



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 25TH JULY 2007 AT 17:00.

(RESERVE DATE : MONDAY 30TH JULY 2007 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 4 July 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. HALSE - 18/2007/012
INSTALLATION OF FOUR WINDOWS AT BLAKES FARM, HALSE
6. HALSE - 18/2007/013LB
INSTALLATION OF FOUR NEW WINDOWS AND INTERNAL ALTERATIONS TO FORM EN-SUITE BATHROOM AT BLAKES FARM, HALSE
7. LYDEARD ST LAWRENCE - 22/2007/010
ERECTION OF WORKSHOP TO REAR OF THORNE HOUSE, HANDY CROSS, LYDEARD ST LAWRENCE
8. NYNEHEAD - 26/2007/007
ERECTION OF DWELLING ON LAND SOUTH OF 7 BLACKDOWN VIEW, NYNEHEAD, AS AMENDED BY AGENTS LETTERS DATED 26TH JUNE, 2007 AND 29TH JUNE, 2007 AND PLAN NOS. 0715 AND 0715/02/A
9. TAUNTON - 38/2007/208
CONVERSION AND EXTENSION OF DWELLING TO FORM 5 FLATS AT 1 PETER STREET, TAUNTON
10. TAUNTON - 38/2007/258
CHANGE OF USE OF BUILDING TO DENTAL SURGERY AND LABORATORY AND ERECTION OF TWO STOREY EXTENSION AT 4 MOUNTFIELDS ROAD, TAUNTON AS AMENDED BY AGENTS LETTERS DATED 19TH JUNE, 2007 AND 11TH JULY, 2007 WITH ACCOMPANYING PLANS
11. TAUNTON - 38/2007/284

RETENTION OF BLOCK OF 10 FLATS AND ASSOCIATED PARKING
AND WORKS AT BRITISH RED CROSS CENTRE, WILTON
STREET, TAUNTON (REVISED SCHEME 38/2005/160)

12. WELLINGTON - 43/2006/165
ERECTION OF A PAIR OF DWELLINGS TO REAR OF 52 HIGH
STREET, WELLINGTON AS AMENDED BY AGENTS LETTER
DATED 2ND APRIL, 2007 AND ACCOMPANYING PLANS NOS.
1337/07/6 AND 1337/07/7
13. WIVELISCOMBE - 49/2007/030
ERECTION OF HOLIDAY CHALET AT THE OLD QUARRY,
ABBOTSFIELD, WIVELISCOMBE AS AMENDED BY LETTER DATED
16TH JUNE, 2007 WITH UPDATED WILDLIFE SURVEY AND
LETTER DATED 21ST JUNE, 2007 WITH ADDITIONAL FINANCIAL
APPRAISAL INFORMATION.
14. E81/31/2007 and 31/2007/017 - Siting of two marquees for
conferences and functions on land at Woodlands, Ruishton. Enforcement item
15. E112/43/2007 - Use of flat roof area as a roof terrace in connection
with Cunningham's Restaurant, 14-18 North Street, Wellington. Enforcement item

G P DYKE
Democratic Services Manager
17 July 2007

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

Planning Committee Members:-

Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillor Bishop
Councillor Bowrah
Councillor Critchard
Councillor Denington
Councillor Floyd
Councillor Henley
Councillor C Hill
Councillor House
Councillor Miss James
Councillor McMahon
Councillor Mrs Smith
Councillor Watson
Councillor Ms Webber
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor Woolley



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:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

18/2007/012

MRS R TAYLOR

INSTALLATION OF FOUR WINDOWS AT BLAKES FARM, HALSE

313978/128284

FULL

PROPOSAL

The proposal comprises the installation of four windows into the property which is a listed barn conversion. The windows include a dormer on the northwest elevation, a window on the southwest elevation and the northeast elevation, and a roof light on the southeast elevation. The proposed materials for the windows are to match the existing of red stone, slate roof tiles and timber framed windows.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations.

CONSERVATION OFFICER this is a building with a controversial planning history. The conversion scheme here was judged to be detrimental, balanced marginally by the Section 106 agreement 'preserving' the remaining open section of the building. Good practice dictates that new openings within converted agricultural buildings should be kept to a minimum as the nature and disposition of historic openings in agricultural buildings is diagnostic of function and thus a crucial aspect of their character. Ordinarily we would resolve how many were acceptable as part of an initial conversion scheme in which the impact of works has been considered holistically, and we would not encourage subsequent variation without very sound justification. As none of the proposed windows could be considered essential and the justification statement lacks consideration of impact in terms of the original building and its historic functional character I see no reason why this application should be approved. Many new openings were added as part of the conversion, three of these set within a previously blank wall face. Scope for more is limited both in terms of principle and in terms of making a bad conversion worse. In this regard setting a fourth window into the aforementioned wall face (giving the balanced domestic appearance so unsuited to an agricultural building) should not be accepted. The proposed dormer mimics a historic feature employed for loading which relates directly to the historic pattern of use of this building. The new dormer has no such reference, only confusing and diluting the historic character of the building. A third window is proposed to light a bathroom not previously lit. It should not be considered that having installed an unlit bathroom, clearly on the basis that windows were not appropriate, it is acceptable at a later stage to use the fact that it is unlit as justification to fit a window! The 'green' angle is dubious at best. In terms of the fourth window Velux rooflights are not usually considered appropriate on an historic building and any kind of rooflight is best avoided on a front facing elevation. It may be noted that rooflights are not normally a feature of two storey agricultural buildings, particularly where these were originally open fronted. In conclusion I recommend

this application be refused due to the unreasoned and detrimental impact that the works will have.

PARISH COUNCIL supports the proposal.

FIVE LETTERS OF SUPPORT have been received raising the following:- the proposal will enhance the property; not prejudice neighbouring properties; enhance internal lighting; be in keeping with the style and design of the barn; be an improvement to the property; reduce electricity consumption therefore being 'green'.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), EN16 (listed buildings) and EN17 (changes to listed buildings) and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

ASSESSMENT

The design of the proposals is unsympathetic to the character and appearance of the building, and will have a detrimental impact on the historic interest of this former agricultural barn.

RECOMMENDATION

Permission be REFUSED for reason that the proposed development by reason of its form and appearance would be out of keeping with the character of this Grade II statutory listed building and therefore contrary to Taunton Deane Local Plan Policies S1 and S2 Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

18/2007/013LB

MRS R TAYLOR

INSTALLATION OF FOUR NEW WINDOWS AND INTERNAL ALTERATIONS TO FORM EN-SUITE BATHROOM AT BLAKES FARM, HALSE

313978/128284

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The proposal comprises the installation of four windows into the property which is a listed barn conversion. The windows include a dormer on the northwest elevation, a window on the southwest elevation and the northeast elevation, and a roof light on the southeast elevation. The proposed materials for the windows are to match the existing of red stone, slate roof tiles and timber framed windows. The proposal also includes internal alterations to form an en-suite bathroom.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no observations.

CONSERVATION OFFICER this is a building with a controversial planning history. The conversion scheme here was judged to be detrimental, balanced marginally by the Section 106 agreement 'preserving' the remaining open section of the building. Good practice dictates that new openings within converted agricultural buildings should be kept to a minimum as the nature and disposition of historic openings in agricultural buildings is diagnostic of function and thus a crucial aspect of their character. Ordinarily we would resolve how many were acceptable as part of an initial conversion scheme in which the impact of works has been considered holistically, and we would not encourage subsequent variation without very sound justification. As none of the proposed windows could be considered essential and the justification statement lacks consideration of impact in terms of the original building and its historic functional character I see no reason why this application should be approved. Many new openings were added as part of the conversion, three of these set within a previously blank wall face. Scope for more is limited both in terms of principle and in terms of making a bad conversion worse. In this regard setting a fourth window into the aforementioned wall face (giving the balanced domestic appearance so unsuited to an agricultural building) should not be accepted. The proposed dormer mimics a historic feature employed for loading which relates directly to the historic pattern of use of this building. The new dormer has no such reference, only confusing and diluting the historic character of the building. A third window is proposed to light a bathroom not previously lit. It should not be considered that having installed an unlit bathroom, clearly on the basis that windows were not appropriate, it is acceptable at a later stage to use the fact that it is unlit as justification to fit a window! The 'green' angle is dubious at best. In terms of the fourth window Velux rooflights are not usually considered appropriate on an historic building and any kind of rooflight is best avoided on a front facing elevation. It may be noted that rooflights are not normally a feature of two storey agricultural buildings,

particularly where these were originally open fronted. In conclusion I recommend this application be refused due to the unreasoned and detrimental impact that the works will have.

FOUR LETTERS OF SUPPORT have been received raising the following:- the proposal will enhance the property; not prejudice neighbouring properties; enhance internal lighting; be in keeping with the style and design of the barn; be an improvement to the property; reduce electricity consumption therefore being 'green'.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), EN16 (listed buildings) and EN17 (changes to listed buildings) and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

ASSESSMENT

Following the consultation response from the Conservation Officer, it is considered that the design of the proposals is unsympathetic to the character and appearance of the building, and will have a detrimental impact on the historic interest of this former agricultural barn.

RECOMMENDATION

Permission be REFUSED for reason that the proposed development by reason of its form and appearance would be out of keeping with the character of this Grade II statutory listed building and therefore contrary to Taunton Deane Local Plan Policies EN16 and EN17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

22/2007/010

MR & MRS J WILLIAMS

**ERECTION OF WORKSHOP TO REAR OF THORNE HOUSE, HANDY CROSS,
LYDEARD ST LAWRENCE**

312376/131535

FULL

PROPOSAL

The proposal comprises the erection of a workshop to the northeast (rear) side of the property. The materials to be used are cream roughcast rendered walls to match the dwelling with brown coloured plastic coated steel sheeting. The workshop is to be used as a hand crafted joinery. A Design and Access Statement has been submitted with the application and states the existing business site at Willet Farm, Crowcombe will continue to be the main production site where cutting and sizing timber occurs. The proposed workshop will be used solely by the applicants for the fabrication of hand craft based joinery rather than production runs. There will be minimal use of machinery in the workshop, and deliveries to the site will be minimal as the owners will bring most of the materials from the Willet Farm base on an 'as and when required' basis. There is no intention to employ people at the site.

Further clarification and reiteration from the applicants:- permission has recently been permitted for a large agricultural building on the neighbouring property; there is an established antique shop to the west of the property; the workshop is used for 'one off' hand crafted furniture making (for example a single cabinet can take up to 6 weeks to produce) and therefore machines, noise and dust is absolutely minimal; wholesale cutting of bulk timber will be undertaken at the principle workshop at Willet Farm; the building is set down relatively low to adjoining buildings; traffic to and from the site will be reduced compared to the previous use; there will be no large delivery vehicles visiting the site; a previous planning application for the change of use for a pig sty to a store on the same site as the proposed workshop received no objections from neighbours.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the site comprises of a dwelling, Thorne House, outbuildings and double garage. The site was previously used as a plumber's yard with the outbuildings/garage being used for storage materials. It has been stated in the submitted Design and Access Statement that under the current consent, three to four vehicles operated from the site, which resulted in approximately twenty movements a day. It envisages that the proposed use will only result in four movements a day. In detail the proposal is located in a unsustainable area in transport terms. The proposal will utilise an existing access from/onto the B3224 which is defined as a County Route in the Somerset and Exmoor National Park Joint Structure Plan Review. This is a fast stretch of highway that is subject to the national speed limit and the access does not incorporate the visibility splays commensurate with the speed of traffic. It is stated that visibility 250 m to the west can be achieved

however I am not convinced that this is the case, following a site visit. I would not welcome development in this location that would lead to an increase in traffic given that the area is unsustainable in transport terms together with the substandard nature of the access. However given the existing use of the site and the information contained with the Design and Access Statement, it may be unreasonable to raise a highway objection.

LANDSCAPE OFFICER subject to suitable landscaping it should be possible to integrate the proposals into the local countryside. Suggested planting scheme of native species hedgerow along the northern boundary of the site containing: Field Maple (30%), Hawthorn (30%), Hazel (30%), Holly (10%). ENVIRONMENTAL HEALTH OFFICER noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 5 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Monday - Friday 0800 hours to 1800 hours, Sat 0800 hours to 1300 hours. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

PARISH COUNCIL objects to the proposal. Objection is made because of potential noise and dust pollution. The Parish Council is concerned that the proposal goes against Taunton Deane LDF Policies EC7 & S1(E) in that it would severely impair the residential amenity of the neighbouring property. Access on to the busy main road has poor visibility.

FIVE LETTERS OF OBJECTION have been received raising the following issues:- large size of proposed build in the midst of a residential area (i.e. 1 m from the nearest house); previous owners ran a plumbing business with the actual work taking place away from the premises, with the premises being used for storage; manufacturing in wood will create a lot of noise from the machinery; additional large vehicles entering and leaving the property which is on a bad bend on a very fast road; noise and dust pollution; poor visibility splays on the road; financial impact on adjacent properties; height, size and type of building (industrial) in a residential area; impact upon enjoyment of adjacent property; loss of visual amenity of the area; increase in traffic; possible parking problems.

POLICY CONTEXT

Taunton Deane Local Plan Policies S1 (general requirements), S2 (design), EC4 (working from home) and EC7 (rural employment proposals).

ASSESSMENT

The scale of the proposed workshop is subservient to the dwelling and the proposed location is set back behind all of the neighbouring properties. Therefore the workshop would not have a negative impact on visual amenity of the area.

As has been set out in the Design and Access Statement and a further letter of representation from the applicant, the workshop is to be used for a small hand crafted joinery business and not production of timber, and therefore the creation of noise and dust are likely to be minimal with no detrimental impact on residential amenity of the area and the residential character of the area remaining. If the Planning Committee is minded to approve the application a condition can be attached to restrict the noise levels emitted and the working hours of the business. Large delivery vehicles will not be accessing the site and traffic movements to and from the site will be minimal and certainly less than from the previous use.

RECOMMENDATION

Permission be Granted subject to conditions of time limit, materials, landscaping and noise emissions.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, EC4 and EC7.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

26/2007/007

MR & MRS A RILEY

ERECTION OF DWELLING ON LAND SOUTH OF 7 BLACKDOWN VIEW, NYNEHEAD, AS AMENDED BY AGENTS LETTERS DATED 26TH JUNE, 2007 AND 29TH JUNE, 2007 AND PLAN NOS. 0715 AND 0715/02/A

314746/123059

FULL

PROPOSAL

The proposal comprises the erection of a two storey, four bedroom dwelling on land at the southern end of Blackdown View, Nynehead. Blackdown View is a cul-de-sac currently consisting of seven detached dwellings. The site is located within the defined settlement limits of Nynehead and currently forms part of the domestic curtilage of 7 Blackdown View. The proposal also includes the erection of a double garage with an additional two car parking spaces and turning area within the site as well as pedestrian access. The proposed dwelling has a pitched roof, and proposed materials are brickwork and artificial roof slates, both similar to those found on some of the other properties on Blackdown View.

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

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development is within the development limit for Higher Nynehead, but is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition there are no public transport services in this area. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted policies: April2000). Attention is drawn to a recent appeal decision, which has been attached. The inspector has made a reference to sustainability in his decision and stated that he disagreed with the Case Officer, at Mendip District Council, in that the policy presumption in favour of residential development on previously developed land within the development limits outweighed the unsustainable location of the appeal site in transport terms. Whilst this proposal is for one dwelling so the level of car dependence that would arise compared to of the appeal case maybe less, the fact remains that Nynehead does not have any services, facilities, employment, education, health, retail or public transport. I consider this argument relevant to this proposal and would recommend refusal of this application. WESSEX WATER the development is located within a foul sewerred area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. It is advised that the Council be satisfied with any arrangement for the satisfactory disposal of surface water from the

proposal. With respect to water supply, there are water mains within the vicinity of the proposal; again a point of connection needs to be agreed. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure. RIGHTS OF WAY TEAM if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:- (a) A PROW being made less commodious for continued public use. (2) New furniture being needed along a PROW. (3) Changes to the surface of a PROW being needed. (4) Changes to the existing drainage arrangements associated with the PROW. If the work involved in carrying out this proposed development would:- (a) make a PROW less commodious for continued public use (or) (b) create a hazard to users of a PROW. Then a temporary closure order will be necessary and a sustainable alternative route must be provided.

LANDSCAPE OFFICER the building has a large footprint which allows little opportunity for landscape mitigation and changes a rural edge location to a more suburban character. In its present form I consider it to be contrary to EN12. Revised layout – Setting the building back to be more in line with the other properties is beneficial in that it will help maintain a more rural character, as seen from Blackdown View and the public footpath. However, I am still concerned that there is not adequate space to the south to establish a hedgerow with some tree planting as this view of the house will be clearly visible from the public footpath and wider countryside. RIGHTS OF WAY (TDBC) the proposals will not interfere with the public footpath (WG 8/6) which is fenced off from the application site. DRAINAGE OFFICER it is noted the surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval. HOUSING OFFICER no observations.

PARISH COUNCIL objects to the proposal on the grounds that the proposed house's scale, position and design were out of keeping with the area. Also support objections made by members of the public.

SEVEN LETTERS OF OBJECTION have been received raising the following issues:- size of dwelling adversely affects the character and visual amenity and is not in keeping with the area; the position of the dwelling will dominate the site; position of dwelling is not in line with other properties; extra vehicles will park on road; increased blocking of sewerage system; reduces space available for wildlife; poor links to public transport; application states the site is currently a brownfield site instead of domestic curtilage; turning at the end of the cul-de-sac will be restricted; dwelling will restrict view of Blackdowns; garage could potentially be converted into further accommodation; plot would look cluttered; proposed dwelling is too close to boundary; application form says there is to be a single garage but plans show a double garage; view would be changed from a rural area to a suburban one; development is incompatible with local need; proposal will change the nature of the road; size of dwelling is too large for plot; previous planning application to change land to domestic curtilage restricted any new building on site without planning permission; the aspect of the dwelling is different from the other houses on Blackdown View; the dwelling is too close to the neighbouring property; applicant intend on moving away from area; viability of foul treatment plant; a building that

would follow the line of the current houses in the close with adequate provision for turning and parking would be supported.

THREE LETTERS OF SUPPORT have been received raising the following issues:- the application is for a single house only; the house is in a neat and relatively hidden location; it would give another opportunity for someone to be able to join the village; it makes use of rough ground; sensitive to anything that would have an impact on the environment and surrounding properties; the proposed dwelling is at the end of a cul-de-sac where each existing property has garaging and driveways so parking will not be a problem; it seems an unobtrusive, discreet development that continues a pre-existing line of houses; it is the best way for villages to expand without sprawling over Greenfield sites.

POLICY CONTEXT

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

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

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S5 (Villages), H2 (Housing within Classified Settlements), M4 (Residential Parking Requirements), EC15 (Associated Settlements/Rural Centres/Villages).

ASSESSMENT

An amended letter and plans have been received from the agent. The letter states that in view of the difficulties experienced with the existing foul drainage it is proposed to install a foul treatment plant, with discharge to potable water standards. The amended plans position the dwelling further northeast by 7 m so that the dwelling is: more in line with the row of houses along Blackdown View, the view to the Blackdowns from the cul-de-sac access road is not interrupted, and the dwelling does not sit so close to the southeast boundary where the majority of the windows on the proposed dwelling face.

Nynehead is a rural village located approximately 2 miles from Wellington and 7 miles from Taunton, and has local facilities of a church, school and village hall. The proposed site for the dwelling lies within the defined settlement limits of the village, and contributes to the provision of housing which is identified as a need in Policy 33 of the Somerset & Exmoor Joint Structure Plan Review as well as Chapter 3 – Housing and more specifically H2 of the adopted Taunton Deane Local Plan.

Blackdown View consists of a row of seven detached houses, all of which are two storey, 3 or 4 bedroom properties, some of which also have attached garages. Whilst the proposed dwelling is larger than others in the row, (as can be seen of the street scene elevation), the ridge height is no higher than any of the properties on Blackdown View other than No. 7. The proposed design of the property represents a simple pitched roofed, two storey dwelling using brickwork and roof slate. The design and use of materials are similar to those found on the other properties in Blackdown

View. Therefore it is considered the proposal is in keeping with the street scene and will not have a detrimental impact of visual amenity of the area.

The majority of the windows on the proposed dwelling have been placed on the southern elevation to maximise the use of natural light. It also minimises the incidence of overlooking or loss of privacy on any adjacent properties, restricting negative impact on residential amenity of the area. Other properties on Blackdown View also have the gable end facing the street, with the same aspect as this proposal.

The appeal evidence submitted by the County Highway Authority relates to an application for 4 new dwellings proposed in a village, over 4 miles away from the nearest settlement of any size, which understandably would have a detrimental effect on sustainability. The effect on sustainability in this case is not comparable considering the application relates to one new dwelling to be located only two miles from Wellington. The appeal case also refers specifically to the lack of a school in the area; this is a different circumstance from Nynehead which does have a school and has relevance in this case in that the proposed dwelling is likely to attract a family.

With reference to parking the proposal includes two garage parking spaces and two on-site parking spaces. This meets the requirement of a minimum of two car parking spaces for a four bedroom house. The proposal also includes an on-site turning area. Based on this provision there is no reason for on-road parking or obstruction of the turning area at the end of the cul-de-sac to be an issue.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, meter boxes, removal of PD rights for extensions, removal of PD rights for new windows, drainage, parking. Notes re applicant to be advised a public sewer may cross the site and to contact Wessex Water with regards to a 3.0 m easement in relation to new buildings, connection with Wessex Water, and surface water drainage.

REASON(S) FOR RECOMMENDATION:- The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, S5, H2, M4 and EC15.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

38/2007/208

LAZERPOINT LTD

**CONVERSION AND EXTENSION OF DWELLING TO FORM 5 FLATS AT 1
PETER STREET, TAUNTON**

322819/125887

FULL

PROPOSAL

Permission is sought to convert the existing three storey five-bedroom end of terrace house into five one-bedroom flats. To achieve this a two storey extension is proposed on the east flank of the existing two-storey rear projection. The existing garage located to the rear of the dwelling is proposed as a cycle/moped/ motorbike storage. No on site provision is made for car parking.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited. WESSEX WATER consent needed for connections or crossing infrastructure. Surface water should not discharge to foul sewer.

DRAINAGE OFFICER no objections.

22 LETTERS OF OBJECTION and a petition signed by 65 residents have been received raising the following issues:- concern that the building will be used to accommodate similar tenants as occupy other Lazerpoint Ltd properties where there has been evidence of anti-social behaviour problems; no on site parking provision, residents are likely to have cars so proposal will exacerbate on-street parking problems that are already acute in this area leading to difficulty of access for emergency vehicles; flats would be out of character and change character of area so should remain as a family house; change of use could attract undesirable activities in the adjacent alleyway; overlooking and loss of privacy to properties in Cheddon Road; increased disturbance from noise due to inadequacies of existing construction to attenuation noise.

POLICY CONTEXT

PPS1 Delivering Sustainable Development. PPS3 Housing. PPG13 Transport.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 - Sustainable Development, STR2 - Approach to the Spatial Strategy, STR4 - Development in Towns, Policy 33 - Provision for Housing, Policy 48 - Access and Parking.

Taunton Deane Local Plan Policies S1 - General Requirements, S2 - Design, H2- Housing within Classified Settlements, H4 - Self-contained Accommodation, H17- Extensions to Dwellings, M4 -Residential Parking Provision

ASSESSMENT

The application property is a three storey dwelling at the western end of a terrace of two storey dwellings on the north side of Peter Street, which is a residential road some 430 m to the north of the Station. Diagonally opposite the site is a two storey block of 4 flats with parking to the rear. Further along the southern side of Peter Street are residential properties with garages and parking. Properties to the west in Cheddon Street contain many properties converted into flats. An alleyway runs along the western boundary of the site, which connects through to Geogre Street to the north. This alleyway is wide enough to accommodate a car at its Peter Street end adjacent to the property.

Accommodation proposed will provide 5 one-bedroom flats and not bedsits as specified in many letters of objection. These are arranged with two on each of the ground and first floor and one on the top floor. The type and nature of any future of tenancy or other interest in these flats or the socio-economic profile of future their residents is not a material planning consideration.

PPS1, PPS3 and PPG13 all encourage making the best use of land in urban areas where accessible to a range of transport modes. Policy H2 sets out 8 tests against which proposals for housing in classified settlements need to be considered. It is considered that the proposal accords with these tests. It is also considered that accessibility criteria set out in Annexe A to RPG10 are satisfied.

The side extension will be the only external changes arising from this proposal. Whilst this does provide for two first floor windows in the flank at first floor level, one to the lounge and the other to a bedroom close to the flank boundary there is already a bedroom window in the that first floor flank 1.5 m further away from the boundary. At the rear the first floor bathroom window remains providing light to a kitchen.

From this position the new windows will face towards the rear of properties in Cheddon Road the rear of which are, at their nearest, between 12 m and 20 m away. The property directly viewed from these windows, No. 79 Cheddon Road, is arranged as 4 flats. With this in mind and the distances involved it is not considered the limited increase in overlook warrants refusal of permission.

It is considered that this application will provide 5 flats of reasonable size in an accessible location convenient for modes of transport other than the car. External changes are minimal and it is not considered that the conversion of this dwelling in the manner shown will adversely affect the character of the area. In such locations no parking provision is required. In urban areas such as this a degree of overlooking is inevitable and this proposal will not increase this to an unacceptable level.

Concerns raised about noise from flats can be handle by the imposition of a condition to ensure acceptable amenity standards to neighbours and occupants on the flats to be formed.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, soundproofing, provision and retention of cycle storage facilities and submission of drainage details.

REASON(S) FOR RECOMMENDATION:- The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the dwelling or area as a whole. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1, S2, H2, H4, H17 and M4.

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

CONTACT OFFICER: 356454 MR M G ROBERTS

NOTES:

38/2007/258

MR H F GUEST

CHANGE OF USE OF BUILDING TO DENTAL SURGERY AND LABORATORY AND ERECTION OF TWO STOREY EXTENSION AT 4 MOUNTFIELDS ROAD, TAUNTON AS AMENDED BY AGENTS LETTERS DATED 19TH JUNE, 2007 AND 11TH JULY, 2007 WITH ACCOMPANYING PLANS

323735/123456

FULL

PROPOSAL

No. 4 Mountfields Road is a semi-detached property which fronts Mountfields Road close to the west of the junction with South Road. The property is mainly two storey with a single storey flat roofed extension at the rear, and the premises are used as an existing newsagents/stationery shop and small kitchen at ground floor level, with 3 bedrooms and bathroom above.

It is proposed to demolish the single storey part at the rear(which projects 8.8 m behind the two storey house), and the projecting part of the ground floor kitchen at the side, and to erect a new two storey extension at the rear (extending 10.25 m). The extension would have a width of 4 m for most of its length, and a ridge height of some 8.5 m. (The existing dwelling has a height of 9 m.) The use of the whole building will then be changed to a dental surgery on both floors. This will include a reception area, 2 surgeries, 3 offices and ancillary facilities.

Materials for the proposed extension will be clay double roman tiles for the roof and white painted rendered walls, all to match the existing.

The area at the front of the property is surfaced and currently used for vehicle parking (approximately 3 spaces). The area alongside the building will be used for staff parking.

The agent states that the present dental premises are subject to a compulsory purchase order by Somerset County Council for a road widening scheme (Third Way) at Bridge Street, and there is therefore an overriding need to locate to suitable alternative premises. He considers that the loss of the present shop business will have little impact considering that there is a one-stop shop and a post office selling the same products within 50 yards. The shop owner has had the property on the market for over a year and has received no offers for the business. He was therefore going to shut the shop anyway. The paper round will be maintained by the current owner but from a different location. With regard to parking, the design has provided for at least 4 staff parking spaces at the side of the property and 3 spaces for patients in front of the property. Appointments to the surgery are timed and there can be 2 patients waiting, so 3 spaces are ample. Deliveries are by standard sprinter van at a frequency of about 1 per week. The rate of vehicle movement would be less than observed for the shop.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposal would provide extra parking at the side. Whilst this is end on it would not be suitable for visitors but would be a facility for persons working at the site. The existing car parking at the front would remain. It is unlikely that the proposed change would result in extra vehicular traffic to the site and given the location and proximity to public transport the proposed car parking provision is considered adequate. Consequently there is no highway objection.

NATURE CONSERVATION AND NATURE RESERVES OFFICER there is anecdotal evidence of bats in the area and the existing building does provide access under the eaves for crevice dwelling bats, such as pipistrelles, to roost. The site is close to tributaries of the Tone (Local Wildlife Site) as well as established gardens with good tree cover - both features that bats will use for hunting and navigation. Conclude, therefore, that it is reasonable to request a bat survey at this site to determine if bats will be affected by the proposals for a two storey extension. This is the optimum time for bat surveys and information should be submitted and considered as part of the determination process (PPS9). The existing tree is a conifer. It has been crown raised, leaving opportunities for bats to roost in the ends of broken branches. Recommend that an ecological consultant would be able to advise further when a bat survey is done. PLANNING POLICY no objection in principle. This property lies within the defined Mountfields local centre. Policy T25 seeks to retain and enhance the vitality and viability of local centres. Whilst the proposal results in a loss of a retail unit(newsagent), another property in the local centre also functions as a newsagent. In this instance, it would be hard to argue the proposal would adversely affect the viability and vitality of the centre and a dentists/health use would be a complementary facility to enhance the function of this centre.

LETTER OF OBJECTION FROM WARD MEMBER raising the following issues:- consider that the existing shop is central to the community of the local area, providing the obvious service of the shop, and that of a place to meet and socialise for local people, especially the elderly; the loss of the shop would alter the balance of this essential local shopping area and be detrimental to its survival; also has serious concerns about the amount of parking that this application would cause; the current shop has a lot of local trade, on foot, with car traffic at peak times; a dentist surgery would cause many more traffic movements all day, with a need for cars to be parked for prolonged periods; there would also be staff parking to be considered.

8 LETTERS OF OBJECTION have been received raising the following issues:- would not like to see the loss of the local shop - it is an important part of the local community selling local farm produce in addition to being a very friendly and comprehensive newsagent and would be greatly missed; concerned about the increase in traffic which a dental surgery will cause; congestion is made worse by the heavy duty traffic from Cutcliffe farm and the tractor business operating from there; also believe that Mountfields road is intended to be used as a cycle path from South Road to the footpath across the green wedge; concerned about the extra parking requirement. Local roads are all used daily to capacity for local shopping, Richard Huish students and town centre commuters; the plans show 5 spaces for the practice, but a successful practice would require more; any plan that will increase the

amount of parking in this vicinity should be regarded as unsuitable and against the best interests of local residents and existing businesses; concerned about the size of the proposed extension which would be inappropriate on such a small area of land; the extension would have a huge impact and be extremely overpowering to the next door property, and result in considerable loss of light and overlook the adjacent private gardens; suggest that the eaves and ridge levels are reduced in height to coincide with the eaves level on the adjoining veterinary practice as shown on the north west elevation.

POLICY CONTEXT

Taunton Deane Local Plan Policies EC11 - (Local Service Provision within Taunton and Wellington), T25 - (Vitality and Viability of Defined Local Shopping Centres), S1 and S2 (General Requirements and Design), and EN4 and EN5 - (Wildlife and Protected Species).

ASSESSMENT

The main issues are the loss of the existing shop and replacement with a dental surgery.

The site is outside the Central Area but within an identified Local Shopping Centre (Mountfields Road). Policy T25 states that local shopping provision serves to complement facilities within the town centre by satisfying local day-to-day needs, and to minimise travel requirements. A local centre is defined as a small grouping of local facilities usually comprising a newsagent's, a general grocery store, a sub-post office and, occasionally, a pharmacy, a hairdresser and other small shops of local nature. Some local centres also contain a larger food store. Policy T25 will permit the change of use of existing local centre units to enable the introduction of a range of non-Class A1 uses, provided that they do not adversely affect the vitality and viability of the local centre concerned. The other uses in the Mountfields Road local centre include a hairdresser, sub-post office, a butcher's shop, a one-stop shop, a car sales premises, and M.O.T. garage and a veterinary surgery. As there will still be a general store catering for daily needs, it is not considered that the retention of this shop is vital. Furthermore, a dental surgery is an acceptable use in a local centre.

The dental surgery will operate on an appointments system and the site can accommodate both patients and staff car parking.

The proposed extension will be on the rear of the property and will have no impact on the street scene. The other half of the pair (the veterinary surgery) has had a large, recent extension at the rear and will not be affected by this proposal. The main impact will be on the adjacent properties to the west and the north. The side wall of the extension is 2.6 m from the boundary and a two storey building will have a greater impact than the present flat-roofed single storey building, but it is not considered that it would dominate these properties to an unacceptable degree and the 2 windows at first floor level in the side elevation which serve a toilet and a landing can be obscure glazed. With regard to the dwelling to the north, the rear elevation of the two storey extension will be 7.8 m from the rear boundary. As

submitted, the plans showed 2 large windows serving the surgeries, which would overlook the private garden behind. The windows have been reduced in size and the first floor window will be obscure glazed with a fixed lower light. The Wildlife Officer has advised that a Bat Survey is required before planning permission is granted. This is currently being undertaken, and the results are awaited.

RECOMMENDATION

Subject to the submission of a satisfactory bat survey the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, obscure glazing, parking, landscaping.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposed change of use will not have an unacceptable impact on the vitality and viability of the local centre, and that the proposed extension will not give rise to an unacceptable visual and neighbour impact. The proposal is therefore in accordance with Taunton Deane Local Plan Policies EC11, T25, S1, S2, EN4 and EN5.

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

CONTACT OFFICER: 356313 MRS H PULSFORD (MON/TUES/WED)

NOTES:

38/2007/284

VENTURE PROPERTY & DEVELOPMENT CO LTD

RETENTION OF BLOCK OF 10 FLATS AND ASSOCIATED PARKING AND WORKS AT BRITISH RED CROSS CENTRE, WILTON STREET, TAUNTON (REVISED SCHEME 38/2005/160)

322297/124037

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

Planning permission was granted in July 2005 for the erection of a block of 10 flats with associated parking. In developing the site the developer did not build in accordance with the permitted plans. This resulted in unacceptable changes in the detail of the building and the Planning Committee have resolved to take enforcement action against the unauthorised building. A copy of the enforcement report that detailed discrepancies between the two buildings is attached. This application is for permission for the building as built on site with alterations to overcome the main points of objection to the finished building. The application now includes the provision of obscure glazed, fixed opening windows to the bathrooms and kitchens on the ground and first floor in the northern elevation, which overlooked the rear garden of 2A Wilton Street and an altered landscape and site plan which relocated the bin stores to the rear of the building rather than adjacent to the street frontage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

LANDSCAPE OFFICER views awaited.

6 LETTERS OF OBJECTION including a letter from the Wilton and Sherford Community Association raising the following issues:- the proposal compromises the privacy and sunlight of existing residential properties; the building overlooks the dwellings in Wilton Close; the building is now approximately 300 mm taller than previously and this has results in a greater loss of sunlight to existing properties; the approved landscaping incorporates some tree planting on the rear boundary affording some relief from overlooking whereas the current proposal does not; the footprint of the building is larger than previously approved and its impact on the area and neighbours is unacceptable and should be rebuilt in line with the planning permission; the initial objection was to the height of the proposed building in the area and the scheme as built has an even greater impact; planting of trees along the rear boundary will reduce direct overlooking; the building is now too high and imposing on the Wilton street scene; the flats will add to the parking congestion in the adjacent streets; this matter should have been resolved immediately the problem was noticed in November 2006 the delay is unacceptable

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 sustainable Development; STR2 Towns; Policy 49 proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed.

Taunton Deane Local Plan Policies S1 - General Requirements for Development, S2 - Design, H2 - Housing Development Within Taunton, EN6 - 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, EN23 - Area of High Archaeological Potential, M4 - Residential Parking Provision.

ASSESSMENT

The building has a larger form than that for which planning permission was granted. In assessing the resultant impact on the street scene, I consider that the building retains an important step down of roof heights from 10 Wilton Street, in an elevated position, to 2a Wilton Street at ground level. In this respect I consider that it fits into and complements the street elevation in the area whilst maximising the development potential of the site. The building is marginally wider (600 mm in total, 300 mm to the north and 300 mm to the south) than previously approved taking its end walls closer to the existing adjacent properties. I consider that the increased impact of the distance is minimal and that the relationship between the existing dwellings and flats is acceptable. Neighbours to the rear of the new building are concerned with overlooking of their properties. However the rear of the building provides a minimum distance of 16 m to the boundary with the gardens of the properties and a further 14 m to the rear of the dwelling, thus providing a space of 40 m between windows (all measurements are approximate). This distance is well in excess of the 20 m that is often regarded as acceptable. The original site plan indicated trees to be situated on the western boundary of the site and this would provide a barrier to soften any interplay between the sites. The applicant has been requested to provide an amended planting scheme to include some tree planting along the western boundary. At its meeting in April this year the planning committee considered the differences between the permitted development and that actually built on site and agreed that the additional level of overlooking of the adjacent property, 2A Wilton Street was unacceptable. The current application provides for the windows on the ground and first floors, that were the cause of that overlooking, to be obscure glazed and their opening restricted to a maximum distance of 300 mm to allow for ventilation but not wide enough to cause overlooking. The bin store was to be provided adjacent to the back of Wilton Street. On site the bin store has been relocated to the rear of the site. I consider this to be an improvement in terms of the street scene and the safety of the bin store situated as it is, to the rear of security gates. I therefore consider the proposal to be acceptable.

RECOMMENDATION

Subject to the previous Section 106 agreement for contributions for the provision of children's play area and recreation open space being applied to the current scheme, permission be GRANTED subject to following of obscure glazed and fixed opening ground and first floor windows on the north elevation, obscure glazed and fixed opening windows on the first and second floor of the southern elevation, no

additional windows in the north or south elevations, access, turning/parking, internal access road free from obstruction, no gates other than those approved, access gradient, cycle parking, bin storage, landscaping. Notes re disable persons, energy conservation, meter boxes, contaminated land, secure by design, infrastructure.

REASON(S) FOR RECOMMENDATION:- The proposal is for residential development in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

PLANNING COMMITTEE – 18TH 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 mm 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 8th 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

43/2006/165

MR & MRS EDHOUSE

ERECTION OF A PAIR OF DWELLINGS TO REAR OF 52 HIGH STREET, WELLINGTON AS AMENDED BY AGENTS LETTER DATED 2ND APRIL, 2007 AND ACCOMPANYING PLANS NOS. 1337/07/6 AND 1337/07/7

314085/120738

FULL

PROPOSAL

This is a full application seeking permission for two dwellings on land currently forming part of the curtilage and garden of 52 High Street. The plot measures approximately 19 m x 9.5 m. The dwellings are 7.5 m high with rooflights on the North East elevation. Materials proposed are render and slate.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection in principle, located in centre of Wellington close to existing facilities, services and car parking; only concern is how properties are serviced, on balance no highway objection; condition cycle provision. COUNTY ARCHAEOLOGY limited or no archaeological implications; no objection. WESSEX WATER connection to foul sewer and water mains to be agreed at detailed design stage; details of surface water drainage should be agreed; three metre easement.

CONSERVATION OFFICER (on amended scheme) no objection in principle to development here. As noted previously, application to build houses here will not have much impact upon the setting of the listed building, or upon the character and appearance of the conservation area. Concern regarding impact to neighbour is an issue between the two landowners to resolve under the Party Wall Act as agreement will be necessary in order for development to take place within 6 metres. First scheme was perhaps most aesthetically satisfactory. DRAINAGE OFFICER no observations.

TOWN COUNCIL objects, over development on a small development on small site in the conservation area.

SEVEN LETTERS OF OBJECTION have been received raising the following issues:- access to building plot too narrow and not suitable for building materials, and will increase number of users; access would be a fire risk; service connections can only come from the existing narrow pathway, would not give permission to dig-up; overcrowded; undermine character and balance of conservation area; overlooking; no parking; more pressure and parking problems; no safe or legitimate right to park and load/offload on the new Somerfield store road, problem for deliveries; no vehicular access; private Lane to side has no record on land registry for rights over it for 52; adjacent house has a overhanging roof of nearly 1 m which would be immediately above proposed dwelling; this is a severe fire risk; window on

gable would be used to mount rescue, new dwelling would prevent this; separation between dwellings inadequate (approved document B – fire safety); substantial amounts of unsuitable material would have to be removed to enable foundations; risk to established dwelling, would expect cracks and other signs of distress; security risk due to increase pedestrian usage; loss of green space/habitat; frogs, toads, newts, birds found around our garden; impact on/loss of wildlife; no highway frontage and no place where householders can legitimately deposit rubbish; no access for maintenance of gable wall; problems with 'flash' run-off due to loss of 'green; undeveloped space; changes to ground water drainage will impact on structure of my dwelling; problems for main drainage system from additional use; applicant cannot achieve required standards for Disability Discrimination Act; noise and light excessive in a small area.

POLICY CONTEXT

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H2 of the Taunton Deane Local Plan, including that small scale scheme will not erode the character or residential amenity of the area. The criteria of Policy S1 of the Taunton Deane Local Plan also apply in respect of traffic, accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area.

ASSESSMENT

The site lies within the settlement limits of Wellington where the principle of development is considered acceptable. The proposal is considered to be in keeping, and in scale with the existing properties within the area, and is not considered to harm the character and appearance of the conservation area.

The amended plans have allowed for the proposed dwellings to be moved further away from the boundary of the neighbouring property, from 1 m to 1.7 m. Concerns raised regarding fire safety, foundations, proximity to neighbouring properties, are issues that will be addressed by Building Regulations and the Party Wall Act.

There are no objections on highway grounds due to the sites location within the centre of Wellington.

The use of the shared access into the site is a civil matter. The dwellings will no longer use the entire access as amended plans have indicated a new access through the garden of 52 High Street.

Wessex Water has raised no objection to the application and the developer will need to agree points of connection. A condition will be attached to this approval to provide details of surface water disposal.

The windows on the south west elevation, facing the gable of the neighbouring property, will be conditioned with obscure glazing. The other windows serving the new dwellings are not considered to cause any detrimental overlooking.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, boundaries, cycle storage, disposal of surface water, waste refuse storage, obscure glazing to first floor SW elevation, no further extensions or outbuildings, wildlife survey. Notes compliance, building over sewer, connection to Wessex Water, 3 m easement, DDA

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to harm the visual or residential amenity nor harm the character and appearance of the conservation area and accords with Taunton Deane Local Plan Policies S1, S2, H2, EN14 and M4.

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

CONTACT OFFICER: 356463 MR D ADDICOTT

NOTES:

49/2007/030

MR BENJAMIN JAMES TURNER

ERECTION OF HOLIDAY CHALET AT THE OLD QUARRY, ABBOTSFIELD, WIVELISCOMBE AS AMENDED BY LETTER DATED 16TH JUNE, 2007 WITH UPDATED WILDLIFE SURVEY AND LETTER DATED 21ST JUNE, 2007 WITH ADDITIONAL FINANCIAL APPRAISAL INFORMATION.

307387/127722

FULL

PROPOSAL

The proposal is for a 3 bedroomed log cabin, to be used as a self catering holiday cottage, to be sited in a small disused quarry. The site is accessed from a private drive serving Abbotsfield off the B3227 Wiveliscombe to Bampton road. There was a similar application made in 2005, which was refused on the basis of substandard access, service trenches affecting trees and possible damage from falling trees, and insufficient information in respect of wildlife. The current scheme is accompanied by a detailed marketing report and wildlife survey, and a slight repositioning of the building.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY previous comments apply, recommends refusal. Previous comments:- Objections raised on sustainability issues and that the junction with the B3227 County Route is poorly aligned and visibility to the west is severely restricted. Whilst it is appreciated that the lane is well utilised as a means of access for a number of existing dwellings, I would not want to encourage any increase or intensification in the levels of traffic at this junction. ENGLISH NATURE wild birds to be protected during nest building and rearing stages, no objection.

LANDSCAPE OFFICER the proposals are acceptable in landscape terms. NATURE CONSERVATION AND RESERVES OFFICER more information required on badgers, suggests conditions. On further survey information no objections. CONSERVATION OFFICER no objection to principle ECONOMIC DEVELOPMENT OFFICER (on original) objects on economic grounds, concerned about the number of applications for new holiday let units unless they are part of existing tourist facilities on site. Having seen business plan and further information, is satisfied that there is potential demand, has advisors on the business potential and now considers the proposal acceptable on economic grounds. DRAINAGE OFFICER percolation tests have been carried out, approval from Environment Agency required, condition required, soakaways to standard.

PARISH COUNCIL does not object, comments that the proposal has been altered to include wildlife survey, and repositioning to satisfaction of the Tree Officer, so Parish Council considers principle acceptable, and whilst the Highways may have concerns, the increase of one unit is not considered to be an issue as no accidents have occurred where the drive abuts the main road.

WARD COUNCILLOR (M Whitmarsh) supports; appears suitable for the site, away from houses, the applicant has discussed the proposal with Tree and Wildlife Officers, and Economic Development Officer, and only a small increase in use of the adjacent road.

14 LETTERS OF OBJECTION have been received raising the following issues:- surprise at the Council even considering a new application; site is in a Conservation Area with wildlife, should enhance the character of the Conservation Area; given Abbotsfield is listed this proposal is incongruous; loss of privacy from short term visitors; not a temporary or easily portable; very poor access to main road, with obscured visibility, with a need to swing into the road and unable to see cars coming; there have been no other new buildings since 1961; the access road is private and third parties have no rights; to allow a commercial business when residential building is illogical; there are no views, the site is surrounded by trees, receives little sun; has no amenities and is likely that an application will be made to change it to residential occupation; extra traffic will be encouraged to access Abbotsfield; the drive could be undermined by the extra water/sewerage; difficult access for fire engines; damage to tree roots; further use of concealed entrance; some trees branches and shrubs have been removed, so the site is potentially more dangerous to children using the site; there have been safety issues for many years and local people have campaigned to have the speed limit reduced; the route onto Wiveliscombe is very poor, there is no footpath, dense shade over the road, high banks and this will be a danger to visitors; adverse effect on wildlife such as deer; wear and tear on the drive; the site can be seen from adjacent property, noise and nuisance has occurred from the use of the site as a camp site, similar noise problems will occur if this is allowed; concern about the safety of some of the trees; mud coming onto the road; the current speed limits are not in accordance with DfT Circular; cannot see what has changed since the previous refusal; site used for camping without permission; the area at Abbotsfield is sought as it is secluded, private and for safety reasons, the proposal will detract from these factors; the trenches for services will mean damage to trees; the site is on a corner of the private drive so a danger to children; there will be pressure to infill the area between Wiveliscombe and the site with such as a Country House Hotel; the statements made by the Parish Council and Councillor are mis-informed, the problems with the access is known to the current residents, there have been lots of near misses, the increase in traffic is likely to be much more than stated.

4 LETTERS OF SUPPORT have been received raising the following issues:- would be a valuable addition to the area; would not disturb residents; a good location for such a building; there has been a decrease in the amount of traffic since the downgrading of the road; the quarry was once part of the pleasure gardens.

POLICY CONTEXT

Taunton Deane Local Plan the following policies are considered especially relevant:- Policy S1 (General Requirements); Policy S2 requires development to be of a good design; Policy S7 requires that outside development limits new buildings will only be allowed, amongst other criteria, that they accord with a specific Development Plan Policy and supports the viability and viability of the rural economy; Policy EC24 requires that proposals for holiday chalets will only be permitted provided that the

proposal would not harm the landscape and be adequately screened and has good access to the main road network; Policy EN3 requires that development does not significantly adversely affect local nature conservation within County Wildlife Sites; Policy EN6 requires the protection of trees and hedgerows, EN8 safeguards groups of trees in and around settlements, Policy EN12 requires that the distinct character and appearance of Landscape Character Areas should be maintained, Policy EN14 requires that proposals affecting Conservation Areas should preserve or enhance their character and appearance; Policy EN16 requires that the setting of listed buildings should not be detrimentally affected.

ASSESSMENT

The site lies outside the settlement limits of Wiveliscombe, however Policy S7 supports the principle of this location where environmental quality is maintained/enhanced. The site is located within a disused quarry cutting and is well screened by mature trees on all boundaries. As the site is within a Conservation Area the trees require consent to be removed and therefore their futures are safeguarded. In terms of screening therefore the proposal accords with Policies S1, S2, S7, EN6, EN12 and EC24 and the visual amenity and Landscape Character Area of the area would not be detrimentally affected. The lack of prominence and separation from the Grade II Listed Abbotsfield means that the proposal would not adversely affect the character and appearance of the Conservation Area nor detrimentally affect the setting of the Listed Building.

The design of the chalet is considered typical for this form of development. In this case, this form of development is considered acceptable within this part of the Conservation Area. The visual amenity of the area would therefore not be detrimentally affected. The chalet is also located sufficient distance away from neighbouring properties not to cause any overlooking or overbearing affects and therefore the residential amenity of the area would not be detrimentally affected. The comments in respect of the potential intrusion of a residential building in the area is not a consideration at this stage as the proposal is for a holiday let only. The comments in respect of the private drive are not planning matters. The other issues raised, apart from the highway matters below, are not grounds for refusal of the application.

The Council's revised interpretation of Policy EC24 is a material consideration. However, it should be noted that this proposal is supported by the Economic Development Officer. However, Policy EC24 requires the development to have good access to the main road network. The existing access to the site is along a private drive that joins with the B3227, a County Route. The County Highway Authority has raised objections to the proposal on the grounds that the access with the B3227 will be dangerous due to poor visibility. Furthermore the Highway Authority has stated that the increased use of substandard access would be prejudicial to highway safety and the site is located within an unsustainable location. In response to the Highway Authority's objections, it is generally accepted that tourism creates its own traffic within these countryside locations where public transport may be limited. This form of development is principally considered acceptable in this countryside location where development may be more reliant on the use of the car due to its promotion of the rural economy and accordance with

parts A, B and D of Policy EC24. The other objections raised by the Highway Authority are not contested by the Local Planning Authority and therefore the proposal conflicts with Policy 49 of the Structure Plan and Policies S1 and part C of EC24.

The earlier reasons for refusal on wildlife and potential damage to trees have been overcome, and the Economic Development Officer is now supportive of the proposal, nonetheless the highways issue is such a major concern that permission should be refused.

RECOMMENDATION

Permission be REFUSED for the reason that the increase in the use of the sub-standard junction of the private lane with the B3227 County Route, such as would be generated by the proposed development, would be prejudicial to road safety and as such is contrary to the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and contrary to Taunton Deane Local Plan Policies S1 and EC24 (C). Furthermore the access to the main B3227 does not incorporate the necessary visibility splays, which are essential in the interests of highway safety.

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

CONTACT OFFICER: 356460 MS K MARLOW (MON/TUES ONLY)

Planning Committee – 25 July, 2007

Report of the Development Manager

Enforcement Item

Parish: Ruishton

1. **File/Complaint Number** Application No. 31/2007/017 -E81/31/2007
2. **Location of Site** Woodlands, Ruishton
3. **Names of Owners** Pyman Bell Holdings Ltd, Woodlands, Ruishton
4. **Names of Occupiers** Sir Benjamin Slade
5. **Nature of Contravention**

Siting of two marquees for conferences and functions

6. **Planning History**

The marquees were first brought to the Councils attention in March 2007. A site visit was carried out where it was found that a large rigid sided structure had been erected at the side of Woodlands Castle, which is a Grade II listed building. A planning application was requested and received on 8 May, 2007. This was subsequently refused under delegated powers on 28 June, 2007.

7. **Reasons for taking Action**

It is considered that the marquees are detrimental to the character, setting and visual amenities of the existing listed building contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 9 and Taunton Deane Local Plan Policies S1(D), S2(A), S7, EN16 and EN17. Also the increased use of the existing access together with the generation of additional conflicting traffic movements would be prejudicial to road safety and highway capacity contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice in respect of the unauthorised use of the land and to take prosecution action, subject to obtaining satisfactory evidence, should the notice not be complied with.

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

CONTACT OFFICER: Mrs A Dunford Tel: 356479

Planning Committee – 25 July, 2007

Report of the Development Manager

Enforcement Item

Parish: Wellington

1. **File/Complaint Number** E112/43/2007
2. **Location of Site** 14 - 18 North Street, Wellington.
3. **Names of Owners** Miss S Cunningham
4. **Names of Occupiers** Cunningham's Restaurant
5. **Nature of Contravention**

Use of flat roof area as roof terrace in connection with the restaurant.

6. **Planning History**

Planning permission was granted on 4 May, 2005 for a change of use of the ground floor from a community centre to a restaurant. No permission exists for use as a restaurant on any other part of the building.

It was brought to the Council's attention on 27 April, 2007 that the roof area of 14 – 18 North Street was being used as an extension to the restaurant known as Cunningham's. It was initially thought that this was a 'one off' due to the restaurant having a Grand Opening event. However, the roof terrace now appears to be used on a regular basis, especially with the anti-smoking legislation coming into force. The owner was contacted and informed that an application for planning permission to use the roof terrace should be submitted.

To date no application has been received.

7. **Reasons for taking Action**

The use of the roof for patrons of the restaurant either for eating or for smoking purposes causes a serious overlooking problem for the dwellings situated at the rear and side of the property. Also the open aspect of the area can cause excessive noise levels which are considered detrimental to the amenities of the neighbouring properties. Therefore the use is contrary to Taunton Deane Local Plan Policy S1(E).

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice in respect of the unauthorised use of the roof terrace and to take prosecution action, subject to obtaining satisfactory evidence, should the notice not be complied with.

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

CONTACT OFFICER: Mr J A W Hardy Tel: 356479