



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 18TH APRIL 2007 AT 17:00.

(RESERVE DATE : MONDAY 23RD APRIL 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of 28 March 2007 (to follow).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. BISHOPS LYDEARD - 06/2007/002LB
CONVERSION OF AND ALTERATIONS TO CHAPEL TO FORM PUBLIC HOUSE, RESTAURANT, TAKE-AWAY AND MANAGER'S FLAT, AND ASSOCIATED WORKS, ST LUKES CHAPEL, GRAHAM WAY, COTFORD ST LUKE, TAUNTON AS AMENDED BY DRAWING RECEIVED ON 23RD FEBRUARY, 2007 AND 3RD APRIL, 2007
6. BISHOPS LYDEARD - 06/2007/003
CONVERSION OF AND ALTERATIONS TO CHAPEL TO FORM PUBLIC HOUSE, RESTAURANT, TAKEAWAY AND MANAGER'S FLAT, INCLUDING PROVISION OF CAR PARKING AREAS, VEHICULAR ACCESS AND ASSOCIATED WORKS, ST LUKES CHAPEL, GRAHAM WAY, COTFORD ST LUKE AS AMENDED BY DRAWING RECEIVED ON 23RD FEBRUARY, 2007 AND 3RD APRIL, 2007
7. TAUNTON - 38/2007/084
ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS TO REAR OF 31 WILLIAM STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 15TH MARCH, 2007 WITH ATTACHED PLANS
8. WEST BUCKLAND - 46/2007/002
PROPOSED BARN CONVERSION TO RESIDENTIAL AND SINGLE STOREY EXTENSION TO CREATE AN OFFICE AT HIGHER RUGGIN FARM, WEST BUCKLAND.
9. WEST BUCKLAND - 46/2007/003LB
PROPOSED BARN CONVERSION TO RESIDENTIAL AND SINGLE STOREY EXTENSION TO CREATE AN OFFICE AT HIGHER RUGGIN FARM, WEST BUCKLAND.

10. 38/2005/160 - Flats not built in accordance with the approved plans at the former British Red Cross Centre, Wilton Street, Taunton. Enforcement item
11. 38/2007/088A and E415/38/2006 - Externally illuminated fascia sign, wall sign, hanging sign and external lighting at The Cricketers (formerly Charlottes Bar), 78 Station Road, Taunton. Enforcement item

G P DYKE
Democratic Services Manager
18 April 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 March 2007

Present:- Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Floyd, Henley, House,
Lisgo, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

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

Also present:- Councillor Bishop, Councillor Slattery in relation to application Nos
38/2006/600 and 38/2000/020 and Councillor Mrs Wilson in respect
of application No 43/2006/163.

(The meeting commenced at 5.00 pm)

39. Apologies

Councillors Croad, Denington, C Hill and Hindley.

40. Minutes

The minutes of the meeting held on 28 February 2007 were taken as read and were signed.

41. Declaration of Interest

Councillor Bowrah informed the Committee that he had previously made public comments in relation to application No 43/2006/163 (so “fettering his discretion”). He therefore left the meeting during the discussion of this application.

42. 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:-

38/2006/600

Erection of 2 No (2½ 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.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) The development hereby permitted shall not be commenced until details of the arrangements for surface water drainage from the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. The agreed surface water drainage shall be fully provided on site prior to the occupation of any of the units hereby permitted;

- (d) The ground floor levels and finished heights of the proposed flats shall not exceed those shown on the submitted drawing No 1274/1010B;
- (e) The window(s) shown on the plans hereby permitted as obscure glazed shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (f) C324 – parking;
- (g) The areas shown on the submitted plan No IMA-06-100-001 for the turning of vehicles shall be provided prior to the occupation of the premises and shall thereafter not be used for any purpose other than for the loading/unloading, turning and parking of vehicles;
- (h) Noise emissions from the site during the construction phase shall not take place outside the following days and times:- Monday-Friday 0800-1800 hours; Saturdays 0800-1300 hours. At all other times, including public holidays, there shall be no noisy working;
- (i) (i) Before any part of the permitted development is commenced, a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted, and shall include reinforcement planting for the hedge on the eastern boundary, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences; (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 as may be approved in writing by the Local Planning Authority;
- (j) C209 – protection of hedges to be retained;
 - (k) The existing hedge(s) on the eastern boundary of the site shall be retained (except at the point of access) to the satisfaction of the Local Planning Authority;
 - (l) P006 – no fencing;
 - (m) No site clearance works or development (or specified operations) shall take place between the 1 March and 14 August without the prior written approval of the Local Planning Authority;
 - (n) No development shall be commenced until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
 - (o) Cycle parking for a minimum of 12 bicycles shall be provided on site prior to the occupation of the flats hereby permitted and shall thereafter be maintained to the satisfaction of the Local Planning Authority;
 - (p) The development hereby permitted shall be erected in strict accordance with the permitted plans, especially the one bed units Nos 11 and 12 (Block B), plan No 1274/104B and unit Nos 5 and 6 (Block A), plan No 1274/102B;
 - (q) The windows in the first and second floor eastern gable walls of Blocks A and B shall be obscure glazed and shall thereafter be maintained as such. There shall be no alteration to the windows or additional windows inserted into those elevations without the prior written consent of the Local Planning Authority;
 - (r) Prior to the commencement of works on site, details of a new/replacement fence along the north and western boundaries of the site shall be submitted to, and approved in writing by, the Local Planning Authority and erected on site to the satisfaction of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that badgers have been recorded in the vicinity and all site operatives must be made aware of their possible presence. If badgers are seen on site then expert help must be sought. Badgers are protected by law under the Protection of Badgers Act 1992. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and, if discovered, must not be disturbed; (2) N111 – disabled access; (3) N112 – energy conservation; (4) N117 – crime prevention.)

Reason for granting planning permission:-

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.

38/2007/020

Erection of 65 bedroom nursing home and ten close care apartments at former Egg Packing Factory, Roman Road, Taunton.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C927 – contaminated land – small sites;
- (e) Prior to the commencement of any development works the applicant shall, at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, might be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development works;
- (f) The use of the building shall be restricted to purposes of a nursing home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modifications, unless any variance is agreed in writing by the Local Planning Authority;
- (g) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) No buildings shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles for which details shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) Before the development hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (j) There shall be no obstruction to visibility greater than 300mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage between Roman Road and Six Acres Close. Such

visibility shall be fully provided before works commence on the erection of the development hereby permitted and shall thereafter be maintained at all times;

- (k) The buildings shall not be occupied until a secure sheltered space has been laid out within the site in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority for 12 bicycles to be parked. This space shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority;
- (l) The development hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to, and approved in writing by, the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of the provisions available through operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of the occupation, the occupier shall operate the approved STP.
(Notes to applicant:- (1) N126 – potential ground contamination; (2) N049A – food safety; (3) N049B – food safety).

Reason for granting planning permission:-

The overall benefit of the proposal in terms of jobs outweighed the disadvantages of the loss of employment land in terms of Policy EC9 and the scheme was considered to comply with Taunton Deane Local Plan Policies S1, S2 and H16.

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

The Committee felt that the overall benefits of the proposal outweighed the disadvantages of the loss of employment or potential employment on the site.

38/2007/065

Erection of timber fence across footpath at 36 Craig Lea, Taunton.

Conditions

- (a) Prior to its use on site full details of the proposed fencing shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) C201 – landscaping;

Reason for granting planning permission:-

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.

42/2007/002

Change of use of land to domestic curtilage and erection of first floor and two storey and single storey extensions and double garage at The White House, Amberd Lane, Trull.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) P011 – no windows on the west elevation;
- (d) P003 – no ancillary buildings;
- (e) C208E – protection of Silver Birch trees to be retained;
- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not further residential accommodation or other purpose whatsoever.

Reason for granting planning permission:-

The scale and design of the extensions was considered to be acceptable and it was not thought that they would harm the appearance of the street scene or neighbouring amenity. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2 and H17.

- (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:-

20/2006/037

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

Reason:-

The proposed amended wording would make it difficult to enforce against the accommodation being occupied on a long term/permanent basis rather than as short term holiday accommodation, which would be contrary to open countryside policies and sustainable development objectives and would reduce the economic benefits of the accommodation, which justifies its presence in this open countryside location in accordance with Taunton Deane Local Plan Policies S7 and EC24.

20/2006/038

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

Reason for refusal:-

The proposed amended wording would make it difficult to enforce against the accommodation being occupied on a long term/permanent basis rather than as short term holiday accommodation, which would be contrary to open countryside policies and sustainable development objectives and would reduce the economic benefits of the accommodation, which justifies its presence in this open countryside location in accordance with Taunton Deane Local Plan Policies S7 and EC24.

20/2006/039

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

Reason for refusal:-

The proposed amended wording would make it difficult to enforce against the accommodation being occupied on a long term/permanent basis rather than as short term holiday accommodation, which would be contrary to open countryside policies and sustainable development objectives and would reduce the economic benefits of the accommodation, which justifies its presence in this open countryside location in accordance with Taunton Deane Local Plan Policies S7 and EC24.

43. Demolition of farm house and farm buildings and the erection of nine dwellings on land at Courtlands Farm, Langford Budville (21/2007/002).

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of satisfactory amended plans; and
- (2) The submission of further information which addressed the issues raised by the Council's Nature Conservation Officer and the comments of the County Highway Authority, 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) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
 - (d) C416 – details of size, position and materials of meter boxes;
 - (e) C215 – walls and fences;
 - (f) P001A – no extensions;
 - (g) C927 – contaminated land – small site;

- (h) C201 – landscaping;
- (i) No development shall be commenced until the means of providing an agreed level of affordable housing and adequate contributions towards play and recreation for the area has been entered into and secured in writing in agreement with the Local Planning Authority.
(Notes to applicant:- (1) Applicant was advised to discuss the requirements of the landscaping scheme with the Council's Landscape Officer; (2) N126 – potential ground contamination; (3) Additional notes relating to soakaways and surface water discharge onto the highway.)

Reason for planning permission, if granted:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, EN5 and C4 and material considerations did not indicate otherwise.

44. Residential development to provide 69 No dwellings (comprising 45 houses and 24 flats), formation of access and associated works, former ADL and Westford Plastics Premises, Payton Road, Westford, Wellington (43/2006/163).

Reported this application.

RESOLVED that subject to:-

- (1) The views of the Economic Development Officer and the Drainage Officer and the further views of the Environment Agency, the County Highway Authority and the Nature Conservation Officer;
 - (2) The imposition of any additional conditions requested by the outstanding consultees;
 - (3) The applicants entering into a Section 106 Agreement to secure:-
 - (i) 15 units of affordable housing – a detailed mechanism to be provided to ensure that the dwellings remained affordable and available for local people in perpetuity;
 - (ii) An education contribution of £93,186 towards local secondary school facilities, index linked to allow for delay in the start of development;
 - (iii) Off site highway improvements (estimated cost £25,000) to be provided by the applicant;
 - (iv) Open space/playing field contribution of £75,000 (with the potential for a further approximately £25,000 dependant upon further discussions with the County Highway Authority regarding any additional off site highway requirements); and
 - (v) Improvements to the surfacing of Rackfield and the provision of a cycleway/pedestrian link into the site;
- 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) 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;
- (d) C201 – landscaping;
- (e) C205 – hard landscaping;
- (f) C219 – screening during demolition;
- (g) The public open space shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within nine 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;
- (h) The children’s play area shown on the submitted plan shall be laid out and equipped to the satisfaction of the Local Planning Authority within nine months of the date of commencement of the development and shall thereafter be used solely for the purpose of children’s recreation;
- (i) C246 – landscaping completion check;
- (j) C247 – temporary site building and storage compound;
- (k) C1103 – bats – where survey work showed significant numbers and where possibly more survey work and a DEFRA licence would be needed;
- (l) The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 and street furniture 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;
- (m) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (n) C304 – access point;
- (o) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the edge of the carriageway on the centre line of the access and extending to points 60m either side of the access at the nearside carriageway edge;
- (p) C324 – parking;
- (q) C326A – garage use only;
- (r) 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;
- (s) C408 – flats – completion of development;
- (t) C416 – details of size, position and materials of meter boxes;

- (u) 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;
- (v) C910B – archaeological programme;
- (w) C926B – remediation investigation/certificate;
- (x) P005 – no garages;
- (y) P007 – no fencing in front of dwellings;
- (z) The finished floor levels of the proposed dwellings shall be a minimum of 62.2m AOD;
- (aa) There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways;
- (bb) 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 shall 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 water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.

(Notes to applicant:- (1) With regard to condition (c), applicant was advised that the following will need to be incorporated into the submitted scheme:- (i) confirmation of the existing condition of the culverts within the development site and off-site to ensure free drainage of surface water flows; (ii) details of ownership of the culverts and confirmation of agreements to discharge them; (iii) details of proposed maintenance agreements for these culverts; (iv) details and calculations for the proposed on-site attenuation system; and (v) confirmation that any attenuation system chosen will be adopted by Wessex Water as part of a Section 104 Agreement; (2) N048A – potential ground contamination; (3) Applicant was advised of a number of requirements requested by the Environment Agency; (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. 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).

Reason for planning permission, if granted:-

The proposed development was on a site located within the settlement limits and it was considered that the proposal would provide much needed housing in the area, including affordable housing, which was

considered to outweigh the disadvantages of the loss of employment use of the site. The proposal was therefore considered to be in compliance with Taunton Deane Local Plan Policies H2 and EC9.

(Prior to the consideration of the application covered by Minute No 45 below, Councillor Henley informed the Committee that although he had previously made public comments in relation to application No 43/2007/003 (so “fettering his discretion”) he had been advised by the Monitoring Officer that as one of the Ward Councillors he could still speak at the meeting.)

45. Erection of 8 No two bedroom houses and 3 No three bedroom houses at land off Gay Close, Wellington (43/2007/003).

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of further information which addressed the concerns raised by the County Highway Authority; and
- (2) The views of Sport England, 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) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
 - (d) C416 – details of size, position and materials of meter boxes;
 - (e) C215 – walls and fences;
 - (f) P001A – no extensions;
 - (g) C201 – landscaping;
 - (h) No development shall be commenced until the means of ensuring that the development was solely for the provision of affordable housing and providing adequate contributions towards local leisure facilities has been entered into and secured in writing in agreement with the Local Planning Authority;
 - (i) No work to the development shall commence until details of the surfacing of the access road has been submitted to, and approved in writing by, the Local Planning Authority;
 - (j) No work to the development shall commence until details of the proposed relocation of existing lighting columns has been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised to discuss the requirements of the landscaping scheme with the Council’s Landscape

Officer; (2) Additional notes relating to drainage, no obstruction of footways/carriageways, no discharge of surface water onto highways and encroachment/need to ensure applicant has control over the land involved).

Reason for planning permission, if granted:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, H9, H10 and C4 and material considerations did not indicate otherwise.

46. 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 (49/2006/071).

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of further wildlife surveys to be carried out during April 2007;
- (2) The receipt of a satisfactory flood risk assessment as requested by the Environment Agency and the further views from the latter;
- (3) The views of the County Highway Authority, Wessex Water and the Nature Conservation Officer and any additional conditions they might request; and
- (4) The views of the Secretary of State under the Departure Procedures, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-
 - (a) C007 – outline – reserved matters;
 - (b) C009 – outline – time limit;
 - (c) C010 – drainage;
 - (d) Within a period of three 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 three hectares of land to be developed prior to 2011 except as otherwise agreed in writing by the Local Planning Authority;
 - (e) C101 – materials;
 - (f) C201 – landscaping;
 - (g) C207A – existing trees to be retained;
 - (h) C208E – protection of trees to be retained;
 - (i) C208B – service trenches beneath trees;
 - (j) C208C – trenching works within the canopy spread of trees;
 - (k) C209 – protection of hedges to be retained;
 - (l) C210 – no felling or lopping;

- (m) C215 – walls and fences;
- (n) C246 – landscape completion check;
- (o) 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 detailed wildlife mitigation and biodiversity enhancement plan to include all requirements as set out in the report;
- (p) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (q) C304 – access point;
- (r) C309 – existing access to be closed;
- (s) There shall be no vehicular or pedestrian access to the site other than from the access points hereby approved;
- (t) C314 – visibility splays;
- (u) Plans showing parking areas shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (v) C328 – loading/unloading area;
- (w) C331 – provision of cycle parking;
- (x) 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;
- (y) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted, 5 minute Leq at any time during the day and times indicated when measured at any point at the façade of any residential or other noise sensitive boundary:- Monday to Friday 0800 to 1800 hours and Saturdays 0800 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 for example hum, drone or whine, 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;
- (z) Prior to, or in conjunction with, any detailed planning application for reserved matters, a design brief shall be submitted for the site;
 - (aa) The uses within Class B1 shall preclude the provision of free-standing office accommodation, unless otherwise agreed in writing by the Local Planning Authority;
 - (bb) Details for the provision and implemented of a surface water runoff 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 which will use sustainable drainage systems (SUDs);
 - (cc) 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
 - (dd) 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;
 - (ee) Washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces shall be drained to the foul sewer;
 - (ff) 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 have been submitted to, and approved in writing by, the Local Planning Authority and to the County Highway Authority's satisfaction.
(Notes to Applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) N061A – Highways Act – Section 184 Permit; (6) With regard to condition (aa), applicant was advised

that in line with the policies of the Taunton Deane Local Plan the provision of large scale buildings will not be acceptable; (7) Applicant was advised that 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; (8) Applicant was 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; (9) Applicant was advised that 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) Applicant was advised that the Environment Agency must be notified immediately of any incident likely to cause pollution; (11) Applicant was advised that the Environment Agency must be advised if a discharge to a watercourse is proposed; (12) Applicant was advised that all Western Power Distribution (WPD) equipment on site should be assumed to be live until WPD prove otherwise and provide confirmation to this effect in writing. A number of further WPD requirements were also detailed.)

Reason for outline planning permission, if granted:-

The proposed development was consistent with the Local Plan Strategy and the proposal was considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy WV3.

47. Formation of access into land to the rear of the car park, land adjacent to the Greyhound Inn, Staple Fitzpaine

Reported that it had been brought to the Council's attention that works had been carried out to a gateway leading to a field at the rear of the car park at the Greyhound Inn, Staple Fitzpaine without the necessary planning permission.

Although the original gateway appeared to be intact, a large earth bund had been formed a little way back from the entrance. Investigations had shown that the works had been undertaken in connection with a proposal for the erection of six holiday lets and stabling on land beyond the access.

RESOLVED that:-

- (1) Enforcement action be taken to return the access to its former size and to remove the earth bund which had been created on land adjacent to the Greyhound Inn, Staple Fitzpaine; 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.

48. Display of signs advertising the Hair Studio, Black Horse Lane, Taunton

Reported that it had been brought to the Council's attention that a number of signs advertising the Hair Studio, in Black Horse Lane, Taunton were currently being displayed without the appropriate advertisement consent.

The owner of the property had been contacted concerning the unauthorised signs and had promised on a number of occasions to submit an application to regularise the situation. To date no such application had been received and the signs remained in position.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised signs advertising the Hair Studio, Black Horse Lane, Taunton unless they were removed within one month.

49. Unauthorised works to a listed building – Drakes Lodge, Taunton Road, Wellington

Reported that it had come to the Council's attention that works involving the replacement of all windows and external doors with UPVC equivalents had been undertaken at Drakes Lodge, Taunton Road, Wellington without listed building consent.

The owner of the property had submitted a detailed letter setting out his reasons as to why the works had been undertaken. The owner had requested that the new windows should remain in situ until such time as they needed replacing.

The Development Control Manager's responses to the points raised were reported to Members.

RESOLVED that:-

- (1) Listed building enforcement action be taken seeking the removal of the unauthorised UPVC windows and external doors that had been fitted to Drakes Lodge, Taunton Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

50. Appeals

- (1) Reported that the following appeals had been lodged:-
 - (a) Extension to dwelling at The Pound House, Trents Farm, Churchinford (10/2006/023);

- (b) Demolition of premises and erection of two flats with access at the rear of 65 Cheddon Road, Taunton (38/2006/225);
- (c) Appeal against enforcement notice – Unauthorised erection of a 15m high telecommunication mast, not in accordance with details submitted, at Shoreditch Road, Taunton;
- (d) Erection of a single dwelling at land to the west of Allwinds, Fons George, Taunton (38/2006/324);
- (e) Appeals against non-determination – (1) Erection of mixed use development comprising two units of holiday accommodation, craft village, 19 open market houses and 22 affordable housing units at Station Farm, Station Road, Bishops Lydeard and (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 (06/2006/021 and 022) (appeals since withdrawn);
- (f) Appeal against enforcement notice – Change of use of land for horticultural and dependant B1 to a mixed use of various independent industrial enterprises unrelated to any on site horticultural use, predominantly B8 at Foxmoor Nurseries, Haywards Lane, Chelston;
- (g) Erection of two storey extension to side of dwelling at 12 Tamar Avenue, Taunton (38/2006/425);
- (h) Formation of new access to cattery at Abbeywood House, Churchinford, Taunton (29/2006/022); and
- (i) 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 (38/2006/198).

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

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

Decision

The Inspector felt that the design of the structure and the materials used bore little resemblance to the character and appeal of the existing buildings. The raised deck also gave direct views into the garden of 127 Galmington Road which resulted in a significant loss of privacy for users of that garden. 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)**;

Decision

The Inspector considered that it would be possible to turn a vehicle in the proposed turning area but it was not clear whether

it would still be possible if the vehicle was towing a caravan or a boat. Any reversing movements to or from the road would be dangerous. Although some benefits had been accrued from the removal of over 18m of roadside hedge which significantly increased visibility in both directions, the Inspector felt that these benefits 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 and 4) and a non-illuminated entrance sign (sign 6) – 142 Priorswood Road, Taunton **(38/2006/250A)**;

Decision

Although the premises were in a commercial area with a large amount of prominent signage, the Inspector did not consider this justified the display of signs 3 and 4 which would create a cluttered appearance to the detriment of the appeal premises. As far as sign 6 was concerned, the Inspector noted that consent had already been granted for a monument style sign and 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)**;

Decision

The Inspector noted that Heathfield Court had in the past been extended. One of these additions was a single storey extension on the east side which, despite its inappropriate flat roofed design, was relatively unobtrusive. However in the Inspector's view the addition of railings to its roof to form a balcony would draw attention to it making it much more obvious and intrusive. The installation of French doors would require the enlargement of the existing window openings and, on the first floor, a traditional sliding sash window would be removed which would detract from the character 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)**;

Decision

The Inspector noted that the area the fence was proposed to enclose was not large but it did involve erecting the fence hard up against the edge of the adjoining footpath. He was

concerned that if a similar fence was to be erected on the other side of the footpath the safety of users would be jeopardised. He also felt that if the appeal was allowed it would encourage similar proposals which would cause harm to the character and appearance of the area. The appeal was dismissed.

- (f) (i) Erection of a dwelling on land to the west of Maidenbrook Farm House, Cheddon Fitzpaine, Taunton **(08/2005/014)**;
- (ii) Formation of access road for residential development to the north of Maidenbrook Farm House, Cheddon Fitzpaine **(08/2005/015)**; and
- (iii) Erection of a dwelling and garage to the north of Maidenbrook Farm House, Cheddon Fitzpaine **(08/2005/034)**;

Decision

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

- (g) (i) Conversion of barn into five bedroom two storey dwelling with detached double garage at Chestnut Farm, Helland **(24/2005/037)**;
- (ii) Retention of private double garage to the north of Chestnut Farm Barn conversion, Helland **(24/2005/065)**;
- (iii) Conversion of barn into dwelling incorporating the formation of first floor extension to Chestnut Farm, Helland **(24/2006/017)**; and
- (iv) Retention of an access drive to barn presently being converted to a dwelling at Chestnut Farm, Helland **(24/2006/002)**;

Decision

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

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

Decision

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

(The meeting ended at 9.58 pm)

06/2007/002LB

MR S M OREILLY

CONVERSION OF AND ALTERATIONS TO CHAPEL TO FORM PUBLIC HOUSE, RESTAURANT, TAKE-AWAY AND MANAGER'S FLAT, AND ASSOCIATED WORKS, ST LUKES CHAPEL, GRAHAM WAY, COTFORD ST LUKE, TAUNTON AS AMENDED BY DRAWING RECEIVED ON 23RD FEBRUARY, 2007 AND

316790/127350

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal provides for the conversion and alterations to form the change of use to a public house, restaurant, takeaway and manager's flat, including the provision of new vehicular access, car parking areas and associated ancillary works. It is anticipated that 8 - 10 staff will be employed. Planning permission and listed building consent for a broadly similar form of development (providing a shop in place of the takeaway and two flats in place of one) has been previously granted and are still extant. The former chapel is located adjacent to the general store and adjoins the area designated in the master plan as the village centre, which included a site for a public house as part of the village facilities. The main public areas have been designed as open plan areas arranged on 2 levels around the transepts and apse of the former chapel. At the upper level, the view will penetrate into the space above the manager's accommodation, which is slung box-like within the nave. This will mean that the roof structure here will remain exposed to view, resulting in the essential integrity of the form and volume of the building being retained and preserved. The main bar would be within the apse, taking the form of a horseshoe. Only minimal changes will be made to the fabric of the building. Ventilation to the takeaway will be provided on the flat roof at the western end of the building, comprising equipment which will not protrude above the roof parapet. The boundaries of the site will be marked by a low wall and railings. A Survey for Bats was submitted with the application, which concludes that the chapel does not contain a large bat roost.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle. A number of detailed points are raised, which have been largely addressed in the amended plans and recommended conditions and notes. WESSEX WATER there is sufficient spare capacity for water supply, foul sewerage flows and surface water drainage to serve the site and the sewage treatment works and terminal pumping station have sufficient capacity to accept the extra flows this development will generate. CHIEF FIRE OFFICER observations re means of escape, access for appliances and water supplies.

CONSERVATION OFFICER spatial qualities of chapel better respected by this scheme, compared to earlier consent. Generally the scheme is to be supported. A comprehensive repair schedule has been submitted, with only a few items requiring clarification. Certain

points need revisiting or clarifying. LANDSCAPE OFFICER query whether all the car parking is necessary, suggests shared arrangement with the shop car park. Would not wish to see any parking spaces within the canopy of the protected trees. Care should be taken when erecting posts for railings, so they do not interfere with the roots of the adjoining TPO trees' Happy that the area surrounding the building is to be lawned, but would like to see some young trees planted in the vicinity of the takeaway to act as successors to the existing mature trees. NATURE CONSERVATION OFFICER no evidence of a large bat roost was found by the Bat Survey and the report concludes that there has been little bat activity since the building openings were sealed. However the survey time was outside the optimum time and possible roost sites were identified. Recommends a condition to include requirement for emergence survey and provision of future roosting opportunities based on current report and any future survey results. Although there is evidence that swallows nested in the building when there were accessible openings, however it is considered unreasonable to provide for future nesting opportunities in this case. ENVIRONMENTAL HEALTH OFFICER recommends condition regarding contaminated land, cooking odours and food safety and notes re food safety.

PARISH COUNCIL supports. There should be adequate measures in place to manage potential litter and smell from the takeaway facility. Noise from the venue is a concern for local residents. Also concerned over road safety and feels that the arrangement of the parking for the takeaway could be rearranged to make entry and exit to the facility safer.

COTFORD ST LUKE COMMUNITY ASSOCIATION supports. Believe that the application will lead to the chapel being restored and open to the public, which will be of benefit to the community.

12 LETTERS OF OBJECTION have been received raising the following issues:- inadequacy of car parking in an area which already suffers for a lack of off-road parking; takeaway not necessary as the shop has such a facility and there is a weekly chip van; litter problems, which could include half eaten food scattered around attracting rats; car park entrance will be directly opposite house; parking should be incorporated with the shop car park; railings will spoil the open plan look of the village; no details concerning outside areas - seating, children's area, etc; the takeaway entrance will have a big impact on the houses opposite: question the need for the parking for the takeaway; will dramatically increase the amount of traffic coming into the village: will encourage joy riders from neighbouring villages which will increase noise and fumes; will lose peace and quiet; the takeaway will encourage youngsters to congregate; takeaway will ruin this quiet village; can see nothing but trouble from takeaway; people who run the takeaway must be instructed to ensure that any litter is picked up and properly removed and litter bins provided; hope takeaway is not going to be Macdonald/Burger King; concern at 24 hour opening and loud music and vehicle noise; question whether listed building restrictions will be enforced; there may be a colony of bats in the bell tower or roof - if so should be protected or relocated; no more trees should be felled; cooking smells; noise from extractor fans; patrons of the pub will smoke outside leading to even more noise and litter; need for landscaping and planting; concern at losing any more trees: noise from contractors during conversion work; inappropriate to convert a church building to such a use; will have a huge detrimental impact on the houses

nearby: will lead to increase in antisocial behaviour, especially late at night; early morning deliveries would cause noise and disturbance: takeaway will take trade away from the chip van and the Norton Fitzwarren chip shop; invasion of privacy; totally unsuited to this quiet residential area; pollution from bright lighting; risk of vandalism from people who have had too much to drink; too much car parking being provided.

25 LETTERS OF SUPPORT have been received raising the following:- the village has always developed with the idea that there would be a pub, which is an essential part of the community; there is unlikely to be a great deal of noise in a village pub; most users of the facility will be villagers who will walk to the pub and even if the car park becomes full, there is the shop car park next door; unlikely to cause litter; most of the residents would love a place where they can get to meet each other in comfort; will help to further develop community spirit and support local employment; site is currently an eyesore; there have been plans for a public house on the site for a long time; long overdue; will ensure the structural renovation of a presently deteriorating building in much need of restoration and put to good use for the benefit of the residents of the village; plans are fully in keeping with maintaining the fundamental character of the building and offer a flexible and versatile usage to benefit both the village and the local area.

Some of those supporting the proposal did express certain reservations regarding the proposed takeaway facility.

POLICY CONTEXT

Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of, public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy S1 of the Taunton Deane Local Plan covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy EC11 of the same plan states that beyond Taunton and Wellington town centres the vitality and Viability of local service provision will be maintained and enhanced and the level and diversity of such facilities improved. One of the ways this is to be achieved is by permitting the provision of local service facilities within or adjacent to the defined limits of a rural centre or village. Policy EN16 of the same plan states that development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses will not be permitted. Policy EN17 goes on to say that the change of use, alteration, conversion or extension of a listed building will not be permitted unless (a) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible; (b) the building's internal space would be retained where this is important to its character or historic integrity; (c) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity; (d) the design, materials and building methods used are sympathetic to the age, character and appearance of the building; and (e) any

extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

ASSESSMENT

The points raised by the Conservation Officer have been addressed in the amended submissions.

The conversion of the building into the proposed uses will be less invasive than a conversion to conventional residential use. It will also secure the future of the building, which has remained empty for many years. The building is in a central location within the village and the proposal will provide further sustainable local facilities for the community. The applicant considers the takeaway element to be an integral part of the overall proposal. Whilst I note that certain concerns have been raised, particularly with regard to the takeaway element of the proposal, I consider that subject to the recommended conditions, the proposal is acceptable.

RECOMMENDATION

Consent be GRANTED subject to conditions of time limit, materials, repairs, workmanship, relocation/reuse of extant fixtures and fittings, conservation of apostle wall paintings, new plaques, junction details of new 1st and 2nd floors, refuse store, extraction/ventilation, doors, staircases, bar fittings, meter boxes.

REASON(S) FOR RECOMMENDATION:- The proposed development will secure a beneficial future use for this Grade II listed building at risk in accordance with Taunton Deane Local Plan Policy EN17.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

06/2007/003

MR S M O'REILLY

CONVERSION OF AND ALTERATIONS TO CHAPEL TO FORM PUBLIC HOUSE, RESTAURANT, TAKEAWAY AND MANAGER'S FLAT, INCLUDING PROVISION OF CAR PARKING AREAS, VEHICULAR ACCESS AND ASSOCIATED WORKS, ST LUKES CHAPEL, GRAHAM WAY, COTFORD ST LUKE AS AMENDED BY DRAWING RECEIVED ON 23RD FEBRUARY, 2007 AND

316790/127350

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away from the chip van and the Norton Fitzwarren chip shop; invasion of privacy; totally unsuited to this quiet residential area; pollution from bright lighting; risk of vandalism from people who have had too much to drink; too much car parking being provided.

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Some of those supporting the proposal did express certain reservations regarding the proposed takeaway facility.

POLICY CONTEXT

Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of, public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy S1 of the Taunton Deane Local Plan covers general requirements, including one stating that the accessibility of the development by public transport, cycling and pedestrian networks should be consistent with its likely trip generation and minimising the need to use the car. Policy EC11 of the same plan states that beyond Taunton and Wellington town centres the vitality and Viability of local service provision will be maintained and enhanced and the level and diversity of such facilities improved. One of the ways this is to be achieved is by permitting the provision of local service facilities within or adjacent to the defined limits of a rural centre or village. Policy EN16 of the same plan states that development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses will not be permitted. Policy EN17 goes on to say that the change of use, alteration, conversion or extension of a listed building will not be permitted unless (a) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible; (b) the building's internal space would be retained where this is important to its character or historic integrity; (c) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity; (d) the design, materials and building methods used are sympathetic to the age, character and appearance of the building; and (e) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

ASSESSMENT

The conversion of the building into the proposed uses will be less invasive than a conversion to conventional residential use. It will also secure the future of the building, which has remained empty for many years. The building is in a central location within the village and the proposal will provide further sustainable local facilities for the community. The applicant considers the takeaway element to be an integral part of the overall proposal. Whilst I note that certain concerns have been raised, particularly with regard to the takeaway element of the proposal, I consider that subject to the recommended conditions, the proposal is acceptable.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, protection of trees to be retained, works within canopy spread of trees, no felling/lopping, walls/fences, emergence survey for bats, access point, visibility splays, parking, cycle parking, any entrance gates set back, meter boxes, contaminated land, details of extraction equipment to effectively suppress/disperse fumes/smells from cooking and food preparation, noise limitation from air extraction equipment, details of temporary refuse store, details of wall/railings around perimeter, underground services, opening hours of takeaway 0730 to 2130 and submission of a Code of Practice for dealing with litter, details of material for footpaths, car parking, marking out of bays and bollards, details location of permanent refuse store. Notes re disabled access, energy/water conservation, meter boxes, CDM Regulations, listed building consent, public highway, relocation of street lighting column, gully, no surface water discharge onto prospective highway, contaminated land, food safety, fire officer's comments and advice re bat surveys.

REASON(S) FOR RECOMMENDATION:- The proposed development will secure a beneficial future use for this Grade II listed building and will bring additional community facilities to the village in accordance with Taunton Deane Local Plan Policies SI, EC11 and EN17.

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

CONTACT OFFICER: 356461 MR J HAMER

NOTES:

38/2007/084

MISS K OTTLEY

ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSIONS TO REAR OF 31 WILLIAM STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 15TH MARCH, 2007 WITH ATTACHED PLANS

322538/125615

FULL

PROPOSAL

The proposal involves extending an existing two storey projection to the rear of the dwelling by an additional 0.3 m to a total of 6.2 m. The single storey extension located to the rear of the main two storey elevation projects 4.0 m.

Amendments were made to the size of the proposed windows in order to comply with building regulations. An additional missing blank elevation was also submitted with the amended plans.

The Agent for the application is an employee of the Council.

CONSULTATIONS AND REPRESENTATIONS

No representations received.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1, S2, H17.

ASSESSMENT

The proposal is considered acceptable with regards to visual and residential amenity. The ridge height of the two storey extension remains the same as existing and this is considered appropriate in terms of the finished design.

No adverse overshadowing will occur. The increase in projection is relatively minimal, in addition the adjacent neighbour is located to the south and direct light levels will not be affected.

The single storey element is considered acceptable due to its minimal size and will therefore not affect neighbouring dwellings.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, no additional windows to north or south elevations.

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:

46/2007/002

MR & MRS N MOORE

PROPOSED BARN CONVERSION TO RESIDENTIAL AND SINGLE STOREY EXTENSION TO CREATE AN OFFICE AT HIGHER RUGGIN FARM, WEST BUCKLAND.

318133/118530

FULL

PROPOSAL

Permission is sought for the conversion of an existing redundant farm outbuilding to residential use, the demolition of an existing Dutch barn and the erection of a single storey extension, within the curtilage of Higher Ruggin Farm, a Grade II listed building. The range of buildings within the farmyard generally form a traditional enclosed courtyard design with a two-storey stone barn forming the south range extending to a single storey building at the west. The proposed conversion would provide a small cottage style development consisting of two bedrooms at first floor level with a kitchen and living area on the ground floor. The agent has indicated that the cottage would accommodate existing staff who help look after horses and stables on site. To the north side of this primary building is a substantial c20th steel-framed Dutch barn, which is currently used for stabling. The proposal involves the removal of this barn to be replaced by the erection of a new extension to provide office accommodation for the applications growing legal business. The proposed building line of the extension would be set back from that of the existing Dutch barn but would continue at right angles to provide additional storage space within the building. The proposed development incorporates traditional materials with a slate roof; natural stone; timber weatherboarding; and the replacement of existing UPVC guttering and downpipes with cast iron.

In addition to the submitted application further information has now been presented by the agent in support of the application. This include a breakdown of existing and proposed traffic movements to and from Higher Ruggin Farm; photographic evidence from the mid-1960s showing the previous intensity of buildings within the site. Furthermore, at the request of the Conservation Officer indicative plans have been produced to indicate the proposed location of the stable block. This would be subject to a further application but it is proposed that the stable block would be positioned to the rear of the site within the existing envelope of the complex and positioned in front of the existing barn on the boundary of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed site lies outside any development boundary limits, and is remote from services and facilities. In addition, there are no public transport services. Given the location it seems likely that most/all staff and visitors will be reliant on their private motor vehicles to reach the site. Such fostering of growth in the need to travel would h contrary to government advice given in PPG1, and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor

National Park Joint Structure Plan Review. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use of the barn and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. A residential use may generate a similar level of traffic to that of the agricultural use of the barn, but the nature of the trip patterns connected with these uses are likely to be very different with a higher level of longer distance trips. The approach roads leading to the site are substandard in terms of width and alignment and it is considered by the Highway Authority, that an office use will result in an increase in traffic in an unsustainable area utilising substandard approach roads. It is therefore considered that a residential use will have less of an impact on the highway network, compared to that of a business/commercial use. Visibility at the point where the bridleway meets the unclassified highway is also restricted by the roadside boundary hedgerows and this should be improved particularly if there were to be an increase in use. The site derives access onto/from a definitive bridleway. I assume the Local Authority have notified the Rights of Way team regarding the proposed increase of vehicular use onto this bridleway. Taking the above points into consideration I would recommend that this application be refused on highway grounds for the following reasons:- (1) The proposed development would be located where it is remote from adequate services, employment, education, public transport etc and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. (2) The approach roads by their reason of their restricted width and poor alignment are considered to be unsuitable to serve as a means of access to the proposed development. (3) The proposal would set a precedent for development along roads which, by reason of their function in the highway network and its inadequate width and alignment is considered unsuitable to accommodate the increase in traffic likely to be generated. NATURAL ENGLAND there is evidence of swallow nests and bats roosting and as such mitigation strategy must be provided that avoids impact on the population of species. A separate licence must be obtained from Natural England.

CONSERVATION OFFICER pre application discussions re these proposals. Whilst not a strict conversion of extant buildings, uses are for employment and will, in my opinion, represent an overall improvement to the setting of the principal Listed Building and its enhanced function/reuse of existing buildings. One of the obvious advantages is the removal of the modern dutch barn but this is noted as having an existing use associated with the site's equestrian facility – where is this to be relocated? In my opinion, comprehensive design/access/heritage statements, have been submitted and are supported. NATURE CONSERVATION AND RESERVES OFFICER Kestrel Wildlife Consultant's survey December 2006, identified that bats are using the Cart House and there is evidence of swallows and sparrows nesting in the buildings. Natural England's comments identified the need for a mitigation strategy to protect the favourable conservation status of bats and to protect swallows and their nest sites. Conditions and informative regarding protected species to be imposed. ECONOMIC DEVELOPMENT no comments to make.

PARISH COUNCIL objects to the proposal as there is concern that this is a majority new build and not a barn conversion.

POLICY CONTEXT

RPG10 – South West

PPS1 – Delivering Sustainable Development, PPG3 – Transport. PPS7 – Sustainable Development in Rural Areas, PPS3 – Housing, PPS9 – Biodiversity and Geological Conservation, PPG15 Planning and the Historic Environment.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), ST6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 9 (The Built Historic Environment), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H7 (Conversion of Rural Buildings), M4 (Residential Parking Requirements), EN4 (Wildlife in Buildings to be Converted or Demolished), EN5 (Protected Species), EN6 (Protection of Trees), EN12 (Landscape Character Areas), EN16 (Listed Buildings), EN17 (Listed Buildings) and EN18 (Demolition of Listed Buildings).

ASSESSMENT

It is considered the pertinent issues in the assessment of the application relate to; highway safety and sustainability; policy implications and; impact upon the setting of the listed building.

The agent has submitted an in-depth supporting statement and outlines the existing situation in relation to the growth of the business. The applicant established his own specialist law firm in December 2005. The agent indicates that supported by an administrative assistant some of the space within the main farmhouse was used temporarily. As the business expanded an additional solicitor was employed, with a third recruited in April 2007. In addition administrative support took the number to five staff. The agent states that the business model to which the applicant is working involves his legally qualified staff working partly at the office and partly from their homes, with remote access via the internet. It is anticipated that the applicant's professional staff would attend the office every other working day. Further expansion within the farmhouse is not considered a viable option. As such the proposed adaptation of existing redundant barn and the replacement of the Dutch barn with a purpose built extension in a traditional form would allow the requirements of the business to be fulfilled.

The applicants also keep horses. The proposal includes the renovation and conversion of an existing redundant building to form a two bedroom cottage for the accommodation of resident staff.

The application site is situated approximately one mile to the south of the village of West Buckland and two and half miles from Wellington Town centre. The Highway Authority has raised a number of objections to the proposal. However, the agent in response has detailed the level of traffic movements to and from the site. In

conclusion it is anticipated that the expected traffic increase on local roads is expected to be minimal. Moreover, the increase in staff members will, in part, be offset by existing staff being accommodated on site within the proposed conversion. The business plan of affording staff technology to work at home is aimed at reducing travel requirements. Furthermore, the proposed development would lead to a reduction in traffic movements when considered against the historical agricultural usage of the farmstead. Whilst it is accepted that the site is not located in close proximity to a settlement the proposed scheme promotes the use of home working and it is considered that the benefits overall of the scheme to the setting of the listed building would outweigh any concerns regarding its location.

The building is considered of significant character and interest to comply with the provisions of local plan policy relating to the conversion of existing barns. The barn is of a suitable scale for conversion for the use proposed. It is considered the proposed alterations to the building would be sympathetic to the character and appearance of the barn and as such the proposal would comply with the provisions of local plan policy. The concerns and objection raised by the Parish Council in relation to the proposal not being a conversion but the majority being new build are noted. This relates to the single storey office element. Whilst accepting that this would result in a considerable new build extension, in consultation with the Conservation Officer, it is considered that the proposal would represent a considerable improvement to the setting of the listed building with the demolition of the Dutch barn and the construction of a lower more sympathetic and traditional building which would satisfy the requirements of the applicant and provide additional employment opportunities. Furthermore, the single storey office accommodation has been designed to be subordinate to the existing building and keeps within the footprint of the structures currently on site. The principal materials used for the development include local Chert stone to match the existing areas of weatherboarding and corrugated iron cladding and will help to assimilate the development in its context.

To conclude, the proposed development has been thoughtfully designed and would represent a sympathetic scheme which utilises redundant outbuildings, which would otherwise have no economically viable use, helping to secure the site's long term survival. The removal of the existing Dutch barn would help to improve the setting of the listed building and the proposed extension, albeit a new build element would appear sympathetic and integrate its surroundings.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials as per plans, details of specific materials and samples, no bell casts, flat roof of the store shall be lead, schedule of structural works, schedule of repairs, means of compliance with upgrading thermal elements of the structure, landscaping, removal of dutch barn and modern garage to south west corner of the site, drainage, meter boxes, timber windows and doors, details of walls/fences, removal of PD rights for extensions, additions and alterations, wildlife mitigation measures, schedule of works to ensure safety and stability of the building. Notes re informative regarding protected species.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H7, M4, EN4, EN5, EN6, EN12, EN16, EN17 and EN18 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

46/2007/003LB

MR & MRS N MOORE

PROPOSED BARN CONVERSION TO RESIDENTIAL AND SINGLE STOREY EXTENSION TO CREATE AN OFFICE AT HIGHER RUGGIN FARM, WEST BUCKLAND.

318133/118530

LISTED BUILDING CONSENT-WORKS

PROPOSAL

Listed building consent is sought for the conversion of an existing redundant farm outbuilding to residential use and the demolition of an existing Dutch barn and the erection of a single storey extension, within the curtilage of Higher Ruggin Farm, a Grade II listed building. The range of buildings within the farmyard generally form a traditional enclosed courtyard design with a two-storey stone barn forming the south range extending to a single storey building at the west. The proposed conversion would provide a small cottage style development consisting of two bedrooms at first floor level with a kitchen and living area on the ground floor. The agent has indicated that the cottage would accommodate existing staff who help look after existing horses and stables on site. To the north side of this primary building is a substantial c20th steel-framed Dutch barn, which is currently used for stabling. The proposal involves the removal of this barn to be replaced by the erection of a new extension to provide office accommodation for the applications growing legal business. The proposed building line of the extension would be set back from that of the existing Dutch barn but would continue at right angles to provide additional storage space within the building. The proposed development incorporates traditional materials with a slate roof; stone; timber weatherboarding; and the replacement of existing UPVC guttering and downpipes with cast iron.

In addition to the submitted application further information has now been presented by the agent in support of the application. This include a breakdown of existing and proposed traffic movements to and from Higher Ruggin Farm; photographic evidence from the mid-1960s showing previous intensity of buildings within site. Furthermore, at the request of the Conservation Officer indicative plans have been produced to indicate the location of the stable block. This would be subject to a further application but it is proposed the stable block would be positioned to the rear of the site within the existing envelope of the complex and positioned in front of the existing barn on the boundary of the site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed site lies outside any development boundary limits, and is remote from services and facilities. In addition, there are no public transport services. Given the location it seems likely that most/all staff and visitors will be reliant on their private motor vehicles to reach the site. Such fostering of growth in the need to travel would h contrary to government advice given in PPG1, and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor

National Park Joint Structure Plan Review. Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the re-use of the barn and/or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car. A residential use may generate a similar level of traffic to that of the agricultural use of the barn, but the nature of the trip patterns connected with these uses are likely to be very different with a higher level of longer distance trips. The approach roads leading to the site are substandard in terms of width and alignment and it is considered by the Highway Authority, that an office use will result in an increase in traffic in an unsustainable area utilising substandard approach roads. It is therefore considered that a residential use will have less of an impact on the highway network, compared to that of a business/commercial use. Visibility at the point where the bridleway meets the unclassified highway is also restricted by the roadside boundary hedgerows and this should be improved particularly if there were to be an increase in use. The site derives access onto/from a definitive bridleway. I assume the Local Authority have notified the Rights of Way team regarding the proposed increase of vehicular use onto this bridleway. Taking the above points into consideration I would recommend that this application be refused on highway grounds for the following reasons:- (1) The proposed development would be located where it is remote from adequate services, employment, education, public transport etc and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review. (2) The approach roads by their reason of their restricted width and poor alignment are considered to be unsuitable to serve as a means of access to the proposed development. (3) The proposal would set a precedent for development along roads which, by reason of their function in the highway network and its inadequate width and alignment is considered unsuitable to accommodate the increase in traffic likely to be generated. NATURAL ENGLAND there is evidence of swallow nests and bats roosting and as such mitigation strategy must be provided that avoids impact on the population of species. A separate licence must be obtained from Natural England.

CONSERVATION OFFICER pre application discussions re these proposals. Whilst not a strict conversion of extant buildings, uses are for employment and will, in my opinion, represent an overall improvement to the setting of the principal Listed Building and its enhanced function/reuse of existing buildings. One of the obvious advantages is the removal of the modern dutch barn but this is noted as having an existing use associated with the site's equestrian facility – where is this to be relocated? In my opinion, comprehensive design/access/heritage statements, have been submitted and are supported. NATURE CONSERVATION AND RESERVES OFFICER Kestrel Wildlife Consultant's survey December 2006, identified that bats are using the Cart House and there is evidence of swallows and sparrows nesting in the buildings. Natural England's comments identified the need for a mitigation strategy to protect the favourable conservation status of bats and to protect swallows and their nest sites. Conditions and informative regarding protected species to be imposed. ECONOMIC DEVELOPMENT OFFICER no comments to make.

PARISH COUNCIL objects to the proposal as there is concern that this is a majority new build and not a barn conversion.

POLICY CONTEXT

RPG10 – South West

PPS1 – Delivering Sustainable Development, PPG3 – Transport. PPS7 – Sustainable Development in Rural Areas, PPS3 – Housing, PPS9 – Biodiversity and Geological Conservation, PPG15 Planning and the Historic Environment.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), ST6 (Development Outside Rural Centres & Villages), Policy 5 (Landscape Character), Policy 9 (The Built Historic Environment), Policy 49 (Transport Requirements of new Development).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H7 (Conversion of Rural Buildings), M4 (Residential Parking Requirements), EN4 (Wildlife in Buildings to be Converted or Demolished), EN5 (Protected Species), EN6 (Protection of Trees), EN12 (Landscape Character Areas), EN16 (Listed Buildings), EN17 (Listed Buildings) and EN18 (Demolition of Listed Buildings).

ASSESSMENT

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The agent has submitted an in-depth supporting statement and outlines the existing situation in relation to the growth of the business. The applicant established his own specialist law firm in December 2005. The agent indicates that supported by an administrative assistant some of the space within the main farmhouse was used temporarily. As the business expanded an additional solicitor was employed, with a third recruited in April 2007. In addition administrative support took the number to five staff. The agent states that the business model to which the applicant is working involves his legally qualified staff working partly at the office and partly from their homes, with remote access via the internet. It is anticipated that the applicant's professional staff would attend the office every other working day. Further expansion within the farmhouse is not considered a viable option. As such the proposed adaptation of existing redundant barn and the replacement of the Dutch barn with a purpose built extension in a traditional form would allow the requirements of the business to be fulfilled.

The applicants also keep horses. The proposal includes the renovation and conversion of an existing redundant building to form a two bedroom cottage for the accommodation of resident staff.

The application site is situated approximately one mile to the south of the village of West Buckland and two and half miles from Wellington Town centre. The Highway Authority has raised a number of objections to the proposal. However, the agent in response has detailed the level of traffic movements to and from the site. In conclusion it is anticipated that the expected traffic increase on local roads is

expected to be minimal. Moreover, the increase in staff members will, in part, be offset by existing staff being accommodated on site within the proposed conversion. The business plan of affording staff technology to work at home is aimed at reducing travel requirements. Furthermore, the proposed development would lead to a reduction in traffic movements when considered against the historical agricultural usage of the farmstead. Whilst it is accepted that the site is not located in close proximity to a settlement the proposed scheme promotes the use of home working and it is considered that the benefits overall of the scheme to the setting of the listed building would outweigh any concerns regarding its location.

The building is considered of significant character and interest to comply with the provisions of local plan policy relating to the conversion of existing barns. The barn is of a suitable scale for conversion for the use proposed. It is considered the proposed alterations to the building would be sympathetic to the character and appearance of the barn and as such the proposal would comply with the provisions of local plan policy. The concerns and objection raised by the Parish Council in relation to the proposal not being a conversion but the majority being new build are noted. This relates to the single storey office element. Whilst accepting that this would result in a considerable new build extension, in consultation with the Conservation Officer, it is considered that the proposal would represent a considerable improvement to the setting of the listed building with the demolition of the Dutch barn and the construction of a lower more sympathetic and traditional building which would satisfy the requirements of the applicant and provide additional employment opportunities. Furthermore, the single storey office accommodation has been designed to be subordinate to the existing building and keeps within the footprint of the structures currently on site. The principal materials used for the development include local Churt stone to match the existing areas of weatherboarding and corrugated iron cladding and will help to assimilate the development in its context.

To conclude, the proposed development has been thoughtfully designed and would represent a sympathetic scheme which utilises redundant outbuildings, which would otherwise have no economically viable use, helping to secure the site's long term survival. The removal of the existing Dutch barn would help to improve the setting of the listed building and the proposed extension, albeit a new build element would appear sympathetic and integrate its surroundings.

RECOMMENDATION

Consent be GRANTED subject to conditions of time limit, materials as per plans, details of specific materials and samples, no bell casts, flat roof of the store shall be lead, schedule of structural works, schedule of repairs, means of compliance with upgrading thermal elements of the structure, timber windows and doors, schedule of works to ensure safety and stability of the building.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, EN16, EN17 and EN18 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 9 in relation to works affecting a listed building and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

Planning Committee – 18 April, 2007

Report of the Development Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** 38/2005/160
2. **Location of Site** British Red Cross Centre, Wilton Street, Taunton.
3. **Names of Owners** Venture Property and Development Co Ltd.
4. **Names of Occupiers** -
5. **Nature of Contravention**

Flats not built in accordance with the approved plans for the following reasons:-

1. The site plan has different dimensions than those submitted for planning permission.
2. The building is 600 mm longer than the planning permission.
3. The vehicular access is 300 mm narrower than the approved planning permission.
4. A section of the eastern roof slope is at a different angle than the approved planning permission.
5. The kitchen windows in the northern elevation have been constructed 400 m further to the west than the approved planning permission.
6. The bathroom windows have been constructed 200 mm further to the east than the approved planning permission.
7. The kitchen windows in the southern elevation have been constructed 100 mm further to the east than the approved planning permission.
8. The bathroom windows in the southern elevation have been constructed 900 mm further to the west than the approved planning permission.
9. The building would appear to be 100 mm lower than the approved planning permission.
10. The narrower gable feature on the west elevation has been constructed 200 mm higher than the approved planning permission.

All measurements are approximate and have been measured off plans.

6. Planning History

Planning permission was granted on 8 July, 2005 for the erection of 10 flats with associated parking at the former British Red Cross Centre, Wilton Street, Taunton. Conditions were applied for:- the submission and use of agreed materials; the provision of a visibility splay in accordance with submitted details; the proposed roadway to be kept free from obstruction; the car parking and turning areas shown on the plans to be provided prior to occupation and thereafter maintained for the

parking of vehicles in connection with this development; the provision of 10 cycle parking spaces prior to occupation of the building; bin storage detail; a landscaping scheme to be submitted planted and maintained for 5 years; noise during construction; no part of the access drive to be steeper than 1:10; no gates; the bathroom windows in the first and second floors on the northern elevation to be obscure glazed and thereafter maintained; the windows on the plan number 0038/19/A on the southern elevation to be obscure glazed and maintained as such.

7. Reasons for taking Action

The flats as built do not have the benefit planning permission as they do not comply with the detailed planning approval. The flats, as built, cause unacceptable overlooking of the rear garden of the adjacent residential property contrary to Taunton Deane Local Plan Policies S1 (E) and H2 (E) and (G).

In addition to the above, none of the conditions applied to the existing planning permission (listed above) and considered necessary to enable an acceptable development, apply. This may result in future alterations to the development that results in unacceptable access onto the highway, unacceptable internal roadway conditions, unacceptable parking and turning facilities, bike storage, bin storage, landscaping, and additional overlooking windows with an unacceptable impact on the surrounding residential amenity. Contrary to the requirements of Somerset and Exmoor National Park Structure Plan Review Policy 49; Taunton Deane Local Plan Policies S1(A), (E), (H); S2 (A); H2(A), (B),(E), (F), (G) and M4 (D)

8. Recommendation

Enforcement action be authorised to secure the demolition of the unauthorised development unless a legal agreement is provided that secures the conditions as applied to the planning permission with the addition of a requirement for the first and second floor kitchen windows on the northern elevation to be restricted to a maximum opening of 300 mm, obscure glazed and maintained as such thereafter.

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

CONTACT OFFICER: Mrs J Moore Tel: 356467

Planning Committee – 18 April, 2007

Report of the Development Manager

Enforcement Item

Parish: Taunton

1. **File/Complaint Number** 38/2007/088A - E415/38/2006
2. **Location of Site** The Cricketers (formerly Charlottes Bar), 78 Station Road, Taunton.
3. **Names of Owners** Mr P Barratt, Admiral Taverns, Penn House, 30 High Street, Richmansworth, Herts.
4. **Names of Occupiers** Unknown
5. **Nature of Contravention**
Externally illuminated fascia sign, wall sign and hanging sign and external lighting
6. **Planning History**
It was noticed that signs were being erected and lighting installed in December 2006. The owners of the premises were contacted informing them that the display of the signs required Advertisement Consent under the Town and Country Planning (Control of Advertisement) Regulations 1992. An application was received in February 2007 and subsequently refused under delegated powers on 5 April, 2007.
7. **Reasons for taking Action**
The wall mounted and fascia signs by reason of the number and size and of the external lighting units appear unduly prominent and cause a cluttered appearance. This is a prominent corner building and the signs cause demonstrable harm to visual amenity in the street scene. As such the proposal is contrary to Taunton Deane Local Plan Policy EC26
8. **Recommendation**
The Solicitor to the Council be authorised to commence prosecution action in order to secure the removal of the unauthorised signs.

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