibit traffic from turning left into Staplegrove Road with a widening of the pavement across half the existing roadway failure to get the traffic right will frustrate Taunton's own strategic objectives as well as damaging the quality of life for the residents.

8 LETTERS OF OBJECTION have been received raising the following issues:- the proposal is likely to increase the amount of traffic using the existing "rat run" via Elm Grove and The Avenue during around one hour each morning and this needs to be addressed; the lack of affordable dwellings or single person dwellings is regretted; the proposal is likely to result in future parking problems along existing residential roads, the houses fronting Linden Grove seem not to have gardens, not family homes really; the proposed terrace along Linden Grove is too high and too close t the pavement and it is not designed in harmony with the existing; the ridge heights of the new terraces should be at least 1 m below those on the opposite side of the road; except for Swiss Cottage, all the buildings fronting Linden Grove have 8 m front gardens giving a spacious feeling to the street scene, development of the proposed terrace so close to the street will substantially change the character of the

area with a visual choke to the street scene; the proposed terrace does not respect the fall in level of the existing dwellings contrary to the character of the area; we regret that the whole of the main building could not be retained and converted, in particular the rear section with its typical Edwardian treatment of eaves and ventilators; we feel a good opportunity for compact modern design, that would enhance the conservation area will be lost, too much space is devoted to tarmac and not enough to amenity space for residents who will occupy the building; there is no plan to manage traffic and parking that has been discussed with local residents; additional on street parking will make it more difficult for existing residents to park near their houses; we are concerned that the change of use of the coach house to two dwellings with only one parking space each will result in our right of way, to the front of the coach house, being regularly blocked by parked cars stopping our access and forcing us to approach neighbours which would be time consuming and distressing, the proposed tree planting adjacent to the right of way will further reduce the width of access available to us; the end of the terrace of properties fronting Linden Grove will be adjacent to the rear boundary of our property with a ridge level approximately 4 m and would result in a loss of light to our dwelling leaving it dark and creating a depressing environment; the applicant has incorrectly addressed letters to our property and we have not been involved in any of the pre-application consultation as a result; hopefully the developers will pay attention to the detail of the buildings especially the door and window details.

1 LETTERS OF SUPPORT raising the following issues:- I welcome the intention to reinstate the recently fire damaged Scat building.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 - Development in Towns, Policy 9 - The Built Historic Environment, Policy 49 - Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 – Design, H2 - Housing Within Classified Settlements, EN14 - Conservation Areas, EN16 - Listed Buildings.

ASSESSMENT

Planning permission was refused for a total redevelopment of this site to provide 74 flats and three dwellings. This proposal retains the front section of the original SCAT building, considered to make a positive contribution to the Staplegrove Road Conservation Area, and would change its use to offices. This use allows a flexible approach to the internal spaces enabling a positive re-use of the existing areas. Although located in a predominantly residential area the office use is not out of keeping with the educational use of the site and the education museum offices on the opposite side of Staplegrove Road. Parking for the office users is provided to the side and rear of the property. Landscape details have been requested to soften and obscure the parking areas to the side of the offices to stop them being seen from the main road and eroding the character of the Conservation Area. The Coach House is to be split into two dwellings with a vertical split and parking located to the rear. This detail is as negotiated with the Conservation Officer. Development of the remaining

site comprises the erection of 21 houses, a mix of two and three storey properties designed to reflect the Victorian design characteristic of the area, especially Linden Grove to the rear. This design approach was agreed for continuity, although the main SCAT building has a more Edwardian design. Street scenes are awaited from the developer to illustrate the relationship between the existing older, listed grade II properties along Staplegrove Road and the proposed dwellings. Careful design of the gable wall to the end property is necessary to ensure that the street scene can flow and respect the existing character. It is expected that "blind" window details will be used to achieve this. The Linden Grove properties have been carefully designed to pick up on the existing terrace opposite to the site. The roof heights will remain slightly lower than the existing terrace although the end terrace adjacent to Swiss Cottage will have a 1.7 m higher ridge height. This difference reflects the slope of the land (away from the site towards Staplegrove Road) at that point and bearing in mind that it is on the northern side of Swiss Cottage I do not consider that the impact on the amenity of the occupiers will be unacceptable. The County Highway Authority has agreed to the principal of the highway access but still have some outstanding concerns regarding the detail design. These are currently under negotiation and amended plans/details will be reported to the committee if they are necessary. The site is located in an area where a car free development would be considered appropriate if proposed. In this case the developers wish to have a minimum of 1 parking space per dwelling. This is also in line with the policy maximum of 1.5 spaces and I consider the parking proposals to be acceptable. There have been some minor concerns over the detail of the scheme and amended plans are awaited that are expected to overcome these concerns. Proposal considered acceptable.

RECOMMENDATION

Subject to the receipt of satisfactory highway and design details and the completion of a Section 106 agreement covering affordable housing contributions, children's play and playing field contributions the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and planning permission be GRANTED subject to conditions of time limit, materials, completion of offices, demolition and listed building conversion works prior to occupation, details of gates, timber windows, doors, external mouldings, wall capping, depth of window and door reveals, contaminated land, noise, parking, soakaway tests, surface water drainage, landscaping removal of permitted development rights for extensions and new windows.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to be in accordance with In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, Policy 9 and Policy 49 and Taunton Deane Local Plan Policies S1, S2, H2, EN14 and EN16.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2006/382

MR AND MRS H GREGORY

ERECTION OF DETACHED DWELLING AND DOUBLE GARAGE ON LAND SOUTH WEST OF SAVERY ROW, TAUNTON.

323547/124194

FULL

PROPOSAL

The proposal is to erect a detached house with double garage on land at Savery Row. The site is made of two sections split by an overgrown fence and planning permission for one dwelling already exists on the northern half while the land to the south has no permission. The site is accessed via a private road and the land extends the length of the adjacent terrace of 13 properties. It is currently derelict land used for parking by the owners with some restricted use by residents. The design is to provide a house suitable for the disabled and is intended for the applicants' elderly parents. The property has been designed to not adversely affect the light and privacy of dwellings on either side. The roof line runs parallel to Savery Row and Holland Mews and there are no first floor habitable rooms directly overlooking neighbours. The materials are intended to be brick and slate to replicate the feel of the terrace.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY in the event of permission being granted I would recommend a condition concerning turning space provision. WESSEX WATER the development is in a sewered area with foul and surface water sewers. The developer has proposed to dispose of surface water on existing mains. It will be necessary to agree appointment of connection at detailed design stage. There may be a sewer crossing the site which by virtue of its age, could be deemed a public sewer. A statutory easement of 3 m would normally be required if this is the case.

LANDSCAPE OFFICER subject to protection of Elder during construction and implementation of proposed landscape scheme the proposals should have a minimal landscape impact. ENVIRONMENTAL HEALTH OFFICER I would recommend the contaminated land condition and note which was recommended for the previous application 38/2206/139.

14 LETTERS OF OBJECTION have been received raising the following issues:- the building would be an eyesore; it will block light and air; it will feel claustrophobic; disturbance during construction; danger to children; damage to road; access for emergency vehicles and refuse lorry, would appear cramped; design would not be in keeping with Victorian terrace; loss of privacy; a window will be 9.5 m away not 10 m; conservatory will impact on privacy; garden planting screen not acceptable; concern over independence of the wildlife survey; loss of amenity; house will dominate not enhance the area; loss of parking and turning space for existing residents; previous scheme had two resident parking spaces; the house is closer to the terrace and Holway Avenue; no need for dwelling; impact on wildlife and TPO

tree as other trees on site felled; proposal contrary to housing policy; money making venture; parking will get worse; garden and parking for No.13 should be protected; water run off and drainage problem; increased security risk; will hamper fire escape; noise pollution; loss of view; loss of house value; dimensions unnecessary for disabled relatives; owners 'coach house' more suitable for conversion.

POLICY CONTEXT

RPG10 – Regional Planning Guidance for the South West

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

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, H2 – Housing in Settlements, M4 – Parking, EN5 – Protected Species, EN6 – Protection of Trees Deane Local Plan.

ASSESSMENT

The proposal is to build a dwelling and garaging on a plot approximately 15 m x 34 m. Previous permission for a dwelling on the northern half of the site where the existing parking and turning space are was granted planning permission in June 2002. A proposal for two dwellings here was previously withdrawn following a recommendation of refusal. The land is a brownfield site within the built up area of Taunton and the development has to be assessed in terms of Local Plan policies, access, parking and the impact on neighbours. Previous permission for an even larger dwelling on the site with 5 garage spaces was refused earlier this year under delegated powers.

The application is for a dwelling that is two storey in part and projects to a maximum height of 7.6 m over a distance of 9.5 m. There is a single storey double garage at the northern end and a conservatory on the south end. In comparison the approved dwelling on the smaller plot had a height of 7.9 m and a frontage of 7.6 m. The dwelling reflects the roof orientation of both Savery Row and Holland Mews and the ridge height is marginally lower than Savery Row. While the relationship with surrounding dwellings remains tight, the size if the dwelling is considered appropriate for the plot as is the density and the scheme design is considered to be in keeping and is not considered to erode the character of the area or residential amenity given the design and previous permission that exists here. The proposal is therefore considered in compliance with policies S1, S2 and H2 of the Local Plan.

The distance between the dwelling and the front of Savery Row is 9.5 m and there is a ground floor dining room window, a first floor en-suite window and the conservatory. The first floor window will be obscure glazed and the ground floor windows will be screened by the boundary hedge. Concern has been raised that this is insufficient to protect amenity in the short term and a fence inside the hedge could be provided to address this. On the rear elevation there are two ground floor windows and a first floor window the latter of which serves a landing and is to be obscure glazed. The design and treatment of the elevations are considered

adequate to safeguard the privacy and amenity of adjacent properties and to comply with policy H2 of the Local Plan.

In the past part of the area of the site has been used for some residents parking, however this facility is within the control of the applicant and could be withdrawn at any time. A refusal reason on the grounds of loss of parking therefore could not be sustained. The proposal allows for two garage spaces as the previous permission did. The site layout allows for adequate turning of vehicles and a condition is required to ensure that this is the case for all and not just the applicant.

There is a protected tree on the site and the Landscape Officer recommends a condition to ensure its protection during construction while the submitted landscaping scheme is considered acceptable. The wildlife survey has not identified any protected species and the mitigation measure suggested in terms of clearing the site is incorporated in a condition. Adequate surface and foul drainage is proposed through Wessex Water and landscaping of the site together with control of the surfacing of the turning area by condition will prevent any worsening of the drainage situation.

In summary the development of this brownfield site for a single dwelling is considered appropriate, to comply with policy and not to detract from the character and residential amenity of the area and it is recommended for approval subject to conditions.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, timber windows, walls/fences, site levels, garages retained, turning space, surface treatment, obscure glazing of first floor windows to south-west and north-east, GPDO rights for windows and extensions, landscaping, protection of tree during construction, construction hours limit, contamination, site clearance only October to March. Notes re contamination, building over sewer and meter boxes.

REASON(S) FOR RECOMMENDATION:- The proposal is consider the suitable re-use of a brownfield site and to be in compliance with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/388T

MR & MRS GREGORY

APPLICATION TO CARRY OUT MANAGEMENT WORK TO ONE ELDER TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO.2) TREE PRESERVATION ORDER 2006 ON LAND BETWEEN SAVERY ROW AND HOLLAND MEWS (TD1008)

323549/124182 LOPPING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

To cut three stems from the east side of this multi-stemmed elder down to 1.5 – 2 m, and to allow re-growth. The middle stem of the three is dead.

CONSULTATIONS AND REPRESENTATIONS

THREE LETTERS OF OBJECTION have been received raising the following issues:- the canopy of the tree would be reduced significantly, with resulting decrease in screening between Holland Mews and Savery Row, and between Holland Mews and the proposed new house; it would be wrong to remove healthy branches if the proposed new house is not granted permission; it is not certain that there will be re-growth after the stems have been removed; the tree is protected by a TPO; the work is unnecessary and would be to the detriment of the tree's health; nesting birds would be disturbed.

ONE LETTER has been received requesting that work to the tree be delayed until a decision regarding Mrs Gregory's planning application for a new house on the site has been made by Taunton Deane.

ASSESSMENT

The three stems are overhanging the plot on the Savery Row side of the tree. The middle stem is dead. If the other two stems were removed, the width of the tree would be reduced but it would not be a significant reduction in its overall crown. It would continue to provide screening and wildlife habitat. It is known that elders tend to re-grow vigorously when pruned, and that coppicing is a traditional way of managing them and prolonging their lives.

The application has been assessed with a view to the applicant's proposal to build a new house on the site and to establish a new garden, which would include a native hedgerow on three sides and new tree planting (see application 38/2006/382)

RECOMMENDATION

Consent be GRANTED subject to conditions of time limit, British Standards. Notes re birds are protected.

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

CONTACT OFFICER: 356493 MR D GALLEY (MON, TUES)

NOTES:

42/2006/034

MESSRS A & W WALKER

**ERECTION OF ENTRANCE CANOPY TO FRONT ELEVATION OF MENEVIA, 7
PATRICKS WAY, STAPLEHAY**

321399/121764

FULL

PROPOSAL

The application is to erect and open sided porch canopy supported by Doric columns to the front of this bungalow at Patricks Way.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL the proposed structure is out of character with the building itself and with the street scene at Patricks Way.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design and H17 – extensions.

ASSESSMENT

A similar porch in more modern materials out of keeping with the existing dwelling was previously refused under delegated powers. The current proposal has a roof to match the existing and timber cladding also to match. While the scale of the porch appears slightly grand for this bungalow on balance it is not considered so out of scale or character to warrant refusal and is recommended for permission.

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION:- The proposal porch will have no material impact on neighbours or the street scene and complies with Taunton Deane Local Plan Policy H17.

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

CONTACT OFFICER: 356462 MRS S MELHUISH

NOTES:

46/2006/022

MR & MRS G TOTTLE

ERECTION OF PORCH, THE STABLE HOUSE, MANLEYS FARM, WEST BUCKLAND

316782/119389

FULL

PROPOSAL

The proposal provides for the erection of a porch to the main entrance of the dwelling. The proposed dimensions are 3 m x 2.3 m and height to ridge of 3.3 m. Materials are to be natural stone walls and a natural slate roof to match the existing dwelling. A previous application for a porch and canopy was refused for reason that the existing dwelling was the result of the conversion of a former agricultural building of traditional character and that the proposed porch, by reason of its size and form, would have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and detract from the visual amenities of the locality. The porch on that previous application measured 3.3 m x 2.9 m, with height to eaves 2 m and to the ridge 3.5 m.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL object. Consider the proposed porch overlarge, visually intrusive and out of character with the existing development. The Parish Council understand that any extension to this building needs a planning application.

ONE LETTER OF OBJECTION has been received raising the following issues:- as with previous application do not support, it is still a single storey extension rather than a porch and the minor alterations do not address the reasons for the previous refusal; the proposal would extend across objector's property and would still completely block currently uninterrupted views to the Quantock Hills, therefore having a detrimental effect upon visual amenity; due to its close proximity, size and projection it would be obtrusive and not neighbourly; no overriding need – with a 3 m x 3 m slate floored entrance hall inside the front door; the application does not abide by Taunton Deane's policies on extensions to barn conversions, which seek to retain the simple form and scale of the original building and not detrimentally affect the character of the original building; purchased property believing that there were stringent restrictions on extensions to barn conversions, so surprised the application is even being considered; and as this extension would not have been allowed when it was converted, it should not be now.

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

Compared to the previous application, the current proposal reduces the width of the proposed porch by 300 mm, the depth by 600 mm and the ridge height has been reduced. In order to match the existing dwelling, the proposed materials are to be natural stone, making the walls 400 mm thick, and the applicant considers that the internal dimensions are the minimum required to provide storage for outside coats and boots together with sufficient space, clear of the door swing, to change out of them. The proposed porch is 1.8 m from the boundary of the adjacent property and 8.3 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. Since the previous application the applicants have lodged an appeal against the refusal and also reconsidered the proposal and the current application reduces the size of the proposed porch. It is considered that the current proposal 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:

PLANNING COMMITTEE – 1 NOVEMBER 2006

Report of the Chief Solicitor

Miscellaneous Item

15 EASTBOURNE GATE TAUNTON

Background

1. In 1998 a dormer window was installed into the rear roof of 15 Eastbourne Gate Taunton. The facts of the matter were and remain disputed, with the owner of the property believing that he did not require planning permission and that he had been told he did not by a Council employee. In fact, he did require permission as the property backed onto and was within 20 metres of a highway. A retrospective application was received and refused. The refusal was upheld on appeal.
2. An enforcement notice was subsequently served. This was also subject to appeal which was again dismissed. When the time for compliance with the notice was close to expiry an offer was made to the owner to extend the time for compliance with the notice but this was not accepted. In 2000 proceedings were brought in the Magistrates Court for failure to comply with the enforcement notice and the owner was found guilty.
3. There were subsequent discussions with the Building Control Section as to how the building could be modified but it was found impossible to identify a solution which did not require the retention of the dormer to provide adequate headroom over the staircase.
4. Discussions continued including a proposal by the Council to provide interim finance to enable the dormer to be removed, but this offer was declined and the dormer remained in place
5. In an attempt to resolve the matter the owner made a further application in 2004 to retain the dormer with cladding. The application was refused and a subsequent appeal dismissed.

Injunction Application.

6. Earlier this year the Council instituted injunction proceedings seeking a Court Order that the dormer be removed. The application was heard on the 18 September and in a reserved judgment the application was refused.
7. The reasons for refusing to make the order were that the Court considered that the owner had genuinely thought that he did not need planning permission and that the cost to the owner of carrying out the work and the consequent

loss would be almost £40,000 which it found disproportionate given the owner was a householder of modest means. The Court also took into account the time that had elapsed since the original infringement.

The current position

8. The decision of the Court as to whether to grant an injunction is a discretionary one and an appeal on the merits of the decision is unlikely to be successful. The Enforcement Notice however remains as a local land charge registered against the property and would be disclosed if the property is sold.

RECOMMENDATION

It is **RECOMMENDED** that the outcome of the injunction proceedings be noted.

Chief Solicitor

CONTACT OFFICER Judith Jackson 01823 356409 or e-mail
j.jackson@tauntondeane.gov.uk

PLANNING COMMITTEE – 1 NOVEMBER 2006

Report of the Chief Solicitor

Miscellaneous Item

Craig Lea Compulsory Purchase Order

Background

1. Members will recall that following the closure of a private footpath linking the cul de sac of Craig Lea to the adjacent footpath/cycleway complaints were received from members of the public and the Committee sought to secure the re-opening of the footpath by way of enforcement action. This was unsuccessful and subsequently the Committee authorised the making of a CPO of the land with a view to acquiring the land and re-establishing the footpath link. The Order was made and objections to the making of the Order were received.
2. A Public Inquiry into the Order was held on the 18th, 19th and 20th July 2006 when evidence was heard from witnesses for both the Council, the main objector, who owns the adjacent property, and interested local people.

The outcome of the Inquiry

3. The Secretary of State's decision letter was issued on the 16 October and this endorsed the decision of the Inspector not to confirm the Order.
4. The main findings of the Secretary of State were that any benefits of re-opening the footpath would be limited. She identified the key issues as being the possibility of a greater incidence of anti-social behaviour, and that the layout of the path does not conform to good design practice. She found that the Council had overstated the likely benefits of re-opening the footpath and there was no compelling need to acquire the land.
5. The land will therefore remain in private ownership.

Recommendation

It is **RECOMMENDED** that the Secretary of State's decision be noted.

Chief Solicitor

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j.jackson@tauntondeane.gov.uk

PLANNING COMMITTEE – 1 NOVEMBER 2006

Report of the Chief Solicitor

Enforcement Item

MOBILE HOME ON LAND AT 39 WHITMORE ROAD TAUNTON

Background

1. At the meeting of this Committee on the 14 June 2006 Members considered an enforcement item recommending the service of an enforcement notice in relation to the stationing and occupation of a mobile home within the curtilage of 39 Whitmore Road Taunton.
2. It was reported verbally to the Committee that the occupiers of the mobile home felt they had been misled by the Council into believing that planning permission was not needed. It was confirmed to the Committee that it was considered that planning permission was required but it was indicated that a meeting would take place with the owners of the main house and the mobile home prior to the service of the notice.
3. Following such a meeting the owners instructed solicitors to act on their behalf and a lengthy exchange of correspondence has taken place. This did not persuade the Council's officers that planning permission is not required and accordingly an enforcement notice was served on the 3 October 2006.
4. Solicitors for the owners objected to the service of the notice on two grounds. Firstly, there was an error in one of the dates on the notice which would render it invalid, and would therefore require re-service. Secondly, the Council had not given consideration to a proposal that the owner should apply for a personal planning permission based on the needs of those who would be occupying the mobile home. These issues had not been raised with the Council's officers or with the Members at the time of the resolution to take enforcement action.
5. The notice was withdrawn because of the error on the face of it, but it was further agreed that the Committee should be given the opportunity to re-consider its decision to take enforcement action in the light of the additional submissions as to the personal circumstances of the occupiers.
6. The advice on personal permissions is that they should only be granted "where there are strong compassionate or other personal grounds for doing so", and Members would therefore need to consider when authorising enforcement action whether planning permission would be likely to be granted on that basis.

The personal circumstances of the occupiers.

7. The representations as the occupiers personal circumstances are set out in the letter from Battens attached to this report . In addition to this, a letter has been submitted from Mrs Follet's doctor, confirming the nature of her illness, the fact that she is likely to deteriorate in the future and that she currently needs ground floor accommodation.

8. The Principal Planning Officer will give a verbal assessment to the Committee of the extent to which these circumstances can be considered to justify a personal permission.

The current position

9. Enforcement action was authorised in June 2006 based on the facts available to the Committee at that time. Since then, solicitors on behalf of the owners and occupiers have suggested that the granting of a personal planning permission based on the personal needs of Mrs Follet, one of the occupiers, would be a way of resolving the issue, although they do not accept that planning permission is required.

10 Having withdrawn the Enforcement Notice for technical reasons, the normal procedure would be to re-serve. However, in the light of the additional information now available Members must consider whether it is still expedient to enforce, or whether there is a likelihood that a personal planning permission would be granted in the light of the current submissions.

11. In the event that Members do not consider it expedient to enforce they may wish to consider inviting an application for the retention of the mobile home subject to a personal permission to the current owners.

Recommendation

It is therefore **RECOMMENDED** that Members either:

1. Endorse the decision of the 14 June 2006 that enforcement action be taken to seek removal of the unauthorised mobile home at 39 Whitmore Road or
2. Resolve that any enforcement action be discontinued and an application for the retention of the mobile home subject to a personal permission be invited.

Chief Solicitor

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Your ref: JMJ/R59/PD2/2006
Our ref: CAS/AC/7615721-001
Date: 23rd October 2006

Ms Judith Jackson
Senior Solicitor
Taunton Deane Borough Council
The Deane Dwelling
Belvedere Road
TAUNTON TA1 1HE

Dear Ms Jackson

Mobile Home on land at 39 Whitmore Road

Further to our recent correspondence I write as requested to set out Mrs Follett's personal circumstances in relation to her use of the mobile home at 39 Whitmore Road.

I understand that this letter will be placed before the committee at the meeting due to be held on 1st November with a planning officers report, the report dealing with this letter as if it were a planning application seeking the use of the mobile home by Mr and Mrs Follett. Any application would be made on an entirely without prejudice basis.

Mrs Follett suffers from rheumatoid arthritis, which is an extremely debilitating condition. It is incredibly painful disease, which causes severe disability and ultimately affects a person's ability to carry out everyday tasks. Due to the restrictions forced upon her by the disease Mr and Mrs Follett have had to move from their previous property, as Mrs Follett can no longer manage stairs unaided and needs assistance with day to day activities such as cooking, cleaning and bathing. The disease is degenerative and as such will worsen and she will eventually be wheel chair bound. We enclose letter from Mrs Follett's Doctor. We should be grateful if this could be used confidentially.

The care and assistance Mrs Follett requires will increase and she will become more and more dependant on members of her family to care for her. The move to 39 Whitmore Road was so that this care could be provided.

Mrs Follett and her husband have had to sell their previous home in order for Mrs Follett to be with her family. All the funds received from the sale of her previous home have been invested in the mobile home and the move. Mr and Mrs Follett both of whom are in their sixties are simply not now in a financial position to purchase another property and would effectively be homeless if they were no longer allowed to use the mobile home.

Before selling their previous home and buying the mobile home Mrs Follett sought the advice of the Local Planning Authority as to whether or not she required planning permission for the siting of a mobile home within the curtilage of their daughters property. In an informal meeting with Mr Ed Norton in June 2005 she was told that a mobile home situated within the curtilage of a dwelling house did not require planning permission. This advice was confirmed by Ann Dunsford (the planning officer) who verbally advised that as long as Mrs Follett took her main meal within the main dwelling then the use of the mobile home would be considered ancillary. This advice was followed by a letter where Mrs Follett was told that she did not

need planning permission for the stationing of a mobile home provided that the use of that mobile home was incidental to the use and enjoyment of the main property (see letter of 8th July 2005 from Ms Ann Dunford attached hereto).

Mrs Follett was later informed that the planning departments' view was that the caravan was ancillary to the main dwelling and therefore permission was not required (see letter dated 6th December 2005 from Mr Paul Dare a copy of which is attached hereto). Relying on this advice they moved a mobile home onto the land.

The Local Planning Authority now say that the use undertaken by Mr and Mrs Follett is not ancillary to the use of the main dwelling and therefore planning permission is required. Mrs Follett has attempted to justify the ancillary nature of the use of the mobile home but this has not been accepted as such.

In short the whole family use the main dwelling and the mobile home as one unit. All utilities for the mobile home come via the main dwelling and are metered as such; all post is delivered to the main dwelling and there is no access to the mobile home other than through the garden of the main dwelling.

We attach herewith photographs showing the position of the mobile home in which the access can be clearly seen.

As can also be seen from the photographs the mobile home is not visually intrusive and does not harm or detract from the visual amenities of the surrounding area or properties. The mobile home can in any event remain on the land notwithstanding the use of Mr and Mrs Follett.

Section 55(2)(d) of the Town and Country Planning Act 1990 (as amended) states that the use of land or buildings within the curtilage of a dwelling for any purpose incidental to the use and enjoyment of the dwelling shall not be taken to involve development. Planning permission is therefore not required for such use. The stationing of a mobile home is not a building operation and will not therefore require planning permission provided that there is no material change of use. The mobile home can therefore remain on the land providing it is used for purposes incidental to the enjoyment of the property. This has been confirmed by the Local Planning Authority in the above mentioned correspondence.

It is not therefore the intention that the mobile home will be moved from the land even if Mr and Mrs Follett are forced to cease their occupation of it. It will be put to perhaps more acceptable uses incidental to the enjoyment of 39 Whitmore Road, for example, the storage of garden tools, toys or to keep pets. A use more akin to a summerhouse or garden shed.

The Local Planning Authority have said that enforcement action will be taken against the use of the mobile home, indeed an invalid enforcement notice was issued by the LPA which has now been withdrawn.

We have previously suggested to the Local Planning Authority that, notwithstanding whether the use of the land is ancillary, planning permission should be granted due to the exceptional personal circumstances in which Mr and Mrs Follett find themselves.

Circular 11/95 considers the use of conditions and states:

"The power to impose conditions when granting planning permission is very wide. If used properly, conditions can enhance the quality of development and enable many

development proposals to proceed where it would otherwise have been necessary to refuse planning permission”.

The circular goes on to consider personal and temporary conditions and the use of ancillary accommodation. Paragraph 93 considers the use of personal conditions and states:

“There are occasions...where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so”

Paragraphs 108 – 113 consider the use of temporary conditions and state:

“Section 72(1)(b) of the [Town and Country Planning Act 1990 (as amended)] gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period.” ...“Where a proposal relates to a building or use which the applicant is expected to retain or continue only for a limited period, either because they have specifically volunteered that intention ... then a temporary permission may be justified”

Mr and Mrs Follett would be more than happy to have a temporary and/or personal condition attached to the use of the mobile home whereby it is restricted to the use of Mr and Mrs Follett for the time in which they need the care of the family.

We therefore ask the committee to consider Mr and Mrs Follett’s personal circumstances and determine that, if an application were made for the use of the mobile home by Mr and Mrs Follett only for their lifetime or for so long as care needed to be provided to them, such application would be granted. The issue of precedent of similar development would not arise due to the exceptional circumstances.

Mr and Mrs Follett, due to no fault of their own, having followed the LPA’s advice have invested all their available funds in the purchasing and siting of a mobile home within the curtilage of their daughters home in order that care would be provided to Mrs Follett by her family. If they are not allowed to stay on the land they will be homeless and would face a bleak and uncertain future

Yours sincerely

CERI STEPHENS