



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 13TH DECEMBER 2006 AT 17:00.

(RESERVE DATE : THURSDAY 14TH DECEMBER 2006 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 22 November 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. CHEDDON FITZPAINE - 08/2006/026
CHANGE OF USE OF SECTION OF SINGLE STOREY BARN FROM RESIDENTIAL TO PROVIDE COMPLIMENTARY THERAPY TREATMENT ROOM (D1) PYRLAND BARN, CHEDDON FITZPAINE
6. CREECH ST MICHAEL - 14/2006/040
CONVERSION OF DWELLING TO TWO FLATS AND PROVISION OF ACCESS AND PARKING AT 35 TRISTRAM DRIVE, CREECH ST MICHAEL
7. LANGFORD BUDVILLE - 21/2006/019
CHANGE OF USE FROM AGRICULTURAL LAND AND BUILDINGS TO STORAGE OF AGRICULTURAL CONTRACTING EQUIPMENT/MACHINERY AT LAND SOUTH OF LANGFORD BUDVILLE, WELLINGTON (GR 111,226) AS AMENDED BY DRAWING NO. 524/01 DATED 20TH NOVEMBER, 2006
8. NORTH CURRY - 24/2006/029
VARIATION OF CONDITION FOR NEW OWNER MRS J RICHARDS, HER FAMILY AND MRS BRAZIL (GYPSIES) TO OCCUPY THE SITE AT LITTLE DENISE, MILL HILL, WRANTAGE (PREVIOUS PERMISSIONS 24/2003/020 AND 24/2005/049)
9. OAKE - 27/2006/018
ERECTION OF A SINGLE STOREY EXTENSION FOR KITCHEN AND DISABLED TOILET FACILITIES AT CHURCH OF THE HOLY CROSS, HILLFARRANCE
10. OTTERFORD - 29/2006/027LB
ERECTION OF LEAN-TO CONSERVATORY AT LOWER FYFETT

BARN, OTTERFORD

11. OTTERFORD - 29/2006/028
CHANGE OF USE FROM REDUNDANT COACH HOUSE AND
ESTATE TO FOREST SCHOOL/OUTDOOR LEARNING CENTRE
AT OTTERHEAD ESTATE, OTTERFORD
12. TAUNTON - 38/2006/361
DEMOLITION OF HOUSE AND ERECTION OF 12 NO ONE
BEDROOM FLATS AT 74 SOUTH STREET, TAUNTON
13. TAUNTON - 38/2006/400
CHANGE OF USE OF BUILDING FROM COMMUNITY HALL (D1)
TO OFFICE (B1) AT DODSON HALL, UPPER HOLWAY ROAD,
TAUNTON.
14. TAUNTON - 38/2006/408
CONSTRUCTION OF TWO ALL WEATHER SPORTS PITCHES,
ERECTION OF FLOODLIGHTING TO ONE PITCH, FENCING,
SPORTS PAVILION AND FORMATION OF PARKING AT LAND AT
TAUNTON SCHOOL NORTH OF GREENWAY ROAD, TAUNTON
15. TAUNTON - 38/2006/442
CONVERSION AND EXTENSION TO FORM 2 NO. FLATS, AT 82
ST. AUGUSTINE STREET, TAUNTON.
16. BURROWBRIDGE - 51/2006/013
ERECTION OF 5 NO. INDUSTRIAL UNITS WITH B1 AND B2 USE,
THE OLD BASKET WORKS, LYNG ROAD, BURROWBRIDGE
17. 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. Miscellaneous item
18. Variation of Section 52 Agreement - Castle House, Bishops Lydeard. Miscellaneous item
19. Unauthorised dormer at 15 Eastbourne Gate, Taunton. Enforcement item
20. E164/38/2006 - Possible car repair business being carried out from 8
Mountfields Avenue, Taunton. Enforcement item
21. 38/2006/446A and E233/38/2006 - Erection of Funeral Directors
signs at 6 The Mount, Taunton. Enforcement item
22. E382/38/2006 - Erection of additional extensions, fence and
alterations to garage at 31 Wellington Road, Taunton. Enforcement item

G P DYKE
Member Services Manager
06 December 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 – 22 November 2006

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

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

Also present:- Councillor Bishop

(The meeting commenced at 5.00 pm)

139. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillor Hindley.

140. Minutes

The minutes of the meeting held on 1 November 2006 were taken as read and were signed.

141. Declarations of Interest

Councillor Miss Cavill declared a personal interest in Agenda Item No 8, application No 27/2006/019, and left the meeting during consideration of this item.

142. 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:-

26/2006/005

Change of use of barns to commercial use (B1, B2 and B8) and formation of hardcore parking area, Poole Farm, Nynehead

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) C601 – schedule of works to ensure safety and stability of structure during conversion;
- (e) C201 – landscaping;
- (f) C205 – hard landscaping;
- (g) Details of the arrangements to be made for the disposal of surface water from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The units shall not be occupied or brought into use until the road widening improvements shown on the submitted plan has been constructed and properly consolidated and surfaced to the satisfaction of the Local Planning Authority;
- (i) The units shall not be occupied or brought into use until a plan has been submitted and approved by the Local Planning Authority showing details of the location and detail of priority signage. Such signage shall be fully erected prior to the change of use commencing;
- (j) The new windows and doors indicated on the approved plans shall be made from timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (k) The ground floor window on the north elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.
- (l) Work shall not commence until further emergence survey work has been undertaken, as part of the strategy for the protection of the bats and their habitat within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
- (m) C1112 – development affecting buildings where Swifts,

- Swallows and House Martins are known to nest;
- (n) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than five decibels expressed in terms of an A-Weighted, five minute Leq at any time Monday to Friday 0800 – 1800 hours and Saturdays 0800 – 1300 hours when measured at any point at the façade of any residential or other noise sensitive boundary. At all other times, including public holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above;
 - (o) C927 – remediation investigation/certificate;
 - (p) P006 – no fencing;
 - (q) C010A – drainage – not commenced until percolation test approved.

(Notes to applicant:- (1) N024 – development to be in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure; (3) N118A – disabled access; (4) N112 –energy conservation; (5) N115 – water conservation; (6) Applicant was advised that Greena's survey and report (June 2006) identified that there is a bat roost in Barn 2 and that a Department of Environment, Food and Rural Affairs Licence will be needed to develop the site; (7) With regard to Condition (n), applicant was advised that background levels are those levels of noise which occur in the absence of noise from the development to which this permission relates expressed in terms of a A-Weighted 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes.)

Reason for granting planning permission:-

The building was suitable for conversion and the proposal was not considered to be harmful to the landscape and had good access to the highway network. The visual and residential amenity of the area would not be detrimentally affected and, therefore, the proposal was compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

27/2006/019

Siting of one mobile home and one touring caravan for single gypsy family and erection of stables, land to east of Knapp Farm (OS Parcel 6769), Hillfarrance.

Conditions

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

- (b) Not more than one mobile home and one touring caravan shall be stationed on the site at any one time in accordance with details to be submitted to, and approved in writing by, 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 on solely by Ms Sally Tucker and her children;
- (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) C010A – drainage – not commenced until percolation test approved;
- (h) The existing hedges on the boundaries of the site shall be retained except at the point of access to the satisfaction of the Local Planning Authority;
- (i) P006 – no fencing;
- (j) The proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (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) Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 4.5m from the edge of carriageway;
- (l) The gradient of the new access shall not be greater than 1:10;
- (m) Provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata is required.)

Reason for granting planning permission:-

It is considered that the proposal would have limited impact on the visual amenity of the rural area and, furthermore, the proposal was in line with Central Government advice contained in the Office of Deputy Prime Minister Circular 01/2006.

34/2006/029

Erection of new boundary fence at 10 Rhodes Close, Taunton

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C101 – materials;

Reason for granting planning permission:-

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

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

The Committee felt that the proposed fence would not appear as an incongruous and intrusive feature and, furthermore, due to the presence of gardens on the other side of the footpath, there would be no “tunnel” effect.

38/2006/360

Erection of two flats on land adjoining 29 Cranmer Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C203 – landscaping;
- (d) The area allocated for parking on the submitted plan for both the existing property and the hereby approved flats shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (e) C326A – garage – garage use only;
- (f) The window(s) in the north-west elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (g) The cycle parking shown on the approved plan shall be provided on the site prior to the occupation of the accommodation hereby

- permitted and shall thereafter be retained unless previously agreed in writing by the Local Planning Authority;
- (h) The external refuse storage areas, as shown on the approved plans, shall be provided on site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained.

Reason for granting planning permission:-

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 was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Policies S1, S2, H2 and M4.

38/2006/419

Erection of detached dwelling at 120 Normandy Drive, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) P001A – no extensions;
- (f) P003 – no ancillary buildings;
- (g) 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 or rooflights (other than those expressly authorised by this planning permission) shall be constructed on the southern elevation;
- (h) C208E – protection of Silver Birch tree to be retained;
- (i) The grassed area around the Silver Birch tree shall be retained to the satisfaction of the Local Planning Authority;
(Notes to applicant:- (1) Applicant was advised that sewers may pass through the site and, accordingly, the Council's Housing Division and Asset Holdings should be contacted for their comments regarding any wayleaves that may be required; (2) Applicant was advised that the Birch tree immediately adjoining the application site on its north-western boundary is not within the applicant's control and the tree, including its root base, should not be harmed.)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the estate, road safety or visual or residential amenity. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2 and H2.

38/2006/450

Proposed residential development of erection of four town houses including partial demolition of building and conversion back to single dwelling at Woodstock House, 91 Stapelgrove Road, Taunton.

Conditions

- (a) C001A – time limit;
 - (b) C101 – materials;
 - (c) A sample panel of the brickwork and mortar shall be constructed on site and agreed in writing by the Local Planning Authority and, thereafter, the development shall be so constructed unless otherwise agreed in writing by the Local Planning Authority;
 - (d) C654 – windows – listed building;
 - (e) Details of the design of the windows to be used on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;
 - (f) The windows shall be recessed in the wall to match the recess of traditional timber windows in the conservation area;
 - (g) C107 – second hand materials;
 - (h) C111 – materials – for drives;
 - (i) C112 – details of guttering, downpipes and disposal of rainwater;
 - (j) C326A – garage – garage use only;
 - (k) C331 – provision of cycle parking;
 - (l) C201 – landscaping;
 - (m) C238 – tree protection in relation to construction;
 - (n) The visibility splay onto Woodstock Road shown on drawing No PL103A shall be provided prior to the occupation of any dwelling;
 - (o) The visibility splay to the south onto Stapelgrove Road on drawing No PL103A shall be provided prior to the occupation of any dwelling and thereafter so maintained;
 - (p) P011 – no windows on the gable elevation of Plot 3;
 - (q) P001A – no extensions;
- (Notes to applicant:- (1) Applicant was advised that there is a public combined sewer crossing the site and you should contact Wessex Water to ensure their infrastructure is protected during construction; (2) N112 – energy conservation.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and EN14 and material considerations did not indicate otherwise.

38/2006/476

Erection of two storey building to form Oncology Centre and associated parking at Musgrove Park Hospital, Taunton (revised scheme)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C918 – floodlighting;
- (e) Noise emissions including those with tonal characteristics, for example hum, drone or whine, arising from any plant, generators or air conditioning units or from any premises to which this permission relates shall not exceed background levels at any time when measured at any point 1.5m from any residential or other noise sensitive boundary. For the purposes of this permission “background levels” shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level measured at an appropriate time of day and a suitable period of not less than 10 minutes;
- (f) Details of the means of obscure glazing in the north and west elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The glazing shall be installed in accordance with the approved scheme and shall not be altered thereafter without the prior written consent of the Local Planning Authority;
(Notes to Applicant:- (1) Applicant was advised to contact Wessex Water to discuss protection of their infrastructure prior to construction and also to discuss potential pumping of water supply; (2) N024 – development in accordance with approved plans; (3) N118A – disabled access; (4) N051B – health and safety; (5) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (6) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (7) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

Reason for granting planning permission:-

The proposed building was of good quality design and would not detract from the character of the locality. The relationship with nearby dwellings was acceptable and would not cause harm to residential amenity. The proposal therefore complied with Taunton Deane Local Plan Policies S1 and S2.

42/2006/037

Erection of two storey extension to form granny annexe and garage at Farthing Cottage, Comeytrove Lane, Trull

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C326A – garage – garage use only
(Note to applicant:- Applicant was advised to contact the Somerset County Council's Rights of Way Officer concerning the need to maintain access along the Public Right of Way at all times and ensure that any change of surface is agreed).

Reason for granting planning permission:-

The proposal was considered in keeping with the character of the dwelling and not to have an adverse highway safety impact given the previous garage on the site.

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

The Committee felt that, given the fact that a garage used to occupy the same site, visibility for vehicles would not be worsened to the detriment of road safety.

43/2006/113CA

Demolition of car showroom and first floor flat and 2 No workshops to the rear, 58-60 Mantle Street, Wellington.

Conditions

- (a) C002C – time limit – conservation area consent;
- (b) The buildings shall not be demolished before planning permission has been granted for the redevelopment of the site and a contract has been let for the redevelopment work.

Reason for granting conservation area consent:-

The proposed demolition of the buildings would not have a detrimental impact on the character and appearance of the conservation area provided a suitable replacement scheme was in place in accordance with Taunton Deane Local Plan Policy EN15.

43/2006/128

Installation of solar water heating collectors on the roof in the front elevation of 49 High Street, Wellington.

Conditions

- (a) C001A – time limit;
- (b) At such time as the panels ceased to be used for the generation of solar heat, they shall be removed and any related damage to the roof shall be made good with matching materials.

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

Reason for granting planning permission-

The proposal was considered not to harm the visual amenity of the area nor harm the character and appearance of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN17.

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

The Committee considered that the proposed solar panels would not be a visually prominent and incongruous feature and would not therefore be significantly detrimental to the character and appearance of this listed building.

43/2006/138

Installation of solar panels on roof, The Stables, Church Green, Wellington.

Conditions

- (a) C001A – time limit;
- (b) At such time as the panels ceased to be used for the generation of solar heat, they shall be removed and any related damage to the roof shall be made good with matching materials;
(Note to Applicant:- N024 – development in accordance with approved plans).

Reason for granting planning permission:-

The proposal was considered not to harm the visual amenity of the area nor harm the character and appearance of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN17.

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

The Committee considered that the proposed solar panels would not be a visually prominent and incongruous feature and would not therefore be significantly detrimental to the character and appearance of the listed building. Furthermore it was felt the proposed panels would not have an adverse impact on the conservation area.

- (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:-

30/2006/043

Retention of use of land as garden with timber sheds to rear of Flintstones and Glengarry, Blagdon Hill.

Reason

The proposal by reason of the siting of the sheds will harm the setting of the village and character of the area contrary to Taunton Deane Local Plan Policies S1, S7 and EN12.

(Note to Applicant:- Applicants were advised that the sheds should be located in the existing curtilage. A change of use of the curtilage only would be likely to be viewed favourably by the Planning Committee and you are therefore advised to resubmit on this basis).

Also RESOLVED that enforcement action be taken to seek the removal of the unauthorised sheds.

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

The Committee considered that the sheds adversely harmed the setting of the village, the Area of Outstanding Natural Beauty and the amenity of neighbouring properties.

(3) That the following applications be withdrawn:-

31/2006/020

Erection of two storey extension to provide 24 additional beds and erection of 20 close care homes at Ruishton Court Nursing Home, Henlade, Ruishton (amended description).

31/2006/021LB

Erection of two storey extension to provide 24 additional beds at Ruishton Court Nursing Home, Henlade, Ruishton (amended description).

38/2006/434

Erection of dwelling on land to rear of 16 Station Road, Taunton (revised scheme).

143. **Erection of one detached dwelling with integral double garage and extension to existing cottage with detached double garage and landscaped gardens, land adjacent to north side of Piffens Lane, behind 1-4 Church Street, Bishops Lydeard (06/2006/051).**

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C113 – details of structure and colour of mortar;

- (d) Prior to the works for which permission is hereby permitted are commenced, samples of the clay pantile and plain tiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter used in the scheme in accordance with the approved samples;
 - (e) Prior to the commissioning, a sample panel of stonework and a sample panel of limewashed rendered block shall be erected on site for the approval of the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the approved sample panel;
 - (f) There shall be no bell casts to the proposed rendered areas over door and window heads;
 - (g) Prior to commissioning, specific details of windows and doors including sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
 - (h) Windows and doors shall be recessed a minimum of 90mm unless otherwise agreed in writing by the Local Planning Authority;
 - (i) Prior to roofing, details of the means by which such shall be vented shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
 - (j) C205 – hard landscaping;
 - (k) C208E – protection of trees to be retained;
 - (l) C208B – protection of trees – service trenches;
 - (m) C210 – no felling or lopping;
 - (n) C215 – walls and fences;
 - (o) C321B – parking;
 - (p) C327 – turning space;
 - (q) C416 – details of size, position and materials of meter boxes;
 - (r) The existing levels of the land upon which the buildings are to be erected shall not be increased in height to facilitate its construction unless with the prior written permission of the Local Planning Authority;
 - (s) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
 - (t) C910B – archaeological programme;
 - (u) C917 – services – underground;
 - (v) P001A – no extensions;
 - (w) P003 – no ancillary buildings;
 - (x) P006 – no fencing;
 - (y) P010 – no further doors or windows.
- (Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N024 – development in accordance with approved plans; (6) N051B – health and safety; (7) Applicant was advised that the soakaways should be constructed in accordance with Buildings

Research Digest 365 (September 1991); (8) Applicant was advised that points of connection for the disposal of foul flows and water supply should be agreed with Wessex Water).

Reason for planning permission, if granted:-

The site was within the settlement limits and the proposed development would not have an adverse impact on the historic development/settlement pattern and would preserve or enhance the character and appearance of the conservation area and would therefore comply with Taunton Deane Local Plan Policies H2, EN14 and BL2.

144. Siting of temporary agricultural workers dwelling, Grange Farm, Nynehead (26/2006/012)

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before the 27 November 2009;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) C401 – agricultural tying condition;
- (e) Plans showing a parking area providing for two vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The proposed access and track shall be consolidated and surfaced in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) 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;
- (h) Details of the arrangements to be made for the disposal of foul 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;
- (i) C010A – drainage – not commenced until percolation test approved.
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact the Environment Agency to discharge to an underground strata; (3) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure;

(4) Applicant was advised to contact the Area Highway Manager as the existing hard surfaced access has included highway land.)

Reason for planning permission, if granted:-

The proposed mobile home for an agricultural worker had a proven functional need in connection with a viable business and, as such, provided suitable justification for its location outside the limits of a settlement. The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity and the landscape character of the area. The scheme therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7, H12, EN12 and M4.

145. Demolition of car showroom and first floor flat and formation of access route and residential development consisting of 6 No flats and 7 No dwellings, 58-60 Mantle Street, Wellington (43/2006/112).

Reported this application.

RESOLVED that subject to the applicant entering into a Section 106 Agreement to provide for contributions to leisure facilities of £1,785 per dwelling towards children's play facilities and £859 per dwelling towards outdoor recreation, 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) Prior to the commissioning, a sample panel of rendered block for the proposed replacement property, Plot 13, shall be erected on site for the approval of the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the approved sample panel;
- (e) Prior to commissioning, specific details of windows and doors for the proposed replacement property, Plot 13, including sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) C113 – details of structure and colour of mortar;
- (h) C201 – landscaping;
- (i) C205 – hard landscaping;
- (j) C215 – walls and fences;
- (k) C219 – screening during demolition;
- (l) C301 – highways – in accordance with the County Highway Authority's booklet;
- (m) C314 – visibility splays;
- (n) C324 – parking;
- (o) C331 – provision of cycle parking;

- (p) The first and second floor windows in the gable end of Plot 4 and the western elevation of the flats block shall be fixed and obscure glazed which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (q) C416 – details of size, position and materials of meter boxes;
- (r) C666 – no bell casts;
- (s) C917 – services – underground;
- (t) P001A – no extensions;
- (u) P007 – no fencing in front of dwellings;
- (v) The gradient of the proposed access road shall not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Mantle Street;

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N113 – street names; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N037 – drainage/water; (7) N024 – development in accordance with approved plans; (8) N051B – health and safety; (9) Applicant was advised that the dwellings to be erected should be designed to a high standard and built of good quality materials in view of the location of the site being partly within a conservation area and adjacent to a listed building; (10) Applicant was advised that no doors, gates or low level windows/utility boxes/downpipes should obstruct footways/shared surfaces. The highway limits should be limited to that area of the footway/carriageway that is clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps; (11) Applicant was advised that tactile paving slabs will be required to guide visually impaired pedestrians across the junction; (12) Applicant was advised that the proposed estate road should take the form of a block paved carriageway and should have gradients no slacker than 1:80; (13) Applicant was advised that the County Highway Authority will adopt the carriageway and service margins only; (14) Applicant was advised that any retaining wall required to support the proposed highway, new or existing, will need to be checked/approved by a Somerset County Council Structural Engineer prior to any works commencing. Should new retaining walls be required, detailed design drawings and calculations will need to be submitted to the County Highway Authority for checking/approval purposes; (15) Applicant was advised that part of the development site is contained within a conservation area. The Applicant will need to liaise with Somerset County Council's Conservation Officer regarding materials to be used within the prospective highway limits; (16) Applicant was advised that all street furniture including bollards should be sited a minimum distance of 450mm away from the carriageway edge; (17) Applicant was advised that the Department of Transport "Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" states that for on street parking parallel to the kerb, a marked parking space should be provided which is a minimum of 6600mm long x 2700mm wide; (18) Applicant was advised that private drainage covers should not be located within prospective public highway limits; (19) Applicant was advised that it is likely that the internal layout of the site will result in the laying out of a private street and, as such, under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code; (20) Applicant was advised that any planting

immediately adjacent to the public highway will need to be supported by a planting schedule for checking/approval purposes. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centre line of a made up carriageway. Trees are to be a minimum distance of 5m from buildings, 3m from drainage/services and 1m from the carriageway edge. Trees must be canopied 5.5m above carriageway level. Root barriers of an approved type will be required for all trees that are to be planted adjacent to the back edge of the prospective footway to prevent the future structural damage to the highway; (21) Applicant was advised that a condition survey of the existing public highway will need to be carried out and agreed with the County Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development; (22) Applicant was advised that where works are to be undertaken in or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. The application should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (23) Applicant was advised that only contractors on the "register of accredited contractors" will be permitted to carry out works on the highway; (24) Applicant was advised that allowances should be made to resurface the full width of the existing carriageway within Mantle Street where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm; (25) Applicant was advised that surface water from all private areas, including parking bays, is to be intercepted by means of a private drainage system to prevent any possible discharge onto the prospective publicly maintainable highway; (26) Applicant was advised that protected species such as bats, nesting birds and slow worms may be present on site and all operatives on site must be appropriately briefed on their potential presence. Whilst no records of the property being used by bats exists, it is possible that the building could accommodate bats in the roof and your attention is drawn to the fact that all bats are fully protected by law under the Wildlife and Countryside Act 1981 and under European Legislation. If bats are found on site then work must stop immediately and advice must be sought from Natural England. Bats and their roosts are included in Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981. All nesting birds are also protected under the Wildlife and Countryside Act 1981 and if discovered must not be disturbed. Slow worms are similarly protected and, if found, then advice must be sought from a suitably qualified ecologist.)

Reason for planning permission, if granted:-

The proposal was considered not to harm the visual or residential amenity and accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4. Furthermore, the proposal was not considered to be detrimental to the character and appearance of the conservation area and was therefore compliant with Taunton Deane Local Plan Policy EN14.

Reported that a Tree Preservation Order had been made in March 2006 in respect of one Elder tree on land to the south of Savery Row, Taunton.

An objection had been received from the owners of the land, details of which were submitted, together with the Development Control Manager's response thereto.

The tree was multi-stemmed and generally in good health. It was now the only tree on the site and therefore made a significant contribution to the amenity of the area.

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

147. Mobile Home on land at 39 Whitmore Road, Taunton

Reference Minute No 138/2006, reported that Counsel's Opinion had been obtained. This confirmed the advice given by the Senior Solicitor at the last meeting that the mobile home could remain in its present position without planning permission, provided it was used in a manner ancillary to the main property 39 Whitmore Road, Taunton.

If further enforcement action was agreed, it could only seek to stop any unauthorised use of the mobile home by the current occupiers.

Submitted details of further representations received from solicitors acting on behalf of the occupiers of the mobile home which covered a number of points including that the mobile home was a caravan for the purposes of the legislation and that, as such, it did not require permission to remain on site.

The Committee was very unhappy with the current situation and felt it could set a precedent that could be followed by anyone with a garden large enough to accommodate a mobile home.

If it was not possible to seek the removal of the mobile home, Members were of the opinion that it should only be used as ancillary accommodation. As the evidence indicated that the mobile home was being used as a separate, self contained dwelling, it was agreed that a further enforcement notice should be served.

Members also asked for this matter to be brought to the attention of the Local Member of Parliament, Mr Jeremy Browne, with the request that the relevant Government Minister be asked to close this apparent "loophole" in the planning law.

RESOLVED that:-

- (1) Enforcement action be taken to secure the cessation of the use of the mobile home at 39 Whitmore Road, Taunton as a separate unit of accommodation; and

(2) A letter be sent to Jeremy Browne MP on the lines described above.

148. Appeals

- (1) Reported that the following appeals had been lodged:-
- (a) Demolition of dwelling and erection of one bedroomed flats together with delivery access at 5-7 Compass Hill, Taunton (appeal against onerous condition) **(38/2005/356)**;
 - (b) Conversion of barn into dwelling incorporating the formation of first floor extension to Chestnut Farm, Helland, North Curry **(24/2006/017)**;
 - (c) Erection of 24 No one bedroom flats with cycle parking and bin stores, 5-7 Compass Hill, Taunton **(38/2006/113)**;
 - (d) Erection of fence and change of use of adjoining land to residential use at 9 Holly Close, Taunton **(38/2006/245)**;
 - (e) Erection of cart shed and garden room and formation of new vehicular access at Oakwood Cottage, Pitminster **(30/2006/026)**;
 - (f) Change of use of BT repeater hut, Taunton Road, Wiveliscombe **(49/2006/017)**;
 - (g) Erection of single storey extension to shop at 60 Galmington Road, Taunton **(52/2006/028)**;
 - (h) Installation of two French doors and installation of timber decking at Heathfield Court, Heathfield, Taunton **(27/2006/004LB)**;
 - (i) Erection of glazed canopy to rear courtyard and porch to entrance at The Stable House, Manleys House, West Buckland **(46/2006/013)**;
 - (j) Display of illuminated fascia signs and non-illuminated entrance sign at Somerset County Cars, 142 Priorswood Road, Taunton **(38/2006/250A)**;
 - (k) Change of use of land for siting of 10 mobile homes for holiday use, siting of touring caravan store in fenced area, construction of service road and formation of embankment and planting at Tanpits Farm, Dyers Lane, Bathpool **(48/2005/073)**;
 - (l) Retention of covered link between dwelling and garage at The Olde Barn, Wrantage, Taunton **(24/2006/030)**;

- (m) Appeal against enforcement notice – construction of a further vehicular access and drive to serve the proposed barn conversion at Chestnut Farm, Helland, North Curry;
 - (n) Removal of Condition 05 of planning permission 10/2003/018, The Pound House, Churchinford (**10/2006/006**);
 - (o) Installation of two replacement sash windows on first floor of front elevation and retention of eight windows to front and rear at The Old Bear Restaurant, 14 Upper High Street, Taunton (**38/2006/239LB**); and
 - (p) Erection of 3 No dwellings and car parking spaces on land at the rear of 39 and 47 Trull Road, Taunton (**38/2006/339**).
- (2) Reported that the following appeal decisions had been received:-
- (a) **Erection of bungalow, garaging and formation of access at rear of 29 Blackbrook Road, Taunton (38/2005/388)**

Decision

The Inspector noted that a footbridge/cycleway over the A358 directly overlooked the appeal site and led to the out of town leisure complex. Despite there being a large number of trees between the appeal site and the footbridge, the Inspector was able to see clearly into the site from it and he therefore felt there would be significant overlooking into both the gardens and rooms of the proposed dwelling. He considered that the proposal would be out of keeping with the character and appearance of the area. The appeal was dismissed.

- (b) **Erection of a bungalow at 3 Francis Close, Creech Heathfield (14/2005/039)**

Decision

Whilst the proposed new bungalow would be smaller than the existing bungalows, the Inspector considered that it would fit in with the existing pattern of the development. He concluded that the proposal would not be over or cramped development. The appeal was allowed.

- (c) **Erection of bungalow at Manderleigh, Bagley Road, Rockwell Green (43/2005/105)**

Decision

The Inspector concluded that given the distance from local facilities and the fact that this walk, along roads without

footways, would not be pleasant, occupiers of any dwelling on the appeal site would be dependent on private transport, contrary to Council policies. He also concluded that the proposal would be contrary to the Council's Development Plan as the appeal site lay outside the defined settlement. The appeal was dismissed.

(d) **Retention of fence to side of 80 Laburnum Road, Wellington (43/2005/132)**

Decision

The Inspector considered that the wooden fence was not prominent in the street scene. It was not unduly high in relation to the height of the gable wall and did not affect privacy. The appeal was allowed.

(e) **Redevelopment to provide 48 sheltered housing apartments at 2 and 4 Compass Hill, Taunton (38/2005/422)**

Decision

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

(f) (i) **Erection of block of five flats on land to rear of 87 Staplegrove Road, Taunton (38/2005/121)**

(ii) **Erection of two flats to side of 87 Staplegrove Road, Taunton (38/2006/021) and**

(iii) **Erection of three terraced houses and parking at rear of 87 Staplegrove Road, Taunton (38/2006/022)**

Decision

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

(The meeting ended at 8.56 pm)

08/2006/026

MR & MRS HUGHES

CHANGE OF USE OF SECTION OF SINGLE STOREY BARN FROM RESIDENTIAL TO PROVIDE COMPLIMENTARY THERAPY TREATMENT ROOM (D1) PYRLAND BARN, CHEDDON FITZPAINE

323207/127275

FULL

PROPOSAL

The existing barn forms part of an 'L' shaped cluster of out buildings within the curtilage of the main dwellinghouse.

The area proposed for the change of use is relatively small in scale, measuring approximately 30 sq m. Internally it is proposed that the space is subdivided with an internal wall and door into a treatment room and waiting area.

The business is to be run by a single self employed individual. It is not proposed that there be any additional employees.

The barn is constructed in stone/timber and clay tiles. There are no external alterations to the building.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections subject to visibility improvements, restriction to the use that is applied for, times of opening restricted to 09.00 to 16.30 weekdays excluding weekends and bank holidays.

PARISH COUNCIL object to the application over concerns that clients would not find a space to park in the lay-by on Cheddon Road as this is well used by local residents.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49- Highway Requirements of New Development.

Taunton Deane Local Plan Policy S1- General Principles of Development.

ASSESSMENT

The main issues refer to the impact on residential amenity and highway safety. The proposed use is a small in terms of scale. The nature of the use will not create any adverse residential amenity issues.

The site contains sufficient parking for a number of cars. However visibility for vehicles leaving the site is poor. Whilst the applicant states in that all clients will park outside the site in an adjacent lay-by, it can not be guaranteed or enforced that all clients use the lay-by though a planning condition. The Parish Council have indicated that this is a popular parking area for local residents and other visitors. It is therefore expected that some clients will use the parking provision within the site and as such it is considered necessary and reasonable to condition some improvement to visibility for cars exiting the site.

Further to the above highways considerations and given the small scale of the business it is not considered reasonable in planning terms to restrict the opening hours of the business. It is expected that clients will visit the site, individually on an appointment basis and therefore any benefit to highway safety through restricted opening hours will be minimal.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, consulting rooms only, visibility splay.

REASON(S) FOR RECOMMENDATION:- The proposal by reason of the use, scale and siting within settlement limits respects the character of the area and will cause no demonstrable harm to highway safety in accordance with Taunton Deale Local Plan Policy S1 and 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: 356468 MR M HICKS

NOTES:

14/2006/040

MR M RODEN

CONVERSION OF DWELLING TO TWO FLATS AND PROVISION OF ACCESS AND PARKING AT 35 TRISTRAM DRIVE, CREECH ST MICHAEL

327130/125702

FULL

PROPOSAL

The site consists of a two storey semi-detached property with garage and parking to the rear. The property is situated in a residential estate to the south of Hyde Lane. The proposal is for a change of use from a single dwelling house to 2 No. one bedroomed flats. The proposal does not involve any external alterations to the property. Flat 1 will have a new vehicle access and parking space created alongside the existing access. Flat 2 will retain the existing garage and parking space.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY recommend conditions of; one garage and one parking space plus access for each unit; installation of dropped kerbs; adequate disposal of surface water.

PARISH COUNCIL objects on grounds of overdevelopment, increasing parking and traffic problems.

ONE LETTER OF OBJECTION has been received raising the following issues:- concerned with additional car parking.

POLICY CONTEXT

Taunton Deane Local Plan Policy S1 General requirements. Policy H2 (E) Housing within classified settlements. Housing development will be permitted provided that small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character of residential amenity. Policy H4 Self contained accommodation. The conversion of houses to form flats will be permitted if they confirm with Policy H2. M4 Residential parking requirements.

ASSESSMENT

The proposed development involves no external alteration and as such is considered to have no adverse impacts on residential or visual amenity. The increase in housing density in this area is supported in the Local Plan and the conversion from one to two units does not constitute over-development. The main concern in respect to the application is the access requirements and parking provision. The development proposes three parking spaces in total (including the existing garage). This meets the Local Plan requirements of no more than an average of 1.5 spaces

per unit. A requirement of two spaces per unit is considered excessive in this instance, as each flat only has one bedroom. It is however thought necessary for each unit to have provision for the parking of one bicycle in addition to the parking provision shown on the submitted plan.

The proposal is considered acceptable subject to relevant conditions on; 3 car parking spaces and 2 cycle parking spaces being provided in total; disposal of surface water; installation of dropped kerb.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, parking, cycle parking, access and dispersal of surface water.

REASON(S) FOR RECOMMENDATION:- The proposal complies with Taunton Deane Local Plan Policies S1, S2, H2, H4 and M4.

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

CONTACT OFFICER: 356313 MRS F WADSLEY

NOTES:

21/2006/019

MR JOHN PERRY

CHANGE OF USE FROM AGRICULTURAL LAND AND BUILDINGS TO STORAGE OF AGRICULTURAL CONTRACTING EQUIPMENT/MACHINERY AT LAND SOUTH OF LANGFORD BUDVILLE, WELLINGTON (GR 111,226) AS AMENDED BY DRAWING NO. 524/01 DATED 20TH NOVEMBER, 2006

311193/122647

FULL

PROPOSAL

Permission is sought for the change of use from agricultural land and buildings to storage of agricultural contracting equipment/machinery at land south of Langford Budville. The existing buildings are single storey. The proposal involves ensuring the buildings are secure and weatherproof without any major physical alterations to the building. The site is approximately 6 acres. The proposal would involve a new diesel tank, existing lockable store, and three existing barns to be used for agricultural use, storage and storage of machinery. The applicant's contracting business covers the Milverton, Wellington and Taunton area which include digging, hedge trimming and silage making.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY considers the proposed location being sited outside of the settlement limit is unsustainable. In addition the Highway Authority expresses concern that the proposal is for a change of use to a general B8 use and recommends that the building is conditioned to a specific or personal use. Furthermore, there are concerns that the existing access is substandard in terms of the width, angle and visibility and this would need to be significantly improved to overcome the highway safety issues raised.

LANDSCAPE OFFICER subject to management and reinforcement of the existing predominantly Elm hedging it should be possible to integrate the proposals into the surrounding landscape. NATURE CONSERVATION & RESERVES OFFICER there is evidence that bats and swallows have been used in sheds 3 & 4. I am satisfied that protected species will still be able to use the buildings but in applying PPS9 it is recommend that we should be to encourage opportunities for bats and swallows. Conditions and informative recommended.

7 LETTERS OF OBJECTION have been received raising the following issues:- dangerous access; overloading of highway; increase highway safety problems at cross roads; unsocial hours; given restricted width of the highway it will dictate that the traffic to and from the premises would have to travel through the village resulting in detrimental impact to the village; noise; fumes; application estimates possible traffic movements but not delivery of supplies, fuel, equipment, machinery and parts; impact upon wildlife; impact upon archaeology; unsustainable location; loss of value to property; risk of pollution.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC6 (Conversion of Rural Buildings), EC7 (Rural Employment Proposals) and EN12 (Landscape Character Areas).

ASSESSMENT

There are a number of pertinent issues in the assessment of this application, these relate primarily to the following; visual impact of the proposed development on the rural character and appearance of the area; implications for wildlife and biodiversity; amenity and highway safety.

The site is located in open countryside and designated Landscape Character Area. As such special consideration should be given to preserving and enhancing the natural beauty of the Area. PPS7 states inter alia that all development in rural areas should be well designed..., in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Local Plan H7 (Conversion of Rural Buildings) & PPS7 seeks to give priority to economic uses subject to taking account a number of criteria, such as specific local economic and social needs and opportunities. Planning Policy Statement 7 (PPS7) further supports proposals for re-using existing buildings that are adjacent or closely related to ... villages for economic or community uses. The proposal would allow the re-use of these existing barns for economic purposes and would support farm diversification activity. The existing buildings are functional in appearance and of little architectural merit. The proposed changes to the building are considered low impact development. The buildings are single storey and the site is well screened by existing hedgerow and trees.

The wildlife officer is satisfied that protected species will still be able to use the buildings. However, in applying PPS9 it is recommended that measures should be taken to enhance the site as well as the protection of species. The wildlife officer recommends that encouragement of opportunities for bats at the site. In addition informatives regarding bats and swallows nesting in the buildings are recommended.

The application site is a significant distance 100 m from the nearest residential dwellings and it is considered the site is well screened and would have no significant impact upon the amenity of adjoining residents. The use of the site would be for storage purposes. However, should there be any noise issues this would be dealt with under the Environmental Protection Act and noise nuisance.

The Highway Authority has expressed concern on the grounds of sustainability given the position of the site outside of settlement limits. However, it is considered the proposed use would provide other economic benefits to the rural economy and as such it considered an acceptable location for this specific use. In addition the Highway Authority has expressed concern regarding the use of the site for general B8 use (general warehouse/distribution) and the setting of precedent for such use. However, in order to control the use of the buildings and the site it is recommended a condition be imposed to tie down the use strictly for the purpose applied, i.e for change of use for the storage of agricultural contracting equipment/machinery only. In addition the Highway Authority has expressed concern about the existing access and has requested increased visibility and improvement to the access. Amended plans have now been received to overcome the Highway concerns. The views of the Highway Authority have now been sought to the amendments. In addition the landscape officer has been consulted to assess how the proposal which would involve the loss of part of the hedgerow would impact upon the visual appearance of the area.

A caravan has been sited within the application site and this is currently subject to further investigation by the enforcement team.

It is considered the proposed use is compatible with its rural location and provides an economic use for the existing buildings and presents an opportunity to diversify and provide a rural service in the locality. As such it is recommended the application be supported subject to the comments of the landscape officer with respect to the amended plans for the revised access and visibility splay.

RECOMMENDATION

Subject to the further representations of the landscape officer and the County Highway Authority on the amended access arrangements the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, wildlife requirements, landscaping, use for agricultural contracting use, details of outside storage, pollution mitigation measures and informative with respect to oil storage regulations.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon the rural character or appearance of the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

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

CONTACT OFFICER: 356586 MR A PICK

24/2006/029

MRS J RICHARDS

VARIATION OF CONDITION FOR NEW OWNER MRS J RICHARDS, HER FAMILY AND MRS BRAZIL (GYPSIES) TO OCCUPY THE SITE AT LITTLE DENISE, MILL HILL, WRANTAGE (PREVIOUS PERMISSIONS 24/2003/020 AND 24/2005/049)

333240/123248

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

The application site comprises a triangular piece of land running between the A378 to the north and the Lords Wood Ancient Woodland, a Site of Special Scientific Interest to the south. There are treed hedgerows to the front of the site, except at the point of access and a 2 m high fence to the south to form a solid barrier with the SSSI. The site is also in the foothills of the Fivehead Ridge Special Landscape feature.

Planning permission was granted on appeal in September 2001 for the siting of 4 mobile homes and 2 touring caravans for the personal use for the extended gypsy family of Mr D Richards. In 2003 planning permission for an additional one mobile home and one tourer was granted for Mr Richards mother to live on site.

Mr Richards and his dependants have now vacated the site and his sister, Mrs Jenny Richards, and her extended family (two daughters and their families) have moved onto the site, along with a Gypsy friend, Mrs Brazil and her dependants. Mrs Lilley Richards would continue to be able to occupy the site in accordance with the earlier planning permission 24/2003/020. The occupants would continue to travel mostly during summer months, to horse fairs etc.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. COUNTY GYPSY LIAISON OFFICER attended a site meeting with the applicant and is happy to confirm that he regards the new occupants to be bonafide gypsies who would form an extended family unit on the site. With the addition of Mrs Brazil, who occupies the site as an associated gypsy friend who is in need of a permanent base in this locality. ENGLISH NATURE no objections to the proposal. SOMERSET ENVIRONMENTAL RECORDS OFFICE the site is immediately adjacent to a Site of Special Scientific Interest. No protected species have been recorded on the application site.

LANDSCAPE OFFICER the proposals should have no landscape impact. POLICY OFFICER views awaited. DRAINAGE OFFICER no objections. HOUSING OFFICER no observations.

PARISH COUNCIL object to this application.

1 LETTER OF OBJECTION has been received raising the following issues:- planning permission was specifically restricted due to the personal circumstances of the applicants and it is inappropriate to allow occupation by anyone else; the site should now be vacated and returned to its former agricultural state; the argument made at the appeal was that the Council could not offer alternative accommodation but I assume this no longer applies considering recent action by the Council.

1 LETTER has been received raising no objections to the application.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, Policy 1 - Nature Conservation, Policy 36 - Sites for Gypsies and travelling people, Policy 49 - Transport Requirements of New Developments.

Taunton Deane Local Plan Policies S1 - General Requirements, S7 - Outside Settlements (especially part (B) accords with a specific development plan policy), H14 - Gypsy and Traveller sites, EN2 - Sites of Special Scientific Interest, EN11 - Special landscape Features.

Executive report dated 3rd May, 2006 - Providing for Gypsies and Travellers – an update:- Impact of Circular 01/2006 on the Determination of Planning Applications. 7.4 All proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan. H14 Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that: (A) there is a need from those residing in or passing through the area; (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities and they are sited near a public road; (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity; (D) adequate open space is provided; (E) accommodation will enjoy adequate privacy and sunlight; (F) areas for business, where, appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; (G) in the case of transit sites, there is convenient access to a County or National route; (H) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided. 7.5 However, in light of the new Circular the criteria may need to be considered more flexibility in cases where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity. 7.6 Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Existing communities should not be dominated by large scale gypsy sites. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs 12, 52, 53 and 54

Paragraph 12 The Circular comes into effect immediately. Its main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 - 5 years;
- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
- (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- (f) to identify and make provision for the resultant land and accommodation requirements;
- (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- (h) to promote more private gypsy and traveller site -provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
- (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorised sites without an alternative to move to?

5.2 In areas with nationally recognised designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Registered Historic Battlefields and Registered Parks and Gardens), as with any other form of development, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development.

- 5.3 However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.
- 5.4 Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local serviced. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the Local infrastructure.

ASSESSMENT

Planning permission was granted in 2002 against the Inspectors view that the development would cause some harm to the landscape of the area; would have the potential to cause harm to the adjacent SSSI by humans, their pets and general noise and disturbance and, due to conflicting traffic movements could cause harm to highway safety. In allowing the decision, the inspector weighed this harm against the education and health needs of the family and considered that the applicant's needs were paramount.

Government Circular 1/2006 has downgraded the considerations of sustainable location and impact on locally designated sites in importance. The circular states that the government are committed to providing additional sites for gypsies in appropriate locations and that local landscape designations should not be used, in themselves, to refuse planning permission. It states that sites in areas with nationally designated sites (SSSI) should only be granted where the objectives of the designation would not be compromised by the development. Finally the circular also states that rural areas are acceptable in principle.

This site lies adjacent to an SSSI where the Inspector, when allowing the appeal considered that the SSSI could be protected through the imposition of appropriate conditions. In this respect English Nature do not raise any objection to the continued occupation of this site by gypsies. The site is situated on the foothills of the Five Head ridge with the wood to the rear and the front hedge boundary, the site has been well assimilated into the surrounding area and the Landscape Officer raises no objection to the proposal. The site has a history of low impact gypsy occupation since 2000. The current occupants have been on the site for a period of approximately a year and I am not aware of any complaints from local residents about the occupants (other than non compliance with the personal permission) and no reports of damage to the surrounding area during that period.

In view of the appeal decision the County Highway Authority raises no objection to the proposed change of name. Advice in Circular 1/2006 states that "modest additional daily vehicle movements ... would not be significant". Taking into account the previous Inspector's conclusion that the personal need of the gypsies outweighed the highway danger of the site and balancing this with the current need of the occupants for a permanent site I consider that the impact on highway safety is acceptable. In conclusion, the site would continue to be occupied by gypsy families

in accordance with the Local Plan Policy H14 (as amended by the executive) and the proposal is considered to be acceptable.

RECOMMENDATION

Permission be Granted subject to conditions that occupation restricted to Mrs Jenny Richards, Ms Jade Richards, Ms Bianca Richards, Mrs Brazil and their partners and dependant families. Notes: re all other conditions applied on the earlier planning permission 24/2000/035 continue to apply to the remainder of the site:- no more than 4 mobile homes and 2 touring caravans, no working/storage of materials on site, visibility splays to be maintained, landscaping to be maintained, fence/wall along boundary with SSSI, no gate/fence or wall, no ancillary buildings/structure, no refuse/waste, no cats/dogs. You are also reminded that your mother, Mrs Lilley Richards has planning permission to occupy the site with an additional mobile home and touring caravan, making a total of 5 mobile homes on the site and 3 touring caravans.

REASON(S) FOR RECOMMENDATION:- In accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policies H14 (as amended).

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:

27/2006/018

PAROCIAL CHURCH COUNCIL

ERECTION OF A SINGLE STOREY EXTENSION FOR KITCHEN AND DISABLED TOILET FACILITIES AT CHURCH OF THE HOLY CROSS, HILLFARRANCE

316739/124637

FULL

PROPOSAL

Permission is sought for the erection of a single storey extension positioned to the rear (east) elevation of the Church, which is a grade II* listed building. The extension would feature a mono-pitch roof with reclaimed plain clay tiles to match the existing roofing material. The external walls would be finished with a lime and stone dust based roughcast render. All new joinery would be of oak. Rainwater goods will be re-used cast iron and painted black. The proposal would provide a disabled toilet and small kitchen area accessed via the South Chapel. The toilet facility would be accessed externally.

Planning Permission was granted in January 2006, reference 27/2005/021 for an extension to provide the required facilities. However, a revised application has been submitted with the primary amendment relating to the omission of the rooflight with a new dormer window. The dormer which has a vertical emphasis features a flat roof design.

CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST the site lies within an area of archaeological interest and the applicant should be required to provide archaeological monitoring and a report on any discoveries made. ENGLISH HERITAGE express considerable concern that this scheme requires the breaking through of a fifteenth century window in order to gain access to a kitchen in the extension. In our view the kitchen could have been accommodated within the south transept without requiring this damaging alteration, in which case a much smaller extension would have been possible. If, however, the scheme is considered on planning merits alone the proposed extension is of relatively modest proportions and unpretentious design although the flat-roofed dormer could be reduced in scale.

CONSERVATION OFFICER no objections.

PARISH COUNCIL not happy with the dormer window on this extension and preferred an earlier application 27/2005/021 which showed a velux rooflight which they felt was much more in keeping with the line of the existing roof and therefore object to the proposal.

ONE LETTER OF OBJECTION has been received raising the following issues:- the proposed dormer window is completely out of character with the rest of the church; it

is alien to the concept of the pitched roofs of the nave, chapel, porch and vestry and to the pointed arches at the head of all other windows.

POLICY CONTEXT

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

Material considerations are Planning Policy Guidance Note (PPG15): Planning and the historic environment and the Development Plan which comprises Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan 1991-2011 and Policy EN16 & EN17 of the Adopted Taunton Deane Local Plan.

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

ASSESSMENT

The pertinent issue in the determination of the application concerns an assessment of the revised design on the character or appearance of the grade II* listed church.

It is considered the proposed modest scale and siting of the extension would not harm the character or appearance of the church. However, control over the design and proposed materials are principal considerations given the importance of the building in historic and architectural interest. The concerns of the Parish Council are noted, however it is considered that the proposed dormer window would provide a neater design solution than the insertion of the rooflight and the Conservation Officer has raised no objection to the application.

The proposed development by reason of its scale and siting would have no impact upon the amenity of adjoining occupiers.

It is recommended that the revised scheme be approved subject to details of conditions below.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials as per plan, samples of materials, no bell casts to proposed rendered areas, no development until a programme of archaeological work in accordance with written scheme to be submitted, notice to be given prior to any excavation works, rainwater goods shall be cast iron and painted black, details of extract fans; measured survey of existing building.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposed works are sympathetic to the character and appearance of the listed building and therefore

is not contrary to Taunton Deane Local Plan Policies S1, S2 or EN16, nor Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 or guidance within PPG15 – Planning and the historic environment in respect of works relating to listed buildings.

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

CONTACT OFFICER: MR A PICK TEL: 356586

29/2006/027LB

MR JOHN GALE

**ERECTION OF LEAN-TO CONSERVATORY AT LOWER FYFETT BARN,
OTTERFORD**

323418/114536

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal comprises the erection of an oak-framed conservatory with stone plinth, to the front elevation of a stone barn which has been converted to a dwelling

Lower Fyfett farmhouse is a listed building Grade II.

Planning permission and listed building consent were refused in April 2005, references 29/2005/004 and 29/2005/005LB respectively, for the erection of a conservatory.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER proposal similar to that refused by 29/2005/004 & 005LB. Form on conservatory at variance to simple linear form of barn and would appear as a modern incongruous feature, at variance with its agricultural origins and character. Objection raised.

PARISH COUNCIL does not object

POLICY CONTEXT

Taunton Deane Local Plan Policies EC16 and EN17 and Somerset and Exmoor National Park Joint Structure Park Review Policies STR1 and 9 seek to safeguard the character and appearance of listed buildings.

ASSESSMENT

The proposal is considered unacceptable in principle, despite the improvement in materials from UPVC to oak when compared with the previous refusals. A conservatory would adversely affect both the character and appearance of the listed building, and the integrity of the building as a former agricultural barn.

RECOMMENDATION

Consent be REFUSED because of the adverse impact on the character and appearance of the listed building and on the integrity of the building as a former agricultural building.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

29/2006/028

GORDON WOODALL (FOREST SCHOOL)

CHANGE OF USE FROM REDUNDANT COACH HOUSE AND ESTATE TO FOREST SCHOOL/OUTDOOR LEARNING CENTRE AT OTTERHEAD ESTATE, OTTERFORD

322930/113930

FULL

PROPOSAL

Permission is sought for the conversion of an existing redundant coach house to use as a forest school/outdoor learning centre, providing practical rural skills training. The coach house is an attractive building of historic and architectural interest set deep within the woodland. The building would provide an opportunity for the forest school to relocate (previously located at Burnworthy estate) and provide rural skills/activity workshops for children under their supervision. New composting toilets are proposed to be constructed. The application also includes the parking of mini buses within an old quarry accessed along an existing forest track.

The site is located within the Otterhead Lakes Nature Reserve and its management plan has also been submitted with the application. The Blackdown Hills AONB Partnership has instructed Swan Paul Partnership to carry out a detailed restoration plan for the Otterford Estate. In addition a wildlife and structural survey forms part of the submission. Letters and testimonials of support also form part of the application.

The proposed activities within the woodland area as identified by the red line around the application site and includes; forest school (fires, cooking, safe tool use); rural skills; games; camping; team building; orienteering; archery; problem solving, zip wire and belay tree climb course; kayak, raft building; fishing; challenges.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the access point is a rights of way and therefore imperative to consult Rights of Way Team. On the basis that this is a relocation of an existing use, which will cease operation, it is unlikely that trip generation will differ greatly. The Highway Authority do not raise a highway objection. COUNTY ARCHAEOLOGIST no objections. RIGHTS OF WAY OFFICER no objection providing that there is existing private access for vehicles along the footpath and that the development will not significantly increase traffic upon the track. In addition we require in writing, confirmation that the centre/organization would make significant contributions to repairing the surface of the footpath regarding any damage caused by the vehicular use.

OTTERFORD PARISH COUNCIL does not object. Whilst the Council has no specific objections to raise, it is most concerned as to the nature of the students expected to use the facility. It understands that the students are largely designated as having behavioural difficulties and that these difficulties often lead to anti-social,

aggressive and disruptive actions. The Council is most anxious to preserve the peace and beauty of the estate and would not wish visiting members of the public to be disturbed in their enjoyment of this part of the AONB. The Council has reservations about the number of activities which it is proposed to run all year round, including school holidays (see page two of the Proposed Activities schedule) under the heading of Specific Courses for Young People's Development. Concern has also been expressed regarding activities at the site previously used in a neighbouring parish by the applicants for the running of Forest School. It is alleged that levels of supervision and purposeful direction have apparently not always been sufficiently high. If the Applicants can give assurances that supervision will be maintained at a high enough level to efficiently control the students and that its other concerns are addressed effectively, my Council will be happy to support the Application.

CHURCHSTANTON PARISH COUNCIL has identified a number of reservations which lead the council to seek refusal of the application. Concerns are as follows:-
Access - The lanes leading to the site are narrow and do not lend themselves easily to the increased traffic this school would generate, also the tracks within the estate itself are not designed for modern vehicles. Loss of amenity for the general public. At present the estate is a tranquil spot for walkers and nature lovers to enjoy a stroll, we are concerned that the presence of the School and its students and the vehicles on the site would discourage visitors and negate the general purpose of the grounds and its leisure value. Periods of use We were initially led to believe that use of the school and grounds would be limited to term time , but this does not appear to be the case and this causes further concern regarding loss of public amenity.

LANDSCAPE OFFICER the proposed use should help to further the aims of the Otterhead Estate Trust who want to restore many of the historic features of the estate as well as managing the woodland for wildlife and amenity purposes. The proposals will have a beneficial landscape impact. NATURE CONSERVATION & RESERVES OFFICER the Otterhead site is an important location for a range of bats and my main concern is that bats will be affected by the change of use. I advise that we will need to agree a robust strategy, including a method statement, to protect bats and their roosts at this site before any work can begin on site. The report was a year old when the application was submitted and identified a minimum of three bat species using the site, with the possibility of others from historical records. I strongly advise that a minimum of three surveys undertaken between May and September will need to inform the strategy. ENVIRONMENTAL HEALTH OFFICER no objections subject to Contaminated Land Note. DRAINAGE OFFICER no objections. LEISURE DEVELOPMENT MANAGER support the application which will provide a natural learning and play environment for children.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001.

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), EC6 (Conversion of Rural Buildings), EC7 (Rural Employment Proposals), EN10 (Areas of Outstanding Natural Beauty) and EN12 (Landscape Character Areas).

ASSESSMENT

The main issues in the assessment of the application relate primarily to the following; the visual impact of the proposed development on the rural character and appearance of the area and implications for wildlife and biodiversity.

The site is located in open countryside and designated Area of Outstanding Natural Beauty. As such special consideration should be given to preserving and enhancing the natural beauty of the Area. PPS7 states inter alia that all development in rural areas should be well designed..., in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

Local Plan H7 (Conversion of Rural Buildings) & PPS7 seeks to give priority to economic uses subject to taking account a number of criteria, such as specific local economic and social needs and opportunities. Planning Policy Statement 7 (PPS7) also urges Local Authorities to promote development in sustainable locations. Sustainable development principles seek to minimize the number of car journeys required to access services, with the focus of developments in existing towns and villages accessible by public transport, walking and cycling. The site is certainly not easily accessible by public transport given the distance from the nearest public transport route; however, it is considered the justification for the proposed use is acceptable in this location. The Highway Authority raises no objection. On balance therefore it is considered that the conversion of the former coach house will provide a positive function and ensure the long term retention of the building and the forest school can help to manage the woodland in a sustainable manner in accordance with the Otterhead management plan.

Moreover, the proposal offers the potential for positive environmental, social and/or economic contributions with public benefit. These include services to the community, economic diversification for the area, and activities aimed at improving knowledge and enhancing the biodiversity of the area. The concern of the Parish Council with regard to loss of amenity for the general public is noted; however, the Forest School is supported by the Blackdown Hills AONB Partnership and it is considered the proposed use would be compatible with its location and help to retain one of the few remaining heritage buildings still standing on the site. The proposed use is therefore seen as appropriate and fits with the overall management plan for the area.

The Otterhead site is an important location for a range of bats and the main concern is that bats will be affected by the change of use. In order to mitigate any impact it is necessary to agree a robust strategy, including a method statement, to protect bats and their roosts at this site before any work can begin on site. The submitted wildlife

report is a year old when the application was submitted and identified a minimum of three bat species using the site, with the possibility of others from historical records. As such it is recommended that a condition be imposed to provide a minimum of three surveys undertaken between May and September to inform the strategy. In order to assess any additional activities within the woodland area it is recommended that a condition be imposed requiring details of any activity or use and should be supported by a wildlife survey where required to ensure that protected species are not disturbed.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, schedule of activities unless any variance is agreed in writing; details of the siting of any activities or use (other than within the barn which shall be for purposes in connection with the forest school) and any structure or equipment to be installed to be submitted and agreed; prior to commencement of any activities or use (other than within the barn) a wildlife survey should be submitted to ensure the use would have no impact upon protected species and should be in accordance with the Otterhead management plan; emergency bat survey; nesting birds; slow worms; details and samples of materials; and informative with respect to barn owls and contaminated land.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon the rural character or appearance of the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

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

CONTACT OFFICER: 356586 MR A PICK

38/2006/361

MR R CRIDDLE

DEMOLITION OF HOUSE & ERECTION OF 12 ONE BEDROOM FLATS AT 74 SOUTH STREET, TAUNTON

323482/124316

FULL

PROPOSAL

Permission is sought for the erection of 12 No. one bedroom flats on the site of an existing two storey residential dwelling. The site does not lie in a conservation area and the building proposed to be demolished is of no particular architectural merit. The existing building measures 8.0 m to the ridge. The proposed building would be three storeys high and measure 10.5 m at its highest point. The footprint of the building would be 12.8 m in width and 15.5 m in depth. The proposed building would extend beyond the building line of the existing dwelling, albeit set back from the terraced properties to the north. The footprint of the building would be within 0.5 m of the boundary with the adjoining dwellings and project significantly to the rear. The plans indicate fenestration in all elevations, with the side windows serving the kitchen area. Proposed materials are indicated to be agreed. The site is located within the designated Taunton Central Area and as such the site is well related to essential facilities and services. No parking is provided within the scheme.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY the site lies within the town centre and consequently the proposal not to provide car parking can be considered acceptable. However, with a new build and the extent of the site it ought to be relatively easy to provide adequate cycle parking. Therefore in the event of any permission being granted a condition require secure and sheltered cycle parking for 12 cycles should be imposed. WESSEX WATER the development is located within a sewered area and the developer will need to agree points of connection. In respect of water, there are water mains and connection point can be agreed at detailed design stage.

LANDSCAPE OFFICER subject to suitable tree planting it should be possible to soften the impact of the proposals within the street scene. LEISURE DEVELOPMENT TEAM MANAGER in accordance with Policy C4 provision for play and recreation must be made. As each dwelling in the proposed development consists of one bedroom a contribution of £859.00 per dwelling towards active recreational facilities and playing fields.

TAUNTON AND DISTRICT SOCIETY strongly objects to this application as a particularly poor example of over-development and overbearing infill, which seems to us to lack any architectural merit, to be insensitive to the location, and be potentially hazardous to its occupants. Specifically we consider that the application:- (A) Fails Policy S1(D) because it harms the character of the area. The height, scale and

overall design of the building are not in harmony with any of the properties on South St for more than 100 m in either direction. Reason: The predominant form northwards (on both sides of the road) is two storey terraced houses. Southwards on the same side there are three modern two-storey houses and then further earlier terracing. There is one three-storey terraced house to the north, but this is itself a bad feature and cannot be accepted as a precedent for a three-storey block. The plans show that the existing building, and the other modern houses, are set back from the building line of the terraces to either side, but that the proposed new building line will be in advance of the neighbouring modern houses, although behind the terraces to the north where the road narrows. Since the building is just about on the crest of the hill in South St, that advance, together with the height, will make it very obtrusive (especially when approaching the town centre). Because it is practically inconceivable that 12 flats will not contain at least several car owners, the proposal contributes to a cumulative effect of increasing pressure on street parking. South St itself is narrow (particularly just to the town side of the site) fast and busy. The side roads in the area are generally very narrow and easily choked. The proposal therefore works against the criteria set out in S1 (A). (B) Fails Policy S2 generally, and S2(A) in particular because (a) it does not reinforce local character and (b) is not well designed. Reason: Our comments re policy S1(D) above illustrate the failings as regards local character. There are some new three-storey flats in the street but these are on the corner of Queen Street, which is a long way down the slope towards the town centre. We consider that the access design is particularly poor with a single entrance positioned on the side that opens to an access lane little more than a metre wide. The central hall/stair space seems reminiscent of a rooming house, has no natural light yet offers the inhabitants inadequate privacy from each other. Taken altogether this design seems unacceptably hazardous in case of fire, and is awkward of access for delivery purposes. We are sceptical that the central flat roof is a good design feature. There are no details indicating any provision for bathroom ventilation. The street and rear elevations are asymmetrical and unattractive. The gables are quite untypical of the area, and look like overgrown dormers. Quite apart from any other reason, we feel this application should be refused for the poor quality of the design and lack of detail in the plans. (C) Fails Policy H2(G) because it causes privacy and loss of sunlight to neighbouring properties. Reason: the proposed building extends back beyond the outbuildings of the terraced house immediately to the north (No. 72), and more than half of the depth of the proposed building is beyond the rear house windows of number 72. As the proposed building is only about a metre from the site boundary, and is three-storeys high, number 74 will suffer a substantial loss of sunlight and a strong feeling of enclosure. Further, the kitchen windows overlook the neighbouring properties on each side and there is a loss of privacy for the rear of both neighbouring properties. (D) Fails policy M4 by making no provision for cycle storage. (E) It can be argued that the proposal meets Policy S2(H), "makes full and effective use of the site". We consider that it makes an overuse of the site. The plans do not appear to show adequate space to move communal waste bins to the street for collection. If the intention is that they should be located at the front of the building, then this is objectionable. A two storey development, with a design more sympathetic to the neighbouring terraces, that respected neighbouring properties privacy and access to sunlight, and had safer access, would be much more suitable. We would reiterate that we are concerned about the cumulative effects of the number of infill developments which offer no provision for car parking/storage, and which may easily

create access problems. We consider that the outcome of this trend will be the erosion of local character, increased parking and congestion issues and an impaired public realm.

WARD COUNCILLOR Richard Lees objects to the proposal on the grounds of loss of light to adjoining property; proximity of other buildings affecting privacy of neighbours; noise levels – especially due to the old peoples home in the vicinity; possible effect on the immediate area under the Crime and Disorder Section 17 Rules.

27 LETTERS OF OBJECTION have been received, of which 17 have been submitted as standardised objections raising the following issues:- overdevelopment of the site; footprint of the built form getting physically closer to the road frontage and the boundary; significant increase in depth; loss of privacy with windows on the side elevation directly overlooking; loss of amenity due to lack of parking provision; east reach is below national air quality standards and the additional congestion would compound the problem; South Street is part of an environmental area; design is cold and characterless; little consideration for the people living next door; out of scale with surrounding properties; loss of light; overshadowing; inadequate parking; noise; reduce views; no need to demolish a family house; when originally built it was first proposed to be a bungalow but this was refused on the grounds of being out of character, so how can a block of flats be considered acceptable; it would be more appropriate to have a row of terraced houses at the same alignment and scale as the Victorian houses in the locality.

POLICY CONTEXT

PPS1 (Delivering Sustainable Development).

PPG3 (Housing), PPG13 (Transport)

RPG10 – Regional Planning Guidance for the South West Policy HO 5: (Previously Developed Land)

Somerset & Exmoor Joint Structure Plan Review STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policy 48 (Access and Parking)

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing in Settlements), M4 (Residential Parking Requirements), C4 (Open Space Requirements).

ASSESSMENT

It is considered the pertinent issues for consideration in the determination of the application relate to the visual appearance of the building and its impact upon the character and appearance of the area; impact upon residential amenity; and highway safety implications.

The size of the building represents a large increase over the existing development and it is considered the building would overdevelop the site. The predominant building pattern is of two storey dwellings of a smaller footprint and scale, in rectilinear form. The design pays little attention to the architectural design of buildings within the street scene. As such it is considered the proposal would be harmful to the character and townscape of the locality. It is accepted that the existing building is of little architectural merit, however, any new building should relate to the predominantly traditional vernacular. It is accepted that there has been some piecemeal development in the area, however, the proposal is considered to be a poor design solution being inappropriate to its context. It is out of scale and incompatible with its surroundings. The fourth key principle of (PPS1) states that 'design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'. Paragraph 37 refers, in turn, to a series of publications that set out good practice including 'By Design – Urban Design in the planning system: towards better practice'. Advice on page 20 of 'By Design' states that an important component in character is the need to respond to local building forms in the detailed layout and design of development. Terraced properties are characteristic of the area and it is considered the proposed building would be at variance with the established building pattern. It is considered therefore the proposal would erode the character of the area.

The application was submitted before the statutory requirement for a design and access statement came into force. However, in order to assess the visual appearance of the building a street scene analysis was requested on the 23rd October 2006, to show the relative height of the proposal in the context of the locality. A photomontage was also requested as a useful tool to assess the visual impact of the proposed building. This information has not to date been submitted.

The proposed new building projects 15.5 m in depth and would extend significantly beyond the building line of adjacent properties. Furthermore, the building would be located just 0.5 m from the boundary and given its three storey height sited on the boundary would give rise to an imposing and overbearing built form. The proposal would result in an overbearing visual effect as seen from the occupiers of adjacent properties and there would be a loss of light caused by shadowing from the development. In addition there would be a loss of privacy by reason of overlooking.

One of the recurring concerns from local residents is that of the lack of parking provision within the site and the knock on effect this will have on the locality. The Highway Authority considers that by reason of the location of the site close to the services and amenities of the town centre, it is acceptable to have zero parking provision on site. The site is therefore considered appropriate for car free development. However, as part of any consent a requirement would be imposed to provide safe cycle storage for twelve cycles within the site.

The provision of 12 flats requires a contribution towards off site play and open space provision in compliance with policy C4 of the Local Plan. In accordance with standard provisions this equates to £859 per one bed unit. Should Members consider the development to be acceptable then a Section 106 Agreement would be required to ensure that the required contribution was made.

It is recognised that national planning guidance seeks to make the best use of brownfield land, especially in sustainable locations such as the town centre. However, such development must not be at the expense of either good design (as required by PPS1) or result in a loss of amenity to existing residents. The proposal is considered to be an overdevelopment of the site incorporating a new building of excessive scale that would detract from the visual amenities of the street scene and would harm the residential amenities of adjoining occupiers.

RECOMMENDATION

Permission be REFUSED for reasons of the lack of information submitted to assess the height of the proposed building in the street scene, and the scale, bulk and massing of the proposed built form is considered to be excessive and if allowed would be detrimental to the character and visual amenities of the street scene. As such the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and the Taunton Deane Local Plan Policies S1, S2 and H2 and the proposal would cause harm to the residential amenities of adjoining occupiers by reason of its siting and scale would appear overbearing and result in a loss of light and privacy detrimental to the residential amenities of residents. As such the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and 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: Mr A Pick Tel 356586

38/2006/400

WARWICK HOUSE MEDICAL CENTRE

CHANGE OF USE OF BUILDING FROM COMMUNITY HALL (D1) TO OFFICE (B1) AT DODSON HALL, UPPER HOLWAY ROAD, TAUNTON.

324427/123690

FULL

PROPOSAL

The application site is located adjacent to the north eastern edge of Upper Holway Road, within the settlement limits of Taunton. Vehicular access is gained from Warwick Gardens on the north east boundary of the site. The area is predominantly residential.

The site consists of the doctors surgery and Dodson Hall which is a detached building located adjacent to the north elevation of the surgery.

The current use of the hall is for community use. The application seeks change of use to provide office accommodation. The office accommodation is to be provided for the Somerset Local Medical Committee which is the statutory representative organisation for general practitioners within Somerset. As such it appears that the use of the building would operate separately from the Medical Centre.

Dodson Hall occupies a floor area of approximately 113 sq m (footprint of 10.4 m x 10.8 m). The use of Dodson Hall as a community use was not a requirement through condition or legal agreement at the time of the original planning permission (38/2006/036).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection.

PLANNING POLICY the only policy I can see which looks relevant is EC11 - Local Service Provision in Taunton and Wellington, which includes the sentence:- 'Beyond the town centres, the vitality and viability of local service provision within Taunton and Wellington will be maintained and enhanced and the level and diversity of such facilities improved'. In the supporting text, paragraph 4.75 refers to 'area community centres' being permitted adjacent to existing local centres; while 4.76 states that individual shops and public houses in residential areas (i.e. outside defined local centres) will be allowed subject to conditions. In other words, the need for local facilities other than shops is implicitly recognised, and in some cases local facilities might be established outside defined local centres.

14 LETTERS/E-MAILS OF OBJECTION have been received from 10 objectors raising the following issues:- the hall is a valuable community facility used for a range of activities such as pre-school group, yoga, baby massage classes, fundraising activities, other social events etc; the proposed change of use should be postponed

until alternative accommodation can be found for these activities; the hall is located within a large residential estate and its loss would be a loss to the community; the hall replaced a larger community hall on the site of the current medical centre; there should be sufficient space on the Blackbrook Business Park for provision of offices; office workers will tie up limited car parking spaces causing upset for local residents; the proposed use is not NHS and will not serve the local community.

POLICY CONTEXT

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) states that determination of planning decisions must be made in accordance with the plan (Local Plan) unless material considerations indicate otherwise.

Planning Policy Statement 1 (PPS1, 2005): Delivering Sustainable Development.
Planning Policy Guidance 17; (PPG17, 2002): Planning for open space, sport and recreation

Taunton Deane Local Plan Policies S1 – General Principles, EC11 – Local Service Provision.

ASSESSMENT

The application is considered against the backdrop of Local Plan policy and national planning policy.

Planning Policy Statement 1 sets out the overarching principles and aims of the planning system. The overall thrust of the document is to promote both social and environmental sustainability. In the interests of social sustainability it aims to promote social cohesion and inclusion.

Section 16 of PPS 1 states that Local Plan Policies should (amongst other things):-
“address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities.”

The status of local community and leisure facilities are also covered by PPG17; Planning for open space, sport and recreation.

The Local Plan does not explicitly support the retention of community facilities within Taunton. Policy EC15 refers to the protection of community facilities within associated settlements, rural centres and villages and as such it does not cover community facilities within Taunton. Policy EC11 refers to local service provision within Taunton but it does not refer to the protection of existing community facilities. The policy supports the provision of additional or enhanced local services such as ‘shops and public houses’. The supporting text (4.75) only mentions ‘community centres’ in terms of supporting their development in principle. Community centres are specifically defined within the policy as ‘a group of local shops usually comprising of a newsagents, general grocery store, sub-post office, and occasionally a pharmacy, hairdresser or other small shops of a local nature’. The site is not a defined local centre in terms of the Local Plan.

This policy is therefore not considered sufficient to justify refusal of planning permission as it only refers to supporting the development of defined local centres and does not refer to protecting existing community facilities within local centres or outside of local centres.

The proposal is therefore considered to accord with the Taunton Deane Local Plan.

RECOMMENDATION

Permission be GRANTED subject to condition of time limit.

REASON(S) FOR RECOMMENDATION:- The existing community hall is located within the existing settlement limits of Taunton, out side any defined local centre. There are no specific planning policy restrictions relating to the use of the hall and as such a change of use to business use is considered in accordance with the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356468 MR M HICKS

NOTES:

38/2006/408

TAUNTON SCHOOL

CONSTRUCTION OF TWO ALL WEATHER SPORTS PITCHES, ERECTION OF FLOODLIGHTING TO ONE PITCH, FENCING, SPORTS PAVILION AND FORMATION OF PARKING AT LAND AT TAUNTON SCHOOL NORTH OF GREENWAY ROAD, TAUNTON

321835/126218

FULL

PROPOSAL

The proposal is for the formation of two Astro turf pitches intended largely for school use as well as potential community use, together with associated security and safety fencing, a sports pavilion and parking. In addition the proposal includes the floodlighting of one of the sports pitches via eight 15 m high columns. The pitches are located so that existing boundary trees and hedges remain and allow for new planting between Gypsy Lane and the pitches. Access to the site will be via the existing entrance off Stanway Close with a new drive suitable for two vehicles to pass to serve the new car park area.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY this is a resubmission of application 38/2006/200 and I do not believe the highway issues are any different. No objection on transport grounds subject to details of access, visibility and parking as shown on the drawings accompanying the application being conditioned to be constructed prior to the use commencing. LIGHTING CONSULTANT there is no evidence of lighting to the new access drive from Stanway Close and the new car park. Lighting will be essential when floodlighting of pitch 'B' is in operation. Deleted floodlight column positions for pitch 'A' are still shown on the drawings for the pavilion. Columns M5 to M8 for floodlighting of pitch 'B' should be installed to allow for future lighting of pitch 'A' at a later date if approved. The developer will be responsible for the erection and future maintenance of shields to reduce the light source glare visible to drivers on the adopted and non-adopted sections of Gypsy Lane. How does the developer intend to reduce to a minimum the light impact on the north aspect of 10 Gypsy Lane.

LANDSCAPE OFFICER subject to the protection of the existing tree planting during construction and details of the new tree planting it should be possible to integrate the proposals into the local landscape. ENVIRONMENTAL HEALTH OFFICER external lighting shall be so located, installed and permanently maintained that inconvenience from glare, whether direct or reflected, shall not be caused at any other premises. LEISURE DEVELOPMENT MANAGER the plans appear to provide suitable facilities for school use. I note community use is envisaged in the evenings and this provision is welcomed.

8 LETTERS OF OBJECTION have been received raising the following issues:- fence erected which blocks private right of way to lane and turning area; proposal will increase noise with parking and access and lighting will affect bedroom windows; loss of privacy; more noise and light pollution; the pavilion and lighting will spoil views; sign posts required to prevent parking of vehicles on track to private garages; traffic will increase; access should be via Cresswell Avenue as safer; pitches should be championship size; query over flooding and concern over car park drainage; concern over future lighting; extent of use proposed; height of lighting columns should be reduced; use should be limited to 9 p.m.; impact of noise and light on neighbouring properties will have a massive impact; the fencing and light columns will put 10 Gypsy Lane affectively in industrial area.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, C5 – Sports Facilities, EN34 – Control of External Lighting.

ASSESSMENT

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

The application proposes a new pavilion on site to replace a previous structure (that was burnt down) to provide changing facilities, a social area, small kitchen and a maintenance store. The building would be single storey and constructed of brick and render. It would be up to 4.5 m high and sited 5 m off the southern boundary and 13 m away from the property to the west. Parking would be provided to the east of the building and would consist of 18 car spaces and 4 minibus spaces. The design and impact of the pavilion on the nearby properties is considered to be acceptable and a condition can be imposed to prevent or limit the use of amplified music.

The existing access to the site is off Stanway Close and this is intended to remain the same with improvements to form a drive to allow two vehicles to pass. The Highway Authority has raised no objection on highway grounds subject to conditioning of the submitted details prior to the development being brought into use.

The proposed sports pitches require a certain level of security and safety fencing and this is illustrated on the submitted drawings. The closest residential property at 10 Gypsy Lane lies adjacent to the sports pitches and the closest fencing in front of the dwelling is a 2.1 m high security fence that runs from the residential boundary away at right angles. A further 3 m high mesh safety fence runs 3 m inside that. This fencing will be visible from the adjacent property and while this will have an impact, this is not considered so severe an impact on amenity to warrant refusal of the proposal on these grounds.

The major impact of the scheme is the amenity impact on the area from the noise and floodlighting proposed. The lighting is intended for school use up to 5 p.m. year round and possibly up to 10 p.m. for community use in the winter. The potential

community use would be throughout the week and not Saturdays. A condition over the floodlighting times is proposed to limit use to 9 p.m. as per the site in the south of Greenway Road to lessen evening impact on amenity. The submitted lighting scheme has been revised so that now only 1 pitch furthest away from the nearest Gypsy Lane property is proposed to be floodlit. This has been designed to significantly limit the impact on the nearby residential property. The scheme utilises 8 x 15 m high masts which according to the applicant meets lighting levels for all sporting activities despite neighbour concerns.

The revised scheme is considered to satisfactorily address the previous concerns raised over the amenity impact of floodlighting both pitches. The current proposal provides adequate access, parking and turning and the amenity impact of the new pavilion, sports pitches, fencing and lighting is considered an acceptable one and is recommended for approval.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees during construction, restricted lighting hours to 9 p.m., installation as submitted design, access, parking and turning consolidated, surfaced and laid out as agreed prior to use commencing, no amplified music, services underground and details of new external lighting.

REASON(S) FOR RECOMMENDATION:- The proposal is considered to comply with Taunton Deane Local Plan Policies S1, S2 and EN34 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

NOTES:

38/2006/442

TOM HOLLEY

CONVERSION AND EXTENSION TO FORM 2 NO. FLATS, AT 82 ST. AUGUSTINE STREET, TAUNTON.

323056/124965

FULL

PROPOSAL

The proposal comprises the conversion of a mid-terraced Victorian property to form 2 No. flats. A single storey flat roofed rear extension is also proposed in place of an original lean-to extension.

Pedestrian access to both flats would be via a communal entrance to the front of the property. Access to bin and cycle stores to the rear would be via a back alley-way. The proposed cycle and bin stores would have to be re-sited slightly to enable access and the applicant has agreed to do this. He has also confirmed that he has a right of access over the alley-way.

No on-site parking spaces would be available.

Planning permission was granted for the conversion of 95 St. Augustine Street to 2 flats in September 2006, reference 38/2006/334, and for the conversion of 77 St Augustine Street to 2 flats in December 2005, reference 38/2005/452.

CONSULTATIONS AND REPRESENTATIONS

ONE LETTER OF OBJECTION has been received from a solicitor acting on behalf of the residents of 3 properties raising the following issues:- access to the proposed flats would be via a private road owned by Somerset Cricket Museum.

14 LETTERS OF OBJECTION have been received raising the following issues:- lack of parking would be exacerbated; no indication has been given with regard to loft space; loss of light will result; the bicycle shed and bin store would be over the main sewage pipes and would be on the shared rear alleyway; sound proofing measures should be included to negate any noise; the proposal would have an adverse impact on local amenities; highway safety would be prejudiced; conversion of houses to flats would reduce the number of affordable homes; Taunton's historic and archaeological heritage is being lost; property values would depreciate; social unrest will result.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, residential and visual amenity, and road safety. Policy H4 accepts conversion of houses to flats subject to compliance with policy H2. Policy H2 accepts housing development within settlement limits provided, inter alia, there is safe and convenient access by foot of facilities and employment. Policy M4 expects a significant

reduction in the average of 1.5 car parking spaces per dwelling, for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. The policy also advises that car-free developments will be sought in appropriate locations such as within or adjoining Taunton town centre. Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 seeks developments which provide access for, inter alia, cyclists. Policy H17 accepts extensions to dwelling subject to, inter alia, no loss of character, and no adverse impact on visual or residential amenity

ASSESSMENT

The principle for conversion to flats is clearly acceptable in accordance with policy. Furthermore, it would be unreasonable to resist the proposal in terms of lack of on-site parking facilities. Not only does Policy M4 of the Taunton Deane Local Plan encourage car free developments in locations such as this, but also the precedent for this type of development had been established by numerous similar permissions. With regard to the proposed extension, it is not considered that residential or visual amenity would be adversely affected, and in respect of rear access, the applicant has confirmed that he has a right of way over the rear alley-way. If further access is obtained over the landed owned by Somerset Cricket Museum, then this would be a matter for the 2 parties to resolve.

RECOMMENDATION

Permission be GRANTED subject to conditions of time and cycle and refuse facilities.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect residential or visual amenity and there is safe and convenient access by foot to facilities and employment. The proposal does not therefore conflict with Taunton Deane Local Plan Policies S1, H2, H4 and H17.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

51/2006/013

MR N CRADDOCK

ERECTION OF 5 NO. INDUSTRIAL UNITS WITH B1 AND B2 USE, THE OLD BASKET WORKS, LYNNG ROAD, BURROWBRIDGE

335215/129846

FULL

PROPOSAL

The proposal comprises the erection of a single building which would accommodate 5 No. industrial units, and which the applicant intends to rent out to tenants with restrictions to use classes B1 and B8 (light industry and warehousing). The building would be constructed of steel frame with profile cladding, and would measure some 50 m x 10 m in ground area, with a maximum ridge height of 6.5 m.

The building would be sited to the rear of the Old Basket Works, to the side of an existing industrial unit, and on the site of a former established lorry park. Access to the building would be via an existing access route off the A361.

The site is within a flood zone and accordingly, a Flood Risk Assessment has been submitted. A Design and Access Statement has also been submitted.

A similar application, reference 51/2006/002, was withdrawn in March 2006, because of concerns raised by the County Highway Authority and by the Environment Agency.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. ENVIRONMENT AGENCY Whilst the Agency acknowledges the background flood risk knowledge and the proposed mitigation measures being promoted, it must reiterate its previous comments of 15 February 2006 by referring back to the sequential test of PPG25. It is the Agency's opinion that this commercial development should be located in an area with a lower flood risk i.e. outside Flood Zone 3. Accordingly, the Agency's objection still stands, on the grounds that the provision of a safe/dry access has not been demonstrated within the submitted FRA, as required under paragraph 31 of PPG25. Whilst the Agency does not disagree with the statement that the time duration for the different moors to fill is weeks rather than minutes, suggesting that an adequate warning and evacuation could take place, the FRA does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event. As stated in the FRA, the A361 has been submerged many times over the last 40 years to a depth of 200-300mm. To date, the Agency has not witnessed the 1 in 100 year flood in this area, therefore this depth is likely to increase due to climate change. It is also important to note that the emergency services consider 300 mm to be the maximum depth for a vehicle to drive safely through. If your Authority wishes to approve the application despite the above concerns the Agency would be grateful for a further opportunity to discuss the application. WESSEX WATER recommends

notes. SOMERSET DRAINAGE BOARDS CONSORTIUM As is well known the area is subject to occasional but severe flooding. Hopefully the private flood defences will protect the existing and new property but during severe flooding access to the site may be very restricted. Users of the site should be aware of this It is suggested that if the development is permitted measures are taken to ensure that use of the site does not require emergency assistance during flooding when resources may be limited. It should be confirmed that the on site detention storage has sufficient capacity to accommodate any increased storm water runoff attributable to the new development. If necessary additional capacity may need to be provided on site.

LANDSCAPE OFFICER I am concerned about the flood risk implications associated with this application. I do however concede that on landscape grounds, the siting of the low rise industrial units will have little impact on the landscape. There is already a well screened hardstanding where the units are proposed. The existing willow trees however, would benefit from some tree surgery. ENVIRONMENTAL HEALTH OFFICER recommends noise control condition. DRAINAGE OFFICER has no objections subject to the Revised Flood Risk Assessment being approved by the Environment Agency. If so approved then the flood risk management measure listed should be made a condition of any approval given. Recommends note.

PARISH COUNCIL supports.

POLICY CONTEXT

Taunton Deane Local Plan Policy EC7 accepts the development of new small scale buildings for industrial use outside the defined limits of settlements, provided, inter alia, the site is near a public road; the site is adjacent to the limits of a village; there would be no harm to the landscape or highway safety.

Policy S2 advises that development must be of good design and must minimise adverse impact on the environment.

Policy EN28 advises that land with little or no risk of flooding will be the priority location for development, but where development is permitted on land subject to flooding, the Borough Council will require the development to be protected to at least the standard of 1 in 100 year.

ASSESSMENT

Whilst the proposal is considered acceptable having regard to its design, its limited impact on visual amenity, and the previous use of the site as a lorry park, there are two contentious issues, namely impact on road safety, and the flood risk concern.

At the time of agenda preparation, the observations of the County Highway Authority were awaited, but with regard to flood risk, the Environment Agency's previous objection is reiterated, on the grounds that the provision of a safe/dry access has not been demonstrated. They disagree with the statement from the agent that the time duration for the different moors to fill is weeks rather than minutes, and they advise

that the Flood Risk Assessment does not fundamentally overcome the problem that the site will be inaccessible when the A361 is submerged during a large flood event.

In response to the Environment Agency's objection the agent has advised that flooding would in practice put neither personnel nor the site itself in danger for reasons including:- the development would be situated within an existing commercial facility which is already protected by its own ring bank schemes; the site is and will remain totally commercial with no personnel resident overnight; it requires a couple of weeks or more of persistent wet weather before levels in Stan Moor rise to the point where access between the site and Burrowbridge becomes impossible; the Environment Agency runs a well established flood warning system; the applicant intends to develop robust evacuation procedures for the proposal site; there are no known records of personnel being put in immediate danger; and the applicant is prepared to accept planning conditions formally requiring the various precautionary measures.

Notwithstanding these above comments the Environment Agency maintain their objection and refusal of permission is therefore recommended.

RECOMMENDATION

Permission be REFUSED on the grounds that the provision of a safe/dry access to and from the A361 can not be achieved during a 1:100 year fluvial flood event.

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

Planning Committee – 13 December, 2006

Report of the Development Control Manager

Miscellaneous Item

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

At its meeting on 1 November, 2006 the Committee resolved to grant planning permission for this development subject to the completion of a Section 106 Agreement and no objections from the Conservation Officer or public raising new issues on the recently submitted plans. (Copy of report attached)

Amended plans were received on 31 October, 2006 with requested amendments to the original scheme. These plans included revisions to:- (1) changes to boundary treatments introducing more walling; (2) plans of the wall and capping detail fronting Linden Grove; (3) a street scene including the proposed gate detail along Linden Grove; (4) perspective drawings along Staplegrove Road; (5) the insertion of dummy window detail to the end wall of plot 23; (6) plans of cross sections through Linden Grove; (7) additional planting; and (8) revised roof details along the Linden Grove terrace to reflect the existing pattern of roof division opposite. The plans revised the pavement and wall height along Linden Grove to reflect more recent survey work.

The alteration to the roof height of plot 1 (8) above, was a direct result of the concerns of local residents that the proposed steps in the roofline of the proposed terrace did not reflect the pattern of the opposite side of the road. When submitted, it was noticed that, in addition to the alterations to the roof, the Linden Grove frontage had altered and reflected a greater difference in levels between the entrance to the proposed dwellings and the outside pavement. As a result the applicant had introduced up to 6 steps from the Linden Grove pavement to the terrace fronting Linden Grove.

14 LETTERS OF OBJECTION on the amended plans have been received raising the following additional points:- the amended plans introduce a flight of steps to the front of the terrace fronting onto Linden Grove that are out of keeping with the character of the Conservation Area; the terrace fronting Linden Grove looks to be elevated above the ground level; the new terrace will be elevated above the height of the terrace opposite and should be the same; the steps are contrary to disabled access legislation; the proposal lacks a cohesion and scale in keeping with the area; the proposed terrace would be set 4 m back from the highway and this would be contrary to the character of the terrace opposite; at the west, the terrace would be located under the canopy of the existing pine tree which is too close, pine needles will cause a nuisance to the occupants blocking gutters etc and the terrace foundations will damage the tree roots; houses fronting Staplegrove Road should have direct pedestrian access onto the road; new heights of buildings are not stated but they appear to be significantly higher than the existing terrace; the plans do not state the height of the dwellings and should do so.

Development Control Managers Response

Other than plot 1, the most westerly dwelling (fronting Birch Grove and not the dwellings opposite) that increases by 0.45 m, the ridge height of the terrace does not alter on the amended plans. The siting of the terrace has not altered and the planning committee has agreed its relationship to Linden Grove, the adjacent trees and Swiss Cottage; disabled access is provided at the lower level through the entrance adjacent to the parking space off Staplegrove Road.

In order to provide a fall for the drainage of the site (into Staplegrove Road) the developer is unable to lower the base level of the terrace. Recent discussions between officers and the developer have sought to reduce the difference in the levels as much as possible within these limitations. The developer is to submit further amended plans that lower the height of the terrace as much as possible, in relation to the Linden Grove frontage but this is not expected to remove the need for some steps up to the front door. Comments on these plans will be listed on the update sheet.

RECOMMENDATION

To be included on the update sheet following the submission of the amended plans.

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

CONTACT OFFICER: Mrs J Moore Tel: 356467

APPENDIX

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

Planning Committee - 13 December 2006

Report of the Chief Solicitor

Variation of Section 52 Agreement - Castle House, Bishops Lydeard

Background

1. In 1980 planning permission was granted (Application No 4/06/80/009) for the extension to and conversion of the ground floor of stables at Castle House, Bishops Lydeard to form a one bedroomed flat for use by an elderly relative. Permission was granted subject to a Section 52 Agreement (the forerunner of a Section 106 Agreement) preventing the use of the accommodation as a separate unit of accommodation.
2. The elderly relative died some time ago and the owner advises that the unit has been occupied in breach of the Section 52 agreement for a period in excess of ten years. An application for a Certificate of Lawful Use as an independent unit could be made, but the restriction under the Section 52 Agreement would remain.
3. In addition planning policy has evolved since 1980 such that the unit would now comply with policy as a separate unit of accommodation, with the relationship between the unit and the main dwelling being considered as acceptable. There is sufficient land for two curtilages to be formed.
4. The owner has requested that the Section 52 Agreement be varied to remove the current restriction on the use of the unit as part of the main house. In view of the changes in policy since the restriction was imposed and the use of the unit in contravention of the restriction for in excess of ten years, such a request seems reasonable.

Recommendation

It is therefore recommended that the Section 52 Agreement of the 24 September 1980 relating to Castle House, Bishops Lydeard be varied to remove the restriction preventing the stable accommodation being used as a separate unit of accommodation.

Chief Solicitor

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

Planning Committee – 13 December 2006

Report of the Chief Solicitor

Enforcement Item – 15 Eastbourne Gate, Taunton

Background

1. At the meeting of the Committee on the 1 November 2006 Members received a report on the outcome of injunction proceedings taken in respect of an unauthorised dormer at the above address. Members were advised that the application had failed.
2. The Court had made the following findings:-
 - (i) The owner had genuinely believed that he did not need planning permission for the dormer roof; and
 - (ii) The cost to the owner of carrying out the work and the consequent loss would be in the region of £40,000 which the Court found to be disproportionate given that the owner was a householder of modest means.
3. The owner has subsequently requested that in the light of the Court's judgment the Committee should consider withdrawing the enforcement notice.

The present position

4. The effect of the Court's decision is that in practice no further action can be taken against the current owner.
5. However, whilst the notice remains in force it will be binding on any subsequent purchaser. If the property were to be sold therefore the price would need to reflect the cost of removing the dormer and re-instating the roof. Even if a purchaser were to be found in such circumstances, the Court has found the level of loss to the current owner to be disproportionate.
6. In such circumstances it therefore does not appear to be expedient to continue to pursue enforcement action.
7. The original complainant was a neighbour who has since moved away from the area. No other complaints have been received.

Recommendation

It is therefore recommended that the enforcement notice served in respect of the unauthorised dormer at 15, Eastbourne Gate, Taunton be withdrawn.

Chief Solicitor

Contact officer:- Judith Jackson 01823 356409 or e-mail
j.jackson@tauntondeane.gov.uk

Planning Committee – 13 December, 2006

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E164/38/2006
2. **Location of Site** 8 Mountfields Avenue, Taunton.
3. **Names of Owners** Mr & Mrs Anderson
4. **Names of Occupiers** Mr R Kelly & Miss K Allen
5. **Nature of Contravention**
Possible car repair business being carried out from a residential property

6. **Planning History**

The above contravention was brought to the Council's attention in May 2006. A site visit was made and car registrations were taken. Following this a diary of vehicles has been kept and checked with DVLA. On receipt of this information a Planning Contravention Notice was served which has been completed and returned. Mr Kelly stated that the vehicles he has/had on his drive are his own or friends and relatives. He also stated in his response that he was not carrying out a business from this address. From the evidence we have collected it is considered that there is a business being run from this residential address.

7. **Reasons for taking Action**

It is considered that the carrying out of car repairs and valeting from a dwelling house is detrimental to the neighbouring properties and also has an adverse affect on the amenities of this residential area. This business is contrary to Taunton Deane Local Plan Policy EC4.

8. **Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice and Prosecution proceedings subject to satisfactory evidence being obtained that the notice is not complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 13 December, 2006

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** 38/2006/446A – E233/38/2006
2. **Location of Site** 6 The Mount, Taunton.
3. **Names of Owners** Mr P Fudge
4. **Names of Occupiers** Mr P Fudge

5. **Nature of Contravention**

Erection of Funeral Directors signs.

6. **Planning History**

A complaint was received that signs were being displayed at 6 The Mount, Taunton on 19th July, 2006. A site visit was made on 20th July, 2006 and photographs taken of the signs. A letter was sent to the owner advising him that the signs required advertisement consent under Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 1992. An application (38/2006/446A) for the retention of the two signs was received on 3rd October, 2006 and a split decision made on 21st November, 2006 granting consent for the smaller sign but refusing the large sign mounted on the gable wall.

7. **Reasons for taking Action**

The display of the sign, by reason of its size, siting, design and colour causes disharmony with and detracts from the character and appearance of the building and is unduly prominent in the street scene to the detriment of the character and visual amenity of the area, contrary to Taunton Deane Local Plan Policy EC26

8. **Recommendation**

The Solicitor to the Council be authorised to commence Prosecution action to secure the removal of the sign.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

Planning Committee – 13 December, 2006

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E382/38/2005
2. **Location of Site** Pippins, 31 Wellington Road, Taunton
3. **Names of Owners** Mr & Mrs W Knapp
4. **Names of Occupiers** Mr & Mrs W Knapp

5. **Nature of Contravention**

Erection of additional extensions, fence and alterations to garage.

6. **Planning History**

A complaint was received in December 2005 regarding possible unauthorised extensions at 31 Wellington Road. The concern was that a conservatory was being constructed without permission adding to the other extensions already constructed. Also the boundary wall had been increased in height over 2 m high by the addition of wicker panels. The owners were contacted and informed that the additional structures required planning permission. They stated that they had previously been in touch with the Authority and were informed that the total volume of the extensions constructed fell within permitted development rights. They accepted that the boundary wall required permission but it was required to stop their disabled son from throwing items into the neighbour's garden. The works carried out to the garage involved alterations to the roof but this did not increase the height as to require planning permission. From the information provided by the owners, site visits and discussions with interested parties (Children and Young People's Directorate) although the conservatory requires planning permission, it is considered that should an application be forthcoming it is likely to be approved. Similarly, the additional height to the boundary wall requires permission but again this would be acceptable if subject to a planning application.

7. **Reasons for taking Action**

It is considered that the conservatory and boundary wall are acceptable and therefore it is not expedient to progress further action to secure the submission of an application.

8. **Recommendation**

The Committee resolve to take no further action.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479