



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 27TH FEBRUARY 2008 AT 17:00.

(RESERVE DATE : THURSDAY 28TH FEBRUARY 2008 AT 17:00)

AGENDA

1. Apologies.
2. Minutes of the meeting of the Committee held on 13 February 2008 (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. OAKE - 27/2007/026
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 22 AFFORDABLE HOMES AND ASSOCIATED PARKING TOGETHER WITH REPLACEMENT STORAGE BUILDING AND RELOCATION OF STABLES AT LAND TO SOUTH AND EAST OF BARTON HOUSE, OAKE.
6. OTTERFORD - 29/2007/013
PROPOSED GYPSY CARAVAN SITE FOR THREE MOBILE HOMES WITH TOURING CARAVANS AND PORTABLE SHOWER BLOCK AT DANESWELL, ADJACENT TO GYPSY SITE, CULMHEAD
7. STAPLEGROVE - 34/2007/057
ERECTION OF BUILDING TO HOUSE INDOOR NETBALL/TENNIS COURT, FORMATION OF THREE OUTDOOR NETBALL/TENNIS COURTS, ONE OUTDOOR NETBALL COURT AND SYNTHETIC TURF PITCH FOR FOOTBALL AND HOCKEY ALL FLOODLIT BY 16 X 10M HIGH FLOODLIGHT COLUMNS AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, STAPLEGROVE
8. WELLINGTON - 43/2007/003
ERECTION OF 6 DWELLINGS AT LAND OFF GAY CLOSE, WELLINGTON AS AMENDED BY LETTER DATED 21ST JANUARY 2008 AND REVISED SITE PLAN RECEIVED ON 7TH FEBRUARY 2008.
9. WIVELISCOMBE - 49/2007/074
CHANGE OF USE FROM OFFICE TO RESTAURANT AND TAKE AWAY AT 3 SILVER STREET, WIVELISCOMBE

10. WIVELISCOMBE - 49/2007/077
CONSTRUCTION OF AGRICULTURAL ACCESS
(RETROSPECTIVE). CANDLETREES, JEWS FARM, MAUNDOWN,
WIVELISCOMBE.
11. Appeal decision relating to the enforcement notice requiring the
removal of the O2 mast at Shoreditch Road, Taunton. Miscellaneous item
12. E271/38/2007 - 1.8 m high fence with trellis on top, erected in the
rear garden of 4 Poplar Road, Taunton. Enforcement item

G P DYKE
Democratic Services Manager
20 February 2008

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 C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Miss Wood

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 (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 13 February 2008

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

Officers:- Mr T Burton (Development Manager), Mr J Hamer
(Development Control Area Manager – West), Mr G Clifford
(Development Control Area Manager – East), Mr J Hardy
(Senior Enforcement Officer), Mrs A Dunford (Enforcement
Officer), Mrs J M Jackson (Senior Solicitor), Ms M Casey
(Planning and Litigation Solicitor), Mr R Bryant (Democratic
Support Manager) and Mrs G Croucher (Democratic Support
Officer).

Also present:- Councillors Beaven and Mrs Lewin-Harris in relation to
application No 06/2007/064.

(The meeting commenced at 5.00 pm.)

9. Apologies

Councillors Floyd and D Wedderkopp.

10. Minutes

The minutes of the meeting held on 23 January 2008 were taken as read and were signed.

11. Declarations of Interest

As the applicant was known to him, Councillor C Hill declared a personal interest in application No 07/2007/023 and left the meeting during its consideration.

The Chairman (Councillor Mrs Hill), declared an interest in application Nos 38/2007/573LB and 38/2007/574 and left the meeting during their consideration. The Vice-Chairman (Councillor Mrs Allgrove) took the Chair whilst the Chairman was absent from the room.

12. 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:-

05/2007/064

Erection of conservatory at rear of 91 Gillards, Bishops Hull, Taunton

Conditions

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

Reason for granting planning permission:-

The design and scale of the proposal was considered not to have a detrimental impact upon the visual or residential amenity and it was, therefore, considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

07/2007/023

Change of use, conversion and extension of building to B1 use at building at Heatherton Park Farm, Bradford on Tone (revised scheme)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C112 – development affecting buildings where Swallows are known to nest;
- (e) Details of the means of boundary treatment to the southern and western boundary shall be submitted to, and approved in writing by, the Local Planning Authority and implemented prior to the use commencing;
- (f) Plans showing a parking area providing for five vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied. This area shall be properly delineated and not used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) There shall be no vehicular access or use onto/from the access road to the south of the site at any time. All traffic associated with this development shall utilise the access to the north as shown on the submitted plan;
- (h) 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 to Friday

0800 – 1800 hrs; Saturday 0800 – 1300 hrs. At all other times, including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics such as hum, drone or whine, shall not exceed background levels at any time when measured as above. 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;

- (i) Work shall only be carried out at the site between the hours of 0900 – 1700 hrs Monday to Friday;
- (j) The windows and doors indicated on the approved plans, shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (k) P010 – no further windows;
- (l) No external lighting shall be erected on site without the prior approval of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that there should be no obstruction to visibility greater than 900 mm above adjoining road level in advance of a line drawn 2 m back from the carriageway edge on the centre line of the access extending to a point on the nearside carriageway edge, 15 m to the east of the access, where the access into the site meets the private road. Such visibility splay should be fully provided before the change of use is first brought into use; (2) Applicant was informed that a passing place should be provided at a central point on the private access road in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority; (3) Applicant was advised that bats and nesting birds may be present on the site and all operatives on the site must be appropriately briefed on their potential presence. If bats are found on site, then work must stop and Natural England must be informed. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered, must not be disturbed; (4) Applicant was advised to ensure that a right of access exists over the northern route to the site.)

Reason for granting planning permission:-

The proposed development was not considered to adversely affect the amenity of the area and was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC6, M2 and EN34 and material considerations did not indicate otherwise.

38/2007/573LB

Conversion of listed building to provide a three bedroom house and removal of all other buildings on site at the Cottage Inn, 117 Kingston Road, Taunton

Conditions

- (a) C002B – time limit – listed building;
- (b) C671 – making good building after demolition of adjoining structure.

Reason for granting listed building consent:-

The proposal represented an acceptable conversion of the listed building in a manner that would preserve its character in accordance with guidance in Planning Policy Guidance Note No 15 (PPG15).

38/2007/574

Conversion of listed building to provide a three bedroom house and erection of twelve dwellings and provision of new access at the Cottage Inn, 117 Kingston Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C215 – walls and fences;
- (f) The details submitted pursuant to Condition (e) shall provide for a 1.8 m high wall adjacent to the neighbouring dwellings in Rosebery Street;
- (g) There shall be no obstruction to visibility greater than 600 mm above adjoining road level in advance of a line drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to a point on the near side carriageway edge, 43 m to the north of the access. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 600 mm above adjoining road level in advance of a line drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to a point on the near side carriageway edge, 35 m to the south of the access. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times;
- (i) The layout to be submitted shall make adequate provision for a temporary car park within the site to accommodate operatives

and construction vehicles during the contract period and shall indicate the eventual use of that area;

- (j) The area allocated for parking, turning and access on the submitted plan shall be kept clear of obstruction and shall not be used other for the parking and turning of vehicles and access in connection with the development hereby permitted;
- (k) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
- (l) The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (m) The proposal for the disposal of surface water shall be carried out in accordance with the information provided on drawing No 5840-14 Rev A to prevent water discharge onto the highway;
- (n) Before any dwelling hereby approved is first occupied, a 1.2 m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
- (o) Provision shall be made for the parking of cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority for each one bedroom apartment. Such provision shall be made before the development hereby permitted is occupied;
- (p) The proposed windows on the west elevation of the one-bedroom apartments shall be glazed with obscure glazing and fitted with restricted openers, which shall thereafter be maintained;
- (q) Prior to the commencement of the development hereby approved, detailed drawings of the facilities for the bin store shall be submitted to, and approved in writing by, the Local Planning Authority. The store shall be available for use prior to any of the dwellings hereby approved becoming first occupied;
- (r) Unless otherwise agreed in writing by the Local Planning Authority, no development shall begin on the site until a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been completed to make provision for an appropriate financial contribution towards recreation facilities in Taunton.

(Notes to applicant:- (1) The proposal involves the construction of a footway/road widening which should be dedicated to form part of the public highway. Applicant was advised to contact Somerset County Council's Highways Development Group for details of the dedication procedure. The Highway Services Manager should also be consulted regarding the specification and supervision of these works before they commence on site; (2) Applicant was advised that the County Highway Authority

would be prepared to accept a dedication of the works conditioned to provide a widened footway. You are further advised to contact the Highways Development Group; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the County Highways Authority. An application should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (4) N112 – energy conservation.)

Reason for granting planning permission:-

The development represented an acceptable redevelopment of a brown-field site within the settlement area of Taunton, not impacting significantly on residential amenity and complying with the requirements of Planning Policy Statement No 1 and Planning Policy Statement No 3 and Policy S2 of the Taunton Deane Local Plan.

- (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 conditions as stated:-

06/2007/064

Use of land to site 3 mobile homes and provision of septic tank for one gypsy family (retrospective) at Sunny Dene, Dene Road, Cotford St Luke, Bishops Lydeard

Reason

The siting of the mobile homes appear an incongruous and significant skyline feature and have a harmful impact upon the rural character and appearance of the landscape. Furthermore, the required visibility splays would be likely to require a significant amount of hedgerow to be removed and would also reduce the availability to provide landscape mitigation measures. As such, the development is contrary to the provisions of Policy 5 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1, S7, H14 and EM12 of the Taunton Deane Local Plan.

13. **Redevelopment of shop and storage/garage to form dwelling with replacement of shop-front at 24 Silver Street, Wiveliscombe (49/2007/076)**

Reported this application.

Resolved that subject to the receipt of a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation of the building, 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) C101 – materials;
- (c) C654A – windows;
- (d) The proposed roof lights hereby approved, shall be of a conservation design only, that is flush fitting to the roof plane;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles, cycles and refuse bins and not for further residential accommodation or any other purpose whatsoever;
- (f) No doors, gates or low level windows/utility boxes/down pipes, shall obstruct footways and/or shared surfaces. The highway limits shall be limited to that area of footway/carrageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), and steps.
(Notes to applicant:- (1) Applicant was advised that under the Party Wall Act 1996, the building owner is responsible for providing temporary cover to adjacent buildings and properties that are exposed. The building owner is responsible for making good any damage caused by the works or must make payment in lieu of making good if the adjoining owner requests it; (2) Applicant was advised that Conservation Area consent is also required for the demolition works despite being retrospective; (3) N112 – energy conservation.)

Reason for planning permission, if granted:-

The site was in a sustainable location within the town centre and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or the character and appearance of the Conservation Area and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, EN14, M4 and Planning Policy Statement No 3.

14. Erection of first floor extension above garage, 10 Clifford Crescent, Taunton (38/2007/537)

Reported that this application had been determined and planning permission granted on 10 January 2008 following a reference to the Chairman.

However, it had since been realised that the applicant was a member of staff and the application should therefore have been referred to Committee before a decision was made.

Noted that the proposal did not raise any significant issues and no neighbour objections had been received.

Resolved that the decision of the Development Manager, in consultation with the Chairman, to grant planning permission be endorsed.

15. **Unauthorised fence around building to east of Fairwater, Taunton School, Staplegrove Road, Taunton**

Reported that this unauthorised fence had been brought to the Council's attention during August 2007. An application to retain the fence had been submitted, however, this had been refused on 17 January 2008.

Resolved that:-

- (1) Enforcement action be taken seeking the removal of the unauthorised fence erected around a building to the east of Fairwater, Taunton School, Staplegrove Road, Taunton;
- (2) Such action be deferred for a period of two months from the date of the meeting to allow Taunton School to submit a further planning application to retain the fence; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should any enforcement notice subsequently served, not be complied with.

16. **Large advertisement on gable wall of Kilkenny House, Cheddon Road, Taunton**

Reported that a large sign advertising Taunton CDC Dental Surgery had been erected on the gable wall of Kilkenny House, Cheddon Road, Taunton, without advertisement consent.

Although an application to regularise the situation had been submitted, this had been refused under delegated powers on 8 January 2008.

Resolved that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to secure the removal of the unauthorised sign on the gable wall of Kilkenny House, Cheddon Road, Taunton, unless it was removed within one month.

17. **High wall built adjacent to lane at Bavino, South Street, Wiveliscombe**

Reported that it had been brought to the Council's attention that a wall over 2 m high had been constructed adjacent to a lane at Bavino, South Street, Wiveliscombe. Investigations had shown that the wall, part of which had been rebuilt, had been increased in height by 100 mm.

In the view of the Development Manager, the slight increase in height was considered to be acceptable.

Resolved that no further action be taken.

(The meeting ended at 7.20pm).

27/2007/026

SUMMERFIELD DEVELOPMENTS (SW) LTD

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 22 AFFORDABLE HOMES AND ASSOCIATED PARKING TOGETHER WITH REPLACEMENT STORAGE BUILDING AND RELOCATION OF STABLES AT LAND TO SOUTH AND EAST OF BARTON HOUSE, OAKE.

315334/126046

OUTLINE APPLICATION

PROPOSAL

Outline permission is sought for the provision of 22 affordable homes and associated parking, relocation and replacement of storage buildings and the resiting of stables. The site, which measures 0.56 hectares, is currently open paddock area located to the south and east of Barton House. The site is located to the north of the settlement of Oake, which lies to the south of the B3227, and the village of Hillcommon, which lies to the north west. The site is adjacent to the playing fields and Oake village hall, which are located outside of the defined settlement limits. To the east and west there is open countryside. The settlement of Oake has a range of limited facilities with a primary school and post office/general store. The village is well served by a frequent bus service into Taunton.

As the application is in Outline, the agent has submitted indicative plans as to how the development would be envisaged. The dwellings have been designed as simple terraced cottages with a mixture of 16 two-bedroom properties and 6 three-bedroom properties. The proposed materials would be a mix of facing brick and rendered block work with a mix of double roman tiled and slate roofs. The provision of a landscape scheme would be required.

A number of supporting documents, including a Design and Access Statement have also been submitted. A summary of the main points is provided below:

- The development is in close proximity, relates well and is within easy walking distance to the existing village centre and its facilities.
- The Housing Officer has confirmed there is a local need and the site can contribute towards an acute shortage of affordable housing in the wider area – particularly for first time buyers.
- In 2004, the five Somerset Districts commissioned Ark Consultants to prepare a report to advise all the councils of their housing needs. The report published in 2005 concluded that the need for social and affordable housing for TDBC was in excess of 564 units per year. The provision of affordable units has averaged just over 70 per annum for the last 5 years. The need is now acute.
- Major problem is the provision of available and deliverable land. The only land that can be brought forward is an exception site where the actual land cost is reduced to enable the provision of affordable housing.
- The affordable housing scheme will be subject to a S106 agreement to secure the availability of the dwellings in perpetuity for those in housing need.

- The proposal is to provide 100% affordable houses on site to be sold freehold at an agreed discount to open market value. In order to maintain their affordability the properties will be sold with the agreement that the same percentage discount will apply to all future re-sales.

A public consultation and exhibition was held at Oake Village Hall on 22 November 2007. Those comments have been submitted with the application.

CONSULTATIONS AND REPRESENTATIONS

FORWARD PLAN - As the application site is beyond a settlement limit, and not allocated for development in the Taunton Deane Local Plan (TDLP), the proposal is contrary to the general strict control of development in the countryside. However, one of the exceptions to that strict control is in relation to proposals for affordable housing in rural areas. Policy H11 of the TDLP is the applicable policy.

The policy allows for the development of small schemes of affordable housing where a need exists in the local community and the site is within or adjoining the identified limits of a village or rural centre.

In this case I consider that in terms of general principles the proposal is unacceptable, for the following reasons:

- the single tenure proposed, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation;
- the proposal is not based on an assessment of local affordable housing needs, which it is then related to in terms of scale, tenures, types and sizes;
- the site is not adjoining or within the settlement limit; and
- in relation to the size of the village, I do not consider 22 dwellings to be small.

HIGHWAY AUTHORITY – Observations to make.

PARISH COUNCIL – Objects to density of development.

HOUSING OFFICER – The Housing Enabling Manager supports the planning application for all Affordable Housing in the form of Low Cost Open Market Housing for people on a defined low income. The Housing waiting list demonstrates a significant need for the surrounding area which includes adjoining parishes. If it was possible to work with an RSL to include some rented housing this would be a bonus.

LANDSCAPE OFFICER – Expresses the following concerns:

- the proposals are in open countryside
- they are not well screened by hedgerows or landform
- the development is not well related to the existing development
- there is no landscape assessment of impacts
- the proposals will require the replanting of existing hedgerow to meet visibility splays.

ENVIRONMENTAL HEALTH OFFICER – No comments

ENVIRONMENT AGENCY – No comments

DRAINAGE OFFICER – I note that surface water is recommended to discharge to adjacent watercourse via an attenuation system. All flows should be attenuated to Greenfield run off rates generated by a storm of 1 in 1 year return period and this should be made a condition.

WESSEX WATER – The development is located within a foul sewered area and mains water supply. Connection can be agreed at the design stage. The developer has proposed to dispose of surface water to existing ditch. It is advised that your Council should be satisfied with any arrangement for the disposal of surface water. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there maybe any unchartered sewers or water mains within (or very near to) the site.

NATURE CONSERVATION OFFICER – County Contract's survey of December 2007 concludes that there are hedgerows on site and a mature tree, which provide nesting opportunities for birds. No indication of bats was found, although the retention of hedgerows will maintain any foraging areas and commuting routes used by bats. There were no signs of badger activity on site although it is known that there are badgers in the vicinity. There is potential for a planting scheme of native species on site in order to enhance the existing habitat – liaise with landscape officer. A number of conditions are suggested should the application be recommended for approval.

REPRESENTATIONS

24 LETTERS OF OBJECTION – Outside settlement limits; proposal cannot be treated as an exception site as it does not comply with Policy H11; site is neither small or adjoins the settlement limits; already affordable housing in Oake at Saxon Close; Affordable housing should be part of a planned development such as Monkton Heathfield, Norton Fitzwarren, Cotford St Luke etc rather than in isolation; proposal represents overdevelopment; whilst Oake would benefit from some owner occupied affordable homes, 22 homes is excessive; only 5 people are known to be interested; development would join Hillcommon and Oake; siting of development would create a distinct and potentially isolated community; development would harm the character, landscape and setting of Oake; design will give the appearance of old fashioned barracks and not in keeping with other properties in the village; sited under power cables; insufficient parking – parking would spill over to neighbouring roads or even village hall car park; what steps will be taken to deliver safe access to the development?; highway safety – hazardous access to the site for vehicular and pedestrian users; village hall were refused permission for a entrance from this very location; speed limit not adhered to – need further traffic calming; lack of footpaths in the vicinity; development will add to the existing traffic queues/congestion onto the B3227 which is used as a rat run and extremely dangerous junction; development of this type needs supporting infrastructure such as play areas, green space and circulation space for residents; Council should make representations about retaining

the Post Office and school as future residents would use these local amenities; existing infrastructure stretched; no employment in Oake; proposed footpath linking the houses with the village hall playing fields is undesirable given the hall is often let privately; noise issue because of the proximity to the village hall (weddings etc); village hall could lose revenue; the play area for £15,000 should be located within the housing estate (by reducing the number of houses) and not expected to be built on the village hall fields; play contribution is too little to be effective; scheme/village would benefit from play area for older children; concern of flooding from further development – particularly flooding of Saxon Close (Photograph submitted showing the area flooded at the entrance to Saxon Close); Oake has a problem with sewers backing up from time to time and this has not been addressed; previous application in 2000 for residential development refused – what has changed?; proposal would be harmful to the rural qualities of the local environment increasing air pollution; noise pollution and damaging existing wildlife habitat; not notified of applicant's exhibition at the village hall; has there been a survey of Oak Parish through the Rural Housing Enabling Project? If so, do the outcomes indicate a significant need for affordable housing? What is the required percentage of affordable housing expected within Oake Village and what is the existing percentage of affordable housing provided; Section 106 Agreement - Do the categories set out in the section 106 Agreement fit the needs for local affordable rural housing in accordance with the criteria set out in H11? In the Agreement: the criteria for 'qualifying person or persons' at (2) (d) (i) and (ii) does not include any reference to needs arising from current accommodation as set out in H11 (A) (1); the criteria in (2) (d) (iii) 'close family connection' or 'such other relationship as may be agreed by the Council' does not appear in H11; H11 makes no mention of 'secondary qualifying persons' as set out in (2) (e); 'Parishes' is not defined so it is not possible to say if the categories are limited to the parishes or adjoining parishes as set out in H11; Even if the 106 Agreement meets H11 criteria, as worded, will it work to meet local affordable housing needs in the long term? In the Agreement: does the present definition of Owner work so as to identify and include subsequent owners, so as make sure that the covenants apply to them just as much as they apply to the current Owner?; the Owners only have to provide details to the Council in connection with 'qualifying persons' as (3) (g) does not apply the same obligation in connection with 'secondary qualifying persons' – is that right?; the Owner is not required to offer a sale to a RSL - is that right?; if 'contract to sell' in 3 (c) and (d) refers to exchange of contract is 4 months a realistic timetable in which to expect Owners to have found a buyer (with a mortgage) that meets the criteria?; potentially the provisions in 8 (a) and (b) make obligations in connection with future sales pointless – are they usual in these circumstances?; realistically, will the Council be resourced to monitor compliance with covenants by subsequent owners?.

A PETITION OF 132 NAMES - without details of address, has been submitted which expresses an objection to the development.

A LETTER OF RESPONSE FROM THE AGENT - has been submitted, dated 7th February 2008, in response to the representations received. Summary of comments: - many of the objections relate to issues covered within the Design and Access Statement; whilst the playing fields and village hall are outside the settlement boundary these facilities are clearly part of the village fabric and it is somewhat pedantic to suggest the site is completely separated from the village; need for

affordable housing and the lack of delivery are proven facts and the size of the proposed site is relatively small compared to the overall need; density is within central government guidelines (42.8 dwellings per ha); parking has been accommodated for; issues of drainage are covered within the drainage statement - on site attenuation will ensure there are no flooding issues; existing flooding problems in Saxon Close need to be addressed; not aware of alternative sites; pupil numbers are down at the local school and therefore would appear additional pupils could be accommodated; the footpath link to the playing fields is purely illustrative and would be withdrawn if opposed by the village hall; it is possible to withdraw the offer of a contribution towards an equipped play area and make the same financial contribution towards the provision of additional educational facilities for the local school, in line with the 2006 Ofsted report.

4 LETTERS OF SUPPORT – Under the provisions clearly set out in H11 (A) of the Local Plan development must demonstrate that they meet local community needs, but what is local need? The common misconception is that local need only relates to need within one particular parish or village. This is not the case. H11 (A) sub paragraph 1 defines need as being ‘households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation’. Sub paragraph (2) defines need as newly formed households living or including someone employed in the parish or adjoining parishes. In this case local need includes; Bishops Lydeard, Bradford on Tone, Halse, Milverton, Norton Fitzwarren, Nynhead and Oake. Quite clearly the need is greater than 22. Oake provides local service shop/post office and community centre together with a regular and reliable bus service, these together allow independent village living; unable to purchase property at normal market prices and thus forced to rent with no realistic alternative; welcome opportunity to purchase own home in local area; if scheme goes ahead will give positive contribution to community as the occupiers of these houses will always be the owners (chosen through the council) which will prevent short term rentals; houses only allocated to those unable to take out a mortgage; many people interested in this type of scheme have young families which can only be of benefit to Oake and Bradford School and Pre School as this will ensure adequate pupil numbers are maintained; will help support local businesses; consider all houses should have 2 parking spaces; parking is acceptable - if residents do use the village hall fail to see why this is a problem; no evidence to suggest proposal would have adverse impact upon village hall - if anything the development may have a positive impact upon the hall through increased attendance; in relation to objections to the inclusion of a gate leading from the development to the recreation ground the village hall has an obligation ‘to improve the conditions of life for all the inhabitants of the area of benefit without distinction of political, religious or other opinions’; building of a new play area is desperately needed; whilst problem of drainage needs attention, some of the subsequent flooding was in part due to blocked drains.

POLICY CONTEXT

Regional Spatial Strategy for the Southwest, (RPG10), VIS1 (Expressing the Vision), VIS2 (Principles for Future Development), SS2 (Regional Development Strategy), PPS 3 (The Sub-Regional Strategy), SS19 (Rural Areas), SS20 (Rural Land Uses (including Urban Fringe), EN1 (Landscape and Biodiversity), EN4 (Quality in the Built

Environment), HO4: Housing in Rural Areas and the Isles of Scilly, HO5 (Previously Developed Land and Buildings), HO6 (Mix of Housing Types and Densities), TRAN1 (Reducing the need to Travel), TRAN7 (The Rural Areas)

Somerset & Exmoor Joint Structure Plan Review 1991-2011 STR1 (Sustainable Development), STR6 (Development Outside Towns, Rural Centres and Villages), Policy 1 (Nature Conservation), Policy 33 (Provision of Housing), Policy 35 (Affordable Housing), Policy 48 (Access and Parking), Policy 49 (Transport Requirements of New Development)

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing), M4 (Residential Parking Requirements), and EN12 (Landscape Character Areas).

ASSESSMENT

The site is located in open countryside, outside of the designated settlement limits of Oake, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure (STR6, 5) and Local Plan Policies (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

Policy H11 is paramount in the assessment of the application and requires exceptions site to accord with the following criteria:

'As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - 1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation.
 - 2) Newly formed households living or including someone employed in the parish or adjoining parishes;
 - 3) Households including dependants of the households living in the parish or adjoining parishes; or
 - 4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;

- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;

- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;
- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with policy H2.

The Housing needs in Taunton Deane have been investigated in two studies:

Taunton Deane Housing Needs Survey (2002) – David Couttie Associates;
Somerset Housing Market Assessment (2006) – Ark Consultancy.

The 2002 report identified a need for 131 additional affordable dwellings a year, and was the basis for the affordable housing policies and targets contain in the Taunton Deane Local Plan. Its methodology and results were considered at the Local Plan Inquiry, so have been subjected to critical appraisal.

To update the results of the 2002 report and in response to the requirement for housing markets assessments rather than needs surveys, the Ark Consultancy was commissioned. Its report, which was prepared in advance of the publication of the government's practice guidance on strategic housing market assessments, was received in 2006. The study identified a requirement for 546 affordable dwellings a year in Taunton Deane. However, as the study's methodology differed considerably from the guidance, published later, on Strategic Housing Market Assessments, it has been determined to commission further work to produce a more robust, guidance compliant, Assessment. Therefore, although it is clear from evidence such as worsening affordability and a growing Housing Waiting List that the need for affordable housing has increased since the 2002 report, there is currently no reliable measure of its scale. As such there is a continued need to rely upon the results of the 2002 survey and ensuing polices and proposals of the TDBC Local Plan.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. No local needs assessment has been carried out to justify the type and number of dwellings proposed. In addition no land availability assessment has been carried out in and adjoining the parish settlements. Without the housing needs surveys development cannot relate in terms of scale, tenure, type or size to an unproven need. Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). However, the single tenure proposed, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation.

The policy criteria of H11 also refers to proposals as being 'small', whilst this is of course relative to each settlement, it is considered 22 dwellings is excessive and disproportionate to the size of the village.

National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clear states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails at the first hurdle in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. The provision of exception housing must also be accommodated satisfactorily on site without compromising the form and character of the settlement or surrounding landscape to accord with the provisions of the policy. The proposal would represent an isolated and unwarranted intrusion into the predominantly rural surroundings and serve to consolidate and consequently be seen as a linear extension of the village up to the B3227. As such the proposal would begin to erode the buffer zone of open countryside between the settlements of Oake and Hillcommon.

One of the recurring themes from local residents is concern at the access routes to the site from within and outside the village due to congestion at peak times. Furthermore local residents have expressed concern at the inadequate visibility proposed at the entrance to the site. The views of the Highway Authority are awaited.

To conclude, it is considered that development does not accord with the provisions of Policy H11 for the reasons outlined in the report and should also be regarded as unacceptable from a landscape viewpoint. It is therefore considered that efforts should be redirected towards finding another suitable site elsewhere within the village or on the edge having the least landscape impact to meet Oake's current and future local needs for affordable housing based on an up to date housing needs survey.

RECOMMENDATION

Subject to any additional comments of the County Highway Authority Permission be REFUSED for the following reasons (1) The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that the proposed single tenure, of discounted purchase, does not meet a range of needs for affordable housing, and in particular from those households in need of social rented accommodation. The proposal is not based on an assessment of local affordable housing needs, which it is then related to in terms of scale, tenures, types and sizes. Furthermore, insufficient information has been provided to demonstrate that there is a proven local affordable housing need in this instance and the number of houses proposed is considered to be excessive and disproportionate to the village. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11. (2) The proposed development does not immediately adjoin the settlement of Oake. As such the proposal would create a form of unacceptable sporadic development in the open countryside which would be seen as a linear extension of the village towards the B3227 and begin to erode the open space between Oake and Hillcommon. The site is not well screened and the

proposed development would harm the rural character and appearance of the area. The development is therefore contrary to the provisions of Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356586 MR A PICK

29/2007/013

MR R G DANES

PROPOSED GYPSY CARAVAN SITE FOR THREE MOBILE HOMES WITH TOURING CARAVANS AND PORTABLE SHOWER BLOCK AT DANESWELL, ADJACENT TO GYPSY SITE, CULMHEAD

321811/115694

FULL

PROPOSAL

The proposal seeks to utilise an existing field next to the current gypsy site at Culmhead to provide an additional three pitches for a local gypsy family that currently occupy the Otterford site.

The site is served by an existing access for an agricultural building on the adjacent land which was granted permission on appeal in 2002. The development will involve the provision of three mobile homes plus a portable shower block building set in the field on hardstandings with space for touring caravans.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - Subject to no new Highway visibility splay requirements and careful management of the roadside hedge and landscaping it should be possible to integrate the proposal into the local landscape.

ENVIRONMENTAL HEALTH OFFICER - No observations.

FORWARD PLAN UNIT - In terms of the principle of this development the key policy is H14 of the Taunton Deane Local Plan (TDLP). This allows for the location of gypsy sites outside the defined limits of settlements, provided that they meet a number of criteria that are set out in the policy.

The majority of the criteria relate to matters of detail rather than principle. Others will comment on the details, so I will limit my views to the general principles of the application site's location, and the need for the pitches.

Policy 36 of the Structure Plan is also relevant.

In assessing these issues regard must also be given to the following:

- ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites;
- DCLG guidance on Gypsy and Traveller Accommodation Needs Assessments (2007); and
- the proposals of the emerging Regional Spatial Strategy (RSS) including the current review of additional pitch requirements.

Also relevant are the recommendations contained in a report to, and agreed by, the Executive in April 2006, in response to the advice in Circular 01/2006.

LOCATION

In terms of the location of gypsy and traveller sites, it has long been accepted in planning policy that rural locations outside settlements are one of the exceptions to the normal strict control of new development.

This is re-affirmed at paragraph 54 of Circular 01/2006, which states that 'Rural settings, where not subject to special planning constraints, are acceptable in principle.'

Policy H14 of the Taunton Deane Local Plan relates specifically to proposals in rural areas.

Two criteria of the policy relate to the location of residential sites - (B) and (H). The issue dealt with by criterion (B) is that of safe and convenient access to schools and other community services.

Structure Plan Policy 36 is concerned with the same issue.

The application site is not located within a short distance of a settlement providing local services and facilities, so does not enjoy safe and convenient access by bus, cycle or foot.

However, there are other considerations that need to be taken into account. Circular 01/2006 advises that in assessing the suitability of sites '...local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services'.

The need for the Council to take a more flexible approach to the issue of access to facilities was one of those agreed by the Executive in April 2006. Finally, the application site is immediately adjoining a much larger and long-established site on which some of the applicant families reside, so it would be unreasonable to view the inaccessibility of facilities as a significant problem.

The application is clearly contrary to criterion (H), as it is located within the Blackdown Hills Area of Outstanding Natural Beauty. However, this is an issue where a new approach was introduced by Circular 01/2006, as it states that in areas with nationally recognised designations such as Areas Of Outstanding Natural Beauty (AONBs) there is not an in principle objection to gypsy sites, but that planning permission can be granted where the proposal would not compromise the objectives of the designation.

The application site's proximity to the existing site is likely to make adverse landscape impact less likely, but the views of the landscape officer will be important in respect of this matter.

NEED

The issue of need, which is addressed by criterion (A) of policy H14, is an area where the more recent advice and guidance in PPS3, Circular 01/2006, Gypsy and Traveller Accommodation Assessments Guidance, and the emerging RSS is of particular relevance.

At present there is no agreed figure for the number of additional pitches needed in the Borough, with the Taunton Deane Local Plan only containing the criteria-based policy H14 and no estimate of pitch requirements.

PPS3 tasks local authorities with ensuring that everyone has access to a decent home, and Circular 01/2006 requires them to undertake Gypsy and Traveller Accommodation Assessments (GTAA) in their areas, to assess the scale of need and identify pitch requirements. The information produced is to inform the preparation of Regional Spatial Strategies, which will identify the number of pitches required for each local planning authority, and the preparation of Development Plan Documents.

An assessment of accommodation needs was undertaken by the Ark consultancy in 2005 for all the Somerset local authorities, but it pre-dated the Government guidance. Consequently it was not fully compliant with the guidance, and did not produce a specific recommendation of the number of additional pitches required. Since then, in order to have an input to the preparation of proposals for gypsy and traveller needs in the RSS, an estimate of pitch requirements has been made. This identified a need for 17 additional pitches. However, it is recognised that the figure produced was an interim estimate, and that further, detailed work is required as a matter of priority to properly assess the situation and inform the preparation of the Local Development Framework. It is hoped that the results of this will be available by the end of the year.

In the meantime, in advance of those results it is appropriate to have regard to the methodology in the guidance on GTAAs when assessing proposals such as the current one.

This identifies a number of sources of demand and supply that need to be taken into account in assessing the number of pitches for which provision should be made. In this case the applicant households are relocating from the existing Otterford site, which will free up authorised pitches that will then be available to meet other needs. With at least six households occupying unauthorised pitches at Oxen Lane, North Curry, this will provide an opportunity for meeting the needs of at least some of them.

In conclusion, in view of the difficulties in identifying suitable and available sites to meet the accommodation needs of gypsies and travellers, and the existence of unmet need within the Borough, opportunities for adding to the supply of pitches need to be considered carefully. In this case I consider that in overall terms the benefits of accommodating the desire of the applicant families to reside on their own site, and the consequent vacancies that will arise on the adjoining authorised site (providing an opportunity to meet other unmet needs) outweighs the shortcomings of the site in terms of its distance from local services. The site's location within the

AONB does not preclude its development in principle, and will need to be assessed on the basis of its impact on the landscape.

COUNTY HIGHWAY AUTHORITY - The proposed development site is located outside of any development limit and under normal circumstances if a proposal for residential development had been received, the Highway Authority would recommend the application for refusal on sustainability grounds. However, information in the ODPM and Policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review states that 'the provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities'. Given that there is another gypsy site/settlement located on adjoining land, it may be unreasonable to raise an objection. The access is onto a classified unnumbered highway. It is a well utilised, stretch of highway where the observed speed of vehicles is estimated to be in the region of approximately 40mph. The existing access is located on the outside of a slight bend, whereby visibility is currently reasonable, however I would seek that a condition is imposed to ensure as much visibility as possible can be incorporated within the applicants land ownership and thereafter maintained. In addition sufficient onsite parking and turning within the site should be provided to avoid reversing to or from the public highway. Given the size of the applicant's land it would appear that this would be achievable, however I have not be provided with any layout plan demonstrating this. Given the points raised above and if the Local Planning Authority are minded to grant consent I would recommend that conditions are imposed:

OTTERFORD PARISH COUNCIL - My Council considered this application at its meeting held on 8 January 2008. The Council wishes to register its very strong opposition to this application for the following reasons:

- The Parish already provides far more than a reasonable share of Gypsy accommodation within the Taunton Deane area It is understood that the policy is to provide a number of smaller sites scattered throughout the district
- The extra numbers would lead to a figure which is more than one which would be sustainable for the local community
- This Application is in addition to the accommodation agreed in the face of strong local opposition, under planning application 29/2005/011, which provides for a further six caravan sites alongside the existing Culmhead site
- The land is within an AONB and under Policy EN10, permission will not be granted for development within an AONB unless it is to supply national need or there is a lack of any other location – this Council found several other suitable sites for gypsy development within the Taunton Deane Area at the time of the discussions re 29/2005/011
- Under Policy S7- development outside settlements should enhance the environmental quality and landscape character of the area – patently, the development proposed will not satisfy this Policy
- The agent for this application appears to be Somerset County Council's Gypsy Liaison Officer – this Council considers such involvement off this officer as inappropriate, or is the County Council promoting the application?

- Loss of amenity/attraction to tourists – the Blackdown Hills are being promoted as a desirable destination and location for tourists, the addition of yet more gypsy sites will do little or nothing to further this hoped for development
- The sustainability of the site in terms of schools, local transport and shops is no better than it was in 2005 (at the time of the last application to develop land alongside the Culmhead site)
- We draw your attention to the recent refusal to allow further development of the privately owned caravan park within the immediate vicinity and the reasons cited for the refusal of this. (See Planning Application File 29/2006/026)
- The Council understands that one of the reasons for the application is to ‘free up’ three TDBC owned sites on the existing Culmhead site. This Council is of the opinion that the application is a mischievous way of extending the existing gypsy population within Culmhead
- The Council has concerns that the provision of a portable shower block is inappropriate and unsustainable.

THREE LETTERS OF OBJECTION - on the grounds of increase in number of caravans present in the AONB without facilities, impact of shower block on environment, lack of amenities, increase in traffic, contrary to AONB plan, no benefit to the rural community and on agricultural land.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centres and Villages.
Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 5 - Landscape Character

The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development.

POLICY 36 - Sites For Gypsies and Travelling People

The provision of sites for gypsies and other travelling people should be made where the site is within reasonable distance of a settlement providing local services and facilities.

POLICY 49 - Transport Requirements of New Development

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

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would

- warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development, which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

TAUNTON DEANE LOCAL PLAN

Taunton Deane Local Plan - The following policies are considered especially relevant:

S1 General Requirements

Proposals for development should ensure that:-

- (A) additional road traffic will not lead to overloading of access roads or road safety problems;
- (C) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

S7 Outside Settlements

Outside defined settlement limits, new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and

- (B) accords with a specific Development Plan policy or proposal;

H14 Gypsy and Travellers sites

Outside the defined limits of settlements, sites for gypsies or non-traditional travellers will be permitted, provided that:

- (A) there is a need from those residing in or passing through the area;
- (B) there is safe and convenient access by bus, cycle or on foot to schools and other community facilities;
- (C) a landscaping scheme is provided which screens the site from outside views and takes account of residential amenity;
- (D) adequate open space is provided;
- (E) accommodation will enjoy adequate privacy and sunlight;
- (F) accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site;

- (G) areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents; and
- (H) in the case of transit sites, there is convenient access to a County or National route;
- (I) the site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area;
- (J) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN10 Areas of Outstanding Natural Beauty

Priority will be given to preserving and enhancing the natural beauty of AONB's. Development which would adversely affect the landscape, character and appearance of AONB's will not be permitted.

EXECUTIVE REPORT DATED 3 MAY 2006 - PROVIDING FOR GYPSIES AND TRAVELLERS

Impact of Circular 01/2006 on the Determination of Planning Applications.

However, in light of the new Circular the criteria may need to be considered more flexible in cases where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

Circular 01/2006 identifies the issue of the scale of sites in relation to existing settlements. Large-scale gypsy sites should not dominate existing communities. In implementing Policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account.

RELEVANT CENTRAL GOVERNMENT GUIDANCE

Up to date Government advice is contained within ODPM Circular 01/2006 of particular relevance are paragraphs referred to below

Paragraph 4

This circular will help to promote good community relations at a local level, and avoid the conflict and controversy associated with unauthorised developments and encampments

Paragraph 12 The Circular's main intentions are;

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

Paragraph 19

A more settled existence can prove beneficial to some gypsies and travellers in terms of access to health and education services and employment and can contribute to a greater integration and social inclusion within the local community. Nevertheless the ability to travel remains an important part of their culture. Some communities of gypsies and travellers live in extended family groups and often travel as such. This is a key feature of their traditional way of life that has an impact on planning for their accommodation needs.

The scheme of C1/2006 is that all local planning authorities must carry out Gypsies and Travellers Accommodation Assessment (GTAAs) to ascertain the need for pitches in their districts. These must be submitted to the relevant regional authority.

The regional authority will use the information from the GTAA's to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

C1/2006 sets out what it calls 'transitional arrangements' to govern the period before quotas are imposed by the relevant regional authority (paragraphs 41-46). In certain circumstances it may be necessary for local planning authorities to make allocations in this period. Further, in districts where there is a clear need for additional sites and a likelihood that allocations will be made within a defined period, it may be appropriate to grant temporary planning permissions for gypsy sites.

Paragraph 48

In applying rural exception site policy, local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.

Paragraph 53

However, local landscape and local nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites.

Paragraph 54

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

Paragraph 60In particular questions of road access, the availability of services, potential conflict with statutory undertakers or agricultural interests and any significant environmental impacts should be resolved at the earliest opportunity...

REGIONAL SPATIAL STRATEGY (RSS)

The regime of the Planning and Compulsory Purchase Act 2004 provides for Regional Spatial Strategy (RSS) to be formulated by the regional authority, the South West Regional Assembly. This Authority is to determine the amount of provision within each district for additional gypsy and traveller sites.

In April 2006 the Regional Assembly published a draft RSS of which paragraph 6.1.1.13 states 'at the time of publication of the draft RSS the RPB was of the view that there was not sufficiently robust information on which to establish district level numbers, that it is necessary to establish transitional arrangements in accordance with C1/2006 and that there will be an early review of the draft RSS 'to fully implement the Government's requirements' (i.e. to impose quotas).'

For the South West, this regional context can be summarised as follows:-

- The extent of existing provision in the region is approximately 550.
- The following parts of the region have relatively high numbers of unauthorised sites; South Gloucestershire, City of Bristol and North Somerset, Unitary Authority areas, and parts of Devon, Gloucestershire and Dorset counties.
- An interim estimate of the additional pitch requirements at regional level is about 1,100 pitches which will be used to monitor delivery in LDDs.

Regarding pitch requirements, the indicative regional figure set out above will serve as a monitoring basis until local authorities have completed their needs assessments and are able to provide a more comprehensive position for site requirements. It is anticipated that all local authorities in the region will have completed their GTAAs in 2007, and it is hoped a single issue review of the Draft RSS can be completed in step with this.

The partial revision of the RSS to review additional pitch requirements is now well underway, with public consultation on the draft Revision running until 31 October. Additional pitch requirements to 2011 are included for Unitary Authority and District Council areas. The requirement for Taunton Deane is 17 pitches, of which 8 have already been provided.

THE ARK REPORT AND THE GTAA

Circular 1/2006 requires all Local Authorities to undertake a needs assessment (GTAA) for new pitches within their areas. Taunton Deane, in association with the other Somerset Local Authorities, had commissioned the Ark Consultancy to undertake a needs assessment prior to the publication of the Circular, although this did not produce specific pitch numbers. However, in response to the request for First Detailed Proposals to inform the preparation of the partial revision of the RSS, further work was undertaken to update the assessment of identified need, and produce figures. This work was undertaken by a group that included officers of the District and County Councils and representatives of the Gypsy and Traveller communities. It identified a requirement for 17 additional pitches in Taunton Deane to 2011, and was based on detailed consideration of the known situation within the Borough in terms of unauthorised sites and the circumstances of individual households.

The assessment did not identify the current gypsy family needs. However, it is recognised that the scale of need identified only reflected known needs at that time. In submitting the results as First Detailed Proposals it was recognised that the process by which the results had been produced had pre-dated the publication of the government guidance, and that further work would be needed to produce a more thorough and robust assessment that complied fully with the government guidance on GTAAs. The implication of this is that there may have been an under estimate of the need for sites, and that additional pitches might be required in the course of time. The circumstances of the households proposed to occupy the additional pitches in this case is just the type of situation that it was anticipated might arise.

RELEVANT LEGISLATION

European Convention for the Protection of Human Rights and Fundamental Freedoms (Human Rights Act 1998)

Articles 8 and 14 of the Convention and the First Protocol Articles 1 and 2 are of particular importance in the consideration of this application.

Article 1

1. Everyone has the right to respect for his private and; family life, his home The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association
2. No person shall be denied the right to education. In the exercise of any function which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religion and philosophical convictions.

ASSESSMENT

The application site is located in the open countryside where normal policies resist the erection of new dwellings or the siting of new residential caravans. However there are exceptions to this policy including policy H14, which allows the principle of gypsies and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were amended as a result of Government advice contained within Circular 1/2006 to allow additional sites. In particular the Executive agreed a more flexible approach in terms of distance to facilities and accepted that sites could be provided in areas of local landscape designation provided they do not undermine the purpose of the designation. This advice is reflected in paragraph 53 of the Circular.

The site lies within the AONB where the Authority has a duty to preserve the natural beauty of such areas. Policy EN10 requires the Authority not to permit development which would adversely affect the landscape, character and appearance of the AONB. This site is not in a prominent location in terms of its landscape impact and is well screened from the surrounding area and the road. It is not therefore considered that allowing the use here would impact on the reason for the area's designation and it is not considered it would harm the character of the area.

In terms of policy H14 I am satisfied that there is a need for the pitches by family members and that there is adequate space for each pitch without harm to privacy or the character of the area. There is also a requirement for safe access and the site lies adjacent to a public highway and the existing access serving the site is considered suitable in visibility terms. The Highway Authority raise no objection in this instance and reference is made to ensuring as much visibility as possible. With the importance of the roadside hedge in landscape terms it is not proposed to impose a condition which would result in any hedge loss. Circular 1/2006 accepts that, due to the difficulty of site provision, exception sites may be in non-sustainable locations. The Highway Authority raise no objection on sustainability grounds and while the site is in a rural location it would be difficult to sustain an objection on this

basis given the adjacent permanent site and previous permissions granted. In light of the above I do not consider that the distance to services and facilities is a ground on which to object in this location.

The Parish Council raise concern over the fact the parish already provide a reasonable share of the gypsy accommodation for the district and the extra numbers would lead to a figure which is more than one which would be sustainable for the local community. While domination of communities is an issue identified by the Circular, the addition of three pitches in this instance to serve gypsies who own the land is not considered to be of a scale to cause an unacceptable adverse impact on the local community. It is therefore concluded that the impact of the proposal on the surrounding area and community is considered an acceptable one.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, gypsy family members only, no more than one mobile home, one touring caravan stationed on each pitch, retention of existing hedges, landscape scheme, no business, remove GPDO rights for fences etc, details of external lighting, access drive to be provided prior to occupation and kept free from obstruction, drainage and parking/turning.

REASON(S) FOR RECOMMENDATION

The additional pitches are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 – Gypsy and Traveller Site (as amended).

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:

34/2007/057

MR JOHN HEBDITCH

ERECTION OF BUILDING TO HOUSE INDOOR NETBALL/TENNIS COURT, FORMATION OF THREE OUTDOOR NETBALL/TENNIS COURTS, ONE OUTDOOR NETBALL COURT AND SYNTHETIC TURF PITCH FOR FOOTBALL AND HOCKEY ALL FLOODLIT BY 16 X 10M HIGH FLOODLIGHT COLUMNS AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, STAPLEGROVE

321854/126510

FULL

PROPOSAL

This application seeks to increase the sports facilities available at the site by the provision of a half size synthetic grass surfaced pitched for football and hockey and three outdoor netball/ tennis courts and one outdoor netball court all surfaced with porous coloured macadam and an indoor netball/tennis court.

The courts will be enclosed by 3m high green coloured weldmesh fencing with sections rising to 5m high behind the football goals. The new external facilities will be illuminated by 16 additional 10m high floodlight columns positioned in appropriate locations around the pitches.

These new courts will be located on a grassed area to the east of the existing floodlite hockey pitch and to the north of the overflow parking area. In this position they are close to the public footpath that flanks the east side of the site.

The indoor court is located in the southwest corner of the extended area some 50m to the east of the existing clubhouse. This will be contained within a steel portal frame measuring 37.60m long by 24.35m wide with a height of 7m to eaves 10m to ridge. Details of external materials indicate white profile steel cladding or membrane with precise details to be agreed with the LPA.

The proposal is accompanied by a Design and Access Statement, a generic design proposal for the building, a Lighting Design for the facilities including illumination details, a Habitat and European Protected Species Survey and a Statement of Intent from the Club.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL – The aims behind the provision of these additional facilities are very commendable and are fully supported by Staplegrove Parish Council. However, the difficulties are the impact of a large ‘warehouse’ type building and the 16 extra flood lighting columns in a Green Wedge.

The new lighting is situated immediately adjacent to the existing floodlights and nearer to the houses in Whitmore Road. However it is thought that at 10m high it will be at a lower level than the existing and it could be argued that there will be

relatively little change to the current position when viewed from the east and west. There will be an increased width of light seen from the housing on Greenway Road. To minimise this effect the lights should be so wired as to ensure that only the courts/pitches in use are illuminated and that all flood lighting should be checked to see if it is possible to further restrict the spread of light to the surrounding area. All flood lighting must be switched off by the previous and currently quoted deadlines of 22:00 hours. This has not always been the case in the past. Additional tree planting would help in the long term.

The new netball building at 24.35m x 37.60m is twice the plan area of the existing clubhouse (18.00m x 25.90m) and its roof is shown 10.0m above the adjacent ground level. The clubhouse has been set down some 1.5/2m or so and its roof apex is 8.0m above existing ground level. The impact of the new building as currently proposed will therefore be very significant, particularly so if its fabric is white. A dark colour, (green?) would be much preferred.

It is assumed that the building has to be this size to serve its purpose and cannot be reduced at all but the Parish Council think that they must ask for it to be set down in the ground so that its roof is no higher than the clubhouse. This might make drainage more difficult but believe that this can be accommodated, as the car park area is lower.

With that provision the Parish Council would accept the development but make the point that additional large, tall buildings damage the green wedge status of the area, the maintenance of which is its overriding objective.

It is unfortunate that the drawings provided with the application did not include a plan showing the new building in relation to the existing. A drawing has been amended to show this detail

SPORT ENGLAND – We understand that the proposed development would enhance the existing facilities on the site as it will create a new concept in sports clubs provision through a multi sport ethos allowing five sports to focus on the site.

With hockey and cricket already located on the site the proposed development will allow the site to become both a county and regional focus for netball as it would be the central venue site for the Somerset County Junior and Senior Netball Leagues. The development will also benefit Staplegrove Youth Football Club who will use the synthetic turf pitch, and with the netball courts also being able to be used for tennis it is hoped that members will play tennis as a second sport therefore encouraging greater use of the new indoor Blackbrook facilities.

We have assessed the application in the light of our national playing fields policy 'A Sporting Future for the Playing Fields of England'. In our opinion, the proposals meet with the requirements of Exception 2 of our playing fields policy. In the light of this, Sport England **does not wish to objection** to this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's support for any related application or sports lottery funding.

COUNTY HIGHWAY AUTHORITY – Views awaited

LIGHTING CONSULTANT – All light sources visible from adjacent adopted or private highways and housing must be fitted with shields similar to the recent successful installation at Queen's College.

If the light sources of the earlier adjacent floodlighting scheme are still visible from adjacent housing then they should also be fitted with shields similar to the recent successful installation at Queens' College.

As only four mounting positions have been used for lighting Courts 1 to 4 the uniformity may be lower than that calculated and the client should be made aware of the difference in illumination levels across the playing areas.

ECONOMIC DEVELOPMENT REGENERATION MANAGER - No Observations to make

ECONOMIC DEVELOPMENT OFFICER - No Observations to make

TOURISM OFFICER - No Observations to make.

LEISURE DEVELOPMENT TEAM MANAGER – I fully support the Club in what it is trying to achieve. The proposed facilities will ensure the Club is a regional focus for netball and will strengthen the Club in overall membership terms. The Multi Sport Club concept is consistent with what Sport England is trying to deliver and consistent with Taunton Deane Borough Council Sports Strategy aims.

Furthermore it will greatly assist and benefit the adjacent Staplegrove Youth Football Club who will be able to train on the ATP and will be able at last to leave their dilapidated portacabin (that serves as a changing room).

LANDSCAPE OFFICER - In my opinion the proposal will be detrimental to the character of the Green Wedge EN13. Any more development within this part of the designation will undermine its function considerably.

HERITAGE AND LANDSCAPE - No Observations to make.

19 LETTERS OF OBJECTIONS - Have been received from surrounding residents. The principle points of concern in no particular order can be summarized as follows:

- Excessive light spill and pollution from existing lights.
- Existing lights have been left on all night, used outside designated hours and should be on a time switch.
- Residents would have liked to have been informed by the club about this proposal prior to submission.
- Concern that extra lights will add to and exacerbate this problem.
- Concern that Taunton Deane Borough Council have not enforced conditions of earlier permissions for floodlights.
- Increase in noise from extended facilities.

- Over development of the site.
- Impact of global warming.
- Will affect quiet enjoyment and privacy of gardens.
- Will affect quiet enjoyment of nearby allotment gardens.
- Increase in traffic and pollution.
- Concern about adequacy of car parking
- Possible adverse impact on wildlife as lizards and slow worms have been seen in the vicinity of the site.

Many residents also acknowledge that they do not object to the improved sports facilities.

POLICY CONTEXT

PPS1: Delivering Sustainable Development, PPS7: Sustainable Development in Rural Areas PPS9: Biodiversity and Geological Conservation, PPG17: Planning for Open Space, Sport and Recreation.

Somerset and Exmoor National Park Joint Structure Plan Policy 1, 37 & 38

Taunton Deane Local Plan Policies S1, EC21, C3, C5 , EN13 & EN34

ASSESSMENT

This site is located towards the north of Taunton within an area identified as being subject to “Green Wedge” policy. This green wedge is practically surrounded by residential development with the exception of an open area at the northern end. The site of the Sports Club and the application site is also identified as an area of recreation open space to be protected under the provisions of Policy C3.

The new facilities are adjoined by a public footpath and cycleway on its eastern side that has screening along its eastern boundary. The rear gardens of residential properties fronting Wyndham Road and Whitmore Road are between 160m and 190m further to the east of this footpath separated by fields and with boundary screening. There are also residential properties in Cresswell Avenue some 220m to the south.

The applicants in support of their proposal have indicated that the scheme has been prepared in conjunction with Sport England, the All England Netball Association, the Lawn Tennis Association and the Football Foundation who all support the scheme and are providing funding. The aim is to provide a multi sports facility based around the existing pavilion enabling better use to be made of that building, improving the viability of the Club and giving a focus for the town and users of all ages.

The majority of the application proposal is located upon the position of an already approved full size hockey pitch that formed part of application 34/1998/009 for the clubhouse, sports pitches and floodlighting approved 1 June 2000. There is however a minor incursion into the overflow car parking area but this is not seen as significant.

Consequently in Policy terms no objections are raised to that element of the scheme.

The latest Wildlife Survey produced no evidence of any bats, reptiles or amphibians and considers that the site holds limited potential for wildlife. These conclusions indicate no impediment to the provision of the pitches as proposed.

However the proposal also provides for an increased level of flooding lighting to illuminate the additional pitches.

At Condition 20 of the original permission the following requirement with regard to floodlighting was imposed:

“The proposed floodlights luminaire shall be installed in a manner which ensures that no light source is visible from the adjacent residential properties, in accordance with details to be submitted to and approved by the Local Planning Authority before the use hereby permitted is commenced. The floodlights shall not be commissioned until the expiration of 14 days following a notice given in writing to the Local Planning Authority. Within four weeks of commissioning, the developer shall carry out any modifications to the lights which may be found necessary following a supervised testing of the lights. During that period the lights shall remain switched off.
Reason: To protect the visual amenity of the nearby residents and the surrounding area.”

There was also, at Condition 15, a requirement that the floodlights should not remain on after 22:00hrs and limitations, at Condition 19, on hours of use of the clubhouse. Approved details pursuant to Condition 20 accepted No.8 15m high columns each with four floodlights around the pitch as already provided.

Concern about light spillage from these arrangements and the Local Authorities failure to resolve this issue has continued since their provision on site and has not yet been resolved to the complainant's satisfaction.

The application is supported by a Lighting Design scheme that shows minimal light spillage beyond the pitch areas. In clarification of the proposal, the applicants have also indicated that the floodlighting on the site, both existing and proposed, will incorporate an automatic “cut off” switch that will be set no later than 22:30hrs.

The views of the Councils Lighting Consultant as reported above have been provided to the applicants and their comments on those requirements are awaited.

The details submitted, with conditions to require the inclusion of an automatic cut-off switch and shielding to proposed and existing lights should address neighbours concerns about not only the additional floodlights proposed but problems with the existing ones. With these conditions it is considered that the application would comply with Policy EN34 (Control of External Lighting).

The other part of the proposal which conflicts with Adopted Plan Policy EN13 (Green Wedge) is the new building proposed to cover one of the courts. This building is

slightly higher to eaves and ridge than the existing clubhouse and significantly larger in plan area (as mentioned by the Parish Council). Consequently, it is inevitable that this structure will have an impact on the landscape and the character of the green wedge.

Any adverse impact needs to be considered in relation to the support for the retention of this facility given in Policy C3 and C5 along with the general tenant of PPG17 (Sports and Recreation) to support appropriate sports and recreation development.

The building to provide a covered court is intended to improve facilities here and because of its functional relationship to other uses on the site could be considered as an acceptable part of the total scheme. However appropriate landscaping and a careful choice of external materials would be required to help the building be assimilated into the it's setting.

With the existing and proposed pitch layout there appears little scope to locate the building closer to the clubhouse to reduce its impact.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials for proposed building, landscaping scheme and completion, no floodlighting beyond 22:30hrs shielding to existing and proposed floodlighting.

REASON(S) FOR RECOMMENDATION:

The proposal is support by the provisions of PPG17 (Sports and Recreation) and not considered to adversely affect the amenities of the area and on balance not be contrary to Taunton Deane Local Plan Policy EN13 (Green Wedge) or EN34 (Control of External Lighting).

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 ROBERTS MON/TUE/THUR/FRI

NOTES:

43/2007/003

RAGLAN HOUSING ASSOCIATION

ERECTION OF 6 DWELLINGS AT LAND OFF GAY CLOSE, WELLINGTON AS AMENDED BY LETTER DATED 21ST JANUARY 2008 AND REVISED SITE PLAN RECEIVED ON 7TH FEBRUARY 2008.

314403/120799

FULL

The planning merits of the application have been assessed with a recommendation of approval as per the attached Committee Report. Members supported the application at the Development Control Planning Committee, 28th March 2007, subject to the receipt of further information which addressed the concerns raised by the Highway Authority; and the views of Sport England. No views were forthcoming from Sport England.

The applicant now seeks permission for the provision of six units, following discussions with the case officer, housing officer and Highway Authority. This has resulted from fundamental objections from the Highway Authority with regard to part of the development proposed to be built on highway land. The units would provide affordable housing in partnership between Raglan Housing Association and TDBC.

Amended plans have now been received, to an acceptable standard, that delineates the revised application site. The remainder of the site will be looked at further in the future and a revised separate application is likely to be submitted. It is considered that the revised plans are acceptable and have addressed the previous highway concerns to the proposal, whilst not giving rise to any amenity issues over and above those previously assessed.

Subject to a formal response from Somerset County Highways the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and that permission be GRANTED subject to the following conditions: - time limit; materials; details of drainage; meter boxes; fences; no extensions; landscaping; securing affordable housing; leisure contributions.

COMMITTEE REPORT 28 MARCH 2007 – ITEM 15

43/2007/003

RAGLAN HOUSING ASSOCIATION

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

314403/120799

FULL

PROPOSAL

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

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

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY - the following highway related comments have been made as a result of looking at the site location plan together with submitted drawing numbers 0602.4.04, 0602.4.05 and 0602.4.06. Upon comparing the location plan, within which the agent/applicant has edged in red the extent of land for this application, with the 'attached road record plan, it appears that there is a length of publicly maintained highway that falls within the site boundary. Can the

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

WESSEX WATER - the development is located within a foul sewer area and the developer will need to agree points of connection. In respect of surface water, there are no existing separate sewers in the vicinity of the site. The developer is advised to investigate alternative methods for the satisfactory disposal of surface water (e.g. soakaways). With respect to water supply, there is a public combined sewer

crossing the site. Wessex water normally requires a three metre easement on either side of its apparatus. Diversion or protection works may need to be agreed.

SPORT ENGLAND - views awaited.

LANDSCAPE OFFICER - my main concerns are loss of amenity area within a residential area; loss of trees due to construction; and limited opportunity for landscape mitigation or replacement tree planting.

ENVIRONMENTAL HEALTH OFFICER - no observations.

DRAINAGE OFFICER - no observations.

LEISURE DEVELOPMENT - the ward of Wellington East has the lowest amount of open space per head of population of any ward in the Borough. The average is 3.49 hectares per thousand population and Wellington East has just 0.70 hectares per thousand population. To lose this site will exacerbate this level of under provision. This site has been identified in our 2006 Audit of Green Spaces, as an "amenity open space" of low quality and low value. However with some investment it could become a more valuable and usable site for a part of Wellington where there is very little open space available. If Members are minded to approve this application there should be compensation made for this loss of open space by way of additional land being provided for recreation in the neighbourhood. Additionally provision should be made in line with Policy C4 for play facilities to serve the new residents of the dwellings constructed. It may be possible to negotiate a sum in lieu of the compensation and also in lieu of the new provision if a suitable site for investment can be identified. There is also a requirement in Policy C4 for playing field contributions from new developments. The current sum is £859 per dwelling to be spent in the vicinity of the development.

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

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

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

POLICY CONTEXT

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

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

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

ASSESSMENT

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

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

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

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

One of the recurring concerns from local residents is the effect of the development on existing parking provision within the site and the knock on effect this will have on the locality. The Authority's parking standards for general residential development is for there to be no more than an average of 1.5 car parking spaces per dwelling. As detailed earlier in the report, each of the dwellings will have provision for one parking

space. In addition there is parking provision for visitors and existing residents. The agent has submitted a plan indicating an additional 15 spaces will be provided over and above the existing situation and additional to those spaces for the new dwellings within the scheme.

The Leisure Department have raised an objection to the proposal resulting in the loss of amenity open space. However, it is considered that as the area, which has been identified as low value, is currently under utilised this must be balanced against the provision of affordable housing on this site. It is of important to ensure that investment is redirected into other leisure space within the vicinity of the development. Policy C4 of the Taunton Deane Local Plan sets out the requirements for the standards of provision of recreational open space on new residential development. The Leisure Development Manager requires a payment of £859 per dwelling.

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

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

RECOMMENDATION

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

REASON(S) FOR RECOMMENDATION: The proposed development is considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing with Classified Settlements), M4 (Residential Parking Provision), H9 (Affordable Housing with General Market Housing), H10 (Affordable Housing Targets) and C4 (Standards of provision of Recreational Open Space) and material considerations do not indicate otherwise.

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

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

CONTACT OFFICER: 356586 MR A PICK

NOTES:

49/2007/074

MR ANDREW JOHNSON

CHANGE OF USE FROM OFFICE TO RESTAURANT AND TAKE AWAY AT 3 SILVER STREET, WIVELISCOMBE

308120/127821

FULL

PROPOSAL

No 3 Silver Street is located in the centre of Wiveliscombe adjacent to The Square, and within the designated Conservation Area. It is a two storey building with a double shop front to the street elevation and a small courtyard to the rear. No on-site parking is available.

The proposal comprises the change of use of the property, which is currently empty but was formerly a Chartered Accountants office, to a restaurant and take-away. An extract duct is also proposed from the kitchen through the rear roof.

CONSULTATIONS AND REPRESENTATIONS

DRAINAGE OFFICER - No observations

PARISH COUNCIL - Supports

CONSERVATION OFFICER – If Environmental Health confirm that the proposed site and height of the extract vent will conform to their requirements, I do not believe that such will adversely affect the character of the Conservation Area or setting of adjacent Listed Building. (Environmental Health Officer confirm that size and height of duct is satisfactory).

ENVIRONMENTAL HEALTH OFFICER – I have considered the details submitted regarding the kitchen extraction system and the proposed elevations of the flue. The details which have been submitted are satisfactory but I would advise that provision for carbon filters are built into the system so if odours are a problem in the future carbon filters can be installed easily. As such I would recommend both odour and noise conditions.

COUNTY HIGHWAYS AUTHORITY – The proposal is located in the centre of Wiveliscombe in close proximity to public car parks. The stretch of highway located outside of the development is narrow and can only accommodate single file traffic, in addition there are double yellow lines either side of the highway, to prevent vehicles stopping/parking in this area.

There is a general assumption that the nature of take-aways can lead to on street parking in close proximity of the site. However given the parking restrictions and width of the highway outside of the site this should discourage people from parking illegally in close proximity of the site. With regard to the issue of illegally parked

vehicles on the highway in particular on double yellow lines, this is a police matter in terms of enforcement. The drivers of such vehicles have to take responsibility for their own actions with regard to appropriate and safe places to stop and park. Many take-aways offer a delivery service so this could help reduce the number of customers driving directly to the premises.

The proposal is located within the town centre in easy walking distance of public parks and on-street parking in High Street, North Street and West Street.

Taking the above points into consideration I don't consider that the proposal would result in significant increase in traffic over and above that which currently utilises this particular stretch of highway, therefore I would not wish to raise a highway objection to the proposal.

35 LETTERS OF SUPPORT - have been submitted on the following grounds:

- The quality of this business and their cuisine is impressive;
- The applicants are supportive of Somerset Food links and the community in general;
- The use would be of great benefit to the town and surroundings;
- There is a lack of good Indian restaurants in the locality;
- The use would make a huge economic contribution to the area;
- And the use would help to maintain Wiveliscombe's vitality

ONE OF THESE LETTERS OF SUPPORT - suggests that permission be made personal to the applicant because any subsequent owners may be more problematic and that parking controls must be enforced. Another of the letters of support suggest that opening hours be realistic and not restrictive.

24 LETTERS OF OBJECTION - have been submitted, together with a petition of objection of 33 signatures, together with numerous letters and e-mails of objection from the same immediate neighbour.

Grounds of objection include the following:

- The use will detract from the character of this predominantly residential street
- Traffic will increase significantly in the vicinity and highway safety would accordingly be prejudiced
- Residential amenity would be affected by odours, noises, smoking, increased vermin, litter and anti-social behaviour etc
- Virtually all of Silver Street residents object
- Public car parks are already full in the evening and parking problems would be exacerbated
- The adjoining property is a flying freehold with rooms including bedrooms directly above the proposed restaurant
- There would be increased fire risk
- Storage and disposal of refuse is of great concern

- The proposed flue would be unsightly and adversely affect the setting of adjacent listed buildings and the character and appearance of the Conservation Area
- The proposal contravenes the European Convention on Human Rights
- Take-away packaging cannot be recycled
- And no disabled toilet is proposed.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard inter alia The character of buildings, visual and residential amenity and road safety. Transport policies in the Local Plan seek to promote sustainable transport. Policy EN14 seeks to resist developments which would adversely affect Conservation Areas and Policy EN16 developments which would adversely affect the setting of listed buildings. Policy WV4 supports proposals for development which complements the existing range of shopping facilities and which create diversity and interest in the central area of Wiveliscombe. The explanatory paragraph to the policy advises – “A positive approach will be adopted towards proposals for uses such as restaurants, cafes, public houses, leisure and arts facilities, which add to the vitality and viability of the shopping centre.”

ASSESSMENT

The property is centrally located, and in general terms in accordance with Policy WV4, uses such as restaurants are to be supported because they add to the vitality and viability of the central area of Wiveliscombe. Notwithstanding this, the LPA has to be satisfied that road safety, visual amenity, and residential amenity are not adversely affected.

With regard to highway safety, the County Highways Authority are clear and concise in their statement which raises no objection. In respect of visual amenity, the only external alteration proposed is the installation of a relatively discreet flue in the rear elevation, and the Conservation Officer advises that neither the character/appearance of the Conservation Area nor the setting of listed buildings would be adversely affected.

Finally, in respect of residential amenity, the Environmental Health Officer raises no objection subject to imposition of restrictive conditions to control noise and smells. Whilst the issue of litter and anti-social behaviour are issues that need to be considered, they are not deemed to be such concerns as to warrant refusal in this case.

The proposal use in therefore considered acceptable, subject to imposition of appropriately restrictive conditions, including one which limits opening hours to those suggested by the applicant, namely 11:00hrs to 22:00hrs.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, noise, odours and opening hours.

REASON(S) FOR RECOMMENDATION:-

The proposal would contribute to the vitality and viability of Wiveliscombe Central Area, would not adversely affect the character and appearance of the Conservation Area, nor the setting of listed buildings and would not unduly affect visual amenity, residential amenity or road safety. Accordingly, the proposal complies with Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN16 (Listed Buildings) and WV4 (Shopping and Services).

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

49/2007/077

MR TERENCE BALL

**CONSTRUCTION OF AGRICULTURAL ACCESS (RETROSPECTIVE).
CANDLETREES, JEWS FARM, MAUNDOWN, WIVELISCOMBE.**

306031/129597

FULL

PROPOSAL

The proposal is retrospective and comprises the construction of an agricultural access in tarmac. The access/drive has been laid to present a reoccurrence of the road safety problems in previous winters, where the original drive was often washed away by heavy rainfall. The access is bounded on its southern side by a 4 feet high post and rail agricultural fence.

Members may recall that enforcement action was authorised at the Planning Committee Meeting of 21 November 2007.

CONSULTATIONS AND REPRESENTATIONS

PARISH COUNCIL - No comments.

COUNTY HIGHWAYS AUTHORITY - No observations

ONE LETTER OF SUPPORT - has been submitted on the grounds that the original drive contains a blind bend which is dangerous to road users and made manoeuvres on the steep and unstable surface very difficult.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seeks to safeguard, inter alia, road safety and visual amenity.

ASSESSMENT

In authorising enforcement action members considered the access constructed a visual intrusion and was detrimental to the visual amenities of the area. However, the matter has been reassessed following the submission of the application and it is now concluded that in light of the improved road safety arising from the development and the limited visual impact that planning permission should be GRANTED.

RECOMMENDATION

The permission be GRANTED

REASON(S) FOR RECOMMENDATION:-

The proposed development would not adversely affect visual amenity or road safety and therefore does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

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

CONTACT OFFICER: 356465 MR J GRANT

NOTES:

Taunton Deane Borough Council

Planning Committee - 27 February 2008

Report of the Chief Solicitor

Appeal Decision relating to the enforcement notice requiring the removal of the O2 mast at Shoreditch Road, Taunton

At the meeting of this Committee on the 23 January 2008 Members received a copy of the Inspector's decision letter in relation to the appeal against the enforcement notice served on O2 requiring the removal of the mast erected at Shoreditch Road, Taunton.

Members will recall that the Inspector dismissed the appeal and required the existing mast to be removed within four months of the date of his decision letter, which is the 27 March 2008. A costs application was also refused.

It is common ground, and indeed confirmed in the Inspector's decision letter, that there is an existing deemed permission for an alternative mast at the site which the Inspector considered would be both less bulky and have less impact than the mast as erected. O2 have written indicating their intention to remove the existing mast and replace it with one for which they have deemed permission.

The Council's position has always been that it would facilitate the erection of a mast at an alternative location and, to that end, a planning permission was obtained for a mast on land in the Council's ownership adjacent to the motorway. In his decision letter the Inspector accepts that a mast at that site would achieve almost as wide coverage as at the existing site, but with some interference prior to the full implementation of the G3 network. The Council has also in the past offered to assist O2 in the cost of relocation. O2 has always refused to discuss such relocation.

Following the outcome of the appeal a further letter was sent to O2 referring to the terms of the Inspector's decision letter and asking O2 to enter into negotiations for the relocation of the mast to the alternative site for which the Council has obtained planning permission. O2 has refused to do so and a copy of their response is attached.

The only option remaining open to the Council is to revoke the existing deemed consent before it is implemented.

Such an Order, if opposed, would be subject to confirmation by the Secretary of State and a further Public Inquiry would probably need to be held. If unsuccessful, the Council would run the risk of a costs award against it. If successful, there would be an obligation to pay compensation to O2 for loss of anticipated future business profits.

Whilst it is not possible, without detailed information from O2, to assess the likely level of such compensation, the Council has received independent advice that an average telecommunication mast generates an income of around £35-£40,000 per annum. The amount of compensation that would be payable to O2 is therefore likely to be significant, especially if O2 chose not to replace the mast elsewhere in the vicinity.

Such a course of action would therefore open the Council to significant potential financial liabilities which cannot be accurately quantified at this time and for which no provision has been made.

If O2 agreed to relocate the mast, the level of compensation would be less, reflecting the difference between the income generated from the present mast and any relocated mast. However, O2 has made it clear that relocation is not an option.

There is therefore the possibility that if revocation took place, O2 would not have coverage in this part of Taunton. Their views on this are being sought and will be reported to the Committee.

Recommendation

Members are recommended to note the current situation.

Chief Solicitor

Contact Judith Jackson 01823 356409 or
j.jackson@tauntondeane.gov.uk

Planning Committee – 27 February, 2008

Report of the Development Manager

Enforcement Item

Parish: TAUNTON

- 1. File/Complaint Number** E271/38/2007
- 2. Location of Site** 4 Poplar Road, Taunton
- 3. Names of Owners** Mr Hanning
- 4. Name of Occupiers** Mr Hanning
- 5. Nature of Contravention**

1.8m high fence with trellis on top erected in the rear garden

6. Planning History

The fence was brought to the Council's attention in September 2007. A site visit was made and it was found that the fence including the trellis measured 2.1 metres. Under the Town and Country Planning (General Permitted Development) Order 1995 the fence would require Planning Permission as it is over 2 metres high. The owner was asked to submit an application but he declined to do so.

7. Reasons for Taking Action

It is considered that if an application were to be submitted it would likely to be approved. In view of this it is recommended that no further action should be taken.

8. Recommendation

No further action be taken.

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 01823 356479