



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 28TH MARCH 2007 AT 17:00.

(RESERVE DATE : MONDAY 2ND APRIL 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 28 February 2007 (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. Wellington - 43/2006/163 Report item
Residential development to provide 69 No dwellings (comprising 45 houses and 24 flats), formation of access and associated works, former ABL and Westford Plastics premises, Payton Road, Westford, Wellington.
6. Wiveliscombe - 49/2006/071 Report item
Use of land for B1 (Light Industry), B2 (General Industry) and B8 (Warehouse and Distribution) development including the formation of vehicular access from the B3227, OS Plot 8457, land south of B3227, east of Wiveliscombe.
7. Kingston St. Mary - 20/2006/037
Amendment to wording of Condition 5 of permission 20/2005/005 at Mill Meadow, Parsonage Lane, Kingston St. Mary.
8. Kingston St. Mary - 20/2006/038
Amendment to wording of Condition 6 of permission 20/2005/022 at Mill Meadow, Parsonage Lane, Kingston St. Mary.
9. Kingston St. Mary - 20/2006/039
Amendment to wording of Condition 3 of permission 20/2006/026 at Mill Meadow, Parsonage Lane, Kingston St. Mary.
10. Langford Budville - 21/2007/002
Demolition of farmhouse and farm buildings and the erection of nine dwellings on land at Courtlands Farm, Langford Budville.
11. Taunton - 38/2006/600

Erection of 2 No (two and a half storey) blocks to provide 12 flats (4 No one bedroom and 8 No two bedroom), parking and turning on waste land to the rear of 30 Ilminster Road, Taunton.

12. Taunton - 38/2007/020
Erection of 65 bedroom nursing home and 10 close care apartments at former Egg Packing Factory, Roman Road, Taunton.
13. Taunton - 38/2007/065
Erection of timber fence across footpath at 36 Craig Lea, Taunton.
14. Trull - 42/2007/002
Change of use of land to domestic curtilage and erection of first floor and two storey extensions and double garage at The White House, Amberd Lane, Trull.
15. Wellington - 43/2007/003
Erection of 8 No two bedroom houses and 3 No three bedroom houses at land off Gay Close, Wellington.
16. E187/33/2006 and 33/2006/002 - Formation of access into land to the rear of the car park, land adjacent to The Greyhound Inn, Staple Fitzpaine. Enforcement item
17. E381/38/2005 - Display of two signs to the rear of the building, The Hair Studio, Black Horse Lane, Taunton. Enforcement item
18. E381/43/2006 - Various works, including the replacement of external windows and doors, at Drakes Lodge, Taunton Road, Wellington. Enforcement item
19. Planning Appeals - Appeals received and the latest decisions (attached). Appeals

G P DYKE
Member Services Manager
21 March 2007

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 – 28 February 2007

Present:- Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
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 G Clifford (Development Control Area Manager – East), Mr P Pick (Principal Planning Officer – West/East), Mrs J Moore (Development Control Principal Officer – East), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillor Bishop and Councillor Stone in relation to the applications relating to Oxen Lane, North Curry (Agenda Item No 5 refers).

(The meeting commenced at 5.00 pm)

30. Apology

Councillor Hindley.

31. Minutes

The minutes of the meeting held on 14 February 2007 were taken as read and were signed.

32. Declaration of Interest

Councillor Mrs Smith declared a personal interest in Agenda Item No 20, enforcement item relating to the Kiddi Karu Nursery at Blackbrook Business Park, Taunton.

33. 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:-

30/2006/050

Retention of use of land as garden to rear of Flintstones and Glengarry, Blagdon Hill (amended description).

Conditions

- (a) (i) Within two months of the date of this permission, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (b) P003 – no ancillary buildings.
(Note to applicant:- Applicant was advised to resite the existing sheds to avoid enforcement action being taken.)

Reason for granting planning permission:-

The proposal was not considered to adversely harm the setting of the village, the Area of Outstanding Natural Beauty or the amenity of neighbours and was considered to comply with Taunton Deane Local Plan Policies S1, EN10 and EN12 and material considerations did not indicate otherwise.

38/2006/461

Erection of replacement Coach House building as two units and three adjacent cottages and parking at former Princess Margaret's School, Middleway, Taunton.

Conditions

- (a) C001A – time limit
- (b) C102A – materials
- (c) A sample panel of the stonework for the Coach House shall be constructed on site and agreed by the Local Planning Authority and the building thereafter so constructed;
- (d) The roof tiles of the Coach House building shall be re-used on the new structure unless otherwise agreed in writing by the Local Planning Authority;
- (e) C201 – landscaping;
- (f) C238 – tree protection in relation to construction;
- (g) C1103 – bats – where survey work shows significant numbers and where possibly more survey work and a Department of Environment, Food and Rural Affairs licence will be needed;
- (h) C324 – parking;
(Note to applicant:- N075 – Section 106 Agreement).

Reason for granting planning permission:-

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

46/2006/040

Change of use of land to a 40 caravan touring site between 1 April and 30 September, with access improvements, ancillary toilet and shower block at land at Greenacres Caravan Park, West Buckland Road, Chelston, Wellington (resubmission of 46/2006/004).

Conditions

- (a) C001A – time limit;
- (b) C010A – drainage – not commenced until percolation test approved;
- (c) C102 – materials;
- (d) C201 – landscaping;
- (e) Full details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced and it shall be implemented prior to commencement of the use of the facilities hereby permitted;
- (f) No caravan, camping trailer, camper van or tent shall remain on the site for a period exceeding 14 nights in any consecutive period and a register containing the names and addresses of the caravaners/campers and vehicle registration numbers and arrival and departure dates shall be kept and made available for inspection by an authorised Officer of the Local Planning Authority at all reasonable times;
- (g) There shall be no construction work within 3m of any Wessex Water sewer which crosses the site unless prior agreement is reached in writing with the Local Planning Authority;
- (h) The altered access shall be constructed in accordance with details shown on the submitted plan, drawing No NGR/06/063A/3 and shall be available for use before the development is first brought into use;
- (i) The existing vehicular access onto/from the A38 West Buckland road which is located at the extreme north-west corner of the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed before the change of use of the land to a caravan touring site is first brought into use;
- (j) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of a line drawn 2m back from the carriageway edge on the centre line of the access and

extending to a point on the nearside carriageway edge 45m to the north-west and the entire site frontage to the south-east. Such visibility splays shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times;

(k) The altered access between the entrance gates and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;

(l) 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. Such drainage shall be provided prior to the site first being brought into use;

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water with regard to its apparatus which crosses the site; (2) Applicant was advised that there should be no trenches through any trees or hedges or their root systems; (3) Applicant was advised to consider the capacity of the existing foul drainage system and the potential soakaway and discuss capacity increase with the Environment Agency and the Council's Drainage Officer; (4) N061A – Highways Act – Section 184 Permit; (5) Applicant was advised that the Highway Services Manager must be consulted with regard to the required reinstatement of the verge at the access which is to be closed; (6) Applicant was advised that the Environment Agency has no objection to the proposed use of the existing septic tank provided the system is in a good state of repair, regularly desludged and of sufficient capacity to deal with the potential increase in flow and loading which may occur as a result of this proposal. Applicant must also ensure that ground conditions are suitable and that the existing soakaway is of sufficient size and state of repair; (7) Applicant was advised that the Environment Agency states that if the volume of effluent discharging to the septic tank increases significantly or if there is a change in the type of effluent discharged, a formal Consent to Discharge may be required. This must be obtained from the Environment Agency before any discharge occurs and should be obtained before any development commences; (8) Applicant was advised that the Fire Brigade states that the 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. Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (9) Applicant was advised that suitable and satisfactory drainage provision should be made. With respect to

the proposed use of the existing septic tank, the applicant should ensure that the capacity of the septic tank system is satisfactory to provide drainage for the maximum likely number of occupants of the site at any one time).

Reason for granting planning permission:-

The proposed development was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, M3, M5 and EC25 as it would provide a suitable location for touring caravans in a location close to the motorway and the local amenities in Wellington and was not considered to have any adverse effects on the local character or amenities of the locality.

52/2006/044

Erection of telescopic lighting columns to floodlight hockey pitch and warm up area at Queens College, Trull Road, Taunton.

Conditions

- (a) C001A – time limit;
- (b) The floodlights shall be erected in accordance with the submitted details;
- (c) The telescopic floodlights shall be kept in the retracted position when not in use;
- (d) The floodlights shall not be illuminated other than between 0900 and 2130 hours;
- (e) Following the commission of the floodlights, but prior to operation, the lights shall be inspected by the Local Planning Authority to ensure that the luminaries are cowled such that the light source and lens are not visible from Ferndale Drive or other residential properties. Such lights shall be maintained as such thereafter;
- (f) The floodlights around the main pitch shall be retractable to 5m when not in use unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

The proposed lighting will enable full and safe use of the school sports pitch in accordance with Taunton Deane Local Plan Policy EN34.

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

24/2006/038

Change of use of land for the retention of two gypsy caravans and a day room at Oxen Lane, North Curry.

Reasons:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14(B).

24/2006/043

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a toilet block at Plot 15, Oxen Lane, North Curry (amended title)

Reasons for refusal:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14(B).

24/2006/046

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at No 1 Greenacres, Oxen Lane, North Curry (amended title)

Reasons for refusal:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14(B).

24/2006/047

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at No 8 Greenacres, Oxen Lane, North Curry (amended title)

Reasons for Refusal:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14(B).

24/2006/048

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at No 16 Greenacres, Oxen Lane, North Curry (amended title)

Reasons for refusal:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of

24/2006/049

Change of use of land for the siting of one touring caravan and one mobile home for gypsy occupation and the erection of a day room at No 7 Greenacres, Oxen Lane, North Curry (amended title)

Reasons for refusal:-

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the sub-standard junctions of Oxen Lane with Windmill Hill and Greenway and the County Highway Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The use of the site for the provision of one caravan and one touring caravan and one day room, by reason of its scale, appearance and close proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14(E) and (F);
- (e) The proposal, in combination with the potential use of the site for up to 16 plots for gypsy caravans, has resulted in anti-social behaviour that has created an unacceptable level of fear of crime and disorder for the existing residents of Oxen Lane contrary to the good planning of the area and contrary to Planning Policy Statement 1 and Taunton Deane Local Plan Policy S1(E);
- (f) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
- (g) Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the

proposed development contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy H14(B).

34/2006/045LB

Erection of two storey and single storey extensions at the rear, erection of double garage and internal alterations at Slapes, Staplegrove, Taunton

Reason for refusal:-

The design of the proposed extensions is not sympathetic to the appearance of the listed building by reason of the excessive size and scale and cluttered form. Insufficient supporting information has been submitted for the proposed internal works which are likely to be inappropriate to the building. The proposal is therefore contrary to the policies which seek to protect the integrity of listed buildings. These are set out in Planning Policy Guidance Note No 15, the Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies EN16 and EN17.

34/2006/046

Erection of two storey and single storey extensions at the rear, erection of double garage to the east of Slapes, Staplegrove, Taunton

Reasons for refusal:-

- (a) The design of the proposed extensions is not sympathetic to the appearance of the listed building by reason of the excessive size and scale and cluttered form. The proposed double garage has a poor relationship with the listed building and will compete and conflict with appreciation of the listed building. The proposal is therefore contrary to the policies which seek to protect the integrity of listed buildings. These are set out in Planning Policy Guidance Note No 15, the Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies EN16 and EN17;
 - (b) The layout of the site is such that excessive manoeuvring would be required reducing the ability of vehicles to enter and leave the highway in forward gear which is essential to highway safety. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- (3) That **advertisement consent be granted** for the under-mentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

43/2006/175A

Display of sign and illuminated sign at Lloyds TSB, 27 Fore Street, Wellington

Conditions:-

(a)-(e) C801 – C805 – standard conditions for advertisements.

Reason for granting advertisement consent:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, EN14 and EN34.

(4) That the following applications be deferred for the reasons stated:-

20/2006/037

Amendment to wording of Condition 05 of permission 20/2005/005 at Mill Meadow, Parsonage Lane, Kingston St Mary

Reason

For further consideration of the application and to obtain the comments of the Tourism Officer.

20/2006/038

Amendment to wording of Condition 06 of permission 20/2005/022 at Mill Meadow, Parsonage Lane, Kingston St Mary

Reason

For further consideration of the application and to obtain the comments of the Tourism Officer.

20/2006/039

Amendment to wording of Condition 03 of permission 20/2006/026 at Mill Meadow, Parsonage Lane, Kingston St Mary, Taunton

Reason

For further consideration of the application and to obtain the comments of the Tourism Officer.

(5) That the following application be withdrawn:-

03/2006/006

Formation of access track, erection of timber implement store and two polytunnels at land at Higher Cobhay, Milverton

34. Change of Use of Four Alls to A2 office use and A3 food and drink, erection of four ground floor retail units and 50 flats with cycle storage at the Four Alls/Castle Moat Chambers, Corporation Street, Taunton (38/2006/582)

Reported this application.

RESOLVED that subject to:-

- (1) The submission of revised drawings taking into account issues raised by the Conservation Officer;
- (2) The negotiation of a suitable financial contribution relating to highway improvements; and
- (3) The applicants entering into a Section 106 Agreement in relation to affordable housing by the 18 March 2007, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
 - (a) C001A – time limit;
 - (b) C101 – materials;
 - (c) Provision shall be made for the parking of cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before each phase of the development is occupied/use hereby permitted is occupied;
 - (d) C416 – details of size, position and materials of meter boxes;
 - (e) C911 – aerials – combined system;
 - (f) C724A – odour;
 - (g) Prior to the occupation of dwellings to which this permission relates, the developer shall ensure that residential flats shall not be exposed to internal noise levels of 40dB(A) LAeq 16 hour in all rooms during the day (0700 – 2300 hours) and 30dB(A) LAeq 8 hour during the night. In addition, a 45 decibel LA max applies in all bedrooms during the night;
 - (h) Prior to the occupation of the dwellings or retail use to which this permission relates, details of the boundary treatment along the site boundary adjoining The Corsetry Cottage at ground and first floor level shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
 - (i) Prior to the occupation of the dwellings or retail use to which this permission relates, details of the proposed siting, design, size and materials of the proposed bin store shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (j) C910B – archaeological programme;
 - (k) Before any part of the permitted development is commenced, the trees adjacent to the site within the footway along Corporation Street shall be protected by a chestnut paling fence 1.5m high, in a position to be agreed and the fencing shall be removed only when the development has been completed. During the period of construction of the development, the existing soil levels around the boles of the trees so retained shall not be altered;

- (l) Details of the surfacing of the arcade shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;
- (m) No buildings shall be demolished before a contract is let to secure the redevelopment of the site;
- (n) A full survey of the culvert passing through the site shall be carried out and details shall be provided as to what protection measures are to be carried out before any site works commence;
- (o) Flood alleviation measures shall be undertaken in accordance with details included within the agents flood risk assessment dated December 2006

(Notes to applicant:- (1) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including public holidays, no noisy working; (2) Applicant was advised to protect the integrity of Wessex Water Systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Any arrangements for the protection of Wessex Water Infrastructure crossing the site should be agreed prior to the commencement of works; (3) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water Infrastructure; (4) 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; (5) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (6) 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; (7) N024 – development in accordance with approved plans; (8) N075 – Section 106 Agreement; (9) N118A – disabled access; (10) N051B – health and safety.)

Reason for planning permission, if granted:-

The mix of uses proposed was considered appropriate for this town centre location in accordance with Taunton Deane Local Plan Policies H1, H3 and S3. The proposed design would respect the character and form of both Corporation Street and the Bath Place Conservation Area to the rear. The proposal therefore complied with the requirements of Taunton Deane Local Plan Policies S2 and EN14.

Also RESOLVED that should the Section 106 Agreement not be completed by the 18 March 2007 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission by reason of

inadequate provision being made for the provision of affordable housing requirements in accordance with Taunton Deane Local Plan Policy H9.

35. Unauthorised works to barn, including raising the roof structure and formation of access and track at Theats Farm, Creech Heathfield, Taunton

Reported that it had been brought to the Council's attention that unauthorised works were being undertaken to a barn at Theats Farm, Creech Heathfield.

A site visit had been made and it had been found that:-

- (1) Part of the walls to the barn were in the process of being re-built and additional load bearing walls were being constructed;
- (2) New roof trusses were being erected indicating that the roof would be considerably higher than before;
- (3) A large mobile home, which appeared to be in occupation, was sited in a nearby Dutch Barn; and
- (4) A new access had been formed onto the Class 3 Road leading to Creech Heathfield, together with a track across the field leading to the barn.

The owner of the barn had been contacted about the above works and the change of use of land, all of which required planning permission.

To date, no application seeking to regularise the situation had been received.

RESOLVED that:-

- (1) Enforcement action be taken seeking the return of the barn to its former condition and the removal of the unauthorised mobile home, access and track at the barn at Theats Farm, Creech Heathfield; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

36. Erection of fence adjacent to the highway at 55 Mountway Road, Bishops Hull, Taunton

Reference Minute 51/2003, reported that an enforcement notice had been served in relation to a 1.8m high fence which had been erected along the frontage of 55 Mountway Road, Bishops Hull.

Planning permission had subsequently been granted to retain the fence at a height of 1.35m.

Although the fence had not been reduced in height, substantial planting to the front and back of the fence had taken place.

Over time this planting had softened the impact of the original fence to the extent that it was not now considered to have a detrimental effect on the visual amenities of the street scene or adjacent properties.

RESOLVED that no further action be taken.

37. **Display of advertisement on rear of building at the Kiddi Karu Nursery, Blackbrook Business Park, Taunton**

Reference Minute 222/2002, reported that although the owners of the Kiddi Karu Nursery at Blackbrook Business Park, Taunton had been advised that a sign at the rear of their premises required advertisement consent, no such application had been submitted. The sign had been made more prominent by a nearby security light which effectively illuminated the sign.

Noted that the boundary planting on the development had matured over the past few years making the sign far less visible.

If an application was now submitted, consent would be likely to be forthcoming.

RESOLVED that no further action be taken.

38. **Carrying out of extensive engineering operations at The Ranch, Church Lane, Tolland, Lydeard St Lawrence**

Reference Minute 208/2002, reported that as the result of an enforcement notice and a stop notice being served all activity, including extensive earth works, on land at The Ranch, Church Lane, Tolland, Lydeard St Lawrence had ceased.

However, one of the requirements of the enforcement notice to reinstate the land had not been carried out.

Over the past few years the land had self seeded and it was now considered that to insist on the requirements of the notice being complied with would cause more harm to the visual amenity of the area than if it were left.

RESOLVED that no further action be taken.

(The meeting ended at 7.54 pm)

43/2006163

MIDAS HOMES LTD & BEECHWOOD HOUSE DEVELOPMENTS LTD

RESIDENTIAL DEVELOPMENT TO PROVIDE 69 NO DWELLINGS (COMPRISING 45 HOUSES AND 24 FLATS), FORMATION OF ACCESS AND ASSOCIATED WORKS, FORMER ABL AND WESTFORD PLASTICS PREMISES, PAYTON ROAD, WESTFORD, WELLINGTON AS AMENDED BY LETTER DATED 9TH FEBRUARY, 2007, LETTER DATED 20TH FEBRUARY, 2007 WITH ACCOMPANYING DRAWING NO. 0605-16/SK13 AND LETTER DATED 1ST MARCH, 2007 WITH ACCOMPANYING PRELIMINARY DRAINAGE STRATEGY AND AMPLIFIED BY LETTER DATED 28TH FEBRUARY, 2007

311985/120345

FULL

1.0 **RECOMMENDATION**

Subject to:-

- (i) the receipt of satisfactory amended plans;
- (ii) the views of the Economic Development Officer and the further views of the Environment Agency and County Highway Authority;
- (iii) the conclusion of a Section 106 Agreement to secure:-
 - (a) 15 units of affordable housing – to be detailed and provide a mechanism to ensure that the dwellings remain affordable and available for local people in perpetuity;
 - (b) Education contribution of £93,186 towards local secondary school facilities, index linked to allow for delay in the start of the development;
 - (c) Off-site highway improvements (estimated cost £25,000) to be provided by the applicant;
 - (d) Open space/playing field contribution of £75,000 (with the potential for a further approximately £25,000 dependent upon further discussions with the County Highway Authority regarding any additional off-site highway requirements; and
 - (e) Improvements to the surfacing of Rackfield and the provision of a cycleway/pedestrian link into the site;

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

- 01 The development hereby permitted shall be begun within three years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 03 No development, other than demolition and ground remediation works, shall be commenced until a scheme for the disposal of foul and surface water has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.
- 04 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 05 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 06 During the period of demolition and construction, screening shall be placed around the site to the satisfaction of the Local Planning Authority, and shall be completely removed when the development is completed.
- 06 Reason: To preserve the character of the area in accordance with Taunton Deane Local Plan Policy S1(D).
- 07 The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within 9 months of the date of commencement of the development , unless otherwise agreed in writing, and shall thereafter be used solely for the purpose of amenity open space.
- 07 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 08 The children's play area shown on the submitted plan shall be laid out and equipped to the satisfaction to the satisfaction of the Local Planning Authority within 9 months of the date of commencement of the development and shall thereafter be used solely for the purpose of children's recreation.
- 08 Reason: To provide adequate access to sport and recreation facilities for occupiers in accordance with Taunton Deane Local Plan Policy C4.
- 09 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 09 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 10 Details of siting of temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil is to be stored on site.
- 10 Reason: To safeguard the existing landscape features and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 11 Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats, has been submitted to and approved in writing by the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented.
- 11 Reason: To maintain the status of bats and their roosts. Bats and their roosts are included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the

Conservation (Natural Habitats & c.) Regulations 1994, in accordance with Taunton Deane Local Plan Policies EN4 and EN5.

- 12 The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with the standards set down in the County Council's booklet "Estate Roads in Somerset". Details shall be submitted to and approved in writing by the Local Planning Authority before their construction is commenced.
- 12 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath.
- 13 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for traffic in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy M4.
- 14 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 14 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 15 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 15 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 16 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 16 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 17 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles (a motor vehicle) for domestic purposes only.
- 17 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Policy M4.
- 18 The provision to be made for the parking of cycles shall be made in accordance with a phasing schedule to be submitted to and approved in writing by the Local Planning Authority.

- 18 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 19 Each block of flats shall be constructed in all respects in accordance with the approved plans before it is occupied and all necessary ancillary facilities, including in particular facilities for the storage and disposal of refuse and the drying of laundry shall be provided to each flat before it is occupied, unless the prior written consent of the Local Planning Authority is obtained to any variation.
- 19 Reason: To ensure that the proposed development will be carried out as approved and that satisfactory facilities are provided for the occupiers of the proposed flats and to avoid any detriment to amenities by any works remaining uncompleted in accordance with Taunton Deane Local Plan Policy S1(H).
- 20 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 20 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 21 No demolition shall take place until a programme and scheme for the recording of the buildings and structures on the site has been secured and implemented in accordance with a written specification to be submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 22 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
- 22 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.
- 23 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable

risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

- 23 Reason: To ensure that the land contamination can be adequately dealt with prior to a new use hereby approved commencing on site in accordance with Taunton Deane Local Plan Policy S1(E).
- 24 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 24 Reason: The Local Planning Authority wishes to exercise control over the matter in the interests of amenity and road safety in accordance with Taunton Deane Local Plan Policy S1 (A) and (E).
- 25 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forwardmost part of the front of the dwellinghouse(s) or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 25 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).
- 26 The finished floor levels of the proposed dwellings shall be a minimum of 62.2 m AOD.
- 26 Reason: In order that adequate flood protection is provided to the proposed dwellings in accordance with Taunton Deane Local Plan Policy EN28.

- 27 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
- 27 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).
- 28 Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.
- 28 Reason: To prevent pollution of the water environment in accordance with Taunton Deane Local Plan Policy S1(E).

Notes to applicant

- 01 With regard to Condition 03, the following will need to be incorporated into the submitted scheme:- (a) confirmation of the existing condition of the culverts within the development site and off-site to ensure free drainage of surface water flows; (b) details of ownership of the culverts and confirmation of agreements to discharge to them; (c) details of proposed maintenance agreements for these culverts; (d) details and calculations for the proposed on-site attenuation system; and (e) confirmation that any attenuation system chosen will be adopted by Wessex Water as part of a Section 104 Agreement.
- 02 Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
- 03 During construction, the following comments apply:- (a) pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks; (b) discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage; (d) the Environment Agency must be notified immediately of any incident likely to cause pollution; (e) all contaminated waste produced and removed from the site during the demolition and development must be disposed of at a suitably licensed

waste management site; (f) any waste material brought onto the site to be used during the development must be in accordance with a suitable exemption from waste management licensing.

- 04 Means of Escape - 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 Building Regulations stage. Access for Appliances - Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000. Water Supplies - 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(S) FOR THE RECOMMENDATION:- The proposed development is on a site located within the settlement limits and it is considered that the proposal will provide much needed housing in the area, including affordable housing, which is considered to outweigh the disadvantages of the loss of employment use of the site. The proposal is therefore considered to be in compliance with Taunton Deane Local Plan Policies H2 and EC9.

2.0 **APPLICANT**

Midas Homes Ltd and Beechwood House Developments Ltd.

3.0 **PROPOSAL**

The proposal provides for residential development of the former Advanced Bitumens Ltd and Westford Plastics premises. The 69 dwellings proposed are a mixture of 1- 4 bed houses and flats. 15 of the properties will be affordable (mixture of shared ownership and rent).

Vehicular access to the proposed development will be from a new junction onto Payton Road, approximately 80 m west of the existing access from Rackfield. This new access will replace the existing vehicular access into the site. A pedestrian/cycle link will be provided from the development onto Rackfield, together with resurfacing of the section of Rackfield between the position of this link and Payton Road. Amended plans have been submitted which provide for off-site highway improvements. These comprise the extension of the existing footway at the entrance to Greenway Road and the provision of a new footway on Westford Bridge. The applicants have confirmed that they have the benefit of a full right of way, including a right to enter and maintain the railway to the standard necessary for its use. The application was accompanied by a Design and Access Statement, Planning Statement, Transportation Statement, Statement of Community Involvement, Education Infrastructure Assessment, Bat Assessment, Preliminary Drainage Strategy, Flood Risk Assessment and Geo Environmental Investigation.

4.0 **THE SITE**

The site comprises the former Westford Mill, which has seen active industrial use since 1780. The site measures 1.2 ha (2.89 acres) and is bounded on

the north by Payton Road and Westford Court, open fields used for grazing are located to the south and west and Rackfield, a private access road, forms the eastern boundary.

Adjacent properties are generally of one or two storey residential scale, with the exception being the adjacent former warehouse to the south-east. Planning permission has been granted for the redevelopment of that site for residential use. Construction is also underway to provide two detached dwellings on a site at Windyridge.

The site has a considerable change in level – rising from a level of 63.08 AOD at the northern boundary with Payton Road to 69.06 AOD in the south-west corner.

The site has a long established general industrial use, with the last use for the main site being for the processing of bitumen products. That use ceased approximately 10 years ago and since then the main part of the site has remained vacant and has been derelict and subject to repeated vandalism. A small part of the site is occupied by Westford Plastics, but they are due to vacate the site shortly.

Written confirmation has been received from Central Government that the buildings do not warrant listing.

5.0 **PLANNING HISTORY**

There have been a number of applications related to the industrial use of the site in the past, that are not relevant to the current proposal. The one relevant previous planning application is as follows:-

43/2003/020 Erection of 43 dwellings, formation of access and associated access roads, former ABL and Westford Plastics premises at Payton Road, Westford, Wellington. Application withdrawn.

6.0 **CENTRAL GOVERNMENT PLANNING POLICY**

Planning Policy Statement 1 - 'Delivering Sustainable Development' (PPS1)

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;

- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13 Key Principles

Paragraph 27 Delivering Sustainable Development – General Approach

Paragraph 29 In some circumstances, a planning authority may decide in reaching a decision to give different weight to social, environmental, resource or economic considerations. Where this is the case, the reasons for doing so should be explicit and the consequences considered. Adverse environmental, social and economic impacts should be avoided, mitigated, or compensated for.

Paragraphs 33 - 39 Design

Planning Policy Statement 3 – ‘Housing’ (PPS3)

Paragraphs 12 – 19 Achieving High Quality Housing

Paragraphs 25/26 Market Housing

Paragraphs 27 - 30 Affordable Housing

Paragraph 40 A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

Paragraph 45 Using land efficiently is a key consideration in planning for housing. Regional Spatial Strategies should set out the region’s housing density policies, including any target.

Paragraph 69 In general, in deciding planning applications, Local Planning Authorities should have regard to:-

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.

- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 9 – ‘Biodiversity and Geological Conservation’ (PPS9)

Paragraphs 15/16 Species Protection

Planning Policy Guidance Note 13 – ‘Transport’ (PPG13)

The introduction of this document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport. Paragraphs 4 - 6 Objectives

Paragraphs 12 - 17 Housing

Paragraphs 28 - 30 Design, Safety and Mix of Uses

Paragraphs 49 -55 Parking

Paragraphs 72 - 74 Public Transport

Paragraphs 75 - 77 Walking

Paragraphs 78 - 80 Cycling

Paragraph 82 Planning Conditions

Paragraphs 83 - 86 Planning Obligations

Central Government guidance on the use of planning agreements and obligations is contained in Circular 5/2005. In particular, the Circular states that planning obligations should be sought only when they are:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

7.0 **RELEVANT PLANNING POLICIES**

Regional Planning Guidance for the South West (RPG10)

Policy SS1 Regional Spatial Strategy

Policy SS3 The Sub-Regional Strategy

The planning of development and infrastructure investment in the region should be based on the following sub-regional objectives:

...

Central sub-region

- raise the economic performance of the sub-region;
- encourage sustainable growth at Exeter and Taunton and economic diversification at Torbay;
- improve transport and economic links within and through the sub-region and with neighbouring areas;
- focus housing, employment, retail and social facilities in sustainable locations to reduce social exclusion and rural need;
- conserve and enhance important environmental assets.

...

Policy SS5 Principal Urban Areas

Policy HO3 Affordable Housing

Policy HO5 Previously Developed Land and Buildings

Policy HO6 Mix of Housing Types and Densities

Draft Regional Spatial Strategy for the South West 2006 – 2026

Policy SR20 The economic potential for all three urban areas will be realised with provision for job growth in the Taunton and Bridgwater TTWA made for about 18,500 jobs over the plan period. Provision should be made for an average of about 1,100 dwellings per annum at Taunton, Bridgwater and Wellington collectively over the plan period distributed as follows:-

- An average of about 700 dwellings per annum within and adjoining Taunton's urban area.

- An average of about 310 dwellings per annum at Bridgwater.
- An average of about 90 dwellings per annum at Wellington

Development at Taunton will focus on the regeneration of the central area through the reuse of previously developed land and buildings within the urban area, maximising densities whilst seeking high quality design standards, complemented by the provision of a strategic urban extension north of Taunton for about 3,000 dwellings (Area of Search L) as shown on the Inset Diagram.

Investment will be made in key infrastructure to enable the achievement of the development proposed in this Policy.

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011

Policy STR1 Sustainable Development

Policy STR2 Towns

Policy STR4

DEVELOPMENT IN TOWNS

New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.

Policy 35 Affordable Housing

Policy 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

Policy 44

CYCLING

Urban and longer distance facilities for cyclists should be improved by maintaining and extending the cycle network between residential areas and schools, shops, community facilities and workplaces, and by making the best use of existing highway infrastructure. Improvements to the highway should provide for safe use by cyclists.

Policy 48

ACCESS AND PARKING

Developments which generate significant transport movements should be located where provision may be made for access by walking, cycling and public transport. The level of parking provision in settlements should reflect their functions, the potential for the use of alternatives to the private car and the need to prevent harmful competitive provision of parking.

The level of car parking provision associated with new development should:

- first, take account of the potential for access and provide for alternatives to the private car, and then,
- should be no more than is necessary to enable development to proceed.

POLICY 49

TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT

Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should:

- provide access for pedestrians, people with disabilities, cyclists and public transport;
- provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan

Policy S1 General Requirements

Policy S2 Design

Policy H2 Housing development will be permitted within defined limits of settlements, provided that:

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criterion (B);

- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (D) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (E) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (F) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings;
- (G) existing and proposed dwellings will enjoy adequate privacy and sunlight; and
- (H) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs, particularly those low-cost housing types which are under-represented in the current stock.

Policy H9 On suitable housing sites, the provision of affordable dwellings will be sought where:

- (A) within Taunton and Wellington, the site is at least 1.0 hectare in size or is proposed for at least 25 dwellings;
- (B) outside Taunton or Wellington, the site is of a sufficient size and land value for the incorporation of affordable housing to be feasible and there is a need for affordable housing in the parish or adjoining parishes; and

- (C) occupants without the use of a car will have safe and convenient access to shopping, employment and education provision.

The provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its financial viability. Indicative targets for the allocated sites are set out in policy H10.

Policy H19 Designing out crime

Policy EC9 Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site

Policy M4 Residential Parking Requirements

Policy M5 Cycling

Policy C1 Education Provision for New Housing

Policy C4 Standards of Provision for Sport and Recreation

Policy EN4 Wildlife in Buildings to be Converted or Demolished

Policy EN5 Protected Species

Policy EN9 Tree Planting

Policy EN12 Landscape Character Areas

Policy EN28 Development and Flood Risk

Policy EN32 Contaminated land

Policy W1 The extent of Wellington is defined on the Proposals Map to include the associated settlements of Rockwell Green and Westford.

9.0 **CONSULTATIONS**

County Highway Authority

“In principle, there is no objection to the proposal of residential development in this location, given that the site falls within the development boundary limit, as set out in the Taunton Deane Local Plan. It is noted however, that the site is not entirely sustainable in terms of transport policy, and it may be appropriate for the development to contribute to public transport and local infrastructure improvements for the local area.

Access to the site is via Rockwell Green and Payton Road, both of which are narrow in places, and suffer restricted visibility, especially on the rail and stream bridges. It should be noted however, that the content of the TA is agreed, and that the dwellings are unlikely to generate any significant additional traffic, over and above that which could be generated by the existing facility if re-opened.

During pre-application discussions, the issue of visibility at the proposed site access was discussed, and it was agreed that visibility splays of 2.4m x 60m maybe appropriate, if suitable pedestrian and cycle links could be established along Rackfield. It appears however that this land (Rackfield) is beyond the control of the applicant, and there is no demonstration within the application of how this can be utilised for pedestrian/cycle movements.

Given that there is insufficient information available at this time for me to be satisfied that the pedestrian/cycle links are achievable, this application is recommended for refusal from a highway perspective for the following reasons:

The submitted plans do not contain sufficient information for this Authority to be satisfied that the proposal will not have an adverse impact on the highway network.

It may be possible for the developer to produce the additional information required, and if this is the case, the highway objection may be overcome. However until such time, the recommendation is for refusal.”

Further views will be reported verbally.

County Archaeologist

“The proposal will impact on important industrial archaeological features which need to be recorded. I understand that SIAS has commented on this application and have offered to contribute research to the developer appointed archaeologist. I believe that a programme of archaeological work tied into the development proposal should take place as these industries played an important part in the history of Wellington.

For this reason I recommend that the applicant be required to provide archaeological investigation of the development area and a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it."

County Children's and Young People's Directorate

"In view of the likely abnormal site costs associated with this development, as set out in the planning statement, the County Council would be prepared to accept in this particular instance, the basis for calculating the contribution as proposed (a total of £93,186), subject to any inflationary increase in the DfES Basic Need Cost Multiplier prior to the completion of any planning agreement, or a significant change in the future pupil roll forecasts at the local schools. This is notwithstanding that the County Council would normally expect more demand for school places to be generated by a development of this size than is suggested by the applicant's consultant and that the appropriate contribution would ordinarily be greater than is offered. I should also emphasise that the omission of social rented dwellings from the calculation is only likely to be acceptable in exceptional circumstances where the viability of the development may be a material consideration. The use of funds contributed towards secondary school accommodation in the locality would also require further consideration and would not necessarily be as that set out in Mr Walker's report."

Environment Agency

"The Agency objects to the proposed development, as submitted on the grounds that the Flood Risk Assessment (FRA) is inadequate. Clarification of a number of points outlined in the FRA is required.

The submitted report by JBA satisfactorily describes the methodology used for establishing the QMED for the Westford Stream. The report has clearly identified that the attenuation facility only provides a 1 in 50 year standard of protection and during the Q100 year flood approximately 21,000 m³ could potentially overtop the attenuation facility. Section 3.2 and 3.3 describes the projection of the 100 year level for the watercourse at this location, which was estimated at 61.6 m AOD. We would consider this method as being rather simplistic to establish the Q100 year flood level for the watercourse at this facility.

Please provide evidence of how the Q100 flood level was derived, as there are no supporting calculation demonstrating this exercise in section 3.2 and 3.3. In addition please provide a detailed topographic survey of the dam facility so that the overtopping flood level can be related to the site and surrounding land. The survey must include the storage area, the crest height of the dam and the downstream area before Payton Road.

The FRA and the Planning Statement both make reference to the watercourse that flows under the development in a culvert. The route of this culvert has not been identified in relation to the development neither does it state where it merges back with the Westford Stream. It is important to establish the location of this culvert to ensure that no additional load from the new development is transferred on to the structure to effect its structural integrity or its function as a drainage mechanism. More details of this proposed culvert diversion have also not been provided for our comment. Any diversion of a non-main watercourse requires Land Drainage Consent under Section 23 of the Land Drainage Act 1991.

The Planning Statement describes a surface water drainage strategy through underground sewer tanks. Please can you provide a copy for our comment? Is the underground tank able to attenuate to the Q100 year event plus the inclusion of climate change? Have you considered alternative options through SUDS? The applicant is strongly advised to consider on-site attenuation to deal with surface water disposal through SUD methods, which if properly designed could be placed within the Public Open Space provision and form an attractive landscape feature to the development. Further information of the surface water drainage scheme is required to satisfy our concerns in principle i.e. details of design and calculations of storage facilities/discharge rates. The scheme being put forward must be a betterment in comparison to the existing system.

Please contact Nigel Smith on 01278 484807 to discuss any of the above further. Should the Agency's objection to the proposal subsequently, be overcome the agency would seek the application of the following conditions.

CONDITION: The proposed development must undertake the remedial strategy detailed in the 'Geo-environmental Investigation, Conceptual Site Model and Risk Assessment' Report (Yeandle Geotechnical Ltd November 2006).

REASON: To ensure appropriate remediation is carried out.

CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON: To prevent pollution of the water environment.

CONDITION: There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

CONDITION: Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage.

REASON: To prevent pollution of the water environment.

During construction the following comments apply:-

CONDITION: Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks.

REASON: To prevent pollution of the water environment.

CONDITION: Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon is provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

REASON: To prevent pollution of the water environment.

CONDITION: Storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

REASON: To prevent pollution of the water environment.

CONDITION: This Agency must be notified immediately of any incident likely to cause pollution.

REASON: To prevent pollution of the water environment.

CONDITION: All waste produced and removed from site during the demolition and development must be disposed of at a suitably licensed waste management site.

REASON: To prevent pollution of the water environment.

CONDITION: Any waste material brought onto site to be used during the development must be in accordance with a suitable exemption from waste management licensing.

REASON: To prevent pollution of the water environment.

INFORMATIVE:-

The 'Geo-environmental Investigation, Conceptual Site Model and Risk Assessment' report provides a useful assessment of the ground conditions present on site and the risk that is posed to controlled waters.

We note the findings of the investigation, which indicate that contamination is present on site and is a potential risk to groundwater. A quantitative tiered risk assessment was undertaken to assess this risk. As the results of the assessment have confirmed the potential risk to controlled waters from the contaminants identified, we concur with the recommendation for remedial works to be carried out. We are satisfied that the clean up target levels derived from the quantitative risk assessment are acceptable, and they provide us with confidence that groundwater, surface water and any licensed abstractions in the area will be protected.

We acknowledge the outline remedial strategy proposals and would welcome the opportunity to consider a detailed Remedial Strategy report in due course.

It should be emphasised that the Environment Agency does not issue formal approval for site investigation and risk assessment in connection with land affected by contamination. The responsibility for appropriate risk assessment rests with the owner/developer.”

Further discussions have taken place between the applicants and the Environment Agency and a further response from the Environment Agency will be reported verbally.

Wessex Water

“Foul Sewerage There is adequate capacity to serve the proposed development. Connection may be made to the nearest public sewer.

Surface Water Drainage Surface water should discharge to the local land drainage system subject to approval from Taunton Deane Borough Council. Please note that the site is partially within a Category 3 Public Supply Source Protection Zone, and as such all discharges should comply to the relevant Environment Agency Policy and Practice for the Protection of Groundwater.

Possible adoption of New Sewers In line with Government Policy, the applicant is advised to contact our Development Engineer, Peter George, to discuss the adoption of new sewers.

Water Supply There is sufficient capacity in the distribution system to serve this site. The point of connection can be agreed at the design stage. Sewage Treatment The treatment works and terminal sewage pumping station have sufficient capacity to deal with the flows from the proposed development.”

Chief Fire Officer

“Means of Escape

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 Building Regulations stage.

Access for Appliances

Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

Water Supplies

All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Natural England

“Thorough bat surveys have been undertaken and many species of bat are impacted upon by the proposal to develop this site. One of the buildings on the site referred to as building A in the report has been dedicated as a bat roost as a result of the demolition of buildings on the former Haymans coal yard. We support the consultants recommendations that this building is improved to accommodate more bats that will be displaced by this development. I understand from talking to the Environment Agency that existing tunnels used by bats will be replaced by a new structure.

Natural England does not object to the development but we expect a detailed method statement that will protect all bat species during the development process. We expect no net loss of the bat's conservation status on the site.

A licence will be needed from Defra administered by Natural England to demolish the bat roosts.”

Somerset Industrial Archaeological Society

“This site, the main part of a large integrated woollen factory operated by Elworthy Brothers & Co. Ltd, once made a significant contribution to the social and economic life of Wellington.

Over a number of years, and in the absence of archival evidence and statutory protection, SIAS has cooperated with County and Borough authorities and English Heritage to promote an adequate record of the surviving buildings and other features. The following documents have so far resulted:

Murless, Brian J. (SIAS 2003). Westford Mills, Wellington, an Introduction. Report for Taunton Deane B.C.

Murless, Brian J. (SIAS 2003). Westford Mills, an Update. Additional notes following a site visit by the Case Officer and Conservation Officer (TDBC), Development Control Officer (SCC) and Archivist (SIAS).

Williams, M. (English Heritage 2003). Westford Mills, notes on site visit. This was not a full investigation and survey as at that time demolition appeared imminent. It chiefly consists of a measured cross section of the earliest mill building.

In our response to the previous application relating to this site (ref. 43/2003/020) SIAS opposed wholesale demolition and favoured the retention and conversion of key buildings. Whilst our position is essentially unchanged we recognise that where structures are removed and further heritage features revealed, a full programme of archaeological monitoring and recording should be in place. This would enable initial observations and research by English Heritage and SIAS to be updated and a detailed report deposited with the National Monuments Record and the Somerset Historic Environment Record.

We would envisage this work being carried out by a professional archaeological unit under the overall direction of the County Archaeologist. A similar undertaking by Exeter Archaeology at Tonedale Mills, Wellington, in December 2002 was particularly successful in recording early mill power sources by water and steam.

Our stance on this application would therefore be one of conditional approval subject to a planning constraint for the implementation of an archaeological programme of works.”

Landscape Officer

“My main concerns are:-

- i. This is a rural edge site but no consideration has been given to the impact of the dwellings on the wider countryside. Given the size of development I would expect a landscape impact assessment.
- ii. Internally there is little or no provision for open space, recreation or tree planting.
- iii. The access is suburban and out of character with its more rural location.”

Nature Conservation & Reserves Officer

“I have concerns about bats and the possibility of great crested newts.

Great Crested Newts to the south of the site is a mill leat and millpond. There is no survey information of the pond and I am concerned that great crested newts (EPS) may use the pond. Although the pond is off site, if there is a

population of newts, they could be using the site for foraging/hibernation. For this reason I advise that there is insufficient information to determine the application.

Bats This is an important site for a range of bat species as identified in Greena's report, October 2006. Currently building A identified in the report is part of the mitigation plan for roost site lost at the adjacent Haymans Coal yard. There is a mention of a licence in connection with that site but I have no EPSL ref. Evidence of bats was found in Buildings A, B, C and G and tunnels H, and I. My concerns are that the existing tunnels are to be replaced by a new structure. The responsibility for the maintenance of all structures in relation to bats will have to be agreed. I believe that NE and EA will be commenting further. A European Protected species licence will be needed to develop the site."

Forward Plan

"As is often the case, the application form is incomplete, existing floorspace to be lost and proposed new floorspace has in this instance been omitted. This makes a comprehensive assessment difficult so I shall base my comments on the specified site area of 1.2 hectares.

The site is currently a combination of existing employment use (Westford Plastics) and vacant land formerly ABL, (bitumen) works.

As ever, the starting point in planning law is the recently adopted Development Plan. As a result of the existing and previous users the site would fall under policy EC9, whereby there is a presumption against loss of such land/premises unless the overall benefits outweigh the loss.

I can find no submitted evidence whatsoever to demonstrate why this employment site should be lost. What evidence of marketing has taken place for the vacant land? To what extent and cost would remediation of any contamination be required for continued employment use on the vacant land? What planning justification is there for removing an existing and presumably viable business from a defined employment area to redevelop for a use not consistent with policy EC9?

Members are currently very concerned at the lack of available employment land within the Borough. The loss of over 1 hectare may be considered fairly significant. With forthcoming displacement of low rental space as part of the Norton Fitzwarren Local Plan allocations, the availability of alternative low rental space such as this is a particular existing and likely growing problem. In the circumstances, displacement of an existing business on a defined employment site such as this would add to the discrepancy between demand and supply and do nothing to aide the local economy; a key corporate priority.

The current proposal is therefore contrary to adopted Local Plan policy and should be resisted.

Notwithstanding the above, the submitted Design and Access Statement refers to the 'Sustainability' of the proposal although this seems to refer only to a mix of tenure and design. To what extent are the dwellings sustainably designed? Policy S2(J) of the adopted Plan seeks energy efficiency measures in development proposals. To what extent are materials sustainably sourced and utilised? What level of the Code for Sustainable Homes do the proposals meet? Latest Government Guidance (draft supplement to PPS1) requires at least 10% anticipated carbon emissions from the development to be saved from on site renewable sources prior to an up to date Plan policy. Thus even if the loss of employment land issues can be successfully overcome the scheme itself does not demonstrate 'sustainability' in overall design and should also be resisted from this perspective.

Finally, if any issue were resolved, affordable housing and play provision would also be required.”

As a consequence of further submissions from the applicant’s agent (MT), the following further response has been received:-

- “1. Paragraph 2 of the MT letter states that ‘an earlier application about 3 years ago was supported by ourselves’. If this is the application that Ian Ayre responded to, we have already established that the Forward Plan response was not supportive of the loss of employment land. Then, as now we operated from a ‘Plan led’ system. Nevertheless, whatever may have been stated 3 years ago may not be the situation now. The ready availability of employment land is actually more acute now than c3 years ago when the likes of Chelston II was commencing development and retention of employment land is of even greater importance and advocated by senior Members. In addition, one must also take into account availability by type. Rental levels for the likes of Chelston would be considerably more per sq. ft. than for the type of land and premises at Westford. There is a need for all types and ranges of site.
2. Policy EC9 applies across the Borough. As MT notes, there is an acknowledged shortage of employment land in Taunton Deane. This is the important factor, not as MT asserts simplistically, the availability in Wellington. Established employment land should not simply be lost due to ‘hope value’ for more profitable, use without valid reasons, especially with this universally recognised shortage. I can see no overriding reason to relax the policy in any of the reasoning expressed in the remainder of MT’s letter. Vis:
3. The fact that ‘ABL Bitumen has caused enormous problems’ is irrelevant, not least as they no longer operate from this site.
4. I find it unlikely that ‘resumption of employment use would generate over twice as much traffic as the housing proposal’. The proposal is for 69 residential units. There is no local shop, the nearest bus stop is well in excess of the 400 metre maximum expressed for residential development in RPG10, thus one must assume that it is a car orientated residential proposal. Vehicle movements of around 7 per day is often used for such a scenario. This would equate to about 483

movements. There were around 7 cars on the Westford site when I visited. Assuming this took up around a third of the site this leaves a net site area of c.0.8 hectares. Assuming 35% site coverage (much higher than the norm in the Deane) and job to floorspace ratio of 1:50 sq m (lower than the norm) this would create a workforce of around 56 jobs. If all came in individual cars I do not believe that this would generate over 960 vehicle movements (twice residential rate), even when service vehicles are taken into account. Likewise, depending on the form of employment development which could be conditioned (e.g. light industrial) service vehicles may be no larger than Transit vans.

5. MT's letter states that no approach has been made to ABL site owners for employment use. This statement needs much greater exploration. As it is an established employment site what evidence has the Council been given that the site has been actively marketed? Who were the agents marketing the site? How has it been marketed? How long for? What response? What rental or land value was attached? etc etc.
6. MT asks 'what evidence has the Forward Plan officer to demonstrate employment viability'. This relates to the above point and, as an established employment site would not be for the Council to demonstrate. The applicant must demonstrate to this Council the overriding reason for the principle of employment use to be lost. As part of this, one would assume that decontamination requirements for continued employment would be less than for a residential use.

Thus in conclusion this correspondence has done nothing to demonstrate any valid planning consideration as to why the loss of employment land should be accepted, contrary to policy EC9 of the Local Plan. The existing user on part of the site demonstrates that employment use is still capable from this location. As it stands, if this proposal were accepted the future validity of this policy would be virtually untenable and other proposals for loss of employment land would be extremely hard to resist.

If these planning policy matters can satisfactorily be resolved, a mixed use development should be considered, protecting existing occupiers and investigating the potential for live work units etc on other parts of the site since some of the buildings look suited for such a reuse and in terms of sustainability certainly should be (whatever the eventual use). This would of course require a resubmission of the proposals since from the Design and Access Statement it appears that the site is to be cleared. Reuse of buildings is a key feature of sustainable development and a key element of policy to reduce carbon emissions, and a challenge that this Council has signed up to."

Environmental Health Officer

"I have recently received a copy of a site investigation report for the above development.

Geo-environmental Investigation, Conceptual Site Model and Risk Assessment. Ref BC6679. November 2006. Yeandle Geotechnical Ltd.

This report provides the relevant information on the site and includes a conceptual model and risk assessment. The proposed remedial target levels are acceptable for addressing any potential risks to human health. I note that the Environment Agency has reviewed this assessment with regard to controlled waters.

The report includes an outline of the basic remediation proposals, and states that a more detailed Remediation Strategy Report will be prepared. This should be submitted to the council on completion.

I would recommend the standard condition for contaminated land (attached). The information that has already been submitted would be acceptable to meet parts of this condition.

Contaminated Land

Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:

(a) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations.

(b) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

(c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action.

(d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site.

(e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of any required remedial Works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

(h) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

Re potential ground contamination. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.”

Drainage Officer

“I note the comments made in the Preliminary Drainage Strategy report 0605-16/TN/02 dated November 2006.

A full and final drainage strategy should be compiled and agreed with this Authority and made a condition of any approval given. The following issues will need to be resolved/agreed in the report before any works commence on site.

Existing Private Culverts

1. Confirmation of the existing condition of these culverts within the development site and off-site to ensure free discharge of surface water flows.
2. Details of ownership of the culverts and confirmation of agreements to discharge to them.
3. Details of proposed maintenance agreements for these culverts.

On Site Attenuation

1. Details and calculations are required for the proposed on-site attenuation system.
2. Confirmation that any attenuation system chosen will be adopted by Wessex Water as part of a Section 104 Agreement.

I await further details in due course.”

Housing Officer

“Supports this application on the basis of housing need. The Housing Officer has been in conversation with a registered social landlord and developer and the requirement for affordable housing would be 15 units based initially on 8 flats and 7 houses including some disabled accommodation.

Tenure would be split between social rented and shared equity (home buy).

Leisure & Recreation Manager

“The quantity and range of play and open space provision being proposed on site is not acceptable. The government via CABI Space is encouraging new developments to take proper account of public space and particularly the active recreational needs of children and young people. A development of this sort would be better if it did not provide small private gardens and instead provided a high quality multipurpose communal open space with room for everyone to enjoy it.

In terms of quantity, Policy C4 shows that there should be 1220 sq m of equipped play space for this number of dwellings in addition to the buffer zone between it and the adjacent houses. The application shows only 18 sq m of equipped play space with 80 sq m of buffer zone grass and shrubs. The nearest adjacent house is 6 m from the play area. This is not acceptable - our standard requirement is for 20 m distance.

In my opinion this play area will be too small for young children and will attract older children as there is no open space being provided for them directly. This will result in children and young people playing in the street and close to people's houses, potentially causing annoyance to residents. If Members are minded to approve this scheme then it is unlikely that the Council will be able to adopt the open space as it will not be provided to our standard. Consideration should be given to the streets being designed along the principle of "shared use" to enable legitimate use of this public space by children.

In terms of an off-site contribution for play to reflect the lack of adequate play provision, if the play ground is built as shown the sum for additional provision in the vicinity would be £98,000 at 2006 prices. If no on-site provision is made, the off site contribution for play should be £106,750 at 2006 prices. This sum

should be index linked and reflects the number of family size dwellings being proposed.

Policy C4 also requires developments to contribute to local sports field provision. For 69 dwellings this sum would be £59,271 and should be index linked.

10.0 **REPRESENTATIONS**

46 LETTERS OF OBJECTION making the following observations have been received:-

1. Increase in traffic resulting in tailbacks of traffic through Rockwell Green to the traffic lights due to the number of parked cars at peak times.
2. Possibility of pollution contamination from noise, dust and water.
3. Number and density of new dwellings is too high.
4. Landscaping of recreational areas for the children and teenagers, resulting in them congregating along the public footpath along Rackfield and causing disturbances.
5. Pet cats will devastate the existing balance of wildlife.
6. Unless fenced off, there will be a big increase in traffic along Rackfield, including construction traffic.
7. Effect on local water table.
8. Will dramatically alter the quiet village character of Westford.
9. Narrowness of access roads, with bridge and no pavements approaching the site.
10. Difficulty for emergency service vehicles to reach site.
11. Despite flood prevention works carried out in the area, still subject to flooding. Run off from the development will add to this.
12. Children walking to and from school will be at risk from the increased traffic.
13. Water main is incapable of sustaining a further 69 dwellings.
14. Traffic to the existing business is light. When the bitumen works was open, deliveries were by large lorry, but were infrequent.

15. Ground is contaminated.
16. Should not be a pedestrian access into Rackfield Lane, which is a busy private vehicular access for residents along the lane and maintained by them. New residents will be tempted to use the lane for car parking, which would cause an obstruction.
17. Opposed to three storey houses.
18. Comments made by the local population have been completely ignored.
19. The one store in the area will be inadequate.
20. Loss of privacy from overlooking.
21. Loss of property value.
22. Poor visibility onto Payton Road, with increased danger of accidents.
23. There should be a direct access link across to the A38.
24. Timing of the submission of the application, just prior to Christmas appeared to be a cynical measure to minimise objection to the application.
25. Double yellow lines will be essential in Rockwell Green, which has serious implications for the residents of existing dwellings.
26. Likely to be incidents of damage to railway bridge, with a potential for various injury or loss of life.
27. Bus services will need to be extended to the new estate, which will increase the risks caused by wide and large commercial vehicles travelling along an already dangerous section of highway.
28. The suggestion that the proposed 244 movements from a residential estate will improve the current position where traffic engineers estimate the existing industrial development produces 744 vehicular movements is quite fanciful. In the past, even when the site was in full production, the commercial vehicular movements were not substantial.
29. Site is more appropriate for detached dwellings on extensive garden sites.
30. Public transport provision is inadequate.
31. A detailed traffic survey must be carried out at peak times.

32. Accesses to site other than through Rockwell Green are also narrow and dangerous.
33. Two well used pedestrian routes emerge onto Rockwell Green from Dobree Park - danger from high spirited children coming directly onto the road.
34. Safety of children, dog walkers, horse riders and cyclists.
35. Proposal does not take account of other developments allowed in the area.
36. Affect on wildlife in the pond/leat.
37. Proposed wall on Rackfield directly opposite the coal yard will result in a blind bend.
38. Bicycle parking should be sheltered.
39. Will double the existing number of dwellings in Higher Westford.
40. Statistics in the traffic report are unrealistic.
41. Position of pedestrian access onto Rackfield will result in disturbance to property opposite and is at a dangerous point for seeing vehicles.
42. There should be a substantial boundary wall dividing new development from Rackfield.
43. The 19th Century railway bridge was designed for horses and carts and will need to take more stress. Same with the bridge over the stream.
44. The general opinion is that it is a done deal.
45. Extra traffic caused by contractors, especially large lorries, will be dangerous for children walking to school.
46. If the development is allowed, the Council should be prepared to accept full responsibility for any accidents.
47. Will result in damage to nearby roads.
48. Inadequate parking.
49. Will turn a heaven of peace into a housing estate.
50. Pollutants from the site may leach out into the Westford Stream.
51. Should be changes to the roads and footpaths in the area.

52. Speed limit should be reduced to 20 mph.
53. All construction vehicles should be parked on the site.
54. Traffic lights should be installed at the railway bridge.

LETTER OF SUPPORT FROM RAGLAN HOUSING ASSOCIATION LTD:-

Raglan has been working closely with Midas Homes Ltd over the past few months to put together a proposal for the affordable housing on the site. We are hoping to secure 10 rented and 5 homebuy affordable housing units on the site, which will obviously be of benefit to the people of Wellington, where need for affordable housing is well evidenced.

ONE LETTER OF SUPOPRT making the following observations:-

1. No worth in keeping ruined mill buildings in what is a rural area.
2. The site is an eyesore and may potentially become derelict to the point of being a dangerous structure.
3. As the site is industrial, would welcome the change of use so as to reduce the future potential for industrial re-occupation of the site and all the heavy goods vehicles that would imply.
4. Welcome the developer's proposals to remove toxins from the site.
5. There should be maximum planning gain – to roads, paths, local schools, etc.
6. Prospect of increased local supply of housing, including affordable, and would welcome some social housing element if practicable.
7. Extra housing will not produce a critical mass of additional traffic to render local roads any more hazardous, nor to cause gridlock.
8. Welcome the increased spending power the development will bring into the local economy.

11.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with national and local planning policies? POLICY
- B. Is the access to the site and parking provision adequate? ACCESS/HIGHWAYS
- C. Are there any abnormal costs associated with the development of the site? ABNORMAL COSTS

- D. Is the level of affordable housing proposed adequate? AFFORDABLE HOUSING
- E. Is adequate recreation provision being made? RECREATION
- F. Is adequate provision towards education facilities being made? EDUCATION
- G. Are the measures to deal with ground contamination on the site appropriate? CONTAMINATED LAND
- H. Has adequate protection against flooding been provided? FLOOD RISK
- I. Is adequate drainage for the site proposed? DRAINAGE
- J. Have adequate mitigation measures been provided to deal with any wildlife on the site? WILDLIFE
- K. Is the proposed development sustainable? SUSTAINABILITY

A. Policy

The majority of the site is included within the settlement limits of Westford/Rockwell Green which is a satellite settlement of Wellington.

The site includes a small area which lies beyond the settlement limit boundary as indicated in the Local Plan. It is considered that the Local Plan boundary appears arbitrary and excludes areas with existing buildings, which are included within the current application site.

The site is a brownfield site which government policy seeks to encourage Local Planning Authorities to maximise the use of. Much of the site is occupied by derelict industrial buildings which have not been in active use for several years. The loss of existing employment use of the site is an issue to be considered.

The Forward Plan Officer considers that the proposal should be resisted as being contrary to Policy EC9 of the Taunton Deane Local Plan, whereby there is a presumption against the loss of employment land/premises unless the overall benefits outweigh the loss. He considers that no evidence has been submitted to demonstrate why this employment site should be lost.

In 2004, the Council identified the site as being suitable for redevelopment for housing in the Urban Housing Capacity Study.

Historically, the former use of the major part of the premises by Advanced Bitumens Ltd has caused problems with many complaints from residents. The ABL part of the site and adjoining land has been vacant and increasingly derelict for several years. The applicants confirm that no approaches have

been made to them with regard to possible employment use. The Westford Plastics building is partly in use and the business is shortly to relocate to an alternative site in Wellington. Given the derelict nature of the buildings and land over the majority of the site and its high level of contamination, it is unlikely that future employment use would be viable.

I do not consider the application site is an appropriate one for providing space for tenants displaced from the Taunton Trading Estate at Norton Fitzwarren, due to the distance involved. Elsewhere in Wellington there is employment space at the lower end of the market at Tonedale Mill, Bagley Farm and the former Lincott Nurseries site. New units for employment use are currently under construction at Chelston Manor and planning permission is soon to be granted (Committee resolution to approve) and soon implemented for the opening up of 50 acres of employment land at Chelston Home Farm. Notwithstanding this, the Forward Plan Officer considers there is a need for all types and ranges of units.

PPS3 indicates that Local Planning Authorities should seriously consider employment land sites and, if they are derelict or of a brownfield nature, alternatively consider them for housing development. Taunton Deane Local Plan Policy EC9 is permissive of the loss of existing employment sites if there are overall benefits that outweigh the disadvantages of the loss of employment or potential employment on the site. Most of the objection letters refer to concerns with regard to access to the site. Resumption of an employment use on the site could generate considerably more traffic than the housing proposed and in particular would reintroduce a very significant increase in lorry movements. Most of the objectors are supportive of the principle of housing on the site, the concerns being the number of dwellings and associated traffic generation.

Notwithstanding the views of the Forward Planning Officer, I consider that retention of the site for employment is inappropriate and consider that redevelopment for residential use is acceptable.

B. Access/Highways

A detailed Transportation Statement prepared by transport consultants was submitted with the application.

The Statement concludes that:-

- (i) The proposed vehicular site access from Payton Road and the proposed pedestrian and cycle access from Rackfield are appropriate and safe;
- (ii) The traffic likely to be generated by the proposed development is immaterial, when compared with the traffic associated with the extant industrial use; and

- (iii) The proposed development generates significantly less HGV traffic than the previous industrial use.

The Statement also considered the comments that arose from the public exhibition held in September 2006 and concluded that:-

- (i) The level of traffic from the development will be low and will have an insignificant impact on the operation or safety of the existing highway network;
- (ii) Any improvement to the pedestrian facilities to the site are contained as sections of the road from Rockwell Green to the site and Payton Road are too narrow to provide a continuous footway towards the railway bridge;
- (iii) Any improvement to the two-way vehicle flow on Rockwell Green are constrained by residential on-street parking, any improvements made would result in loss of parking and be likely to lead the local objections;
- (iv) The railway bridge is too narrow to carry out meaningful improvements.

It also concludes that there is insufficient highway land available to provide carriageway widening or additional footways in Westford and Rockwell Green, but given the high traffic generating nature of the extant business use, such measures are not considered to be necessary as part of the development. However, there are two specific areas where improvements to the highway network are to be carried out as part of the proposed development. These are:-

- (i) Extending the existing footpath at the entrance to Greenway Road together with a pedestrian crossing point; and
- (ii) The provision of a new footway on Westford Bridge. These works, together with other measures as part of any future highway safety scheme which may develop in the vicinity up to a total cost of £50,000.

The County Highway Authority agrees with the content of the Transportation Assessment and concludes that the proposed dwellings are unlikely to generate any significant additional traffic over and above that which could be generated by the existing use if re-established.

The level of car and cycle parking provided is considered appropriate given the location of the site. An average of approximately 1.5 parking spaces per dwelling is proposed.

C. Abnormal Costs

When considering the provision of community benefits arising from the development, such as affordable housing, education, leisure and recreation, etc. it is appropriate to take account of particular costs associated with the

development of a site. Case law has established that 'particular costs' mean the site and scheme specific costs over and above the normal costs of developing land for housing purposes.

In developing the application site, there are clear particular abnormal costs that need to be incurred for development to proceed. The applicants estimate that the total abnormal costs will be £1,262,000, the major part of which is ground remediation because of the previous use of the site.

In addition, contributions are being made towards off-site highways, leisure/recreation and education facilities.

D. Affordable housing

Policy H9 of the Taunton Deane Local Plan states that the provision of affordable dwellings sought on a site will be based on the overall need to provide for the identified affordable housing need. In assessing the level of provision on individual sites, regard will be paid to the need to balance other important planning requirements and to any abnormal costs associated with the development of the site which would threaten its viability.

The Council's policy seeks affordable housing provision within the range 20 – 35%. The upper end of this range for the development would equate to 24.15 dwellings. If £60,000 is taken as the appropriate build cost of an affordable dwelling, the level of abnormal cost (based on costs of £1,262,000) equates to 21 dwellings. On this basis, only 4 units of affordable housing would be provided. However, the applicants are proposing the provision of 15 affordable dwellings, which is a level above the lower end of the range in the Council's policy.

The affordable dwellings are detailed as follows:-

Rented dwellings

- 4 No. 1 bedroom flats
- 2 No. 2 bedroom flats
- 2 No. 2 bedroom houses
- 2 No. 3 bedroom houses

Shared ownership dwellings

- 1 No. 2 bedroom flat
- 2 No. 2 bedroom houses
- 2 No. 3 bedroom houses

I consider that, given the specific site constraints affecting the development, the provision of 15 affordable dwellings is fair and reasonable.

E. Recreation Provision

The Planning Authority's policy on recreation provision is set out in Taunton Deane Local Plan Policy C4.

The proposed scheme provides for a total of 69 dwellings, comprising 45 family dwellings and 24 flats. Based on the criteria set out in Policy C4, 900 sq m of children's play space (20 sq m per family dwelling) would be required.

When considering what is reasonable (under the provision of Circular 5/2005) in terms of providing open space, both the abnormal costs associated with the development of the site and the full package of planning obligations that are being sought should be taken into account.

On this particular site, where there are significant abnormal cost that will have to be borne if the site is to be used for residential development, together with other contributions such as affordable housing, education and off-site highway improvements, I consider that it would be inappropriate to seek the provision of 900 sq m of children's play space.

The proposed development does provide for an area of public open space with an equipped children's play area (albeit not 900 sq m) in the middle of the site. The applicants are also making a contribution of £75,000 towards improvement to off-site open space/playing fields in the area. I consider in the circumstance that this is fair and reasonable.

F. Education Provision

The applicants have commissioned a consultant to consider the impact of the proposed development on the existing statutory education provision within the area. His report considered the mix of dwellings proposed on the site and the likely pupil yield. In summary the report concludes that a contribution 'fairly and reasonably related in scale and kind to the proposed development' as required by circular 5/2005, would be based on 12 primary and 6 secondary aged occupants.

In April 2006, Somerset County Council published an update of the School Organisation Plan forecast to cover the actual numbers on roll in September 2005 and forecasts to September 2010. The figure shows that in September 2005, 7 of the 8 primary schools in the area had surplus capacity. By September 2006, all the schools were expected to have surplus places and this was expected to continue, indeed increase, to September 2010. Rockwell Green C E Primary, the local primary school, had 29 surplus places in 2005, expected to increase to 39, or 20 – 25% of capacity, by 2010. Therefore no contribution to primary education infrastructure is considered necessary.

The only secondary school within a 5 mile radius is Court Fields Community School in Wellington. The figures show that the school had 875 pupils in 800 places in September 2005. The forecasts suggested that the deficit of places was likely to continue on a declining trend over the next 5 years. It is considered that contribution based on providing 6 pupil places for secondary

education would be fair and reasonable. Therefore, using the Education Authority's valuation of £15,531 per pupil place, a contribution of £93,186 is proposed by the applicants.

The County Children's and Young People's Directorate is prepared to accept the proposed contribution in this particular instance.

G. Contaminated Land

The applicants are working with consultants and a specialist remediation contractor to produce a Remediation Strategy for the site. The Strategy will include detailed Method Statements. The overall aim of the proposed remediation programme will be to ensure that the approved conditions are suitable for the proposed residential with gardens development and that they do not present any significant risk to the wider environment.

It is proposed that all soils elevated above the proposed target levels in respect of hydrocarbons will be excavated and where possible treated by ex-situ' bioremediation techniques. Where impacted soils are present beneath significant overburden, material will be excavated and stockpiled prior to removal and treatment of the underlying soils. Selective removal of materials will be undertaken in areas where elevated metals have been detected and excavated materials from these areas will be screened on site to ensure that remaining materials are suitable for use. Where necessary, an appropriate cap will be designed and placed in private garden areas to reduce any residual risk to site users.

In order to achieve groundwater target levels, an appropriate on-site groundwater pump and treat system will be designed and employed. Groundwater will be abstracted and treated before being discharged under license to pool water. Hydrocarbon concentrations in groundwater will be monitored throughout the remedial period and the pump-and-treat system will operate until such time as the target levels have been achieved. Upon cessation of pumping, further monitoring will be undertaken to ensure that any rebound affects remain below the agreed target levels. The treatment system will subsequently be decommissioned and removed from the site.

All remedial excavations will be visually inspected and appropriate validation samples taken for subsequent laboratory testing to confirm that materials left in-situ are compliant with the proposed target levels. Where target levels are not achieved, further excavations and/or treatment will be undertaken.

A full validation report will be submitted for approval.

H. Flood Risk

The applicants commissioned consultants to carry out a Flood Risk Assessment for the proposed development of the site.

The site is shown to be outside the Environment Agency's indicative floodplain. In 1989, the Borough Council carried out a flood alleviation scheme to reduce the problems of flooding for Westford. This took the form of a reservoir designed to store water in a 1 in 50 year event. Overtopping would therefore occur in a 1 in 100 year event. The average water level in a 1 in 100 year event was estimated to be 61.6 m AOD. As the topographical survey shows the ground levels within the proposed development site to be 62 m and above, the site is unlikely to flood in a 1 in 100 year event. The applicants were proposing that the finished floor levels of the proposed development be set out 62.2 m AOD, 600 mm above the level of the 1 in 100 year event.

The Environment Agency has lodged a holding objection to the proposal, requesting clarification of a number of points in the Flood Risk Assessment. Further discussions have taken place and the further views of the Environment Agency will be reported verbally.

I. Drainage

All foul flows from the proposed development will be positively drained to the northern boundary of the site, at the location of the new site access, by a new foul sewer network sited within the new site access road and shared surfaces. This will be discharged to the existing public foul sewer within Payton Road, which has sufficient capacity to accommodate the foul flows from the development.

All surface water flows from the impermeable areas of the proposed development will be positively drained to a new surface water sewer network sited within the new site access road and shared surface. Below ground storage cells located beneath the public open space on the development will provide on-site attenuation, restricting the surface water discharge flows. It is proposed to discharge these surface water flows to the existing surface water culvert within Rackfield, with eventual outfall to the Westford Stream.

J. Wildlife

The applicants commissioned consultants to carry out a bat assessment of the site and to advise on any mitigation requirements for developing the site. A copy of the consultant's report was submitted with the application.

Bat surveys of a building on the adjacent Haymans Courtyard site were conducted in 2004 and 2005 as part of a DEFRA licence for demolition of the building. Small numbers of common pipistrelle, lesser horseshoe and long-eared bats were identified to be roosting at the site. The current application site was first surveyed in 2004 and a small building on the site was identified to be retained as mitigation for the loss of the Haymans warehouse.

In June 2006, a mid-summer survey of all buildings on the application site was conducted. This comprised internal inspection of the buildings followed by a

dusk bat detector survey for emerging bats using bat detector recording systems.

The following conclusions were found:-

- (i) Small numbers of common pipistrelle, lesser horseshoe, natterers and large-eared bats roost in buildings and tunnels on the site;
- (ii) Overall the numbers of bats using the site are small, all may use the site in winter and none are likely to breed there;
- (iii) One small building on the site is to be retained and adapted as mitigation for both Haymans warehouse and the application site.
- (iv) A DEFRA license is required before any works start to some of the buildings/structures with demolition taking place between April and October. Other buildings can be demolished at any time.

Natural England supports the consultant's recommendations.

K. Sustainability

National and local planning policies support and encourage sustainable development on brownfield or previously developed land and the current proposal is entirely compatible with these policies. The development of this site at an acceptable density removes the need to justify comparable amounts of housing land at greenfield locations.

The site and its surroundings contain no designated sites of nature conservation interest. There are protected species on the site.

An area of public open space and a children's play area is proposed on the site as part of the development.

The development is to provide affordable housing as part of the development.

Remedial works on the site will be carried out re-using on-site material where possible to reduce the volume of material going to landfill and also to reduce the number of haulage movements from the site.

11.0 **CONCLUSION**

The proposals provide for a scheme which is sensitive to the site, addresses the various technical issues and enables full and proper use to be made of this brownfield site to meet the need for additional dwellings in the area. The proposed development will result in a significant improvement to the quality and appearance of the area and will also provide for a package of measures to be secured through the recommended Section 106 Agreement.

My recommendation is therefore a favourable one.

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

CONTACT OFFICER: Mr J Hamer Tel 356461

USE OF LAND FOR B1 (LIGHT INDUSTRY) B2 (GENERAL INDUSTRY) AND B8 (WAREHOUSE AND DISTRIBUTION) DEVELOPMENT INCLUDING THE FORMATION OF VEHICULAR ACCESS FROM THE B3227, OS PLOT 8457, LAND SOUTH OF B3227, EAST OF WIVELISCOMBE

1.0 **RECOMMENDATION**

Subject to:-

- (i) The receipt of further wildlife surveys to be carried out during April;
- (ii) The receipt of a satisfactory Flood Risk Assessment as requested by the Environment Agency, and the further views from the latter;
- (iii) The views of the County Highway Authority and Wessex Water and any additional conditions they may request; and
- (iv) The views of the Secretary of State under the Departure Procedures,

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

- 01 Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.
- 01 Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order, 1995.
- 02 Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission.
- 02 Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.
- 03 Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 03 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid

environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1 (E) and EN26.

- 04 Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority, and the development of the estate shall not proceed other than in accordance with the approved programme. The programme shall provide for a maximum of 3.0 ha of land to be developed prior to 2011, except as otherwise agreed in writing by the Local Planning Authority.
- 04 Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner.
- 05 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).
- 06 (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 07 Before any part of the development hereby permitted is commenced (a) a plan showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Sect.5 of BS 5837 : 2005); (b) details of the species, height, trunk diameter at 1.5 m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site.
- 07 Reason: To safeguard the existing trees and ensure their contribution to the character of development in accordance with Taunton Deane Local Plan Policies S2 and EN6.
- 08 Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective

fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of B.S.5837:2005.

- 08 Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and EN8.
- 09 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.
- 09 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 10 All trenching works within the canopy spread of existing trees should be agreed with the Local Planning Authority's Landscape Officer. All works should be hand dug and no roots larger than 20 mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.
- 10 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 11 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.
- 11 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.
- 12 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 12 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Deposit Policies EN6 and EN8.
- 13 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 13 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

- distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 14 Within 1 month of completion of the landscape scheme the applicant is required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings . If there are no discrepancies a letter confirming no variations should be received by this Authority within 1 month of the completion of the landscape scheme.
- 14 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.
- 15 The development hereby permitted shall not be commenced (including any site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall include:- (i) Results of species surveys, identified by Andrew McCarthy Associates' Extended Phase 1 Habitat Survey of Land at Manor Farm, Wiveliscombe, 8th January 2007, and in accordance with English Nature/Natural England guidelines; (ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during all stages of development, including ground works, demolitions and construction; (iii) Details of timing of works to avoid periods of the year when sensitive wildlife could be harmed by disturbance; (iv) Retention of hedgerows and trees identified as being important for protected species within the applicant's control and a scheme of planting, including details of species, that will enhance the foraging habitat in the adjacent/surrounding area; (v) Measures that will enhance, restore or add to biodiversity conservation interests ('biodiversity gain') as encouraged by PPS9. (vi) Persons responsible for:- (a) Compliance with legal consents relating to nature conservation (including applying for European Protected Species mitigation licences); (b) Compliance with planning conditions relating to nature conservation; (c) Installation of physical protection measures during construction; (d) Implementation of sensitive working practices during construction; (e) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; (f) Provision of training and information to all construction personnel on site about the conservation significance of the protected species present and the importance of protective measures and practices being employed. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.
- 15 Reason: To protect legally protected species of recognised nature conservation importance in accordance with Taunton Deane Local Plan Policy E5.
- 16 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans

and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

- 16 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 17 The access shown on the submitted plan shall be provided to the satisfaction of the Local Planning Authority before any other work on the site commences.
- 17 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 The existing access shall be permanently closed in accordance with the details shown on the submitted plan when the access hereby permitted is brought into use. The means of closure shall be in accordance with the details shown on the submitted plan.
- 18 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 There shall be no vehicular or pedestrian access to the site other than from the access points hereby approved.
- 19 Reason: To ensure that the development does not prejudice the free flow of traffic or conditions of safety along the adjoining highway in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 Plans showing parking areas shall be submitted to and approved 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.
- 21 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.
- 22 Before the building(s) hereby permitted is occupied provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority and the areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles.
- 22 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 23 Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

- 23 Reason: To accord with the Council's aims to create a sustainable future by attempting to reduce the need for vehicular traffic movements in accordance with Taunton Deane Local Plan Policy M5.
- 24 None of the units hereby permitted shall be occupied until the footway and cycling link has been constructed in accordance with details shown on approved drawing No. 5090/08.
- 24 Reason: In the interests of sustainable development in accordance with Taunton Deane Local Plan Policy S1.
- 25 Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 5 Min Leq at any time during the day and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Monday - Friday 0800 hours to 1800 hours and Saturday 0800 hours to 1300 hours. At all other times, including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above. 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 for a suitable period of not less than 10 minutes.
- 25 Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).
- 26 Prior to or in conjunction with any detailed planning application for reserved matters, a Design Brief shall be submitted for the site.
- 26 Reason: The Local Planning Authority wish to ensure that the development of the estate proceeds in an orderly manner in accordance with Taunton Deane Local Plan Policy S2.
- 27 The uses within Class B1 shall preclude the provision of free-standing office accommodation, unless otherwise agreed in writing by the Local Planning Authority.
- 27 Reason: In order to provide for a development which does not generate a large number of journeys in accordance with Taunton Deane Local Plan Policy WV3.
- 28 Details for the provision and implementation of a surface water run-off limitation scheme shall be submitted to the Local Planning Authority prior to or in conjunction with any reserved matters application. The scheme shall be implemented in accordance with the approved programme and details.
- 28 Reason: To prevent the increased risk of flooding in accordance with Taunton Deane Local Plan Policy EN29.
- 29 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever ever is the greater. All filling points, vents,

gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

29 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).

30 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, including commercial lorry parks, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

30 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).

31 Washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces shall be drained to the foul sewer.

31 Reason: To prevent pollution of the water environment in accordance with the requirements of Taunton Deane Local Plan Policy S1(E).

32 Notwithstanding the submitted plans, no development shall commence on site until detailed plans showing an access together with full right turning lane and pedestrian/cycle facilities between the site and Wiveliscombe shall have been submitted to and approved by the Local Planning Authority and to the Highway Authority's satisfaction.

32 Reason: In the interests of highway safety and in the interests of sustainable development in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes to Applicant

01 Your attention is drawn to the requirements of the Chronically Sick and Disabled Person Act 1970 with regard to access for the disabled.

02 To help conserve the world's energy you should aim to provide buildings which are well insulated, designed to reduce the overheating in summer and to achieve as high an energy rating as possible.

03 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.

04 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).

05 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane Area, Burton

- Place, Taunton, Somerset, TAI 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.
- 06 With regard to Condition 27, in line with the policies of the Taunton Deane Local Plan, the provision of large scale buildings will not be acceptable.
- 07 During construction, discharge of silty or discoloured water from excavations must be irrigated over grassland or a settlement lagoon be provided to remove gross solids.
- 08 You are reminded of the need to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. This should cover the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.
- 09 Development which involves a culvert or an obstruction to flow on an ordinary watercourse will require Environment Agency consent under the Land Drainage Act 1991.
- 10 The Environment Agency must be notified immediately of any incident likely to cause pollution.
- 11 The Environment Agency must be advised if a discharge to a watercourse is proposed.
- 12 All Western Power Distribution (WPD) equipment on site should be assumed to be LIVE until WPD prove otherwise and provide you with confirmation to this effect in writing. In particular, if you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:- Health & Safety Executive guidance laid down in HS(G)47, Avoiding Danger from Underground Services. Work taking place in the vicinity of WPD plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 94 (as amended). Safe working procedures should be defined and practiced. Please ensure that the use of mechanical excavators in the vicinity of WPD plant is kept to a minimum. WPD Surf Telecom ducts contain optical fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. If there are overhead lines crossing the site, you must comply with the requirements of Health & Safety Executive guidance laid down in GS6, Avoidance of Danger from Overhead Electric Lines. Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

REASON(S) FOR RECOMMENDATION:- The proposed development is consistent with the Local Plan strategy and the proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy WV3.

2.0 **APPLICANT**

CMS Developments Ltd.

3.0 **PROPOSAL**

The proposal provides for the change of use of land from agricultural to B1 (light industry), B2 (general industry) and B8 (warehouse and distribution). The application is in outline only, but the proposal does include the formation of a new vehicular access from the B3227.

The application was accompanied by a Design and Access Statement, Transport Statement and Habitat Survey.

4.0 **THE SITE**

The application site consists of 4.6 ha (11.4 acres) of agricultural land situated to the south of the B3227 to the east of Wiveliscombe.

The site is bounded to the north by the B3227, which forms the main approach into Wiveliscombe from the east and from which it is separated by a reasonably dense screen of established landscaping and tree growth. In addition, a watercourse runs the full length of the northern boundary, a short section of which is culverted at the north-west corner, providing the only existing access point into the site. A small ditch runs along the western boundary for part of its length, beyond which runs a track which serves the sewage treatment works. Beyond this track is an area of vacant employment land and the meat processing premises (Grampian Foods). The southern boundary comprises a hedge and further ditch beyond which is more agricultural land. The eastern boundary is defined by a post and wire fence, which separates the site from the adjoining agricultural land forming part of Manor Farm.

There are no structures on the site, although overhead electricity cables cut diagonally across the site from the north-east to the south-west. The site gently slopes down towards to the south-east.

5.0 **RELEVANT PLANNING HISTORY**

49/2003/018 Use of land for B1 (light industry), B2 (general industry) and B8 (warehouse and distribution) development, including the formation of vehicle access from the B3227, O.S. plot No. 8457, land to the south of the B3227, east of Wiveliscombe. Application withdrawn.

49/2003/039 Use of land for B1 (light industry), B2 (general industry) and B8 (warehouse and distribution) development, including the formation of vehicle access from the B3227, O.S. plot No. 8457, land to the south of the B3227, east of Wiveliscombe. Outline planning permission granted October 2003. The permission lapsed last October.

6.0 **RELEVANT PLANNING POLICIES**

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

The following policies are relevant:-

Policy SS19 Rural Areas

Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements, avoiding scattered forms of development. Local authorities in their development plans should:

- locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements;
- adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs;
- set out policies for supporting sustainable farm diversification schemes which help to maintain the viability of the agriculture sector and rural economic vitality;
- seek ways of providing for essential shops and services to serve the rural areas;
- promote improved and integrated public transport, communications and service delivery and support innovative community based solutions to public transport and communications, in order to increase access to jobs, housing and facilities;
- limit housing growth in market towns near larger urban areas where it would fuel commuting rather than meet local needs.

Policy EC1 Economic Development

Policy EC2 Employment Sites

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

The following policies are relevant:-

STR1 Sustainable development

Policy 16 Provision of Land for Industrial Warehouse and Business Development

Policy 18

LOCATION OF LAND FOR INDUSTRIAL, WAREHOUSING & BUSINESS DEVELOPMENT

When determining the location of land for employment generating activities, in the context of other policies in the plan, consideration should be given to the following:

- where significant levels of freight traffic are likely to be generated, sites should be located close to the existing County or National road network or rail facilities;
- activities which are environmentally compatible with other land uses may be located within or adjoining such existing or proposed uses;
- activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated;
- large developments with high employment density activities should be located close to established public transport nodes.

Policy 19 Employment and Community Provision in Rural Areas

Policy 49 Transport Requirements of New Development

Taunton Deane Local Plan (Adopted November 2004)

S1 General Requirements

S2 Design

S4 Bishops Lydeard and Wiveliscombe are defined as rural centres, appropriate for selective development which enhances or maintains their local social and economic role and environmental quality and is unlikely to lead to a significant increase in car travel.

EC1 Employment Development

M1/M3 Transport Access and Circulation Requirements of New Development

M5 Cycling

EN5 Development which would harm protected species will not be permitted unless:

(A) conditions and/or planning obligations would prevent such harm;

(B) other material factors are sufficient to override the importance of the species; and

(C) every possible effort is made to minimise ill effects on wildlife.

EN6 Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.

The good management of such tree cover for nature conservation purposes will be sought.

EN9 The planting and positive management of native broadleaved trees will be sought where this would benefit wildlife, enhance the landscape or a public view, provide screening or compensate for loss of trees in the locality.

EN12 Landscape Character Areas

EN28 Development and Flood Risk

EN29 Flooding due to Development

WV3 A site of 5.6 hectares south of Taunton Road, as shown on the Proposals Map, is allocated for Class B1, B2 or B8 employment uses, with a maximum of 3.0 hectares to be developed within the Plan period, subject to the provision of access from the existing employment site, landscaping belts on the northern and eastern boundaries and a landscaping scheme incorporating the stream along the southern boundary. Large-scale buildings and major office developments will not be permitted.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY ADVICE**

Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)

Paragraph 5 Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Paragraph 13 Key Principles

Paragraph 23 Sustainable Economic Development

Paragraph 27 Delivering Sustainable Development – General Approach

Planning Policy Guidance Note No. 4 – Industrial and Commercial Development, Commercial Development and Small Firms (PPG4)

Paragraph 3 Development Plans

Paragraph 13 Development control - A Positive Approach

Paragraph 24 Speculative Development

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

Paragraph 1 Key Principles

Paragraph 3 Location of Development

Paragraph 5 Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:-

- (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
- (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

Planning Policy Statement 9 – Biodiversity and Geological Conservation (PPS9)

Paragraphs 15/16 Species Protection

Planning Policy Guidance Note 13 – Transport (PPG13)

The document gives the underlying objectives as integrating planning and transport at the national, regional, strategic and local level in order to:-

- (i) promote more sustainable transport choices for both people and for moving freight;
- (ii) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- (iii) reduce the need to travel, especially by car.

The underlying theme is that all traffic generating developments should be accessible by a choice of means of transport.

Paragraphs 4 – 6 Objectives

Paragraphs 28 – 30 Design, Safety and Mix of Uses

Paragraphs 49 – 55 Parking

Paragraphs 72 – 74 Public Transport

Paragraphs 75 – 77 Walking

Paragraphs 78 – 80 Cycling

Paragraph 82 Planning Conditions

Planning Policy Statement 25 – Development and Flood Risk (PPS25)

This sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere and, where possible, reduce flood risk overall.

8.0 CONSULTATIONS

County Highway Authority

Views awaited.

Environment Agency

“The Environment Agency OBJECTS to the proposed development on the grounds that the application may present a significant flood risk from the generation of surface water run-off but is not accompanied by a Flood Risk Assessment (FRA) as required by PPS 25.

This site is located in Flood Zone 1, which is land outside the floodplain as shown on the Environment Agency's Flood Zone Maps. Whilst the site is outside the floodplain, development in this category (i.e. over 1 ha) can generate significant volumes of surface water. The impact and risks posed by this will vary according to the characteristics of both the development and the catchment.

A Flood Risk Assessment (FRA) must be submitted and to be acceptable as a FRA the applicant must confirm as a minimum:-

1. That it will be feasible to balance surface water run-off to the greenfield run-off rate for all events up to the 1 in 100 year storm (including climate change) and set out how this will be achieved.

2. How sustainable drainage techniques (SUDS) will be used with any obstacles to their use clearly justified.

Please contact Nigel Smith (Development Control) on 01278 484807 to discuss any of the above further.

Should the Agency's objection to the proposal subsequently be overcome the agency would seek the application of the following conditions.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: Washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces should be drained to foul sewer.

REASON: To prevent pollution of the water environment.

CONDITION: Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment.

CONDITION: During construction discharge of silty or discoloured water from excavations must be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

REASON: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

INFORMATIVES

The Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction the Local Planning Authority should seek undertakings from the applicant/developer to minimise detrimental effects to natural/water environmental

features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes.

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require Agency consent under the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River held on maps by the Environment Agency and DEFRA.

Wessex West Water Limited should be consulted and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution

This Agency must be advised if a discharge to a watercourse is proposed.”

Wessex Water

Views awaited.

Natural England

“Natural England has been consulted on the above application your letter of 19th February, received in this office on 20th February, refers. Accompanying the application was a copy of the phase I (walk over) habitat survey undertaken by Andrew McCarthy Associates. I have spoken to Pam Motum too about the proposal as she has visited the site.

Natural England supports the surveyors recommendations that surveys for protected species likely to be impacted upon by this development should be undertaken. Species most likely to be present are bats in semi and mature trees, water vole in the ditches, great crested newts in a disused reservoir, dormice and breeding birds. The woodland bordering the B3227 is the likely dormice habitat and we support the surveyor's suggestion that a dormice survey is undertaken, we would suggest dormouse tubes are an effective method of detecting dormice.”

Western Power Distribution

“I now enclose a copy of our plan showing existing Western Power Distribution (WPD) Electricity/WPD Surf Telecom apparatus in the vicinity of your proposed works. This information is gives as a general guide-only and its accuracy cannot be guaranteed. Please note that all WPD equipment on site should be assumed to be LIVE until WPD prove otherwise and provide you with confirmation to this effect in writing.

In particular, if you are excavating on site in the vicinity of either WPD Electrical apparatus or WPD Surf Telecom apparatus you must comply with the requirements of the following:-

Health & Safety Executive guidance laid down in HS(G)47, Avoiding Danger from Underground Services. Work taking place in the vicinity of our plant is also regulated under the:- Electricity at Work Regulations 1989, Health and Safety Act 1974, CDM Regulations 94 (as amended).

Safe working procedures should be defined and practiced.

Please ensure that the use of mechanical excavators in the vicinity of our plant is kept to a minimum. WPD Surf Telecom ducts contain optical fibre cables, which are expensive to repair. Therefore, extreme care must be taken whilst working in the vicinity of these ducts, hand digging methods being used to determine their precise position. 1) If there are overhead lines crossing the site, you must comply with the requirements of Health & Safety Executive guidance laid down in GS6, Avoidance of Danger from Overhead Electric Lines.

Where diversions to WPD apparatus are needed to allow change to occur on site, the cost of those alterations may be charged to the persons responsible for the works.

If you require advice in connection with your proposals please contact one of the following numbers depending upon your location:- South West (England) 0845 601 2989 or South Wales 0845 601 3341.

Following consultation the local Western Power Distribution team will where necessary prepare detailed proposals and provide a quotation for any necessary alterations and/or development of our equipment on the site.”

Landscape Officer

“This is a very prominent site when viewed from the east. It frames the gateway to Wiveliscombe.

I would like to see substantial landscaping along this eastern boundary (minimum of 10 m width).

I am not happy with the access into the site, as it breaches a significant tree belt and ditch.

The proposed access is to be sited very close to a fine oak tree. I think the new road will damage the tree's roots.

There is scope for further planting along all the boundaries of the site to provide further screening and to widen biodiversity potential.

The proposed layout is rather regimented and formal. I would like to see a more fluid layout, broken up with tree planting.

The landscape area adjacent to the new pond should be larger-consideration should be given to re-siting car parking in this area”

Nature Conservation & Reserves Officer

“Further to the findings of AMA's habitat survey (08 Jan 2007), a site visit and information from Natural England (e-mail 13.03) there are protected species surveys that need to be carried out. Because the species concerned are European Protected Species I advise that water vole; dormouse, using dormouse tubes and surveys to establish if great crested newts will be affected by the proposals should all be undertaken before the application is determined PPS9.

Bat surveys should be done if works to mature trees, identified in AMA's report are planned.

The main access into the site is proposed where there is a valuable piece of habitat - identified as being possible dormouse habitat; wet ditch with possible water vole burrow and the mature oak trees that are suitable for bats to roost. Connectivity with the wider site is via ditches and gappy hedgerows. If great crested newts are found to be using the reservoir on adjacent site this will have implications for the development.

I recommend that a robust landscape plan with accompanying management scheme, based on protected species surveys, will be a requirement of any permission on site.”

Economic Development Officer

“The EDU has discussed this application and would make the following observations:-

- (a) We have been working with the (new) owners to encourage their re-submission of the formerly 'out of time' application, and fully support this proposal as it provides much needed employment opportunities in the west of the Deane.
- (b) We are also aware through our work with the Wiveliscombe Area Partnership that they are keen for this development also. You should be aware that they are asking whether the site might include a location for overnight/long-stay HGV and PSV parking. This is apparently causing some problems through the use of the TDBC car park opposite the proposed site of the County Childrens centre (at the other end of the village - and reflects use by school bus operators and HGV's awaiting a delivery slot at the Grampian factory.
- (c) We would support proposals that include an area for open storage compounds, as there is evidence that current facilities across the whole of the Deane cannot match demand, and that a number of small businesses on existing sites are relocating out of the Borough to achieve business expansion and development. I would ask whether there might be some opportunity to achieve this through a Section 106?

- (d) I understand that the site will also house the new Stacey Organisational HQ which it is proposed will be relocated from its existing site in Station Road - thus allowing for significant improvements to that particularly unkempt part of Wiveliscombe.”

Environmental Health Officer

“Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 5 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary.

Monday - Friday 0800 hours to 1800 hours, Saturday 0800 hours to 1300 hours. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

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 for a suitable period of not less than 10 minutes.”

9.0 **REPRESENTATIONS**

Two letters of objection have been received making the following points:-

1. Sad that such a development should be considered at the gateway to our lovely picturesque village.
2. Disappointing that the Economic Development Manager deems it acceptable to greet visitors with a monstrosity of warehouses and all the lorries, etc, that go with it and instead concerns himself with making improvements to the ‘unkempt part of Wiveliscombe’, the Station Road area, rarely if ever visited by tourists to the area.
3. No amount of clever landscaping and planting of trees will mask the proposed development and for the foreseeable future until the trees grow will cause an eyesore. The Grampian factory, although surrounded by trees, remains visible even though it is quite some distance from the road.
4. Surprised at the need for more employment opportunities in the area, as the Grampian factory employs a very high percentage of employees not only from outside the area, but also outside the UK. In view of the employment opportunities at developments part of the Taunton Vision, question the need for this development.

5. Numerous other locations available for this type of development along the M5 corridor, which would provide easy accessibility.
6. Not good for the countryside environment to encourage more vehicles, particularly large lorries, to the areas and create more pollution.
7. Concern at increase in traffic and positioning of the proposed entrance along a length of road where vehicles travel very quickly and where it is very close to a roundabout.
8. An increase in traffic to the area could cause many problems on the road from Taunton to Wiveliscombe, e.g. at Norton Fitzwarren where the road is narrow with parked cars.
9. Will detrimentally affect the running of the adjacent farm.
10. Use of the name Manor Business Park could cause confusion leading to lorries confusing the business park with the farm, leading to vehicles entering Manor Farm by mistake, leading to an increased risk of disease and contamination spread.
11. Increased noise pollution, which could easily unsettle milking cows grazing in the adjacent field.
12. Concern at landscaping belt overshadowing adjacent farmland, making it more difficult to grow crops and species of trees may be poisonous to cows.
13. Drainage needs careful consideration.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Do the proposals comply with the current policies of the Local Planning Authority? PLANNING POLICY
- B. Is the proposed access to the site acceptable? ACCESS
- C. Is the impact of the development on the landscape of the area acceptable? LANDSCAPE
- D. Will there be any adverse impact on wildlife in the area? WILDLIFE
- E. Is the proposed development sustainable? SUSTAINABLE
- F. Is there any flood risk from the proposed development? FLOOD RISK

A. Planning Policy

The site is proposed for employment uses in the Taunton Deane Local Plan. This is subject to the provision of access from the existing employment site to the east. The current application proposes access directly from the B3227 to the north. The

proposal is therefore being forwarded to the Government Office under the Departure Procedures.

The proposal is consistent with the function of Wiveliscombe as a Rural Centre (Taunton Deane Local Plan Policy S4) and compatible with RPG10 Policy SS19 : Rural Areas.

The site can be readily serviced and the applicants are keen to move forward with the proposed development at the earliest opportunity. The Economic Development Officer fully supports the proposal, which involves the development of additional local employment opportunities to serve Wiveliscombe and the surrounding rural areas.

B. Access

The results of the capacity analysis in the submitted Transport Statement demonstrates that the likely traffic generation associated with the proposal can be easily accommodated within the existing local road network.

The Local Plan policy states that the development should be subject to the provision of access being from the existing employment site, to the west. The applicants are seeking to acquire the access from the adjoining employment site, but negotiations are proceeding very slowly. If successful this would enable the applicants to access the site from the Grampian Food roundabout, which is in line with the Local Plan proposal. This would need to be the subject of a further application. Whilst this would be the most desirable outcome, it is by no means certain that terms can be reached. In the meantime, the applicants are keen to re-establish the outline planning approval for the scheme, which lapsed last year.

By providing an access centrally along the boundary with the B3227, this enables the most appropriate internal circulation to be achieved, minimising the extent of internal access roads required to service the site and thereby achieving the most efficient use of the employment land. The indicative site plan illustrates that the central access and internal circulation road provides good access to appropriately sized development plots on either side.

C. Landscape

Whilst the proposals indicate new central access to the site from the B3227 which would require the removal of some of the existing tree and hedge planting along the northern boundary, the proposed development also provides the opportunity to supplement the depth of this landscape margin with additional planting behind. By increasing the depth of this visual screen with appropriate species, the applicants consider that it should be possible to further screen the proposed development within the site. The proposals also indicate a substantial new landscape margin along the eastern boundary of the site, which would further screen views of the proposed development when approaching Wiveliscombe from the east along the B3227.

The Landscape Officer is not happy with the proposed access into the site, as it breaches a significant tree belt and ditch. However, the proposal will incorporate additional belts of landscaping, which will go some way towards mitigating against the visual impact of the proposed development. I consider that it is important that this development, which will assist the economy of the area, is brought forward.

D. Wildlife

An extended Phase 1 Habitat Survey of the land has been carried out. This concludes the site is of low nature conservation value and does not impose any significant constraints on the proposed development. A small bank of unmanaged grassland bordering the field may support small number of protected reptile species, such as slow worm. A number of mature trees are potentially suitable for roosting bats and the hedgerows and ditches may be used by foraging and commuting bats.

The dense plantation adjacent to the B3227 provides habitat suitable to support dormice, which have been recorded within 1 km of the site. The woodland and hedgerows may also support breeding birds during the spring. Suitable territorial habitat for great crested newt is present in the hedgerows and also within the field itself. A waterbody suitable for supporting breeding great crested newt is located 50 m from the survey area. The ditches bordering the site provide suitable habitat for water vole. The Survey recommends a spring site visit to determine the requirement for great crested newt survey and to further inspect the potential for water vole and dormice. A specialist survey of bats is also recommended.

The Council's Nature Conservation Officer considers that the various surveys should be carried out prior to determination of the application. However, I consider that conditions requiring the necessary surveys are appropriate in this instance.

E. Sustainability

The site is adjacent to an existing employment area. The proposal will provide for increased availability of employment land for local businesses and will help Wiveliscombe maintain its function as a centre of employment, reducing the need for local people to travel to work in other centres.

Existing road and public transport links are well established and the site is close enough to Wiveliscombe to encourage convenient access by foot and cycle. The proposed highway improvement works also include the provision of new bus stops, to encourage travel to the site by public transport, and the provision of a foot/cycle path along the southern side of the B3227 from the existing roundabout.

Appropriate conditions are recommended to ensure that any protected species on the site are adequately taken into account.

F. Flood Risk

The Environment Agency has lodged a holding objection to the application on grounds that the development may prevent a significant flood risk from the

generation of surface water run-off, but is not accompanied by a Flood Risk Assessment as required by PPS25.

My recommendation allows for the submission of the required Flood Risk Assessment for further consideration by the Environment Agency.

11.0 **CONCLUSIONS**

The site is allocated for employment development in the Taunton Deane Local Plan. The policy indicates that the development should be subject to the provision of access from the existing employment site to the west. As discussed in this Report, I consider the current proposal, which provides for the access to be derived directly from the B3227 is acceptable.

Because the proposal is not strictly in compliance with the Local Plan policy in this respect, the applicant is being forwarded to the Government Officer under the Departure Procedures.

Although the proposed new access will affect the tree belt on the northern boundary of the site, the proposal will bring about much needed industrial land in the Wiveliscombe area and my recommendation is therefore a favourable one.

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

CONTACT OFFICER: MR J HAMER Tel: 356461

20/2006/037

MILLFIELD NURSERIES LIMITED

AMENDMENT TO WORDING OF CONDITION 5 OF PERMISSION 20/2005/005 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON

322202/129034

FULL

PROPOSAL

This application was deferred by Members at the meeting of 28th February, 2007.

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2005/005, relating to the erection of five log cabins for tourism/education accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the April 2005 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing standard holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Whilst the applicant has declined to submit a business plan as requested by Members they have provided the following additional information:-

"Our request reflects the spirit of the Good Practice Guide on Planning for Tourism and its aim of helping to facilitate a more flexible holiday and leisure industry to meet the changing needs of the holiday and leisure market. We would draw attention in particular to the following parts of the GPGPT:- 1.2 - Status - The GPGPT status is established here. 1.4 & 1.5 - Definition of Tourism - Annex B - We are of the opinion that the revised wording sought will bring the required flexibility to suit the changing market and therefore contribute to and enhance the commercial viability of the development. We cannot reconcile the appropriateness of a request for a "Business Plan" at this stage in the planning process given that the viability of the development was established at the time of the original applications. We consider that the Committee should now have sufficient information to determine the three

applications on 28th March 2007. We do not consider that the deferment was at all justified given that all of this information was with the Council prior to the consideration of the applications and are disappointed to see that the Committee chose to apparently go against the recommendations of officers and TDBC Legal department. In the event that the applications are refused it would be our intention to appeal and assuming we were successful we would also seek costs including any consequential commercial loss. However we trust that this will not be necessary”

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN further comments. First, the example from East Riding of Yorkshire Council quoted in the Good Practice Guide is not a ‘one size fits all’ solution. It is given as an example, but is preceded by the comment (Annex B, para 3) that ‘planning authorities will frame these conditions according to local circumstances’. The East Riding Council area contains a significant stretch of coastline, including the resort of Bridlington and other coastal villages, where tourism is described in the Local Plan as being the mainstay of the local economy. It is clear that in the coastal areas there are substantial amounts of tourist accommodation in caravan and chalet parks. The situation in Taunton Deane is very different, with tourism being small scale, and forming a limited part of the local economy. The majority of accommodation is located within the Borough’s towns and villages and, in 2003, only just over a half of visits (54%) were for holidays. There are no significant visitor attractions. Where accommodation is permitted in the countryside it is done so as an exception to the overarching strict control of development, which applies particularly to new housing. The primary reason for allowing such exceptions is to benefit the rural economy, especially farms through diversification. There are two reasons for applying occupancy conditions to such permissions. The first is to prevent the accommodation permitted from being occupied permanently, in breach of the normal control and sustainable development objectives. The second is to ensure that use of the accommodation delivers a level of economic benefit to the farm and wider area that justifies its presence in the countryside. To do so it is important that there is a regular turnover and range of occupants. Long term or repeated or regular occupation by one individual, family or group would be unlikely to secure the same level of local expenditure on local goods, services and facilities, thus limiting the economic benefit. Also, the characteristic type of holiday in Taunton Deane is for short breaks rather than longer ‘main’ holidays, reflecting the relative lack of destinations and attractions in the area. In the context of the above the inclusion of the four week limit on occupation in the current condition is important, and the absence of this from the proposed condition (thus allowing extended periods of occupation) is unacceptable. TOURISM OFFICER in general terms I cannot see anything within the proposed set of conditions that is counter to this Council’s aims and objectives for Tourism development. There is a wider set of issues surrounding holiday let and purpose-built tourist accommodation, and I would summarise our views:- The issues as they stand from the Economic Development perspective are:-

1. There is clear evidence that occupancy levels for self catering cottages in Somerset are declining, and have done so for a number of years. This is partly due to a couple of things: (a) The amount of residential property and purpose built housing for ‘tourism’ uses has effectively over-supplied the market, and (b) The trend in the market for ‘short break lettings’ as against full week or two-week long single

lettings is beginning to affect the viability of many of these properties, as it results in a lower overall occupancy rate (currently less than 40% in low season and less than 80% in high season in 2006). 2. As a result, there has to be a mechanism that we can employ to, firstly challenge the assumption that all holiday let buildings and conversions will trade successfully, and secondly address the potential for previous holiday conversions to be the subject of a full residential change of use application some (short) period after completion. 3. I would welcome the establishment by this authority of a condition relating to length of individual let, together with the need for applicants to provide either a business plan or reputable agents market assessment for the proposed holiday let property. This would enable us to consider the wider impact on the market that individual (and seemingly ad-hoc) applications will have. It will also encourage applicants to consider these issues. 4. I would also support any attempts through adding conditions to planning consents that address the issue of holiday conversion change of uses to full residential. Perhaps this could be achieved through the placing of a minimum time limit of 5-years before which there will be a presumption that application for change of use will be considered?

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings; applications only allowed to bring 'tourism' benefits to the area; chalets to be sold on; considerable objections from residents and now conditions are being diluted; is this really what the planning committee had in mind with the original applications; applicant has sought through a small tourist development, and further

applications, establish a residential development outside any settlement limits contrary to policy.

ONE LETTER OF SUPPORT

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance.

However, in light of the concerns raised by both the Tourism and Forward Plan Officers it is felt that the local circumstances are such that the proposed wording would reduce the economic benefits which were a fundamental reason to grant permission for these chalets.

RECOMMENDATION

Permission be REFUSED for the revised wording.

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

20/2006/038

MILLFIELD NURSERIES LIMITED

AMENDMENT TO WORDING OF CONDITION 6 OF PERMISSION 20/2005/022 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY, TAUNTON

322202/129034

FULL

PROPOSAL

This application was deferred by Members at the meeting of 28th February, 2007.

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2005/022, relating to the erection of thirteen log cabins for holiday accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the November 2005 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

The revised wording would replace the existing holiday occupancy condition, which is reiterated as follows:- The occupation of the holiday accommodation shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Whilst the applicant has declined to submit a business plan as requested by Members they have provided the following additional information:-

"Our request reflects the spirit of the Good Practice Guide on Planning for Tourism and its aim of helping to facilitate a more flexible holiday and leisure industry to meet the changing needs of the holiday and leisure market. We would draw attention in particular to the following parts of the GPGPT:- 1.2 - Status - The GPGPT status is established here. 1.4 & 1.5 - Definition of Tourism - Annex B - We are of the opinion that the revised wording sought will bring the required flexibility to suit the changing market and therefore contribute to and enhance the commercial viability of the development. We cannot reconcile the appropriateness of a request for a "Business Plan" at this stage in the planning process given that the viability of the development was established at the time of the original applications. We consider that the Committee should now have sufficient information to determine the three applications on 28th March 2007. We do not consider that the deferment was at all justified given that all of this information was with the Council prior to the

consideration of the applications and are disappointed to see that the Committee chose to apparently go against the recommendations of officers and TDBC Legal department. In the event that the applications are refused it would be our intention to appeal and assuming we were successful we would also seek costs including any consequential commercial loss. However we trust that this will not be necessary”

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN further comments. First, the example from East Riding of Yorkshire Council quoted in the Good Practice Guide is not a ‘one size fits all’ solution. It is given as an example, but is preceded by the comment (Annex B, para 3) that ‘planning authorities will frame these conditions according to local circumstances’. The East Riding Council area contains a significant stretch of coastline, including the resort of Bridlington and other coastal villages, where tourism is described in the Local Plan as being the mainstay of the local economy. It is clear that in the coastal areas there are substantial amounts of tourist accommodation in caravan and chalet parks. The situation in Taunton Deane is very different, with tourism being small scale, and forming a limited part of the local economy. The majority of accommodation is located within the Borough’s towns and villages and, in 2003, only just over a half of visits (54%) were for holidays. There are no significant visitor attractions. Where accommodation is permitted in the countryside it is done so as an exception to the overarching strict control of development, which applies particularly to new housing. The primary reason for allowing such exceptions is to benefit the rural economy, especially farms through diversification. There are two reasons for applying occupancy conditions to such permissions. The first is to prevent the accommodation permitted from being occupied permanently, in breach of the normal control and sustainable development objectives. The second is to ensure that use of the accommodation delivers a level of economic benefit to the farm and wider area that justifies its presence in the countryside. To do so it is important that there is a regular turnover and range of occupants. Long term or repeated or regular occupation by one individual, family or group would be unlikely to secure the same level of local expenditure on local goods, services and facilities, thus limiting the economic benefit. Also, the characteristic type of holiday in Taunton Deane is for short breaks rather than longer ‘main’ holidays, reflecting the relative lack of destinations and attractions in the area. In the context of the above the inclusion of the four week limit on occupation in the current condition is important, and the absence of this from the proposed condition (thus allowing extended periods of occupation) is unacceptable. TOURISM OFFICER in general terms I cannot see anything within the proposed set of conditions that is counter to this Council’s aims and objectives for Tourism development. There is a wider set of issues surrounding holiday let and purpose-built tourist accommodation, and I would summarise our views:- The issues as they stand from the Economic Development perspective are:-

1. There is clear evidence that occupancy levels for self catering cottages in Somerset are declining, and have done so for a number of years. This is partly due to a couple of things: (a) The amount of residential property and purpose built housing for ‘tourism’ uses has effectively over-supplied the market, and (b) The trend in the market for ‘short break lettings’ as against full week or two-week long single lettings is beginning to affect the viability of many of these properties, as it results in a lower overall occupancy rate (currently less than 40% in low season and less than

80% in high season in 2006). 2. As a result, there has to be a mechanism that we can employ to, firstly challenge the assumption that all holiday let buildings and conversions will trade successfully, and secondly address the potential for previous holiday conversions to be the subject of a full residential change of use application some (short) period after completion. 3. I would welcome the establishment by this authority of a condition relating to length of individual let, together with the need for applicants to provide either a business plan or reputable agents market assessment for the proposed holiday let property. This would enable us to consider the wider impact on the market that individual (and seemingly ad-hoc) applications will have. It will also encourage applicants to consider these issues. 4. I would also support any attempts through adding conditions to planning consents that address the issue of holiday conversion change of uses to full residential. Perhaps this could be achieved through the placing of a minimum time limit of 5-years before which there will be a presumption that application for change of use will be considered?

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings; applications only allowed to bring 'tourism' benefits to the area; chalets to be sold on; considerable objections from residents and now conditions are being diluted; is this really what the planning committee had in mind with the original applications; applicant has sought through a small tourist development, and further applications, establish a residential development outside any settlement limits contrary to policy.

ONE LETTER OF SUPPORT has been received.

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance.

However, in light of the concerns raised by both the Tourism and Forward Plan Officers it is felt that the local circumstances are such that the proposed wording would reduce the economic benefits which were a fundamental reason to grant permission for these chalets.

RECOMMENDATION

Permission be REFUSED for the revised wording.

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

20/2006/039

MILLFIELD NURSERIES LIMITED

**AMENDMENT TO WORDING OF CONDITION 3 OF PERMISSION 20/2006/026 AT
MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY**

322202/129034

FULL

PROPOSAL

This application was deferred by Members at the meeting of 28th February, 2007.

Permission is sought for an amendment to the wording of the holiday accommodation condition, attached to permission 20/2006/026, relating to the conversion of an existing building into two units of holiday accommodation at the former horticultural nursery, which has now closed. The application was approved by the Planning Committee at the November 2006 meeting. The proposed amendment to the holiday condition wording is as follows: - (a) The chalets shall be occupied for holiday purposes only; (b) The chalets shall not be occupied as a person's sole or main residence; (c) The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual chalets on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority; (d) For the purposes of this condition, holiday purposes shall mean that each chalet shall be available for rent by various groups or individuals (other than and in addition to the owner) for leisure and recreation purposes.

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"Our request reflects the spirit of the Good Practice Guide on Planning for Tourism and its aim of helping to facilitate a more flexible holiday and leisure industry to meet the changing needs of the holiday and leisure market. We would draw attention in particular to the following parts of the GPGPT:- 1.2 - Status - The GPGPT status is established here. 1.4 & 1.5 - Definition of Tourism - Annex B - We are of the opinion that the revised wording sought will bring the required flexibility to suit the changing market and therefore contribute to and enhance the commercial viability of the development. We cannot reconcile the appropriateness of a request for a "Business Plan" at this stage in the planning process given that the viability of the development was established at the time of the original applications. We consider that the

Committee should now have sufficient information to determine the three applications on 28th March 2007. We do not consider that the deferment was at all justified given that all of this information was with the Council prior to the consideration of the applications and are disappointed to see that the Committee chose to apparently go against the recommendations of officers and TDBC Legal department. In the event that the applications are refused it would be our intention to appeal and assuming we were successful we would also seek costs including any consequential commercial loss. However we trust that this will not be necessary”

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN further comments. First, the example from East Riding of Yorkshire Council quoted in the Good Practice Guide is not a ‘one size fits all’ solution. It is given as an example, but is preceded by the comment (Annex B, para 3) that ‘planning authorities will frame these conditions according to local circumstances’. The East Riding Council area contains a significant stretch of coastline, including the resort of Bridlington and other coastal villages, where tourism is described in the Local Plan as being the mainstay of the local economy. It is clear that in the coastal areas there are substantial amounts of tourist accommodation in caravan and chalet parks. The situation in Taunton Deane is very different, with tourism being small scale, and forming a limited part of the local economy. The majority of accommodation is located within the Borough’s towns and villages and, in 2003, only just over a half of visits (54%) were for holidays. There are no significant visitor attractions. Where accommodation is permitted in the countryside it is done so as an exception to the overarching strict control of development, which applies particularly to new housing. The primary reason for allowing such exceptions is to benefit the rural economy, especially farms through diversification. There are two reasons for applying occupancy conditions to such permissions. The first is to prevent the accommodation permitted from being occupied permanently, in breach of the normal control and sustainable development objectives. The second is to ensure that use of the accommodation delivers a level of economic benefit to the farm and wider area that justifies its presence in the countryside. To do so it is important that there is a regular turnover and range of occupants. Long term or repeated or regular occupation by one individual, family or group would be unlikely to secure the same level of local expenditure on local goods, services and facilities, thus limiting the economic benefit. Also, the characteristic type of holiday in Taunton Deane is for short breaks rather than longer ‘main’ holidays, reflecting the relative lack of destinations and attractions in the area. In the context of the above the inclusion of the four week limit on occupation in the current condition is important, and the absence of this from the proposed condition (thus allowing extended periods of occupation) is unacceptable. TOURISM OFFICER in general terms I cannot see anything within the proposed set of conditions that is counter to this Council’s aims and objectives for Tourism development. There is a wider set of issues surrounding holiday let and purpose-built tourist accommodation, and I would summarise our views:- The issues as they stand from the Economic Development perspective are:-

1. There is clear evidence that occupancy levels for self catering cottages in Somerset are declining, and have done so for a number of years. This is partly due to a couple of things: (a) The amount of residential property and purpose built housing for ‘tourism’ uses has effectively over-supplied the market, and (b) The trend

in the market for 'short break lettings' as against full week or two-week long single lettings is beginning to affect the viability of many of these properties, as it results in a lower overall occupancy rate (currently less than 40% in low season and less than 80% in high season in 2006). 2. As a result, there has to be a mechanism that we can employ to, firstly challenge the assumption that all holiday let buildings and conversions will trade successfully, and secondly address the potential for previous holiday conversions to be the subject of a full residential change of use application some (short) period after completion. 3. I would welcome the establishment by this authority of a condition relating to length of individual let, together with the need for applicants to provide either a business plan or reputable agents market assessment for the proposed holiday let property. This would enable us to consider the wider impact on the market that individual (and seemingly ad-hoc) applications will have. It will also encourage applicants to consider these issues. 4. I would also support any attempts through adding conditions to planning consents that address the issue of holiday conversion change of uses to full residential. Perhaps this could be achieved through the placing of a minimum time limit of 5-years before which there will be a presumption that application for change of use will be considered?

PARISH COUNCIL objects to this application for the following reasons:- 1. Permission has been granted for a total of 18 log cabins to let for tourism/ education purposes. This was granted with the following important condition:- "The occupation of the holiday accommodation shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times". Amendment of this condition would seriously undermine the rationale of the Planning Authority in its deliberations to grant permission for the defined purpose of this development of log cabins for letting to "bona fide holiday makers". 2. Approval of this application would facilitate the sale of these log cabins as 2nd homes, and allow the owner to occupy them for a period of 6 months a year on a permanent basis. This would be against the spirit of the original consent and be unacceptable to the local community, environment, and amenities. 3. Removal of this condition would not allow TDBC sufficient control to ensure that these buildings do not become permanent residential properties contrary to local and national planning policy. The Parish Council urges you to refuse this application.

3 LETTERS OF OBJECTION have been received raising the following issues: - the proposed wording would be open to far wider implications than was intended in the original wording approved by TDBC; proposed wording will by removing set time periods, reduce the motivation of owners to rent accommodation and accordingly diminish the increase in tourism in the area desired by the Council; create ambiguity into the terms of the planning consent, e.g. does 'available for rent' mean that the property is vacant, and if so for how long, or that it is advertised as being available – it does not appear to place a responsibility on the site/owner to collect information about the periods for which the chalets have been rented and to whom; another step on the way to establishing homes for permanent residents on site; if this were so it would be better to build properties more appropriate for this use and in keeping with their surroundings;

POLICY CONTEXT

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

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, Good Practice Guide on Planning for Tourism.

Taunton Deane Local Plan Policy EC24 (Caravans and Holiday Chalets)

ASSESSMENT

The pertinent issue in the assessment of the application is whether the revised wording would ensure the development would comply with provisions and aims of Local Plan Policy EC24 and in light of recent national guidance contained within the 'Good Practice Guide on Planning for Tourism'.

The recent 'Good Practice Guide on Planning for Tourism' guidance (May, 2006) is a material consideration to the application. The guidance stresses the importance of framing conditions so they can be readily enforced by the authority but in a way that is not unduly intrusive for either owners or occupants. The revised wording draws upon the example condition contained within Annex B of the guidance.

However, in light of the concerns raised by both the Tourism and Forward Plan Officers it is felt that the local circumstances are such that the proposed wording would reduce the economic benefits which were a fundamental reason to grant permission for these chalets.

RECOMMENDATION

Permission be REFUSED for the revised wording.

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

21/2007/002

GRENFELL DEVELOPMENTS

DEMOLITION OF FARM HOUSE AND FARM BUILDINGS AND THE ERECTION OF 9 DWELLINGS ON LAND AT COURTLANDS FARM, LANGFORD BUDVILLE AS AMENDED BY LETTER DATED 1ST MARCH, 2007 WITH ACCOMPANYING DRAWINGS NOS. REV 1, 10, 11 AND 12.

311110/122763

FULL

PROPOSAL

Permission is sought for the erection of nine dwellings, consisting of a mixture of housing types at Courtlands Farm, Langford Budville. The proposal also involves the rebuilding and re-siting of the existing stone boundary wall along the site frontage. The proposed dwellings have been positioned set back and with the rear gardens and elevations fronting the highway frontage, behind the proposed 2.0 m high stone wall. The design principles behind this are to ensure that occupiers would drive into the site and take parking off the street. If development was to front the highway the agent indicates that this would inevitably result in pressure to create opening through the stone wall to allow direct access and would be more likely that residents would park on the street. The proposed design of the buildings takes on a cottage appearance, with traditional flush gable ends and uses extensively render as the external finish. Each of the proposed dwellings has adequate garden and amenity space within its curtilage. There is also an allocated area for cycle storage within the development.

A Design and Access statement has been submitted with the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited and will be reported at Committee. WESSEX WATER the development is located within a foul sewer area and the developer will need to agree points of connection. With respect to water supply, there are water mains in the vicinity of the proposal again, connection can be agreed at the design stage. The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the disposal of surface water from the site.

LANDSCAPE OFFICER my main concerns are:- change of rural character of the village – farm to suburban housing; and impact of the proposals on the wider rural character as seen from land to the south of the village, especially in extension beyond the existing settlement boundary. NATURE CONSERVATION OFFICER I am not satisfied with the information submitted with Aardvark's report. The survey work was done in January, outside the optimum time of bat surveys. It is not clear which barns were surveyed and what results were found throughout the site. I have heard from Natural England that there is sound anecdotal information that bats will be affected by the proposal. I advise that we do not have sufficient information on

protected species to determine this application. I have had informal discussions with Natural England and await a response to formal consultation. Pending this I advise that an emergency survey for bats should be a requirement on this site. ENVIRONMENTAL HEALTH OFFICER no objection subject to Condition and Notes in relation to Contaminated Land. DRAINAGE OFFICER I note that full flows are to be connected a mains drain system. Wessex Water should be consulted on this proposal. With regards to Surface water disposal I note that the flows are to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval given. HOUSING OFFICER I have had detailed discussions with the agent for the landowner and agreed an Affordable Housing provision initially of 1 x 2 Bed House and 1 x 3 Bed House plus a commuted sum of £40,000. This will help to satisfy the need in Langford Budville. LEISURE DEVELOPMENT the open space shown on the site is not adequate for children to use to play due to the proximity of the dwellings. In accordance with Local Plan Policy C4, provision for play and active recreation must be made and there are public open spaces which could be improved for the benefit of the new residents on this site to provide for play and outdoor recreation. I therefore require a contribution of £1,785.00 for each 2 bed+ dwelling towards children's play facilities and £859.00 per each dwelling towards active recreational facilities to be spent in suitable locations.

PARISH COUNCIL support the proposal and make the following additional comments:- (1) No street lighting on the site; (2) The height of the wall should be limited to 1.5 m; (3) Surface water should not be dealt with by soakaways – needs to be drained; and (4) Finished product should be in keeping with rest of village.

11 LETTERS OF OBJECTION have been received raising the following issues:- the application has not been advertised in the local press, this promulgation did not occur until a month after the application; neither was a site notice erected; site is located at the narrowest point; no pavements; when the bus is loading or a lorry further up the hill there is no passing room; highway safety; existing access unsafe for additional dwellings; parking is insufficient for proposed dwellings; visibility splays should be paved to avoid parking; congestion; only three years ago that the application for a new Village Hall to the rear of the car park at the Martlet Public House, in view of the limited access from that car park onto that same road; lighting must be pointed downwards to preserve dark skies; previous decision to allow gardens outside the village envelope should be reconsidered; if permission is granted a condition removing 'permitted development rights' for development should be sought; further bat survey work should be commissioned; Courtlands Farmhouse is a good example of vernacular architecture, in the heart of the village and should not be demolished; the proposed roofline of the houses would be higher than the surrounding development and would appear too dominant – should be no higher than Martlett Inn; new development would offer little to the street scene; very urban design style; properties should front onto the main road rather than creating a 'mini-walled estate'; development outside of settlement limits; overdevelopment; overlooking to adjoining properties; further development to come?; profit lead development; construction noise and inconvenience; high wall would enclose the development to the village; insufficient affordable housing provision; affordable housing sum would be directed towards development outside of the village envelope.

ONE ADDITIONAL LETTER OF OBJECTION TO THE AMENDED PLANS has been received raising the following issues:- the amendments are cosmetic and do not overcome previous representations; the access will contribute to increased congestion as it will invite parking in the visibility splay; development is maximum density with profit; creates enclosed estate; no allowance for goods vehicles within the site.

2 LETTERS OF SUPPORT have been received raising the following issues:- site is southing facing and will not interfere with any other views; existing farmhouse not in keeping; proposed entrance will enhance the village; affordable housing is much needed; ensure full use of the school; help utilise the village hall; development will improve the village; encourage more young families into the village; brownfield development to be encouraged.

POLICY CONTEXT

PPS1 - Delivering Sustainable Development, PPS3 – Housing, PPS7 - Sustainable Development in Rural Areas, PPG13 –Transport.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H2 (Housing in Settlements), H9 (Affordable Housing Within General Market Housing), H10 (Indicative Targets For Affordable Housing), M4 (Residential Parking Requirements), C4 (Open Space Requirements), EN5 (Protected Species).

ASSESSMENT

It is considered the pertinent issues for determination relate to the following; the siting of the development in relation to the settlement boundary; visual impact and amenity; highway safety and; wildlife implications.

The first issue to clarify is that of the position of the proposed development in relation to the settlement boundary. In 2004 Outline permission was granted for the erection of two dwellings within the red line of the application site. The red line extended to the south of the existing settlement boundary, which currently runs through the middle of the existing one but last barn. The red line was drawn around the end of this barn and permission granted on this basis. The applicant has acknowledged the importance of the settlement boundary and all of the built form of the proposed dwellings has been sited within the settlement limits. It is of course noted that the proposed garden areas of those dwellings to the rear would be outside of the settlement limits. However, it is considered that as the proposed garden area is currently covered partly by an existing building and its immediate curtilage that the proposal would not harm the character of the area. The proposed boundary line would be the rear boundary of the existing footprint of the last agricultural building and would be drawn back in at an angle to adjoin the rear corner of the curtilage of the Marlett Inn. There is no clear delineation of boundary at present to the rear of the

application site and it would be important if this area is to be used for domestic purposes that an acceptable form of landscape mitigation measure is incorporated into the scheme. Whilst the agent accepts this, it can be dealt with by condition. There has also been concern from residents regarding a proposed access along the side of the site to the field at the rear. However, as the site is landlocked, this would be solely for the purposes of gaining access to the rear fields.

The landscape officer has raised concerns to the impact of the development on the rural character of the village and from views towards the site from the south. However, it is considered that from public vantage points to the south the proposal would be viewed against the backdrop of the village and would not be so unduly prominent as to be harmful to the character or appearance of the area as to warrant a refusal. The Landscape Officer has subsequently drawn up provisional plans to help assimilate the development into the wider landscape whilst ensuring the occupiers of the proposed dwellings would retain their sought after country views.

Whilst the proposed development provides a higher density scheme than previously approved, it is not considered to be an overdevelopment of the site. Each of the properties within the proposed development has considerable amenity and outside space and the distances between properties are in line with current planning guidelines. There have been comments in relation to the architectural merit of the farm house and that this should be retained. However, the building is not listed and is not considered to be of such architectural or historic merit as to warrant its retention. Furthermore, the proposed demolition of the building presents the opportunity to provide a higher density scheme and an acceptable residential design layout. The overall design, scale and layout of the dwellings are considered acceptable. It is noted that the ridge height of the proposed dwellings would be raised above that of adjoining properties. However, due to the topography of the land at Langford Budville the ridge line of properties in the village are staggered and there is no uniformity. Moreover, the village incorporates a variety of building styles from bungalows to traditional cottages and modern large properties. As such it is not considered that the proposed development would be unduly prominent or out of character in its context. Amended plans have been submitted to remove the stagger between plots 8 & 9 which is considered to be more in keeping with the locality and provide a more simple and traditional design. Furthermore, it is considered that by reason of the siting of the proposed dwellings there would be no unreasonable overlooking or loss of amenity to adjoining residents and would no doubt be an improvement on their amenity given the intensive use of the farm presently. The proposed scheme includes one two bedroom and one three bedroom dwelling for affordable housing and an additional commuted sum.

Another issue that has arisen relates to various requests for differing heights of the boundary wall. The existing stone boundary wall is in excess of 2.3 m. The revision would be for a 2.0 m stone wall. It is considered that any lower would give rise to privacy issues to the rear of those proposed properties and you would see the usual domestic paraphernalia. As such it is recommended that the 2.0 m wall be provided, this would be considered to retain the existing street scene appearance in situ and provide the appropriate screening for future residents.

The view of the Highway Authority has been sought in request to the Parish Council's comments that no street lighting should be provided and those concerns raised by residents in relation to highway safety. Members will be updated of the Highway Authority response once those views have been received.

Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. The standard payment is a requirement of £859 per dwelling.

In relation to the Nature Conservation Officer's response regarding the lack of information the agent has been requested to respond. Should the information not be submitted or details cannot be agreed through condition. This matter may need to be considered further.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. The development of this site within settlement limits is promoted by national guidance and the development plan commensurate with environmental considerations and would provide a higher density scheme than previously approved, including the provision for much needed affordable housing.

RECOMMENDATION

Subject to the submission of further information which addresses the issues raised by the Council's Nature Conservation Officer and the comments of the County Highway Authority, and the completion of a Section 106 Agreement in relation to affordable housing and leisure and recreation by 30th March, 2007 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, wildlife mitigation measures, drainage, meter boxes, details of walls/fences, removal of GDPO rights for extensions only, contaminated land and landscaping. Notes re discuss requirements of landscaping scheme with landscaping officer, contaminated land informative.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, EN5 and C4 and material considerations do not indicate otherwise.

Should the Section 106 Agreement not be completed by 30th March, 2007 the Development Control Manager be authorised to REFUSE permission for the following reason of inadequate provision has been made for the provision of affordable housing requirements facilities in accordance with Taunton Deane Local Plan Policy H9.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

38/2006/600

GREATWORTH PROPERTIES LTD

ERECTION OF 2 NO. (TWO AND A HALF STOREY) BLOCKS TO PROVIDE 12 FLATS (4 NO. 1 BEDROOM AND 8 NO. 2 BEDROOM) , PARKING AND TURNING ON WASTE LAND TO THE REAR OF 30 ILMINSTER ROAD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 21ST FEBRUARY, 2007 WITH ATTACHED PLAN NOS. 1274/100A, 101B, 102B AND 104B

325024/124941

FULL

PROPOSAL

The proposal is for the erection of two blocks of flats on land to the north of Iminster Road and to the rear of Charles Crescent, Newton Road and Lambrook. The proposed flats would be three storeys in height, the third storey being provided within the roof and would provide 2 No. 2 bed roomed flats on the ground floor of each block, 2 No. 2 bed roomed flats on the first floor and 2 No. 1 bed roomed flats in the second floor of each block resulting in a total of 12 flats in total. To the south of the site lies a recently completed row of 4 semi-detached houses with a new access off Iminster road and between 30 and 32 Iminster Road. The flats would be accessed via the new road with a turning area and parking for 14 cars on the site.

To the west of the site lies the rear of dwellings in Charles Crescent. The gable ends of the flats would face these elevations. Block A would have one bathroom window at ground floor and one obscure glazed kitchen window at first floor level facing the rear of these dwellings. Block A would be located at a distance of 6 m from the boundary with their gardens and a minimum of 14 m from the rear of the dwellings. Block B lies further away from the dwellings in Charles Crescent and would be located at a distance of 6 – 10 m from the boundary with their gardens and 21 – 25 m from the rear of the dwellings. Block A would have one obscure glazed bathroom window at ground floor to protect the amenity of future occupants. The first floor kitchen and bedroom window would face the rear of Charles Crescent and would be glazed with clear glass. The second floor living room and bedroom window would face the rear of these dwellings and would also be clear glazed. To the south of the site lies the gable end of one of the new dwellings recently constructed. Block B would be located to the north approximately 4.5 m away from the gable wall of the dwelling. There would be four windows in the ground floor elevation but only two first floor bathroom windows in that elevation and these would be obscure glazed to protect neighbours from any overlooking. There would be no second floor windows in that elevation.

To the east of the site lies the rear of 2 No. two-storey block of flats in Newton Road. The flats are approximately 15 m from the side of the proposed buildings with their rear wall and windows facing over the site. In order to protect their privacy, block A would not have any windows above ground floor level in the facing gable and block B would have 1 bedroom and 1 kitchen window at first floor level and one bedroom window at second floor level. These would all be obscure glazed.

To the north of the site lies a garage courtyard with the rear of existing dwellings beyond. These dwellings would be 20 – 25 m away from the rear of block A.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY raise no objection. WESSEX WATER water mains and foul water disposal is available to the site, surface water is to soakaways and the Local Planning Authority should be satisfied that this is acceptable. ENVIRONMENT AGENCY views awaited.

LANDSCAPE OFFICER there are no trees of amenity value, subject to the parking layout there may be potential for the planting of some larger growing trees. ENVIRONMENTAL HEALTH OFFICER no observations. NATURE CONSERVATION AND RESERVES OFFICER no objection subject to a note on badgers and timing of works. BUILDING CONTROL OFFICER no response. HOUSING OFFICER as the number of units is below 25 there is no requirement for affordable housing. LEISURE AND RECREATION OFFICER views awaited .

10 LETTERS OF OBJECTION have been received raising the following issues:- the estate road is narrow (5 m) and sufficient for only two cars to pass; inconsiderately parked cars make it almost impossible to pass particularly larger service vehicles; the sweep path required to enter our drive is such that access into our private drive is difficult and this situation is repeated for all 4 of the existing cars; any extra parking on the roadway will make this impossible; the junction of the road with Ilminster Road is shared with the public footway and there have been conflicts between cyclists/pedestrians and drivers exiting the site; access not suitable for the additional traffic that would be generated by proposal (approximately 20 movements at peak times); the development is for 12 flats residents will own 2 or more cars; proposal for 12 parking spaces is inadequate, overspill will park along adjacent estate road causing increased parking and access difficulties for emergency and service vehicles; at holiday times likely to result in cars parking along Ilminster Road; the only available overspill parking available at evenings and weekends is along the small stretch of estate road by the entrance; 2 problems:- 1. road should be left clear to enable entry on the correct side of the road. 2. the resident of 30 Ilminster Road owns a removal company and requires the ability to use the lower end of the estate road as a sweep path to park his lorry in his driveway which is to the rear of his property; the design and access statement that accompanies the application discusses the provisions for refuse and emergency vehicles but the sweep path assumes:- 1. vehicles have been parked considerately and within the designated spaces; 2. that the parked vehicles are cars; 3. there are no parked cars on the existing estate road; refuse vehicles are approximately 2.5 m wide, but the estate road is only 5 m wide, a van or truck parked in either spaces 11 or 12, would make it very difficult, if not impossible, to pass; in addition, cars parked outside our property would severely restrict the movement of traffic along the estate road and would restrict our parking options, with 2 cars many visitors have to park in the estate road; the design and access statement also makes reference to the narrowing of the road at the entry to the development; it says, "A vehicle approaching the narrowing would be able to see an oncoming vehicle at the narrowing and would have sufficient space to allow the other vehicle passage through the narrowing", this makes assumptions,

not least that a line of sight is available; as stated previously, cars already using/parking on the estate road plus overspill will create significant problems and obstructions; the narrowing does not provide for pedestrian access, and gives access to a blind corner where vehicles' and pedestrians' use gives rise to potential conflict with vehicles entering the development; the safety of pedestrians are at risk as neither the proposed development, nor the existing estate road has a footway; residents of properties on the existing estate road have young children; increase in use of the estate road means pedestrians have no alternative but use the road; the estate road will serve a total of 17 properties, contrary to planning guidance and policy; if cars are not parked tight to the road, vehicles from the road side edge will enter the access from the centre of the road, putting pedestrians at risk; the inability to gain access from the roadside edge will inevitably encourage cars to be parked out from the edge, thereby squeezing the available passing room even further; Policy M4 of the Taunton Deane Borough Local Plan states:- the need for residential car parking will be assessed against the following criteria:- (A) the impact on urban design; (B) the location of the development, and its accessibility to employment opportunities and services; (C) the type and mix of the proposed dwellings. The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres. The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows: (D) 1 space for all residential units with between 1 and 3 bedrooms; (E) 2 spaces for residential units with four bedrooms or more; whilst fully supportive of these sustainable policies reduced parking will have knock-on effect, it will cause significant nuisance and potentially hazardous situations and I consider that the development is unacceptable and that the maximum of 1.5 spaces per property should be provided; there is no reason for a lower limit; the proximity of block B to our boundary, and the resultant loss of light, is unacceptable and it should be reoriented along the eastern boundary; our private drainage along our rear garden should not used as part of the new development; the flats will create a loss of privacy and reduce levels of light and sun currently enjoyed by surrounding residents; the hedgerow between the site and Newton Road flats should be retained and reinforced with additional planting; noise and pollution from the cars and development will have detrimental impact on amenity; construction traffic and noise will create a highway danger and nuisance for existing residents; traffic moving along Blackbrook way is fast and the turning movements into and out of the site will create a highway danger.

POLICY CONTEXT

Somerset and Exmoor National Park Structure Plan Review Policies STR4 Development in Towns, Policy 49 Transport Requirements of New Development Local Transport Plan 2006-2011.

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, H2 Housing within classified settlements, M4 Residential Parking Requirements, EN6 Protection of Trees, Woodlands, Orchards and Hedgerows.

ASSESSMENT

The site comprises 0.09 hectares of unused land behind Iminster Road, Newton Road and Charles Crescent. A new access road was provided between 28 and 30 Iminster Road and the County Highway Authority raise no objections to this roadway forming the access to the proposed flats. The proposal has been amended to provide 4 No. 1 bed roomed flats and 8 No. 2 bed roomed flats with 14 on-site parking spaces. 1 cycle parking space would be provided for each flat. The Taunton Local Plan policy for this location would require a maximum of 1.5 parking spaces per dwelling. However since the approval of that document this council has collaborated with the County Council on the Local Transport Plan. This contains updated parking standards that require a maximum provision of 1.5 per dwelling but, where a site has medium accessibility levels, as in this case, the parking requirement can be reduced by 30%. Using these standards 14 parking spaces are required.

The flats would be contained within two blocks. These have been orientated west to east and main windows have been situated to reduce any impact on the privacy of existing properties. Where windows, above ground floor level, have been necessary and face towards existing properties these are to be either, obscure glazed, or are at a distance that is considered acceptable without the need for obscure glazing. The development of the site will have a greater impact on existing residents than the existing vacant land but I consider that this impact would be acceptable in this case. I am concerned that the existing residents amenity is not affected to an unacceptable level during construction work and I propose an hours of work condition to avoid this. The development would need to contribute to the provision of leisure and recreation facilities in the immediate area and I therefore recommend a condition to ensure this is provided. The design of the blocks has a vernacular approach with brick and tile in keeping with the new development to the south.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, surface water drainage, heights as shown on the submitted drawings, windows obscure glazed, construction hours, construction noise, cycle parking, car parking, turning area, retention of hedge, landscaping scheme, including reinforcement of hedge, leisure and recreation contributions, removal of GDPO for fencing etc, development in accordance with submitted plans. Notes re badger awareness during construction, disabled access, energy conservation and secure by design.

REASON(S) FOR RECOMMENDATION:- The proposed development would provide residential development within the settlement limits of Taunton In accordance with the requirements of Somerset and Exmoor National Park Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1, S2, M4 and H2

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

38/2007/020

SOUTHERN CROSS HEALTHCARE

ERECTION OF 65 BEDROOM NURSING HOME AND 10 CLOSE CARE APARTMENTS AT FORMER EGG PACKING FACTORY, ROMAN ROAD, TAUNTON

324124/125011

FULL

PROPOSAL

The site is located at the junction of Roman Road and Creechbarrow Road, adjacent to the Lidl food store. The site area covers 0.33 ha upon which there are currently buildings with a floorspace of approximately 992 sq m.

Permission is sought for the demolition of the former egg packing factory buildings and the erection of a new nursing home, with 65 beds and 10 additional independent close care units. The proposed block would be over three floors, with the upper storey being accommodated partially within the roof on three sides, dropping down to a storey and a half to the rear elevation. The ridgeline would measure 12.0 m at its highest point. Proposed floor areas are indicated as 1458 sq m for the ground floor, 1287 sq m for first floor and 1014 sq m for the second floor. The building features a variety of roof design, with elements being hipped or full gables. The proposed fenestration is of vertical emphasis and features balconies and a mixture of materials to break up the bulk of the building. The building has been designed around an inner courtyard. The proposed development makes provision for 16 car parking spaces.

The agent has stated that the proposed care facility will meet an identified local need in the care of the elderly and special needs care requirements. The supporting statement also outlines that the proposed development will generate a broad range of employment opportunities (managerial, professional, domestic, etc.) totalling 68 jobs. This is further detailed within the Annex of the Design and Access Statement. A design and access statement and a Travel Plan accompany the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY observations awaited. WESSEX WATER have forwarded details to our engineers, and are awaiting their comments.

FORWARD PLAN the last use of this site was for Class B employment, as defined under the Use Classes Order. Consequently, the site is covered by policy EC9 of the adopted Local Plan. This policy seeks to resist the loss of Class B land unless there are overriding benefits. In the first instance, a nursing home (Class C2) does not fall within a defined employment use (Class B). The proposal is thus for a change of use of the land. It is important to establish sound grounds for granting the change of use in light of policy EC9. (i) What evidence is there that the site is no longer suited for employment use? Although the land has been vacant for some time is this because there has been no interest in continued employment use?

Although the application does not specify a site area, I consider it to be in excess of 0.3 hectare. This would be of sufficient size to accommodate a range of smaller incubation units for business start up or for a small/medium business unit. The local commercial agents are clearly telling this Council that there is a shortage of readily available employment land and, that which is available often has unsuitable tenure restrictions. The availability of this site would certainly assist this current shortfall, thus why has it not been 'taken up'? To answer this question consideration must be given as to whether and how the land been marketed for employment use and if a realistic price has been sought? The (then) ODPM Guidance on Employment Land Reviews (2004) states that "the market alone will not necessarily deliver that balance (between housing and employment uses), particularly where land values for housing are substantially higher than those achievable for employment uses" (para 2.2). In Taunton, there does appear to be a significant difference in values between residential and employment uses. A degree of residential 'hope value' may be a reason why this land has not been reused for employment purposes. (ii) Are there overriding benefits in the change of use? Evidence on the application file suggests that there are vacancies in bed availability in nursing homes within Taunton Deane. Additional provision should not therefore be considered an overriding benefit for granting a change of use, especially before the suitability (or otherwise) of continued employment use has been clearly established. (iii) Are there any other considerations? This part of Taunton is one of relatively high unemployment, lower skills and wages. The Council's Corporate Strategy contains an objective to reduce deprivation in the Halcon ward, to promote new business start ups and to improve skills levels of the local population. The Sustainable Community Strategy also reflects these aims. As already established, the proposed use does not fall within Class B (employment) use and in theory would not meet the criteria. Even if it were regarded as providing employment opportunities, how would this proposal raise skill and employment levels in the local area to an extent greater than that which could be provided by a Class B use? In conclusion, I have seen no justification advanced as to the suitability of relaxing policy EC9 to allow the change of use of this established employment site. The application should not therefore be approved. ECONOMIC DEVELOPMENT OFFICER object to this proposal and fully support the recommendation to refuse permission for the proposed development of a 65 bed Nursing Home etc. As with previous applications for housing on this site our objection is based on the loss of 'employment' land. As a department we are very aware of interest in these kind of sites for small business units or for one business to use the whole site. This site is in a ward which is amongst the top 15% in the country on the index of multiple deprivation. The creation of businesses on sites such as this represent a significant opportunity to address some of the causes of that deprivation. ENVIRONMENTAL HEALTH OFFICER raises no objection subject to the imposition of a condition and additional note in respect of contaminated land, food safety and noise implications.

WARD MEMBER fully supports the application for the following reasons:- removal of eye sore/blot on the area; opportunities for local employment; the proposal makes a positive impact for the whole area; Other matters for consideration; off road parking provision must be included; any Section 106 monies accruing due to the non-provision of Social Housing and employment facilities should be given to the Taunton East Development Trust to enable it to provide services elsewhere within Halcon.

TWO LETTERS OF OBJECTION has been received raising the following issues:- there is not a shortage of general nursing beds in this area; there is an existing 30 bed general nursing home within 100 yards with availability; there are vacancies across Taunton as shown on County Council website – www.carehomesinsomerset.org; impact upon existing nursing home with potential job losses; the site could be used for Community facilities within the Halcon ward to help build community links.

EXMOOR PLASTICS LTD have made representations that they have currently outgrown their own factory units and have for some years been seeking a much larger factory. The application site could meet this need and they have twice, since September 2003, made offers to purchase the site in excess of its market value for employment land. As such there is a strong objection to the proposed loss of this site for employment use.

ONE SUPPORTING DOCUMENT ON BEHALF OF THE SITE OWNERS has been submitted:- The statement argues that the proposed development would accord with the provisions of Policy EC9 as the proposed application would provide a significant number of jobs. Subject to the viability of the site being tested for employment use the site is located in a suitable area for residential purposes. A report commissioned by the Council from Messrs Greenslade Taylor Hunt and published in March 2006 confirmed that they were of the opinion that the property has been marketed 'thoroughly and professionally...'. The property has been available for sale since July 2002. The proposed use is an appropriate use within a residential area. The proposal complies with Local Plan Policy in relation to the siting of housing and residential care facilities. The development accords with PPS3 which requires local planning authorities to examine 'vacant and derelict sites or industrial or commercial sites' for their potential to provide for residential development. The Design and Access statement demonstrates that the proposal would give rise to significant community benefits.

POLICY CONTEXT

RPG10 - Regional Planning Guidance for the South West

PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPG4 – Industrial, commercial, development and small firms, PPG13 – Transport.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR4 - Development in Towns, Policy 18 - Location of Land for Industrial & Business Development, Policy 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H16 – Residential Care Homes, EC1 - Employment Development, M1 - Transport, Access and Circulation Requirements, M2- Transport, Access and Circulation Requirements, M3 - Transport, Access and Circulation Requirements.

ASSESSMENT

It is considered that the pertinent issues in the determination of the application relate to the policy implications; and an assessment of the design and impact upon the amenity of local residents.

Outline permission for residential development was refused in June 2002 and August 2004. The applications were refused for the following reason:- The proposal results in the loss of an important employment site. In light of a shortage of other available sites it is concluded that this loss outweighs any benefits resulting from a residential use. The Local Planning Authority is not satisfied on the basis of the information submitted the site could not now be successfully marketed for employment use. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy EC6.

The site was last used for Industrial purposes under Class B of the Use Classes Order. Consequently, the site is covered by policy EC9 of the adopted Local Plan. This policy seeks to resist the loss of Class B land unless there are overriding benefits. In the first instance, a nursing home (Class C2) does not fall within a defined employment use (Class B). It is therefore imperative to establish sound planning reasons for the granting of any change of use in light of the aims of policy EC9.

This part of Taunton is one of relatively high employment, lower skills and wages. The Council's Corporate Strategy contains an objective to reduce deprivation in the Halcon Ward, to promote new business start ups and to improve skills levels of the local population. The Sustainable Community Strategy also reflects these aims. As already highlighted, the proposed use does not fall within Class B employment use and as such would not meet the criteria. The proposal is therefore contrary to Taunton Deane Local Plan Policy EC9.1

Although the land has been vacant for some time the applicant must be able to demonstrate that this is because there is no further interest in continued employment use for the site. The application site is in excess of 0.3 hectares. As such this site is considered to be of sufficient size to accommodate a range of smaller incubation units for business start up or for a small/medium business unit. It is generally accepted that there is a shortage of readily available employment land and, that where land is available it often has unsuitable tenure restrictions.

Whilst the site was previously marketed for employment use, it was withdrawn from the market at a time when the Council believes that a reasonable value officer had been made. This is further evidenced by the representations made by Exmoor Plastics. It is therefore concluded that the reason for refusal in respect of the earlier application has not been overcome.

There has been evidence submitted suggesting that there are currently vacancies in bed availability across the Taunton Deane Borough. Additional provision should not therefore be considered an overriding benefit for the granting of such a change of use, especially before the suitability (or otherwise) of continued employment use has been clearly established.

In addressing the design aspect of the proposed development, it is considered the massing and scale of the building is acceptable. The elevations are articulated by vertical fenestration and balconies. The line of the main facade wall is also varied in plane to provide additional modelling to the elevation and variety in the line and level of the roof. The colours and detailing (render and cedar timber boarding) would add further interest and modelling to the elevations. The site is set a slightly lower level to that of the surrounding residential development. There is considerable screening along the east boundary to Six Acres Close, and additional landscaping mitigation measures could be accommodated to help assimilate the development into the locality. It is considered there would be no unreasonable loss of amenity by reason of overlooking or dominating impact given the existing separation distances between the site and the nearest residential dwellings.

To conclude, it is considered that no overriding justification has been put forward since the previous refusal to justify relaxing policy EC9 to allow the change of use of this established employment site.

RECOMMENDATION

Permission be REFUSED for the reason that the proposal results in the loss of an important employment site. In light of a shortage of other available employment sites it is concluded that this loss outweighs any benefits resulting from the provision of additional nursing beds and close care units. The Local Planning Authority is not satisfied on the basis of the information submitted that the site could not be successfully marketed for employment use. As such the proposal is therefore contrary to Taunton Deane Local Plan Policy EC9.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

38/2007/065

MR & MRS K JEFFRIES

**ERECTION OF TIMBER FENCE ACROSS FOOTPATH AT 36 CRAIG LEA,
TAUNTON**

322250/126341

FULL

PROPOSAL

In association with the residential development of the Bishop fox's school site in Kingston Road, a footpath link was provided between the new development and the Cinder track (a footpath running along the western boundary of the site). In 2002 the owner of the footpath link sought permission to fence across the footpath and change the use of the land from a footpath to garden area. The application was withdrawn prior to its consideration by Planning Committee. In November 2002 Planning Committee authorised enforcement against the owner for the erection of a fence across the footpath. This notice was subsequently complied with but the owner planted a row of tall shrubs across the footpath preventing the use of the footpath. The planting of the shrubs did not, in itself, require planning permission. In order to ensure that the footpath remained open the Council attempted to purchase the land by a Compulsory purchase order. This action failed. In his report the inspector and Secretary of State considered that the re-opening of the link would result in increased anti-social behaviour and crime and that the layout of the footpath did not, in any event accord with good design practice.

This application is for the erection of a timber fence with shrub planting across the footpath between 36 and 37 Craig Lea.

CONSULTATIONS AND REPRESENTATIONS

WARD COUNCILLOR I fully support the erection of a permanent fence.

1 LETTER OF SUPPORT has been received from the adjoining landowner who considers that without a substantial barrier it would be difficult to maintain the closure of the footpath

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, Policy 42 Walking, Policy 43 Cycling.

Taunton Deane Local Plan Policy H2 Housing within Classified Settlements.

ASSESSMENT

The Compulsory Purchase Order inquiry considered the benefits and disbenefits of the provision of the footpath and determined that there was not a compelling need in

the public interest for the compulsory purchase of the land. In addition the inspector considered that whilst the footpath was of benefit to a small number of residents this was not representative of the estate as a whole and that the Kingston Road and Station Road routes into town provided footpaths and cycle routes and were well lit and overlooked by properties fronting onto the street. In comparison the Cinder track was not overlooked and provided ample opportunity for concealment and anti social behaviour.

In view of these considerations, I must conclude that the closure of the footpath link is acceptable in principle. The erection of a 2m high timber fence, to match the existing fencing on either side of the footpath, would be in keeping. Furthermore the proposal is to plant shrubs adjacent to the fence and this will make it visually more in keeping with the existing Cinder track and Craig Lea.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, details of fencing to be agreed on site prior to erection, landscaping scheme.

REASON(S) FOR RECOMMENDATION:- The erection of a fence would be in keeping with the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1, S2 and H2.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

42/2007/002

MR S HOLDEN

CHANGE OF USE OF LAND TO DOMESTIC CURTILAGE AND ERECTION OF FIRST FLOOR AND TWO STOREY EXTENSIONS AND DOUBLE GARAGE AT THE WHITE HOUSE, AMBERD LANE, TRULL

321902/121646

FULL

PROPOSAL

The application follows a previous proposal (42/2006/049) which was refused due to the impact of the garage on the character of the street scene. The current proposal seeks consent for a similar development with the garage located further from the highway so as to reduce its visual impact.

The proposed extensions consist of two elements. The extension to the east elevation is located partially within the existing footprint of an existing single storey flat roof extension. The extension consists of a two storey element to the side with a single storey projection to the rear. The two storey element projects 3.4 m from the east elevation and measures 6.0 m in width. The ridge is stepped down from the existing by 0.4 m. The single storey element projects 4.2 ms from the rear elevation of the extension. The two storey extension to the west elevation projects 4.4 m and measures 6.0 m in width.

The proposed garage is located to the front of the dwelling. It measures 5.6 m x 5.6 m in footprint with a ridge height of 3.1 m. The garage is set in from the highway by approximately 3.0 m. Two Silver Birch trees to the front of the site are to be retained.

Materials are stated in the application form to match the existing dwelling (render/concrete tiles).

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY previous conditions on planning application 42/2006/004 apply. WESSEX WATER no objections.

DRAINAGE OFFICER soakaways to Building Research Digest 365 (September 1991) standard.

5 LETTERS OF OBJECTION have been received raising the following issues:- the west elevation of the extension will overlook and adjacent bungalow; the east elevation will overshadow the neighbour to the east; the extensions will overshadow adjacent gardens; the garage will be an eyesore; the garage will cause harm to the amenities of Rivendell; any building activities must not damage the Silver Birch trees; the extensions will result in over development, out of character with the dwelling; the farm land must be protected in the interests of the general public; the change of use

of agricultural land sets a precedent for further applications in the future; information within the application is misleading, particularly the block plan, misleading scales on the plans and boundaries of the change of use; the finish of the extensions (white paint) will cause harm to the landscape contrary to Policy S7; the change of use to domestic curtilage would give no control over domestic structures such as greenhouses, play equipment etc.

PARISH COUNCIL objects to the application for the following reasons:- over development of the site; the extensions will overlook neighbouring properties; loss of trees and shrubs; location of the garage will adversely affect neighbouring properties and should be integral to the main building.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 – General Principles; S2 – Design; H17 – Extensions to dwellings.

ASSESSMENT

The principle issues with the application relate to the impact on neighbouring properties, impact on the character and appearance of the street scene and impact on highway safety.

The impact on the adjacent dwellings to the east and west of the site are considered acceptable. The extension to the east elevation faces the side (west) elevation of the adjacent dwelling (Windsong). Openings to habitable rooms to the adjacent dwelling have north/south aspects. In addition the garage for the dwelling to the east is located in between the habitable portion of the bungalow and the proposed extension. As such habitable rooms are located a sufficient distance from the extension. The single storey extension to the rear is considered acceptable. It projects a minimal distance (1.8 m) from the rear of the dwelling to the east and as such it will not cause harmful overshadowing.

The impact of the extension to the west is considered acceptable. The extension will be located 5.8 m from the boundary with the adjacent dwelling to the west (Rivendell) at the closest point. The window to the first floor of the west elevation will be obscure glazed. As such no overlooking will result. It is acknowledged that the site levels are higher than those at the adjacent dwelling to the west. As such is considered necessary and reasonable to condition a finished floor level for the ground floor of the proposed extension which will be set lower than the floor levels of the existing dwelling should this be required to prevent adverse overlooking.

The future amenities of the dwelling to the west will be protected through removal of permitted development rights for further outbuildings or structures within the curtilage and for the formation of new openings or enlargement of existing openings on the west elevation.

The impact of the garage on the street scene and on the adjacent neighbour to the west is considered acceptable. The Garage is set away from the adjacent Silver Birch trees and the highway leaving significant space for shrub planting minimising

on the character of the street scene. The retention of the Silver Birch trees will be made a condition of the approval. The height of the garage (3.1 m) in relation to the dwelling to the west will not result in harmful overlooking or overshadowing.

The final issue relates to the landscape impact resulting from the change of use of agricultural land. The land under change of use relates to a small triangular shape portion of land located in-between The White House and Rivendell to the west. It is apparent that the land has been incorporated within the curtilage of The White House for some time. The incorporation of this land into domestic curtilage results in the boundary being parallel with those of adjacent dwellings in Amberd Lane. The curtilage will not appear incongruous in the landscape and will therefore not result in demonstrable harm.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, GPDO windows, GPDO ancillary buildings, protection of trees, GPDO garages

REASON(S) FOR RECOMMENDATION:- The scale and design of the extensions is considered to be acceptable and it is not thought that they will harm the appearance of the street scene or neighbouring amenity. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2 and H17.

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

CONTACT OFFICER: 356468 MR M HICKS

NOTES:

43/2007/003

RAGLAN HOUSING ASSOCIATION

ERECTION OF 8 NO. TWO BEDROOM HOUSES AND 3 NO. THREE BEDROOM HOUSES AT LAND OFF GAY CLOSE, WELLINGTON

314403/120799

FULL

PROPOSAL

Permission is sought for the erection of 8 No. two bedroom dwellings and 3 No. three bedroom dwellings on land to the west of Gay Close within the settlement limits of Wellington. The site is well related to essential facilities and services. The proposed application would involve the development of a linear strip of land located to the rear of properties in Gay Close, which has a service road providing access to existing garages. The existing strip of land is currently grassed. The proposal also incorporates a parcel of land at the end of the cul-de-sac to the north. To the west of the site the land adjoins the extensive rear gardens of those dwellings located at Priory. The application site is currently owned by the Council's Housing Department and would be sold to the developer for a nominal fee subject to a legal agreement that the development be solely for the provision of affordable housing.

A Design and Access statement has been submitted with the application. The development would take the form of a contemporary design style and proposes to incorporate sustainable measures in its construction and design, including measures such as the orientation of the main glazing elements, water rain collectors and inclusion of small solar powered light source within the storage element. Each of the two bedroom dwellings would have a small side garden with larger gardens for the three bedroom dwellings. The development would take the form of two storey dwellings with traditional pitched roofs. The three bedroom properties would incorporate dormer windows on the frontage to provide additional accommodation within the roof space. The proposed materials are to be a combination of cedar cladding and render. Roofs are to be tiled. Each of the dwellings would be provided with one dedicated parking space, in addition parking has been provided for visitors and existing residents. The agent has indicated that the development would provide an additional 15 parking spaces over and above the existing situation and those allocated to the proposed new housing.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY the following highway related comments have been made as a result of looking at the site location plan together with submitted drawing numbers 0602.4.04, 0602.4.05 and 0602.4.06. Upon comparing the location plan, within which the agent/applicant has edged in red the extent of land for this application, with the 'attached road record plan, it appears that there is a length of publicly maintained highway that falls within the site boundary. Can the agent/applicant revisit this and ensure that the application site lies beyond highway limits. I would suggest contacting Somerset County Council's Road Records

Department on 01823 356181, who will be able to provide a definitive plan showing highway owned land. The proposed locations of the two bed dwellings appear to encroach upon the existing publicly maintained highway that serves existing dwellings 18 - 40. The proposed development must not encroach upon the existing public highway. The proposed 14 No. parking bays at the south-western boundary of the site appear to lie within the existing publicly maintained highway. These bays should be located beyond highway limits. It has been noted that no footway provision has been made for the proposed 2 bed houses within Gay Close. How will pedestrian safety be secured? Any proposed planting of trees immediately adjacent to the public highway must be supported by the submission to the Highway Authority of a planting schedule for approval purposes. Details of tree grilles will also need to be submitted. Drawing number 0602.4.05 shows 3 No. 3 bedroom houses and parking bays that will not have a direct link onto the public maintained highway. Is it the applicant's intention to provide such a link? There appear to be existing lighting columns situated within the land set aside for the two bed dwellings. These columns will need to be removed and relocated. Contact will need to be made with the Highway Authority Street Lighting Manager (Trevor Gutteridge 01823 423367) to seek his approval for the movement/relocation of these columns. Where an outfall, drain or pipe will discharge into an existing drain or pipe or watercourse not maintainable by the Local Highway Authority, written evidence of the consent of the authority or owner responsible for the existing drain will be required. If it is the intention to connect into an existing highway maintained drainage system, the applicant will be required to commission a CCTV survey of the existing system to its point of outfall and submit supporting evidence to the Highway Authority appropriately. The Highway Authority will then assess the submitted evidence and determine any upgrading or remedial measures that is felt necessary to ensure that the integrity of the system is not compromised. As this approach looks at the performance of drainage systems, rather than individual pipe runs, it is possible that upgrading or repairs can be some distance from the point of the connection. If it is the Highway Authorities view that the existing system is operating at capacity, alternative outfall arrangements will need to be made. No doors, gates or low-level windows/utility boxes/down pipes/porches are to obstruct footways/carriageways. The Highway limits shall be limited to that area of the footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), steps etc. Surface water from private areas, such as parking bays, shall be intercepted by private drainage measures, prior to any discharge onto the public highway. The existing turning heads within Gay Close shall not be encroached/built upon. I look forward to receiving revised engineering drawings showing the full extent of the application site lying beyond highway boundary limits at your earliest convenience on receipt of which I will be able to conclude my highway observations. WESSEX WATER the development is located within a foul sewered area and the developer will need to agree points of connection. In respect of surface water, there are no existing separate sewers in the vicinity of the site. The developer is advised to investigate alternative methods for the satisfactory disposal of surface water (e.g. soakaways). With respect to water supply, there is a public combined sewer crossing the site. Wessex water normally requires a three metre easement on either side of its apparatus. Diversion or protection works may need to be agreed. SPORT ENGLAND views awaited.

LANDSCAPE OFFICER my main concerns are loss of amenity area within a residential area; loss of trees due to construction; and limited opportunity for landscape mitigation or replacement tree planting. ENVIRONMENTAL HEALTH OFFICER no observations. DRAINAGE OFFICER no observations. LEISURE DEVELOPMENT the ward of Wellington East has the lowest amount of open space per head of population of any ward in the Borough. The average is 3.49 hectares per thousand population and Wellington East has just 0.70 hectares per thousand population. To lose this site will exacerbate this level of under provision. This site has been identified in our 2006 Audit of Green Spaces, as an "amenity open space" of low quality and low value. However with some investment it could become a more valuable and usable site for a part of Wellington where there is very little open space available. If Members are minded to approve this application there should be compensation made for this loss of open space by way of additional land being provided for recreation in the neighbourhood. Additionally provision should be made in line with Policy C4 for play facilities to serve the new residents of the dwellings constructed. It may be possible to negotiate a sum in lieu of the compensation and also in lieu of the new provision if a suitable site for investment can be identified. There is also a requirement in Policy C4 for playing field contributions from new developments. The current sum is £859 per dwelling to be spent in the vicinity of the development.

TOWN COUNCIL object to the application stating it is overdevelopment with too many dwellings on a cramped site, will cause a loss of amenity and create overlooking and transport problems.

6 LETTERS OF OBJECTION have been received raising the following issues:- building in this location will cause congestion; highway safety; loss of/and existing parking problems; flooding issues – drains cannot take existing run off; green space is used in the summer by children; impact on wildlife; must be other locations available such as Cox's Corner; proposal would create slum housing; would emergency vehicles be able to enter the site?; were people who rent the garages notified?; extra noise and anti-social behaviour; loss of light; loss of views; loss of amenity space; loss of existing secure parking through direct surveillance; disruption during construction; impact upon quality of life; view of the community and petition ignored through previous meeting in relation to the development.

PETITION SIGNED BY EIGHTY TWO RESIDENTS, under the heading of 'This would affect the whole of Gay Close, Gay Street, and Priory, with extra volume of traffic and parking problems' has been submitted with reference to the proposed development has been submitted.

POLICY CONTEXT

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport).

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing in Settlements), H9 (Affordable Housing Within General Market Housing), H10 (Indicative Targets For Affordable Housing), M4 (Residential Parking Requirements), C4 (Open Space Requirements).

ASSESSMENT

It is considered the main issues for determination relate to the provision of affordable housing; loss of amenity land; visual appearance and impact upon residential amenity and highway safety.

As previously mentioned, the site is currently under the ownership of the Council's Housing Department. The proposed application is submitted on behalf of Raglan Housing Association as prospective purchasers. The Taunton Deane Local Plan defines affordable housing as housing that is provided, with subsidy, for people who are unable to resolve their housing requirements in the local housing market because of the relationship between housing costs and incomes. The Borough Council is strongly committed to the provision of affordable housing as a corporate priority. The Local Plan policies reflect this commitment by seeking to meet as much of the housing need as feasible through the planning process.

The Housing Officer has agreed with the agent and the Registered Social Landlord that the breakdown of provision would be as follows: - 4 No. x 2 bed and 2 No. x 3 bed dwellings would be social rented properties and 4 No. x 2 bed and 1 No. x 3 bed would be homebuy (shared ownership). The Housing Officer states that there is a demonstrable need for this type of housing especially for 2 and 3 bed houses and as such fully supports the proposal, which would help satisfy the need for affordable housing.

The character of the area is of low density two storey residential properties. The proposed development is considered to be of an acceptable layout and would provide an innovative design solution which would respond to the context of the area. It is considered that the proposed siting of the dwellings would be within normal planning standards in relation to distances between elevations and as such it is not considered that the proposal would have any unreasonable or harmful impact upon adjoining residents.

One of the recurring concerns from local residents is the effect of the development on existing parking provision within the site and the knock on effect this will have on the locality. The Authority's parking standards for general residential development is for there to be no more than an average of 1.5 car parking spaces per dwelling. As detailed earlier in the report, each of the dwellings will have provision for one parking space. In addition there is parking provision for visitors and existing residents. The agent has submitted a plan indicating an additional 15 spaces will be provided over and above the existing situation and additional to those spaces for the new dwellings within the scheme.

The Leisure Department have raised an objection to the proposal resulting in the loss of amenity open space. However, it is considered that as the area, which has been identified as low value, is currently under utilised this must be balanced against

the provision of affordable housing on this site. It is of important to ensure that investment is redirected into other leisure space within the vicinity of the development. Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. The Leisure Development Manager requires a payment of £859 per dwelling.

There has been some discussion between parties (County Highway Authority) over land ownership regarding the layout of the site. This is not a planning matter per se; however, discussions are continuing between parties to clarify the situation and Members will be updated should further information or clarification be forthcoming. It is however necessary to ensure that any development would not interfere with highway land or give rise to any highway safety issues.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. The development of this site within settlement limits is promoted by national guidance and the development plan commensurate with environmental considerations. It is considered the existing linear strip of land is not of such high amenity value as to warrant a refusal of the application. Furthermore, substantial weight is given to the requirement to provide additional affordable housing provision which would add to the mix of development in the locality. It is considered that the proposed development is acceptable and would provide a positive design response to its context.

RECOMMENDATION

Subject to the submission of further information and clarification in relation to ownership in respect of Highway land which addresses the concerns of the County Highway Authority, the views of Sport England and the completion of a Section 106 Agreement in relation to affordable housing and leisure and recreation by 30th March, 2007 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, drainage, meter boxes, details of walls/fences, removal of GDPO rights for extensions only and landscaping.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, H9, H10 and C4 and material considerations do not indicate otherwise.

Should the Section 106 agreement not be completed by 30th March, 2007 the Development Control Manager be authorised to REFUSE permission for the following reason of inadequate provision has been made for the provision of affordable housing requirements facilities in accordance with Taunton Deane Local Plan Policy H9.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

Planning Committee – 28 March, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Staple Fitzpaine

1. **File/Complaint Number** E187/33/2006 and 33/2006/002
2. **Location of Site** Land adjacent to The Greyhound Inn, Staple Fitzpaine
3. **Names of Owners** Mr I Evans
4. **Names of Occupiers** Mr I Evans
5. **Nature of Contravention**

Formation of access into land to the rear of the car park.

6. **Planning History**

It was brought to the Council's attention in June 2006 that works had been carried out to a gateway leading to a field at the rear of the car park at the Greyhound Inn. The original gateway was intact but a large earth bund had been formed a little way back from the entrance. Also an alteration to the existing field access had occurred. On initial inspection it was thought that although the access is onto a classified road the extent of the works did not constitute development requiring planning permission. However, when the owner of the Greyhound Inn was asked why the works had been carried out he said it was to stop travellers entering the land. Later in the year an application to develop this area of land was submitted. The proposal was for the erection of six holiday lets and stabling. On closer inspection of the proposal and the original aerial photographs it became clear that the original gateway had indeed been altered to accommodate the requirements of this planning application. The application did not include the alteration to the existing access and was subsequently refused the altered access is therefore unauthorised.

7. **Reasons for taking Action**

The alteration of the access does not incorporate adequate visibility splays and therefore would be prejudicial to road safety

8. **Recommendation**

The Solicitor to the Council be authorised to commence enforcement action to return the access to its former size and remove the earth bund to the rear and to commence prosecution proceedings subject to satisfactory evidence should it be found that the notice has not been complied with.

In preparing this report the Planning Officer has considered fully the implications

and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479

Planning Committee – 28 March, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** E381/38/2005
2. **Location of Site** The Hair Studio, Black Horse Lane, Taunton.
3. **Names of Owners** Ms Julie Gilbert
4. **Names of Occupiers** Ms Julie Gilbert
5. **Nature of Contravention**

Display of two signs to the rear of the building, one directional hanging sign on the opposite property and one freestanding sign.

6. **Planning History**

The signs were first brought to the Council's attention in December 2005. A letter was sent in May 2006 inviting the owner to submit an application for the retention of these signs. No response was received and a further three letters were sent in October, November and December 2006. In March 2007 telephone contact was made with the owner who assured me that an application would be submitted by 12 March, 2007. A letter was sent to Ms Gilbert confirming the above but to date this application has not been received.

7. **Reasons for taking Action**

The signs appear to be an intrusive element in the street scene and is detrimental to the visual amenity of the area. It is also considered to be contrary to Taunton Deane Local Plan Policy EC26 and with the Council's approved supplementary Planning Guidance on Advertisement Control.

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: Mrs A Dunford Tel: 356479

Planning Committee – 28 March, 2007

Report of the Development Control Manager

Enforcement Item

Parish: Wellington

1. **File/Complaint Number** E381/43/2006
2. **Location of Site** Drakes Lodge, Taunton Road, Wellington
3. **Names of Owners** Mr Handley
4. **Names of Occupiers** Unoccupied
5. **Nature of Contravention**

Various works.

6. **Planning History**

The above property was first brought to the Council's attention when it was offered for sale in early December 2006 by Wilkie May & Tuckwood. A site visit was made by the Conservation Officer and it was established that all of the windows and external doors had been replaced with uPVC. The owner, Mr Handley, was contacted and advised that listed building consent was required for the works that had been carried out. Mr Handley said he was unaware that the property was listed and would look into the matter. In January 2007 a sold sign appeared at the site and the estate agent, Wilkie May & Tuckwood, was again contacted. From this Mr Handley contacted the Conservation Officer and a site visit has taken place to establish the full extent of the unauthorised works. Mr Handley subsequently submitted a detailed letter setting out his reasons as to why the works were undertaken. In summary these comprise:-

1. Estate Agents, Vendor, Solicitor and personal search did not reveal property listed.
2. Window installers did not apparently check whether property listed.
3. Personal enquiries of the Planning Authority did not reveal property listed.
4. Building Control approval for replacement windows.

Following a meeting between Development Control Manager, Senior Solicitor and the Conservation Officer a letter addressing the above points has been sent to Mr Handley responding in kind as follows:-

- 1 & 2 Issues against these bodies are outside the jurisdiction of the Council.
- 3 Personal enquiry was in respect of Conservation Area designation as revealed by personal search.

- 4 Building Control operate under separate legislation to Planning and cannot be responsible for advising applicants of designations under the Planning Act.

7. **Reasons for taking Action**

The uPVC double glazed units and plastic doors (factory made standard) are of poor quality and poor detailing. The non-traditional materials and detailing appearance are harmful to the character of the historic building and counter to national policy guidance. The works are harmful due to:- (1) materials are non-traditional/modern; (2) design is standard/out of keeping/fake glazing bars; and (3) double glazing is non traditional of alien appearance and detailing (i.e. silver spacing strips/depth/reflection).

Mr Handley has requested that the new windows remain in situ until such time as they need replacing (circa 20years). This is considered wholly unacceptable.

The property is a Grade II listed where the works carried out are contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, and Taunton Deane Local Plan Policy EN17 and National Planning Policy Guidance PPG15.

8. **Recommendation**

The Solicitor to the Council be authorised to commence listed building enforcement action for the unauthorised works and prosecution action in respect of the carrying out of these unauthorised works.

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

TAUNTON DEANE BOROUGH COUNCIL

PLANNING COMMITTEE – 28 MARCH 2007

1. The following appeals have been lodged:-

Applicant	Date Application Considered	Proposal
R.Greed (10/2006/023)	DD	Extension to dwelling at The Pound House Trents Farm, Churchinford
Greencroft Investments (38/2006/225)	DD	Demolition of premises and erection of 2 flats with access at the rear of 65 Cheddon Road, Taunton
O2 (UK) Limited		Appeal against enforcement notice - unauthorised erection of a 15m high telecommunication mast, not in accordance with details submitted at Shoreditch Road, Taunton
Mr and Mrs J. Wyatt (38/2006/324)	DD	Erection of a single dwelling at land to the west of All Winds, Fons George, Taunton
Gadd Homes Ltd (06/2006/021) (06/2006/022)	24/01/07	Appeals against non-determination - 1) Erection of mixed use development comprising 2 units of holiday accommodation, craft village, 19 open market houses and 22 affordable housing units at Station Farm ,

Station Road, Bishops
Lydeard
2) New Inn with
restaurant and
associated highway
infrastructure as part of
proposed mixed use
development
comprising holiday
accommodation, craft
village and housing at
Station Farm , Station
Road, Bishops Lydeard
(Appeals since
withdrawn)

Foxmoor Nurseries Ltd

Appeal against
enforcement notice –
Change of use of land
for horticultural and
dependent B1 to a
mixed use of various
independent industrial
enterprises unrelated to
any on-site horticultural
predominantly B8 at
Foxmoor Nurseries,
Haywards Lane,
Chelston

Mr and Mrs C.P. Warham DD
(38/2006/425)

Erection of two storey
extension to side of
dwelling at 12 Tamar
Avenue, Taunton

Holcombe Enterprises DD
(29/2006/022)

Formation of new
access to cattery
At Abbeywood House,
Churchinford, Taunton

Mitchell Developments Ltd 05/07/06
(38/2006/198)

Appeal against onerous
condition –
Demolition of dwelling
and commercial garage
buildings and erection
of 24 flats with
associated parking at
Eastwick Farm House
and Cottage, Taunton

2. The following appeal decisions have been received: -

(a) Retention of raised decking area at 1 Trevett Road, Taunton (38/2006/016)

The Inspector considered the main issues were the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 127 Galmington Road, in respect of privacy.

The design of the structure and the materials used meant it bore little resemblance to the character and appeal of the existing buildings. It could be seen from the adjoining roads and was out of place in the street scene.

From the raised deck there were views directly down into the garden of 127 Galmington Road, which resulted in a significant loss of privacy for users of that garden.

The Inspector acknowledged that the feature provided enjoyment to the appellants, but these matters did not overcome the significant harm he had found in relation to the main issues.

The appeal was dismissed.

(b) Erection of an oak framed cart shed for caravan and boat storage, new vehicular access and erection of garden room at Oakwood Cottage, Pitminster (30/2006/026)

The Inspector considered the main issue was the effect of the proposal on highway safety.

The proposal involved the formation of a new access onto a narrow classified road, within 15 metres of a bend in the road, which was over a bridge where visibility was severely restricted.

The appeal proposal included the removal of over 18 metres of roadside hedge, which would significantly increase visibility in both directions. The Inspector regarded this as a benefit in highway safety terms, but he could not be certain how great this visibility would be, nor what effect it would have on traffic speeds.

He considered that it would be possible to turn a vehicle in the proposed turning area, but it was less clear if it would still be possible were that vehicle towing a caravan or boat. Any reversing movements to or from the road would, in the Inspector's view, be dangerous.

He saw that the existing access had limited visibility in a northerly direction, but had no evidence of the amount or type of transport which used these

roads. He also had no detailed information as to how much of the traffic that currently used this access would move to the new access.

He concluded that the benefits from the appeal scheme were outweighed by the harm to highway safety which would follow if the new access was formed.

The appeal was dismissed.

(c) Proposed advertisements – illuminated entrance pillars (signs 3 & 4) and a non-illuminated entrance sign (sign 6) – 142 Priorswood Road, Taunton (38/2006/250A)

The main issues were the visual impact of the appeal premises and the street scene in general.

Signs 3 and 4 would be positioned on either side of the front entrance in front of the pillars. The Inspector felt the proposed signs would appear too bulky in relation to the brick pillars and would undermine the plain architectural feature of the front elevation.

Although it was a commercial area with a large amount of prominent signage, he did not consider this justified the display of unsuitable signage on the appeal premises. He agreed that signs 3 and 4 would create a cluttered appearance to the detriment of the appeal premises.

Sign 6 would be positioned by the vehicular entrance to the site. Consent had already been granted for a monument style sign and the Inspector felt the site was insufficient in size to accommodate two large signs, particularly when sited so close together in such a confined area.

He concluded that the display of the advertisements would be detrimental to the interests of amenity.

The appeal was dismissed.

(d) Installation of two French doors in the east elevation and installation of timber decking and railings to existing flat roof at Heathfield Court, Heathfield, Taunton (27/2006/004LB)

Heathfield Court was a Grade II listed building dating back from the first half of the 19th century, which had been extended on each side of the 1930s.

One of these additions, a single storey extension on the east side of the building could be seen from the front garden, but despite its inappropriate flat roofed design it was relatively unobtrusive. However the addition of railings to its roof to form a balcony, would draw attention to it, making it a much more obvious and intrusive.

The installation of French doors required the enlargement of the existing window openings and on the first floor a traditional sliding sash window would

be removed, which the Inspector felt would detract from the character of the building.

He considered that although the alterations would not directly affect the main 19th century elevation, they would materially harm the architectural or historic interest of the building.

The appeal was dismissed.

(e) Erection of fence and change of use of adjoining land to residential use at 9 Holly Close, Taunton (38/2006/245)

The Inspector considered the main issue was the effect of the proposal on the character and appearance of the area.

The area the fence was proposed to enclose was not large but currently formed part of an open space through which a footpath ran. The proposal involved erecting a fence hard up against the edge of the footpath.

There were concerns that if a similar fence was to be erected on the other side of the footpath, the safety of users would be jeopardised.

The application had been refused on the grounds that it might encourage similar proposals and the Inspector agreed that such development would cause further harm to the character and appearance of the area.

The appeal was dismissed.

(f) Erection of a dwelling on land to the west of Maidenbrook Farmhouse, Cheddon Fitzpaine, Taunton (08/2005/014)

Formation of access road for residential development, to the north of Maidenbrook Farmhouse, Cheddon Fitzpaine (08/2005/015)

Erection of a dwelling and garage to the north of Maidenbrook Farmhouse, Cheddon Fitzpaine (08/2005/034)

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

The appeals were dismissed.

(g) Conversion of barn into 5 bedroomed two storey dwelling with detached double garage at Chestnut Farm, Helland (24/2005/037)

Retention of private double garage to the north of Chestnut Farm Barn Conversion, Helland (24/2005/065)

Conversion of barn into dwelling incorporating the formation of first floor extension to Chestnut Farm, Helland (24/2006/017)

Retention of an access drive to barn presently being converted to a dwelling at Chestnut Farm, Helland (24/2006/002)

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

The appeals were dismissed.

(h) Installation of two replacement sash windows on first floor of front elevation and retention of 8 windows to front and rear at The Old Bear Restaurant, 13 & 14 Upper High Street, Taunton (38/2006/239LB)

The full decision report is attached at Appendix C.

The appeal was dismissed.