



## 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 15TH AUGUST 2007 AT 17:00.

(RESERVE DATE : THURSDAY 16TH AUGUST 2007 AT 17:00)

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### **AGENDA**

1. Apologies.
2. Minutes of the meeting of the Committee held on 25 July, 2007 (attached).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. CHURCHSTANTON - 10/2007/018  
ERECTION OF GARAGE ADJACENT TO GARAGE BLOCK AT TRENTS VIEW, ROYSTON LANE, CHURCHINFORD
6. NORTH CURRY - 24/2007/030  
RETENTION OF INCREASED HEIGHT OF SOUTH EAST BOUNDARY WALL, ADDITIONAL ROOF LIGHT AND THE SUBSTITUTION OF A WINDOW FOR A DOOR, AND THE ERECTION OF SWIMMING POOL PLANT ROOM, THE OLD CANAL BARN, WRANTAGE
7. OTTERFORD - 29/2007/004  
ERECTION OF TWO AND THREE STOREY EXTENSION WITH LINK TO OUTBUILDING AT HIGHER HOWSTEAD, OTTERFORD
8. TAUNTON - 38/2007/154  
CHANGE OF USE OF 20 MALVERN TERRACE, TAUNTON TO FOUR ONE BEDROOM UNITS
9. TAUNTON - 38/2007/259  
DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 9 ONE BEDROOM FLATS, SITE OF ALMA INN, SILVER STREET, TAUNTON AS AMENDED BY LETTER DATED 10TH JULY, 2007 AND PLAN NO. 4001-2B AND LETTER DATED 25TH JULY, 2007 AND PLAN NO. 4001-3C
10. TAUNTON - 38/2007/291  
CONVERSION OF DENMARK INN INTO 2 NO. RESIDENTIAL UNITS, ERECTION OF 3 NO. UNITS FILLING THE GAP BETWEEN DENMARK INN AND TERRACE, AND 4 NO. ADDITIONAL

HOUSES BETWEEN DENMARK INN AND DENMARK WALK.  
CHEDDON ROAD, TAUNTON.

11. WELLINGTON - 43/2007/074  
ERECTION OF A DWELLING AT LAND ADJACENT TO 1 WAYSIDE  
COTTAGES, PYLES THORNE LANE, WELLINGTON
  
12. Pitminster - 30/2007/017  
Formation of a new vehicular access, erection of oak-framed cart  
shed for boat storage and erection of garden room at Oakewood  
Cottage, Pitminster  
Miscellaneous Item
  
13. 34/2007/027A and E223/34/2007 - Ash House, Cook Way, Taunton -  
Display of 3 flagpoles, 6m high with 3 banner flags attached to each  
pole measuring 2.65m x 0.95m  
Enforcement Item

G P DYKE  
Democratic Services Manager  
07 August 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:



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

## **Planning Committee – 25 July 2007**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Critchard, Denington, Floyd, Henley, C Hill,  
House, Miss James, McMahon, Mrs Smith, Ms Webber,  
A Wedderkopp, D Wedderkopp and Woolley

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

Also present:- Councillor Coles, Councillor Mrs Lewin-Harris in relation to  
application Nos 18/2007/012 and 013LB, Councillor Ms Herbert in  
relation to application No 38/2007/258 and Councillor Mrs  
Whitmarsh in relation to application No 49/2007/030.

### **90. Apologies/Substitution**

Apologies:- Councillors Bowrah and Watson.

Substitution:- Councillor Stuart-Thorn for Councillor Watson.

### **91. Minutes**

The minutes of the meeting held on 4 July 2007 were taken as read and were signed.

### **92. Declarations of Interest**

Councillor Denington declared a personal interest as he knew the applicant in relation to application No 38/2007/258. Councillor Floyd also declared a personal interest as he knew the family of the applicant in respect of application No 49/2007/030.

### **93. Applications for Planning Permission**

The Committee received the report of the Development 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:-

**18/2007/012**

**Installation of four windows at Blakes Farm, Halse.**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials.

(Applicant's attention is drawn to the conditions of listed building consent 18/2000/013LB which must be complied with before development commences.)

**Reason for granting planning permission:-**

The proposal was considered not to affect the character of the listed building, in line with Taunton Deane Local Plan Policies S1, S2 and EN16.

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

The committee felt that the proposal would not be out of keeping with the character of this Grade II listed building.

**18/2007/013LB**

**Installation of four new windows and internal alterations to form en-suite bathroom at Blakes Farm, Halse.**

**Conditions**

- (a) C002B – time limit listed building;
- (b) The extractor fan in the new en-suite bathroom shall discharge through an in-line vent positioned in the roof slope, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (c) The rooflight for which permission has been granted, shall be a flush fit, cast conversion rooflight, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) The materials and detailing to be used in the construction of the three windows to be fitted into the sides of the building shall match those used in the existing windows.

**Reason for granting listed building consent:-**

The proposal was considered not to affect the character of the listed building, in line with Taunton Deane Local Plan Policies S1, S2 and EN16.

**Reason for granting listed building consent contrary to the recommendation of the Development Manager:-**

The Committee felt that the proposal would not be out of keeping with the character of this Grade II listed building.

**22/2007/010**

**Erection of workshop to rear of Thorne House, Handy Cross, Lydeard St Lawrence.**

## Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) 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, five minute Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or other noise sensitive boundary:- Monday – Friday 0800-1800 hours; Saturdays 0800-1300 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;
- (e) The use hereby permitted shall be strictly limited to the use of the site as a hand crafted joinery business and for no other purpose including any purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order;
- (f) C706 – restricted use – no retail sales;
- (g) C708 – restricted use – no storage except where stated;
- (h) The use of the workshop hereby permitted on this site shall remain attached to the dwelling;
- (i) P010 – no further windows.

(Note to applicant:- Applicant was advised that 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 ten minutes.)

### **Reason for granting planning permission:-**

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC4 and EC7.

### **38/2007/208**

**Conversion and extension of dwelling to form five flats at 1 Peter Street, Taunton.**

## Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C722 – sound proofing;
- (d) The provision shown for the parking of cycles shall be made available prior to occupation of any flat hereby approved and kept available for that purpose;



- (e) None of the dwellings hereby permitted shall be occupied until the sewage disposal/drainage works have been completed in accordance with the plans hereby approved.

**Reason for granting planning permission:-**

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 did not conflict with Taunton Deane Local Plan Policies S1, S2, H2, H4, H17 and M4.

**49/2007/030**

**Erection of holiday chalet at the Old Quarry, Abbotsfield, Wiveliscombe.**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) No works shall commence on site until the Environment Agency's Consent to Discharge Certificate for the septic tank has been issued and a copy submitted to the Local Planning Authority. Any works thereby required shall be implemented prior to the first occupation of the holiday chalet;
- (d) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (e) C917 – services – underground;
- (f) The timber holiday chalet shall be used for holiday purposes only, and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification);
- (g) C413 – restriction of occupation for holiday lets in permanent buildings;
- (h) The measures set out in the mitigation recommendations of the Ecological Survey dated June 2007 shall be carried out as described in the report. Any variation to those measures shall be agreed in writing by the Local Planning Authority prior to any work commencing on site.

(Notes to applicant:- (1) Applicant was advised that approval will be required from the Environment Agency by way of them issuing a Consent to Discharge Certificate for the septic tank; (2) Applicant was advised that the surface water soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that all visitors to the holiday let should be made aware of the dangers of exiting the private drive onto the B3227; (4) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should therefore ensure that any activity undertaken on the application site must comply with the appropriate wildlife legislation.)

**Reason for granting planning permission:-**

The proposal was considered to comply with Taunton Deane Local Plan Policy EC24 and it was not considered the proposal was so prejudicial to road safety to warrant refusal.

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

The Committee felt that the junction of the access with the B3227 was not so prejudicial to road safety to warrant refusal of the application.

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

**26/2007/007**

**Erection of dwelling on land south of 7 Blackdown View, Nynehead.**

**Reason**

The scale of development is out of keeping with the character of existing dwellings and therefore contrary to Policies S1 and S2 of the Taunton Deane Local Plan.

(Note to applicant:- Applicant was advised that a scheme more in keeping with the area might be considered favourably.)

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

The Committee felt that the scale of the development proposed would be out of keeping with the existing development.

- (3) That the following application be **withdrawn**:-

**43/2006/165**

**Erection of a pair of dwellings to rear of 52 High Street, Wellington**

94. **Change of use of building to Dental Surgery and Laboratory and erection of two storey extension at 4 Mountfields Road, Taunton (38/2007/258)**

Reported this application.

RESOLVED that subject to the submission of a satisfactory Bat Survey, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) The windows at first floor level in the south-west elevation shall be glazed with obscure glass which shall thereafter be retained. There

shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;

- (d) C324 – parking;
- (e) C201 – landscaping;
- (f) The development hereby permitted shall not be commenced until all contractors working on the site are made aware that Bats are fully protected by law under the Wildlife and Countryside Act 1981 and under European legislation. Roof tiles (particularly those over the gable ends and the ridge) shall be removed by hand and individually checked for roosting Bats before stacking. They should be lifted clear without sliding. The tree to be felled on site must be taken down in sections and each section carefully lowered to the ground. Should a Bat or Bats be encountered while work is being carried out on the property, work must stop immediately and advice obtained from Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ and gently covered, until advice is obtained;
- (g) No site clearance works or development (or specified operations) shall take place between 1 March and 30 September without the prior written approval of the Local Planning Authority;
- (h) If the period of time between Caroline Munns' report dated July 2007 and the commencement of development extends more than one year beyond the date of the report, then a further survey must be commissioned and then submitted to, and agreed in writing by, the Local Planning Authority, to ascertain any changes in the use of the site by protected species.

(Note to applicant:- Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should therefore ensure that any activity undertaken on the application site must comply with the appropriate wildlife legislation.)

**Reason for planning permission, if granted:-**

It was considered that the proposed change of use would not have an unacceptable impact on the vitality and viability of the local centre and that the proposed extension would not give rise to an unacceptable visual and neighbour impact. The proposal was therefore in accordance with Taunton Deane Local Plan Policies EC11, T25, S1, S2, EN4 and EN5.

95. **Retention of block of ten flats and associated parking and works at British Red Cross Centre, Wilton Street, Taunton (revised scheme 38/2005/160) (38/2007/284).**

Reported this application.

RESOLVED that subject to the previous Section 106 Agreement for contributions for the provision of a children's play area and recreation open space being applied to the current scheme, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The proposed access and visibility splays shown on drawing No 16 revision A, and provided on site shall be maintained as such thereafter;
- (b) C330 – internal road to be kept free from obstruction;
- (c) The area allocated for car parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (d) Provision shall be made for the parking of ten cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this permission. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
- (e) The bin storage facilities shall be provided in accordance with the submitted plans and thereafter maintained to the satisfaction of the Local Planning Authority;
- (f) C306 – access – gradient;
- (g) There shall be no additional gates attached to the access or drive without the prior written consent of the Local Planning Authority;
- (h) The ground and first floor windows and the second floor bathroom window on the northern elevation shall be provided to open to a maximum of 300 mm from the closed position. Such windows shall be thereafter maintained;
- (i) The windows on the southern elevation, as indicated on the approved plan No 0038/19/A as amended by the Agents' letter dated 12 May 2007 shall all be obscure glazed and fixed opening to a maximum of 300 mm and thereafter maintained as such. There shall be no alteration to, or additional windows in, this elevation without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N117 – crime prevention; (5) NO41B – drainage/water.)

**Reason for planning permission, if granted:-**

The proposal was for residential development in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

96. **Siting of two marquees for conferences and functions at Woodlands, Ruishton.**

Reported that it had been brought to the Council's attention that two marquees used for conferences and functions had been erected without planning permission on land at Woodlands, Ruishton.

Although a planning application to retain the marquees had been submitted, this had recently been refused under delegated powers.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised marquees that had been erected at Woodlands, Ruishton; 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.

97. **Use of flat roof area as roof terrace in connection with Cunninghams Restaurant, 14-18 North Street, Wellington.**

Reported that it had been brought to the Council's attention that the roof area of 14-18 North Street, Wellington was being used as an extension to the restaurant known as Cunninghams.

The owner of the restaurant had been informed that planning permission to continue to use the roof terrace was required. However, to date no application had been received.

Members were concerned about the use of the roof terrace which was very close to the adjoining property. As such, they felt that if circumstances warranted it, a stop notice as well as an enforcement notice should be served on the owner of the restaurant.

RESOLVED that:-

- (1) Enforcement action be taken to secure the cessation of the use of the roof area at 14-18 North Street, Wellington;
- (2) Following further assessment of the situation, the Solicitor to the Council be authorised to serve a stop notice, if such service was in accordance with Government guidance, in respect of the unauthorised change of use of the roof area at 14-18 North Street, Wellington; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice, and any stop notice, not be complied with.

(The meeting ended at 8.23 pm.)

10/2007/018

MR M DAVIES

**ERECTION OF GARAGE ADJACENT TO GARAGE BLOCK AT TRENTS VIEW,  
ROYSTON LANE, CHURCHINFORD**

321468/112569

FULL

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**PROPOSAL**

The proposal involves the erection of garage adjacent to the existing garage block at Trents View, Royston Lane, Churchinford.

The proposed garage covers an area of approximately 7 m x 6 m. It will occur on the boundary to the west of the dwelling. The materials being timber rather than stone and tiles to match that of the adjacent garage block.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY states notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order, 1995, the use of the garage hereby permitted shall not be used other for the parking of domestic vehicles and no further ancillary residential accommodation or any other purpose whatsoever.

CHURCHSTANTON PARISH COUNCIL objects to the application and raised issues of that the property in its original design includes an integral garage but this has now been incorporated in the living accommodation. Therefore should not be able to construct a new garage. The garage utilises existing walls from neighbouring dwellings. It will reduce neighbourhood amenity at Mill Cottage. Allowing this would infringe further on the prerequisite not to allow over building on this site.

BLACKDOWN WARD COUNCILLOR concerns over if this is allowed the block of five garages will be one of the largest buildings on the site. It would set a precedent for further building along the remainder of the wall. Also the size of the proposed double garage exceeds that required for accommodating two vehicles and reduces neighbour amenity of adjoining property. Additionally the roofline of the proposed garage would alter the skyline at the Trents Farm Development.

1 LETTER OF OBJECTION has been received raising the following issues:- garage is completely unnecessary; the proposed new construction would be completely disproportionate to the size of the site, resulting in an unsightly large block of garages and the over development of the site.

2 LETTERS OF SUPPORT have been received raising the following issues:- Trents View is the only remaining property which does not benefit from garage parking and believe proposal to be in keeping with surrounding area; the owner of the adjoining property has stated that he has no objections to the proposal.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 and S2.

## **ASSESSMENT**

The proposal is for a new double garage to the property. A previous extension was allowed to the barn conversion for garaging and a subsequent application for removal of the condition restricting its use allowed. The applicant had the option to retain the garage but decided to convert it to living accommodation. The current proposal provides for a new double garage to serve the property. The main considerations are the impact on neighbouring amenity and the character of the complex by allowing an effective extension to a garage block.

The proposed garage building is to be sited next to an existing block of 3 garages adjacent to a boundary wall. The garage will project around 3.5 m above the existing wall and will be clearly visible from the neighbour's garden to the south which is set at a lower level and is around 15 m long. A similar situation with the property to the west already exists and therefore if this was deemed acceptable at the time it would be unreasonable to object to the proposal in terms of the impact. The neighbour objects on the grounds of it being an unsightly overdevelopment, however the design of the building reflects the ridge of the adjacent structure and would be constructed of materials that would reflect the character of the area. The impact on amenity is therefore considered to be acceptable.

The proposal will impact on the character of the complex of conversions by providing a larger garage block of 5 garages that would consist of a building 16 m x 6 m. This would be a large building on the site and the impact of this building in terms of the character of the area has to be carefully assessed. Certainly the proposed location would be better in layout terms than an alternative suggested adjacent to the boundary with the Pound House. Such a location would result in an incongruous appearance with a detached garage structure separated from other buildings. If there has to be a garage here the site would appear the most appropriate. The issue is does an additional garage building in this location detract from the character and appearance of the complex of buildings. While the proposal will result in a larger garage building it will not be significantly larger than other garage blocks allowed in the complex and consequently given the design and materials the impact of the building is considered to be acceptable and not to detract from the character of the complex so as to warrant refusal.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials and use restricted to domestic parking/storage.

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

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:



24/2007/030

MR & MRS E ATKINS

**RETENTION OF INCREASED HEIGHT OF SOUTH EAST BOUNDARY WALL, ADDITIONAL ROOF LIGHT AND THE SUBSTITUTION OF A WINDOW FOR A DOOR AND THE ERECTION OF SWIMMING POOL PLANT ROOM, THE OLD CANAL BARN, WRANTAGE**

330800/122508

FULL

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**PROPOSAL**

Permission is sought for the retention of increased height of south east boundary wall from 1.2 m as approved to 1.8 m. As now shown the wall does not abut the adjacent Canal Inn but leaves a gap of approximately 0.85 m.

Additional the erection of a swimming pool plant room measuring 2.1 m x 2.1 m located to the northeast of the barn adjacent to the Canal Inn is sought. This is a timber framed building with timber cladding on three sides attached to a wall linking the barn to the Inn.

Also proposed is an additional roof light on the south east (front) elevation and the substitution of a window for a door on the north east elevation facing the Inn.

**CONSULTATIONS AND REPRESENTATIONS**

WESSEX WATER recommends notes.

PARISH COUNCIL do not support this application due to the close proximity of the pump house to the neighbouring wall of the Canal Inn. However if the gap for maintenance to the Canal Inn wall was provided the Parish Council would support the application

1 LETTER OF OBJECTION has been received raising the following issues:- works have already been undertaken without consent; applicants have disregarding Party Wall Act and base of pump room is attached to their property; applicant originally offered to build the pump room 0.5 m away from boundary.

**POLICY CONTEXT**

Taunton Deane Local Plan Policies S1, S2 and H17 the seek to safeguard, inter alia, visual and residential amenity, road safety, and the character of buildings.

**ASSESSMENT**

The works were all part of a retrospective application refused in January 2006 by Committee against Officer advice (24/2005/053) for the following reason:- In the opinion of the Local Planning Authority the purposed link extension has resulted in

an unacceptable loss of outlook and light to the neighbouring property thereby resulting in loss of visual and residential amenity. Accordingly the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H17.

An informative was included indicating that the roof light and window changes were acceptable and a lower front wall, not tied to the public house, may be acceptable.

Subsequently an application for retrospective permission for just the retention of a covered link between converted barn and dwelling was approved on appeal by decision letter dated 8th March, 2007 following refusal of permission by Committee against Officer advice in September 2006.

As indicated at the time of the January 2006 decision the roof light and window changes are considered acceptable.

The issues to be addressed are the impact on the integrity and character of the former barn buildings, and the impact on the neighbouring property, the Canal Inn in respect of the pump house and increased height wall

Firstly the concerns raised by the adjoining owner are primarily issues between adjacent landowners and are not material planning considerations, these matters are dealt with by other legislation independent of the planning process. Whilst it may be regrettable that the works have already been carried out this should have no weight either in support of or against the scheme.

It is not considered that the small pool plant room, which is constructed of materials very much of a temporary nature, has any material adverse impact on the barn itself or on the amenities of the Canal Inn and in consequence this element of the proposal is also considered acceptable.

The front wall, although not reduced in height, is now set away from the Canal Inn. It is also set back from the road frontage and not a conspicuous element in the street scene.

Condition 8 of the original approval for the barn conversion required this access to be closed in a manner to be agreed with the Local Planning Authority. As now proposed there is the potential for pedestrian access to a courtyard area between the Canal Inn, the covered link, the wall to which the pump room is attached and the front wall. Pedestrian gates provide access to the barn from this courtyard.

As the position of the wall would still give the possibility of parking in front of it the requirements of condition 8 need to be repeated to prevent this eventuality and possible resultant highway danger.

## **RECOMMENDATION**

Permission be GRANTED subject to condition requiring access adjacent to the Canal Inn to be closed in a manner to be agreed with the Local Planning Authority.

**REASON(S) FOR RECOMMENDATION:-** The development does not adversely affect the character of the buildings, or visual or residential amenity and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 or H17.

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

**CONTACT OFFICER: 356465 MR M ROBERTS**

NOTES:

29/2007/004

MR & MRS EATON-JONES

**ERECTION OF TWO AND THREE STOREY EXTENSION WITH LINK TO  
OUTBUILDING AT HIGHER HOWSTEAD, OTTERFORD**

323298/115109

FULL

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**PROPOSAL**

The proposal is to erect effectively a 2 and 3 storey extension on the end of the existing dwelling projecting down the hill to link with an outbuilding. The extension in footprint terms extends 13 m, longer than the existing house. The extension projects the width of the original cottage and steps down in height. The first step maintains a 2 storey extension and is 7.3 m high, the second step provides 3 stories of accommodation and is 7 m high, while the final section provides a lobby area with first floor balcony and a flight of steps down to the barn level.

**CONSULTATIONS AND REPRESENTATIONS**

BLACKDOWN HILLS PARTNERSHIP the Blackdown Hills AONB Management Plan seeks to ensure that all development in the AONB will be of the highest quality and would conserve or enhance the special landscape qualities of the area; the AONB Partnership supports local planning authorities in the application of their policy framework in order to help achieve this aim. I note that the applicant's design and access statement refers to the property as a simple rural cottage, and this is typical of the simple form of traditional houses in the AONB that contribute to the special qualities of the area. The traditional buildings of the Blackdown Hills are an essential and distinctive part of its landscape – one of the reasons for designation as an AONB is that it is 'a landscape with architectural appeal'. It is important therefore to safeguard against the cumulative effect of creeping suburbanisation from uncharacteristic new or replacement dwellings, unsympathetic domestic alterations and extensions and corresponding domestication of the countryside. Given the isolated location and essential simplicity of Higher Howstead, the scale of this extension and the link to outbuildings would increase the footprint and scale of the dwelling considerably, thereby affecting the character of the building and its surroundings.

DRAINAGE OFFICER I note the septic tank is to be used to dispose of foul sewage. The applicant shall ensure the capacity of the system is satisfactory to provide for the maximum likely number of occupants and any appliances that discharge foul water into the existing septic tank.

PARISH COUNCIL since the latest proposal for development is considerably lower in completed height and the intrusive nature of the original 3 storey proposal has been somewhat alleviated, the Council does not wish to object to the proposal. The extension will only be visible to a very small number of people and it is unlikely that the proposed extension will ever be separated from the main house. Should the

application be approved the Council would be pleased to see a condition imposed which requires that the building remains as one dwelling in perpetuity.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 – General Requirements, S2 - Design, S7 – Outside Settlements, H17 – Extensions to Dwellings & EN10 – Areas of Outstanding Natural Beauty.

## **ASSESSMENT**

The proposal provides a significant increase in accommodation over and above the previous extension allowed here which merely projected 4 m. Pre-application advice was given concerning the principle of extension here, however there is still concern over the scale of the accommodation. The issue is whether this detracts from the traditional character of the simple rural cottage as identified in the introduction to the Design Statement and whether the bulk and scale of the proposal is subservient to the existing dwelling.

The extent of the new build footprint extends 13 m, more than that of the original dwelling. The footprint and building project down the slope to link the dwelling to an outbuilding and while the height is not above the original ridge line the proposal creates an additional massing projecting down the slope. The Parish Council do not object to the revised scheme but the Blackdowns Partnership consider it would affect the character of the building and its surroundings as it would be significant in scale and detracts from the rural character of the existing dwelling on this site within the Area of Outstanding Natural Beauty.

The revised design is considered an improvement over the previous refusal and on balance it is now felt that the impact of the proposal is not such to warrant refusal.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials and single family dwelling.

**REASON(S) FOR RECOMMENDATION:-** The proposal is considered to comply with Taunton Deane Local Plan Policies S1 and H17.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES:



38/2007/154

MR MARK MASTERS

**CHANGE OF USE OF 20 MALVERN TERRACE, TAUNTON TO FOUR ONE BEDROOM UNITS**

322867/125524

FULL

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**PROPOSAL**

Permission is sought for the conversion of an existing Victorian end of terraced dwelling to provide four one bedroom units. The dwelling is two storeys, with additional accommodation within the roof, and features an external brick finish and slate roof. The property incorporates a two storey rear wing which is a traditional characteristic of this terrace. One parking space per unit is proposed.

The proposed design elements incorporate a new external staircase on the south elevation and three rooflights within the roofslope.

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

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no comments received.

9 LETTERS OF OBJECTION have been received raising the following issues:- design and access statement incorrect, it states that 'most' houses have been converted to multiple occupancy, this is less than 20%; concern over parking arrangement; end of the street currently acts as a natural turning circle; on street parking; out of character with the area, which is predominantly family housing; precedent for further conversions; problems of siting of refuse; children currently play in the street - this proposal would increase road users; properties devalued: site notice and neighbour notification letters not in sync; welfare of existing residents; dwelling sold at half market rate; residents do not want to jeopardize the neighbourhood watch scheme; development would attract tenants incompatible with family element of this residential area: garden to be converted to car park: residents have twice rejected the idea of parking permits.

ONE LETTER OF SUPPORT has been submitted by the agent in response to the representations received on behalf of local residents.

**POLICY CONTEXT**

PPS1 (Delivering Sustainable Development) PPS3 (Housing).

PPG13 (Transport).

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policy 48 & 49 (Access and Parking).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing in Settlements), H4 (Self-Contained Accommodation), M4 (Residential Parking Requirements).

## **ASSESSMENT**

It is considered the main issues for determination relate to the impact of the proposed development on the character and appearance of the area; residential amenity; and highway implications.

The site lies immediately adjoining the Taunton Town Centre Central Area within settlement limits where the principle of new residential development is accepted subject to consideration of, amongst other things, the relationship to surrounding development. The site is an end of terraced plot. The locality is characterised by substantial two storey terraced houses, set within their own curtilage. It is considered the proposed external alterations would have no material impact upon the character or appearance of the area. The external staircase has been designed to integrate with the appearance of the property using traditional materials proposed.

Some local residents have expressed concern about the proposed conversion of this property. However, national planning guidance in the form of PPS3 (Housing) encourages the creation of mixed and inclusive communities which offer a choice of housing and lifestyle. Furthermore, there is no evidence put forward to substantiate the suggestion that the proposal would lead to undue noise and disturbance in the area. As for the concerns that the scheme would set a precedent for other developments, the proposal has been considered on its individual planning merits in relation to the development plan for the area and all other material considerations and any future applications would be determined in a similar way.

The application makes provision for parking within the site for each of the proposed units. However, it is considered by reason of the close proximity of the site to the Town Centre and a range of modes of transport, and government guidance which seeks to achieve sustainable development, it would be likely that even if parking provision was omitted the proposal would be acceptable. As such whilst the well intentioned objections of local residents to the scheme on highway grounds are noted, it is considered that it would be difficult to substantiate the refusal of the scheme on such grounds.

County Highway response - no highway objections. Ideally it would be recommended to condition that the existing boundary wall be lowered to 600 mm for a distance of 1.5m adjacent to the site access.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. For the reasons outlined in the report it is recommended that permission be granted.



## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, cycle storage, refuse storage, materials external staircase, boundary wall.

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect residential or visual amenity of the area. The proposal does not, therefore, conflict with Taunton Deane Local Plan Policies S1, H2, H4 and M4 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:

38/2007/259

MR HABIB FARBAHI

**DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 9 ONE BEDROOM FLATS, SITE OF ALMA INN, SILVER STREET, TAUNTON AS AMENDED BY LETTER DATED 10TH JULY, 2007 AND PLAN NO. 4001-2B AND LETTER DATED 25TH JULY, 2007 AND PLAN NO. 4001-3C**

323194/124311

FULL

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**PROPOSAL**

The application is to demolish the existing two storey public house building and to erect a 2.5 to 3 storey block of 9 one bedroomed flats in its place on this prominent corner site.

The proposal is before Members as the applicant is a Councillor.

**CONSULTATIONS AND REPRESENTATIONS**

ENVIRONMENT AGENCY the site lies mostly within flood zone 2 where risk of flooding is low to medium. The Agency recommends that the sequential test be carried out for the proposal. According to latest government policy, PPS25 residential development in this zone is deemed appropriate, but would still be subject to the application of the sequential test. The responsibility for applying the test lies with the Local Planning Authority when allocating land and reviewing individual applications in flood risk areas. There are no objections to the development subject to conditions of floor levels and surface water drainage and note re flood resilient construction. WESSEX WATER the development is in a foul sewered area and the developer will need to agree a point of connection at detailed design stage. There may be a sewer crossing the site which by virtue of its age could be deemed a public sewer and if so a statutory easement would be required. The developer proposes to dispose of surface water to mains. There are no existing public/separate surface water sewers in the vicinity of the site and it is advised the developer investigate alternative methods of disposal e.g. soakaways. Surface water should not be discharged to the foul sewer. The Council should be satisfied with the arrangement of surface water disposal. There are water mains in the vicinity and connection can be agreed at the design stage.

CONSERVATION OFFICER the existing building sits rather well at a prominent location within the townscape, however the development will not impact particularly on listed buildings or the conservation area. I would note that the elevation to Alma Street is handled rather less well than that to Silver Street. Turning the corner without a gable and continuing the run of the ground floor windows from the Silver Street elevation would harmonise much better with the neighbouring two storey houses. DRAINAGE OFFICER no observations. LEISURE DEVELOPMENT in accordance with Local Plan policy C4 provision for active recreation should be made for the residents of these dwellings. A contribution of £1,023 for each dwelling should

be made towards the provision of facilities for active outdoor recreation. The contributions should be index linked and would be spent in the vicinity of the development for the benefit of new residents.

4 LETTERS OF OBJECTION have been received raising the following issues:- lack of parking and will make parking in the area worse, visibility at the junction with Silver Street is poor and may be worsened, 9 units is too many and too dominating and design next to Alma Street housing not in keeping.

1 LETTER OF NO OBJECTION has been received.

1 LETTER OF REPRESENTATION has been received raising the following issues:- concern over damage to adjoining property during construction/demolition; disturbance during construction; adequate surface drainage being provided and the developer being insured and able to carry out necessary remedial work.

## **POLICY CONTEXT**

RPG10 – Regional Planning Guidance for the South West Policies SS5 – Principal Urban Areas, EN4 – Quality in the Built Environment, HO5 – Previously Developed Land and Buildings.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, 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 in Settlements, H4 – Self-contained Accommodation, M4 – Parking, C4 – Play and Recreation, EN28 – Development and Flood Risk.

## **ASSESSMENT**

The proposal is to demolish the public house at the Alma Inn on the corner of Silver Street and Alma Street and the erect a new block of 9 flats. The building is not listed and does not lie in the conservation area. The developer has undertaken a consultation with local residents as required by the Statement of Community Involvement and found general support for the scheme. The public house has been vacant for over 7 months and recently has changed hands a number of times. It is in a poor state of repair and is no longer considered viable as a public house having no off street parking and with restrictions on adjacent roads.

The main consideration is the design and the impact on neighbouring properties. The development proposed is two and a half and three storey and this reflects the 10 m height of the development on Silver Street. On Alma Street this height projects approximately 2 m above the height of the adjoining terrace, although the floor plan does not project back as far. It is considered that the provision of a higher building at the end of the terrace as a stop is not out of keeping in terms of the street scene and would be acceptable. While the removal of the gable has been suggested the design is not considered to be out of keeping or to detract from the street scene here. The new building will impact on the neighbouring property in terms of light and privacy

but not to an extent where this is considered refusable. The new windows on the rear of the Silver Street section of the building have been amended and serve lobbies and bedrooms and have the ability to overlook the rear gardens of Alma Street and it is considered necessary to ensure these windows are obscure glazed to avoid overlooking and loss of privacy. The neighbour on one side has raised concerns over damage and disturbance during construction, however this is not an issue that can be controlled, although a note is proposed to draw the developer's attention to this.

The site is one that lies within the central area and would be considered appropriate for the provision of a car free scheme and there is no scope to provide off street parking here. The site is on previously developed land within flood zone 2 and the 'more vulnerable' use is considered to be an appropriate one in Zone 2 according to the guidance in PPS25. There is a requirement for recreation provision in line with policy C4 of the Local Plan and the developer has agreed to this. Consequently a condition is considered appropriate in this instance. The surface water disposal is currently being investigated with Wessex Water as it is suggested this is disposed of in a different manner to the current drains. However the developer points out that the new build floor plan is no bigger than the existing so surface water run off should not be increased from the proposal.

In summary the re-development of this urban site for flats is considered an acceptable one in principle and the design and impact of the scheme is considered to have an acceptable impact and to comply with policy.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, obscure glazing, balcony details, window design, recessed windows, guttering, meter boxes, communal aerial, bin and cycle storage and no development until written agreement to provide outdoor active recreation facilities, landscaping, floor levels, surface water drainage. Note re need to protect and reinstate any damage to neighbouring properties during demolition/construction, Section 106 agreement and flood resilient construction.

**REASON(S) FOR RECOMMENDATION:-** The proposed development is considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, H4, C4 and M4 and material considerations do not indicate otherwise.

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

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES:



38/2007/291

LONDONTOWN PROPERTY

**CONVERSION OF DENMARK INN INTO 2 NO. RESIDENTIAL UNITS, ERECTION OF 3 NO. UNITS FILLING THE GAP BETWEEN DENMARK INN AND TERRACE, AND 4 NO. ADDITIONAL HOUSES BETWEEN DENMARK INN AND DENMARK WALK. CHEDDON ROAD, TAUNTON**

322843/126118

FULL

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**PROPOSAL**

The proposal comprises the conversion of the Denmark Inn into 2 No. residential units; filling the gap between the Denmark Inn and the neighbouring Victorian terrace with 3 No. additional dwelling units; and the construction of a new block of 4 No. 3 bedroomed dwellings on garden land between the Denmark Inn and a modern complex of dwellings fronting Denmark Lane. All dwellings would be 2½ storey and each would have 1 car parking space.

Planning permission was refused in August 2006, reference 38/2006/293. for a different scheme of 9 dwellings, on the grounds of loss of light, overlooking, and inappropriate turning circle.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY given the proximity to the town centre and closeness of facilities the proposed car parking is considered acceptable provided suitable cycle parking is provided for each dwelling. Drawing No. D1-PL-12 indicates that the footway of Cheddon Road between Denmark Terrace and Denmark Walk varies between 1.7 m and 2 m. A site inspection shows the footway to be narrower in places. I would request that the developer provides a continuous footway of at least 1.8m width. The drawing shows that this could be achieved. I have agreed with the Agent that the entrance gate at the lower car park access will be omitted and the access widened to 4.2 m and that cycle parking can be provided. Recommend conditions. WESSEX WATER recommends note.

DRAINAGE OFFICER no observations. LEISURE DEVELOPMENT TEAM financial contributions should be made towards the provision of facilities for active outdoor recreation and childrens play provision.

14 LETTERS OF OBJECTION have been received raising the following issues:- the proposal would contravene the party wall act; loss of light would result; the Denmark Inn is a landmark building and a valued amenity for locals; the orientation of the new block of houses does not align with existing houses; no formal notification has been posted to all properties; insufficient parking spaces are proposed, thereby exacerbating existing problems; increase in vehicular traffic along Denmark Terrace would result in road safety problems; the gradient of the parking area for the new block of houses is inadequate; the new access is dangerous; emergency vehicular

access would be an issue; land to the rear of the Denmark Inn has become a right of use for the residents of Denmark Terrace; no turning area for Denmark Terrace would result in road safety problems; dust cart and recycling cart would be unable to access Denmark Terrace; the Victorian character of Cheddon Road would be lost.

1 LETTER OF SUPPORT has been received raising the following issues:- the immediate area would benefit from the removal of the pub because it has become noisy with undesirable hanging around.

## **POLICY CONTEXT**

Taunton Deane Local Plan Policies S1 and S2 seek to safeguard, inter alia, the character of the buildings, visual and residential amenity and road safety. Policy H2 accepts residential development within settlements, provided, inter alia, no loss of amenity, and no loss of established character.

## **ASSESSMENT**

The principle for 9 No. dwellings is clearly acceptable in this town location, and it is now considered that the previous refusal reasons have been resolved. The previous scheme included the blocking in of a bathroom window in No. 5 Denmark Terrace. This window is now to be retained, and no undue light loss would result. The design and layout of the scheme has also been improved by realigning the new block of 4 dwellings. This would now directly front Cheddon Road instead of facing and unduly overlooking the development on Denmark Walk. Finally, the access and parking arrangements are acceptable to the County Highway Authority.

The proposal is considered acceptable.

## **RECOMMENDATION**

Subject to the receipt of a satisfactory amended drawing which provides a continuous footway of at least 1.8 width and which omits the entrance gate to the lower car park access, permission be GRANTED subject to conditions of time, materials, highway safety, fence and wall details, removal of PG rights, and play and recreation contributions to be secured through a Section 106 Agreement before development commences. Note re Wessex Water

**REASON(S) FOR RECOMMENDATION:-** The proposed development would not adversely affect the character of the building, or visual or residential amenity, or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, H2 and C4

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

## **CONTACT OFFICER:**

NOTES:





43/2007/074

MR & MRS W H PARKINSON

**ERECTION OF A DWELLING AT LAND ADJACENT TO 1 WAYSIDE COTTAGES,  
PYLES THORNE LANE, WELLINGTON.**

314592/119728

OUTLINE

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**PROPOSAL**

The application seeks outline planning permission for a single storey dwelling on land adjoining Wayside Cottages, Wellington. The site comprises of the existing side garden of No. 1 Wayside Cottages, to the east of the site. There are a number of trees, of high amenity value, which are protected along the frontage of the site. As such the agent has for illustrative purposes only submitted an indicative layout. The layout plan also indicates provision for two off street parking spaces. All matters are reserved for subsequent consideration.

The application site is irregular in shape. The site is relatively level in relation to both the highway and the land around it. To the south the site adjoins the front boundary of No. 8 Pyles Thorne, which is set back from the highway. The site is within the settlement boundary for Wellington as defined in the Local Plan.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection in principle; a number of conditions and further requirements recommended. WESSEX WATER the development is located within a sewered area and the developer will need to agree points of connection. There is a combined public sewer near the site, Wessex Water normally requires a minimum, three-metre, easement width. Diversion or protection works may need to be agreed. In respect of water, there are water mains and connection point can be agreed at detailed design stage.

LANDSCAPE OFFICER subject to tree protection during construction the proposals should be able to be integrated into the local street scene.

TOWN COUNCIL approved at Town Council meeting 6th August, 2007 (awaiting comments).

4 LETTERS RAISING NO OBJECTION to the proposal have been received.

**POLICY CONTEXT**

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

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

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

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing in Settlements), M4 (Residential Parking Requirements) and EN8 (Trees in and around Settlements).

## **ASSESSMENT**

The main issues in the determination of this application relate to: - the effect of the proposed scheme on the character and appearance of the area; and the impact upon residential amenity of existing and future occupiers.

Permission was refused, planning reference 43/2006/156, on the grounds that the proposal would constitute over development of the site resulting in a cramped form of development, at variance to the established building pattern. Furthermore, given the constraints of the site, the Local Planning Authority considers that a two-storey dwelling cannot be accommodated within the site without harming the residential amenities of existing and future occupiers by reason of the relationship with adjoining residential properties.

A revised application has been submitted to address the previous reasons for refusal. Policy H2 (E) of the Local Plan permits development within Classified Settlements where inter alia they do not 'individually or cumulatively erode the character or residential amenity' of an area. The locality is characterized by residential development on relatively large plots. The street scene comprises detached dwellings, set back from the road, amidst a mature tree and shrub setting which creates a distinctive and attractive environment. It is considered the siting of the proposed dwelling would appear uncharacteristically cramped and detract from the established character of the area. Whereas government guidance encourages higher densities for residential development, this should not be viewed in isolation, and good design and layout must be informed by the wider context. It is considered that the introduction of a new house in this location would be out of keeping. In essence the proposed house would appear too close and at variance to the established building pattern in the area.

The revised application has not changed the footprint of siting of the proposed dwelling. The dwelling would be positioned 5.0 m from the side boundary of No. 1 Wayside Cottage. In terms of assessing the impact of the development on the residential amenity of adjoining residents it is considered that a single storey dwelling would overcome previous concerns in terms of loss of privacy and overlooking. However, the provision of a bungalow would appear further out of character in the locality. Whilst it is accepted that the proposed drawings are for illustrative purposes it is considered that given the constraints of the site the applicant has not been demonstrated that the provision of a dwelling could be accommodated without

resulting in a cramped form of development which would harm the character and appearance of the locality.

To conclude, it is recognised that national planning guidance seeks to make the best use of brownfield land. However, it is considered the proposal would constitute an overdevelopment of the site leading to a cramped form of development which would be at variance with the established building pattern of the locality given the restricted plot size and constraints of the site.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the proposed development would constitute over development of the site resulting in a cramped form of development, at variance to the established building pattern and would erode the character and appearance of the locality. Furthermore the provision of a single storey dwelling would appear out of character with the appearance of the area. As such the proposal is contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, 33 and 48 and Taunton Deane Local Plan Policies S1, S2 and H2.

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

## **Planning Committee – 15 August 2007**

### **Report of the Chief Solicitor**

#### **Miscellaneous Item**

#### **30/2007/017 Formation of new vehicular access, erection of oak framed cart shed for boat storage and erection of garden room at Oakwood Cottage, Pitminster.**

1.0 The above application was considered by the Pitminster Parish Council under the terms of the Delegated Planning Agreement at its meeting in July. A similar application had been refused on appeal in 2006 but the re-submitted application sought to address concerns over highway safety and the Highway Authority had not raised objection to the proposal before the Parish Council in July.

2.0 There were no planning objections to the proposal and in view of the lack of objection from the Highway Authority the Planning Officer recommended to the Parish Council that they should grant the application. However, the Parish Council resolved to refuse the application on the following ground;

*The proposed access would be dangerous to all road users and to the applicant when using the entrance. This would be prejudicial to highway safety and would be contrary to Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 45.*

A refusal notice was accordingly issued.

3.0 The applicant subsequently advised that he intended to appeal and to seek costs on the basis that the refusal was unreasonable in the light of there being no objection from the Highway authority. The Highway Authority were contacted and indicated that they would not be prepared to give evidence at any appeal in support of the refusal reason.

4.0 Under the terms of the Delegated Agreement there is provision that where a Parish Council refusal reason is considered to be undefendable the Parish Council can be asked to re-consider its decision and in the event that it still wishes to refuse the application, and where it is considered the Council considers there is a significant risk of costs being awarded, the matter can be referred by the Development Manager to the Planning Committee for a decision.

5.0 In the light of this provision in the agreement, the applicant has resubmitted the application in the hope that an appeal can be avoided.

#### **Recommendation**

6.0 It is therefore recommended that the current application be referred back to the Parish Council with a request its decision be reviewed in the light of the Highway Authority's decision that it would not defend the refusal reason on appeal.

7.0 It is further recommended that the Parish Council be advised that in the event that it still recommends that the application be refused on highway grounds, the application will be referred to the Planning Committee for a decision.

**Chief Solicitor**

**Contact Officer Judith Jackson 01823 356409 e-mail**  
**[j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)**

## **PLANNING COMMITTEE – 15TH AUGUST, 2007**

### **Report of the Development Manager**

#### **ENFORCEMENT ITEM**

##### **Parish:**

1. **File/Complaint Number** 34/2007/027A & E 223/34/2007
2. **Location of Site** Ash House, Cook Way, Taunton.
3. **Names of Owners** Gadd Homes, Ash House, Cook Way, Taunton
4. **Names of Occupiers** Gadd Homes
5. **Nature of Contravention**  
  
Display of 3 flagpoles, 6 m high with 3 banner flags attached to each pole measuring 2.65 m x 0.95 m
6. **Planning History**  
  
An application for advertisement consent to display 3 flags along the Bindon Road frontage of Ash House was received on 11th June, 2007. The application was for retrospective consent as the flagpoles and flags were already in place. The application was subsequently refused under delegated powers on 25th July, 2007.
7. **Reasons for taking Action**  
  
The site is located in a prominent position alongside a main distributor road, opposite a residential estate. It is considered that the 3 flagpoles in such a location causes disharmony with and detracts from their surroundings in accordance with Taunton Deane Local Plan Policy EC26.
8. **Recommendation**  
  
The Solicitor to the Council be authorised to commence prosecution proceedings to secure the removal of the flagpoles and banner 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**