



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 16TH APRIL 2008 AT 17:00.

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 26 March 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. Taunton - 38/2008/111
Erection of 8 houses and 1 bungalow in a controlled car free development at 4 Wilton Street, Taunton (revised scheme)
6. E102/29/2007 - Change of use of land to form access drive at Lower Fyfett Farmhouse, Otterford Enforcement item
7. Objections to Taunton Deane Borough (Wellington No 1) Tree Preservation Order 2008 at 11 High Path, Wellington Countryside item
8. 49/2007/076 - Redevelopment of shop and storage/garage to form dwelling with replacement of shopfront at 24 Silver Street, Wiveliscombe Miscellaneous item

Tonya Meers
Legal and Democratic Services Manager
10 April 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 – 26 March 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, D Wedderkopp and Miss Wood.

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

Also present:- Councillors Mrs Copley and Govier in relation to Application
No 43/2008/016 and Councillor Coles.

(The meeting commenced at 5.00 pm.)

24. **Apology**

Councillor Woolley.

25. **Minutes**

The Minutes of the meeting held on 27 February 2008 were taken as read and were signed.

26. **Declarations of Interest**

Councillor Ms Webber declared a personal interest in Application
No 48/2007/061.

Councillors McMahon and Watson declared personal interests in Application
No 36/2007/022 as they both knew the applicant.

Councillors Bowrah and Critchard declared that they would neither speak nor
vote in relation to Application No 43/2008/016 as they both considered that
they had “fettered their discretion” in advance of the meeting.

27. **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 **outline planning permission** be granted for the under-
mentioned development, subject to the standard conditions adopted by
Minute No 86/1987 of the former Planning and Development
Committee and such further conditions as stated:-

02/2008/001

Erection of dwelling (renewal of permission 02/2005/001), land adjacent to Brooklands, Ash Priors.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C014A - time limit;
- (d) C101 - materials;
- (e) C201 - landscaping;
- (f) C215 - walls and fences;
- (g) C917 - services - underground;
- (h) P001A - no extensions;
- (i) P003 - no ancillary buildings;
- (j) P005 - no garages;
- (k) P006 - no fencing;
- (l) C927 - Contaminated land - barns/small sites;
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed on the first floor north elevation;
- (n) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (o) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (p) The gradient of the proposed access shall not be steeper than 1 in 10;
- (q) At the junction of the private road with Ash Priors Road, there shall be no obstruction to visibility greater than 300 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 60 m to the right of the access. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (r) At the access, there should be no obstruction to visibility greater than 900 mm above adjoining road level forward of a line drawn back from and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

- (s) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
- (t) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.
(Notes to applicant:- (1) N126 - ground contamination; (2) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that there is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory supply of water for the proposal. This can be agreed at the detailed design stage; (4) Applicant was recommended to agree with Wessex Water prior to the commencement of any works on site, connection to Wessex Water infrastructure; (5) Applicant was advised of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. It should be noted that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such an agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The proposal would not adversely affect visual and residential amenity or road safety. The proposal therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

- (2) 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:-

11/2008/001

Erection of extension to rear and re-roofing of garage to form garden room at Little Orchard, Combe Florey

Conditions

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

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, nor visual and residential amenity, nor the character and appearance of the designated Conservation Area. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas).

21/2008/001

Erection of dwelling adjacent to White Oaks and alterations to White Oaks, Langford Budville (resubmission of 21/2007/025)

Conditions

- (a) C001A - time limit;
- (b) Within a period of three years from the date of this permission and before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Before commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used, without the written consent of the Local Planning Authority;
- (d)
 - (i) Before any part of the permitted development is commenced, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority;
 - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing

- by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (f) There shall be no obstruction to visibility greater than 900 mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before the dwelling hereby permitted is occupied and shall thereafter be maintained at all times;
 - (g) The dwelling hereby permitted shall not be occupied until the access, parking and turning area shown on the approved plan has been properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and shall not be used other than for the parking of vehicles or for the purpose of access;
 - (h) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
 - (i) C416 - details of size, position and materials of meter boxes;
 - (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1988 (or any subsequent order amending or revoking and re-enacting that order), no gate, fence, wall or other means of enclosure or any building or other structure shall be erected on the site beyond the forward-most part of the front of the dwelling house or on the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (k) Details of the arrangements to be made for the disposal of the foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced.
(Notes to applicant:- (1) N061 - Highways Act - Section 184 Permit; (2) N118 - disabled access; (3) N112 - energy conservation; (4) N114 - meter boxes; (5) N115 - water conservation; (6) N051B - health and safety; (7) Applicant was requested to give consideration to discussions with BT regarding relocation of the telephone box on the site; (8) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (9) Applicant was advised of a number of requirements stipulated by Wessex Water.)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, nor road safety, nor visual and residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

36/2007/022

Formation of new raised roof structure over car port and enlargement of access gate opening at Walnut Arbour, Curload, Stoke St Gregory, Taunton

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C111 - materials - for drives;
- (d) C238 - tree protection in relation to construction;
- (e) Prior to commencement of works on site, a full wildlife survey shall be undertaken between the months of April 2008 to September 2008 by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. The development shall be carried out in accordance with such measures;
- (f) Any gates provided shall be hung to open inwards only and shall be set back a minimum distance of 4.5 m from the edge of the adjoining highway carriageway;

(Note to applicant:- Applicant was advised of the need to comply with the requirements of the Party Wall Act.)

Reason for granting planning permission:-

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

38/2008/063

Retention of Conservatory to side and retention of 2.2 m fence to side at 31 Wellington Road, Taunton

Reason for granting planning permission:-

The design and scale of the conservatory and the fence was considered to have a minimal impact upon the visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

Also **resolved** that the enforcement notice previously served in respect of the conservatory and the fence be withdrawn.

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

43/2008/016

Retention of fence at 32 Seymour Street, Wellington

Reason

In the opinion of the Local Planning Authority, the fence constitutes an incongruous feature in the street scene adversely affecting visual amenity. The fence was therefore contrary to Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

Also **resolved** that:-

- (i) Enforcement action be taken seeking the removal of the unauthorised fence which had been erected at 32 Seymour Street, Wellington;
 - (ii) Such action be deferred for a period of three months from the date of the meeting to allow the owner of 32 Seymour Street, Wellington, to submit a further planning application to retain the fence already in place; and
 - (iii) 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.
- (4) That **no objection be raised** to planning application No **38/2008/045**, construction of Third Way Road including a new bridge over the River Tone, between Castle Street and Wood Street, Taunton, subject to the further detailed consideration of the following matters:-
- (a) The bus stop adjacent to Greenbrook Terrace should be deleted and the impact of the land taken in this area should be considered to reduce impact on the adjacent development site;
 - (b) The layout in terms of the pedestrian and cycle crossing points should be reconsidered and a satisfactory route to achieve a crossing of the Third Way Road by the strategic footway/ cycleway route needs to be provided;
 - (c) Details of alternative lighting column designs and the extent of the lighting impacts on wildlife should be achieved through appropriate conditions;
 - (d) The materials of the new footways should be amended to reflect the emerging Taunton Design Code and should be conditioned so as not to be tarmac and timber (see Canon's Marsh, Bristol);
 - (e) Details of trees within footways should be considered as part of any comprehensive landscaping scheme;
 - (f) Town badges should be included in the design of the bridge.

28. **Construction of a roundabout and alteration of associated roads and highway structure at the former chicken hatchery, Bridgwater Road, Monkton Heathfield (48/2007/019)**

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement covering the following requirements:-

- The provision and maintenance of a landscaping bund adjacent to the new roadway;
- A requirement that the road and roundabout be provided prior to the occupation of the 301st house to be constructed as part of the Local Plan allocated site at Monkton Heathfield, or when the balance of the Eastern Relief Road has been constructed up to the boundary of the site, whichever is the sooner;
- An obligation that in default of the requirement to construct the road and roundabout, rights will be granted to a third party to enter onto the land and construct the same;
- The agreement to include the mechanism for valuation in the event that a third party exercises such rights (by means of Royal Institution of Chartered Surveyors Arbitration or similar);
- An obligation that the roundabout is dedicated either as soon as it is completed or as soon as a third party steps in to complete it in the event of default; and
- Obligation to submit a planning application for the remainder of the site for B1/B8 uses as identified in the Monkton Heathfield Development Guide,

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) C301 – highways – in accordance with the County Highway Authority’s booklet;
- (c) C926B – remediation investigation/certificate;
- (d) Prior to the commencement of the development, the applicant shall appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing and proposed road sources will not be detrimental to the amenity of the occupants of existing premises and premises on the completed development. Internal noise levels in a residential premises on, or adjacent to the development and proposed roads shall not exceed 40dB La eq (16 hour) during the daytime (0700 to 2300 hours) and 30dB La eq (8 hour) in a bedroom at night (2300 to 0700 hours) with a night time maximum of 45dB ILa max. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction

- scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development;
- (e) Prior to the commencement of works on site, an updated wildlife survey shall be undertaken by a suitably qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;
 - (f) No development shall take place on the site until there has been submitted to and approved in writing by the Local Planning Authority a design code for the site in its entirety (hereafter called the approved design code). The approved design code shall be approved prior to the submission of any application for reserved matters. The design code shall include detailed codings for:
 - Architectural and sustainable construction principles;
 - Phasing of the development;
 - Character areas;
 - Street types and street materials;
 - Block types and block principles;
 - Internal highways, cycle ways and footpaths;
 - Renewable and energy efficiency measures;
 - Car parking principles;
 - Building types and uses;
 - Building heights;
 - Building materials;
 - Surface treatments;
 - Boundary treatments;
 - Children's play areas, playing fields and public open space;
 - Landscaping strategies;
 - Wildlife mitigation;
 - Proposed uses for the employment areas and local centre;
 - Mechanisms for periodic review and alteration to the design code if required.
 - (g) A clear strip of land at least 5.0m in width shall be retained free from any new buildings or structures adjacent to any watercourse fronting or crossing the site. Ground levels must not be raised above existing levels within such a strip of land, unless otherwise agreed in writing by the Local Planning Authority.

Reason for planning permission, if granted:-

To enable the delivery of the Monkton Heathfield allocated site in accordance with Taunton Deane Local Plan Policies T8-T12.

29. **Proposed mixed use urban extension comprising 900 dwellings, B1 business, local centre, primary school, playing fields and open space, new A38 relief road at Monkton Heathfield Development site, Monkton Heathfield (48/2007/061)**

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement in respect of the following:-

- Affordable housing (35% to be split as 50% social rented, 25% shared ownership and 25% discounted open market);
- Education (provision of new 14 class primary school and playing fields, monies towards improvements to the secondary school and the provision of a secondary school playing field);
- Social and community facilities (library contributions, joint community facilities and enlarged school hall);
- Playing fields, public open space and nature reserve (facilities to be provided in a phased manner linked to the development of the site, payments for the adoption/maintenance of those areas of land);
- Drainage (contributions towards the improvement of receiving water courses);
- Highway package (traffic calming works to the A38 and A3259, bus priority measures, green travel plans, cycle/pedestrian network, bus shelters);
- Eastern relief road (provision of technical detail of link to proposed roundabout, timing of provision);
- Western relief road (funding for land acquisition, timing, design and construction of road); and
- Children's play areas (amount, location of equipment, timing of provision and maintenance),

The Development Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Before any part of the development hereby permitted is begun, a phasing plan should be submitted and approved in writing. Detailed drawings, to an appropriate scale of the siting, design and external appearance of the buildings, the access thereto, the site levels and the landscaping of the site shall be submitted to, and approved in writing by, the Local Planning Authority for each phase. Prior to the commencement of that phase, the phasing plan shall show 23,251 sq. m of industrial floor space to be constructed prior to the completion of 650 dwellings;
- (b) Application for approval of reserved matters under (a) above relating to the first phase, shall be made to the Local Planning Authority within 3 years of this planning permission and application for approval of reserved matters under (A) above relating the remaining phases shall be made to the Local Planning Authority within 10 years of the date of this permission;

- (c) The development hereby permitted shall be begun before the expiration of 3 years from the date of the approval of the reserved matters for the first phase;
- (d) Prior to the occupation of the 651st dwelling an application for the necessary road improvements to Milton Hill and the construction of the Western Relief Road, as identified in the Taunton Deane Local Plan Policy T8 and submitted traffic impact assessment shall have been submitted to, and approved in writing by, the Local Planning Authority and the road constructed in accordance with the approval;
- (e) Prior to the occupation of the 301st unit of housing on the site, the Eastern Relief Road as shown on the submitted plans and the northern and southern pedestrian/cycle bridges shall be completed in accordance with the approved details;
- (f) No development shall take place on the site until full details of the proposed northern and southern pedestrian and cycle bridges, which form part of the Eastern Relief Road have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) No development shall take place on the site until there has been submitted to, and approved in writing by, the Local Planning Authority a design code for the site in its entirety (hereafter called the approved design code). The approved design code shall be approved prior to the submission of any application for reserved matters. The design code shall include detailed codings for:
- Architectural and sustainable construction principles;
 - Phasing of the development;
 - Character areas;
 - Street types and street materials;
 - Block types and block principles;
 - Internal highways, cycle ways and footpaths;
 - Renewable and energy efficiency measures;
 - Car parking principles;
 - Building types and uses;
 - Building heights;
 - Building materials;
 - Surface treatments;
 - Boundary treatments;
 - Children's play areas, playing fields and public open space;
 - Landscaping strategies;
 - Wildlife mitigation;
 - Proposed uses for the employment areas and local centre;
 - Mechanisms for periodic review and alteration to the design code if required;
- (h) Applications for the approval of reserved matters shall accord with the approved design code unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of works on site full details, including a timetable for implementation, of the proposed surface and foul water drainage for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall thereafter be

- provided in accordance with those approved details unless an alternative is first agreed in writing by the Local Planning Authority;
- (j) No development for any residential or commercial building approved by this permission shall be commenced until such time as full engineering details of a surface water limitation scheme and the timing of its provision, on a phased basis has been submitted to, and approved in writing by, the Local Planning Authority. The details submitted shall accord with the drainage principles set out in the submitted Hyder Flood Risk Assessment work, and shall indicate the future ownership, operation and maintenance liability for the surface water drainage infrastructure on site. The scheme shall be constructed in accordance with the approved details and timescale;
 - (k) Prior to the submission of any reserved matters a landscape strategy and management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The proposed landscaping strategy shall include details of the proposed structural and internal landscaping and the proposed phasing of their provision;
 - (l)
 - (i) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (ii) Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences;
 - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority;
 - (m) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
 - (n) Before any part of the development is commenced detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site;
 - (o) Before any part of the development hereby permitted is commenced,
 - (a) a plan shall be prepared to the satisfaction of the Local Planning Authority showing the location of, and allocating a reference number to each, existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2005);
 - (b) details of the

species, height, trunk diameter at 1.5m above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;

- (p) No service trenches shall be dug within the root protection area of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority;
- (q) No residential buildings shall be erected within two thirds of the mature height of any retained tree on the site;
- (r) All existing trees, shrubs and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes (enclosed) and relevant British Standards (e.g. BS 5837:1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the authority;
- (s) No development shall take place on site until a schedule and plan of trees to be retained and the method and timing for the protection of those trees during construction within each phase is submitted to, and approved in writing by, the Local Planning Authority. The agreed protection works shall be installed in strict accordance with the schedule and plan and shall be maintained in a good state during the adjacent construction works;
- (t) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Note: the protective fencing shall be as specified at chapter 9 and detailed in figures 2 and 3 of BS5837:2005;
- (u) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2.0m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of

the development the existing soils levels around the base of the hedges so retained shall not be altered;

- (v) All trenching works within the canopy spread of existing trees shall be agreed with the Local Planning Authority's Landscape Officer. All works shall be hand dug and no roots larger than 20 mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (w) Within one month of completion of the landscape scheme the applicant shall provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations shall be received by this Authority within one month of the completion of the landscape scheme;
- (x) Details of the siting of temporary building(s), construction and materials storage compounds shall be agreed in writing before commencement of works on site. The above details shall also include details of where soil is to be stored on site;
- (y) Within 1 month of the date of the completion of each phase of construction works, a plan for the maintenance of all areas of open space specifying the number and timing of grass cutting, shrub pruning and tree maintenance shall be submitted to, and approved in writing by, the Local Planning Authority. The approved maintenance plan shall thereafter be strictly implemented unless variations thereto are agreed in writing by the Local Planning Authority;
- (z) There shall be a landscape buffer a minimum of 20m from the boundary of Manor Farm, Langaller Lane unless otherwise agreed in writing by the Local Planning Authority;
- (aa) Prior to the commencement of works on the first phase full details of the internal "spine" road of the development, including the timing of provision, layout, alignment, width and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be submitted to, and approved in writing by, the Local Planning Authority. The internal roads shall then be constructed in compliance with the approved details and maintained as such thereafter;
- (bb) Prior to the commencement of each phase, details of all estate roads required for that phase, including the layout, alignment, width and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
- (cc) Prior to the commencement of any phase full details of the proposed car and cycle parking for that phase shall be submitted to, and approved in writing by, the Local Planning Authority;
- (dd) The proposed roads, footpaths, turning spaces and parking where applicable, shall be constructed in such a manner as to ensure that each dwelling or building before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;
- (ee) Prior to the occupation of any of the employment/retail premises hereby approved full details of the servicing yards/unloading/loading areas shall be submitted to, and approved in writing by, the Local

- Planning Authority and thereafter provided in accordance with the approved details;
- (ff) Prior to any access or drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of six metres back from the edge of the carriageway;
 - (gg) 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), any entrance gate(s) shall be set back a minimum distance of 4.5 m measured from the edge of the adjoining carriageway and the side of the access splayed at an angle of 45 degrees between the edge of the adjoining carriageway and the side of the entrance gates;
 - (hh) No development shall commence on site until a cycleway/footpath strategy plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted plan shall provide for the existing footpaths and safe routes to school network;
 - (ii) Prior to the commencement of any phase, full details of the proposed materials to be used for all the external surfaces of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the prior written approval of the Local Planning Authority;
 - (jj) Prior to the commencement of any phase, full details of the proposed surface treatment for roads, drives, turning areas and other hard landscaped areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the prior written approval of the Local Planning Authority;
 - (kk) Before any phase, details of all boundary walls, fences or hedges forming that phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
 - (ll) No residential building shall be constructed within 10 m of the boundary of any locally equipped area for play (LEAP) and no residential building shall be built within 30 m of the boundary of a neighbourhood-equipped area for play (NEAP);
 - (mm) Prior to the development of any dwellings surrounding the retained cricket pitch full details of a protective fence, to be placed a minimum of 55 m from the cricket square and conforming to British Standards shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary fence shall be erected on site prior to the occupation of any of the dwellings fronting the cricket pitch and shall thereafter be maintained in accordance with those approved details;
 - (nn) Reserved matters for each phase, shall provide open space in accordance with the approved open space plan for the whole site unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
 - (oo) Prior to the submission of reserved matters for the first phase of development, a waste management plan shall be submitted to, and

- approved in writing by, the Local Planning Authority. The waste management plan shall include proposals for the means by which waste from the site can be managed and recycled to accord with the Somerset Waste Local Plan Policies W9 and W18. The approved plan shall thereafter be implemented and maintained as such thereafter;
- (pp) No development shall take place until a strategic wildlife management strategy for the whole site is submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the submission of current wildlife surveys, necessary protection measures, timings of works, mitigation strategies (including retention, replacement and enhancement of habitat for the species affected and their long term security and maintenance), monitoring of bats post development to comply with the legal requirements and remediation works as may be deemed necessary if the results of the monitoring show a negative impact on the species, and measures to enhance, restore and add to the biodiversity conservation interests and delivery mechanisms for the whole site;
- (qq) Prior to the commencement of each phase, a detailed wildlife management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This detailed wildlife plan shall include current surveys of the area and shall incorporate appropriate mitigation strategies. The plan shall show how it conforms to the overall strategic wildlife plan or, if it differs from that plan, explain fully the reasons for any alterations. All agreed recommendations shall be fully implemented in accordance with the approved details;
- (rr) Prior to the commencement of any works on the relevant phase, full details of the Dyers Brook Nature Reserve shall be submitted to, and approved in writing by, the Local Planning Authority. Such detail shall include a programme for the delivery of the approved scheme;
- (ss) Prior to the commencement of the development, the 33kv electricity cables crossing the site shall be placed underground;
- (tt) Noise from the demolition and construction phases, that is audible at the boundary of any residential premises, shall be limited to the following hours: Mon-Fri 0800-1800 hours and Saturdays 0800-13:00 hours. At all other times, including public holidays, noise shall not be audible at the boundary of any residential premises;
- (uu) Prior to the commencement of the development, the applicant shall appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing and proposed road sources will not be detrimental to the amenity of the occupants of existing premises and premises on the completed development. Internal noise levels in a residential premises on, or adjacent to the development and proposed roads, shall not exceed 40db La eq (16hr) during the daytime (0700-2300 hours) and 30db La eq (8hr) in a bedroom at night (2300-0700hours) with a night time maximum of 45 db ILa max. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any

- such scheme is based. Such report shall be agreed, in writing, by the Local Planning Authority prior to the commencement of development;
- (vv) Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:
- (i) The collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations;
 - (ii) A ground investigation shall be carried out, if required, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
 - (iii) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data shall be reviewed to establish whether there are any unacceptable risks that will require remedial action;
 - (iv) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site;
 - (v) Submission to the Local Planning Authority of two copies of the consultants written report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented;
 - (vi) If any significant underground structures or contamination is discovered following the acceptance of the written report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to, and accepted in writing by, the Local Planning Authority;
 - (vii) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority.

- a. All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance.
 - b. All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance. Any remedial works shall use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage;
- (ww) The proposed employment sites shall be used for Class B1 (employment) or B8 (warehousing) purposes only as deferred in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that Order. Within the B1 use, office use shall be subject to a maximum floor area of 600 sqm across the whole application site, unless a sequential test in accordance with the requirements of Planning Policy Guidance Note 6 is first submitted to, and approved in writing by, the Local Planning Authority;
- (xx) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the employment sites except within the building(s) or within the storage area(s) as may at any time be approved in writing by the Local Planning Authority;
- (yy) No retail sales, except ancillary trade sales, shall take place from the B1 or B8 employment premises at any time;
- (zz) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority;
- (aaa) No development shall take place on site until an energy strategy for the whole site has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- Details of compliance with the appropriate code for sustainable homes and BREAM standards, stipulated in the Regional Spatial Strategy, each at the time of commencement of works on that particular phase and the proposed mechanisms to meet the relevant renewable energy standards.
 - Details of a renewable energy scheme, which must achieve a minimum on site renewable energy sufficient to reduce CO₂ emissions from buildings constructed on site by the equivalent of 20% of regulated emissions.
 - All development shall be constructed to conform to the approved energy strategy details.

30. Unauthorised 2 metre close-boarded fence erected at Levan Barn, Harnham Court, Norton Fitzwarren

Reported that it had been brought to the Council's attention that a 2 m close-boarded fence had been erected without planning permission at Levan Barn, Harnham Court, Norton Fitzwarren.

Although the applicant had submitted a planning application to regularise the situation, the application had recently been refused under delegated powers.

Resolved that:-

- (1) Enforcement action be taken seeking the removal of the unauthorised close-boarded fence erected at Levan Barn, Harnham Court, Norton Fitzwarren; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

31. Multi-storey Car Park not in accordance with approved plans at Musgrove Park Hospital, Taunton

Reported that the recently constructed multi-storey car park was located relatively close to the rear properties in Hovelands Lane, Taunton. It had been designed to limit its impact upon residential amenity.

However it had not been built entirely in accordance with the original planning permission. During construction, the floor levels had been raised to allow for run-off of water. This had resulted in the proposed screening being of insufficient height leading to overlooking of some of the properties in Hoveland Lane.

To alleviate this particular problem, a further planning application was approved in June 2007 to undertake various remedial work.

Local residents had also raised concerns over the impact of the ground floor parking area from the lights within the building and the vehicles using it. Noted that the owners of the car park, Q-Park Limited, had now carried out further works to sort out this particular issue.

The Development Manager was satisfied that the impact upon the neighbouring properties was now acceptable and, in any event, less than that from the scheme as originally approved.

Further reported on one other outstanding matter relating to the planting to the rear of the outside car park backing onto Hovelands Lane. Although some planting had been undertaken in response to the service of a breach of condition notice, the scheme had still to be completed.

Resolved that:-

- (1) No further action be taken in relation to the limited impact that had resulted from the approved floor levels being raised; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings against Q-Park Limited for failure to comply with the breach of condition notice.

32. Fence erected adjacent to highway at 55 Buckland Road, Priorswood, Taunton

Reported that it had come to the Council's attention that a fence over 1 m in height had been erected adjacent to the highway at 55 Buckland Road, Priorswood, Taunton.

The owner of the property had submitted a planning application to retain the fence but this had been refused under delegated powers.

Although the owner had since contacted the Council to establish what he could do to make the fence acceptable, no action to meet the Council's requirements had been taken.

Resolved that:-

- (1) Enforcement action be taken seeking the removal of the unauthorised fence which had been erected adjacent to the highway at 55 Buckland Road, Priorswood, Taunton;
- (2) Such action be deferred for a period of 3 months from the date of the meeting to allow the owner of 55 Buckland Road, Priorswood, Taunton to submit a further planning application to modify the fence already in place; 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.

33. Erection of fence and inclusion of land into domestic curtilage at 76 Wood Street, Taunton

Reported that it had come to the Council's attention that a fence over 1 m in height had been erected adjacent to the highway at 76 Wood Street, Taunton. During investigation of this matter, it had also been discovered that the area enclosed by the fence formed part of the visibility splay to Wood Street and was not therefore part of the domestic curtilage of the property.

Resolved that:-

1. Enforcement action be taken seeking the removal of the unauthorised fence which had been erected adjacent to the highway and in respect of the unauthorised change of use of land forming a visibility splay into part of the domestic curtilage at 76 Wood Street, Taunton; and

2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

34. Unauthorised use of 94 Normandy Drive, Taunton to operate a business together with the erection of a large summer house in the rear garden

Reported that following a number of complaints, investigations had revealed that a double-glazing and acrylic canopy business trading as Taunton Canopies was being operated from the domestic property 94 Normandy Drive, Taunton, without planning permission.

Further reported that during a visit to the premises, it was noted that a large timber structure had been erected in the rear garden of the property which also required planning permission as the structure was sited between the dwellinghouse and the highway.

The owner of the property had been contacted and advised that planning permission for both the change of use of 94 Normandy Drive, Taunton and the structure in the rear garden was required. To date, no applications had been submitted.

Resolved that:-

- (1) Enforcement action be taken:-
 - (i) To stop the domestic property known as 94 Normandy Drive, Taunton being used for business purposes; and
 - (ii) Seeking the removal of the unauthorised timber building in the rear garden of the property; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notices not be complied with.

35. Unauthorised installation of uPVC windows at Woodvale, Croford Hill, Wiveliscombe

Reported that it had come to the Council's attention that replacement uPVC windows had been installed at the property known as Woodvale, Croford Hill, Wiveliscombe, without listed building consent.

The owner of the property had submitted an application for listed building consent to retain the windows but this had been refused under delegated powers.

The Committee noted that even though it was recommended to serve a listed building enforcement notice, due to the present occupier's personal

circumstances, it was not considered appropriate to serve a notice at this time.

Resolved that:-

- (1) Listed building enforcement action be authorised seeking the removal of the unauthorised uPVC windows that had been installed at Woodvale, Croford Hill, Wiveliscombe;
- (2) Such action be deferred; and
- (3) The situation be reviewed either in 5 years' time or the listed building enforcement notice be served when the current occupier vacated the property, whichever was the sooner.

(The meeting ended at 8.26 pm).

38/2008/111

VENTURE PROPERTIES

ERECTION OF 8 HOUSES AND 1 BUNGALOW IN A CONTROLLED CAR FREE DEVELOPMENT AT 4 WILTON STREET, TAUNTON (REVISED SCHEME)

322269/124020

FULL

PROPOSAL

The site is located in a backland situation to the west of Wilton Street and is served by an existing access from Wilton Street, some 3.0m wide and 45 m long. This is a narrow, unmade track situated between No. 2a Wilton Street and the recently constructed 3 storey block of flats on the former Red Cross site. The main part of the site is roughly rectangular in shape and abuts the rear of properties in Wilton Close to the north west, the rear of properties in Mount Nebo to the west, no 24 Wilton Street to the south, and the rear of properties fronting Wilton Street to the east. The site is currently occupied by a disused bungalow and garage set in a large garden area, although much of the site has been cleared.

The 8 houses (in 4 pairs) and the bungalow are arranged around a turning circle provided for emergency vehicles such as fire appliances. Materials will be mostly red brick and render, with clay tiled roofs.

A similar proposal for the erection of 8 houses and 1 bungalow was refused by Committee in January 2008 for the reason "The proposed scheme is considered an overdevelopment of the site, resulting in difficulty providing a suitable access without detriment to highway safety."

Since the refusal the applicant has been in touch with the Fire and Rescue Services, the Ambulance Service and Somerset Waste Partnership with a view to addressing the concerns. It is felt that a retractable bollard which will be subject to certain safeguards to ensure that the development is genuinely a car free development can be provided.

The possibility of a transponder attached to the vehicles of the various agencies vehicle, which would activate the bollard in a similar way that bus gateways operate has been discussed, but the difficulty there is that in the event of a fire, the Fire and Rescue Service may need to dispatch vehicles from their Wellington base and these are not fitted with transponders and therefore could not guarantee that they could access the site. The solution that was then addressed and the Fire Authority has been consulted on relates to the provision of automatic fire detection and alarm systems in the individual houses. This will work as follows:

1. In the event of a fire the automatic fire detection systems will operate and these fire alarms will sound. The fire alarm will be linked to the bollard such that it drops down to allow emergency vehicles on to the site.

2. In the event of a fire outside the property and therefore in circumstances where the fire alarm cannot be activated automatically, a manual override system is proposed whereby the occupants would break the glass and activate the fire alarm manually.
3. In the event of an ambulance needing to access the site, the last circumstances would also apply namely that the occupant would break the glass, activate the fire alarm and this would then retract the bollard.
4. In order to control this, each of the house deeds will include a clause that in the event of the bollard being activated manually a charge would be applied for resetting it. This charge would be on the property which cannot be sold until such time as the charge is paid. This form of management agreement works perfectly well in respect of the car free development at South Street (built by the applicant).
5. In discussion with the Health Authority, the Ambulance Service, they make reference to the need for people to be picked up on a regular basis. However there is little difference to the situation at South Street where the furthest house is approximately 50 metres from the gateway and street. This site is level and should not pose a difficulty by use of a wheelchair or similar.
6. In respect of waste bins, the proposal is to provide for an enclosed bin store located in the site opposite the bungalow and residents, as is normal practice, would keep the bins at their house and on collection day they would be placed at the collection point. There would be little difference between this and a normal domestic situation. The Waste Partnership have agreed this approach and asked that the bollard be set back some 14 metres from the entrance not 12 metres as originally shown.

LETTERS FROM THE SOUTH WESTERN AMBULANCE SERVICE AND THE SOMERSET WASTE PARTNERSHIP - Have been submitted with the application. Comments are as follows.

South Western Ambulance Service - Proposed Space - Provided that the site meets the requirements of the current building regulations for access by fire appliances this will be adequate for Ambulance Service resources in terms of space. Bollard Control System - Any access control system would need to incorporate a system which residents can override if they need to be attended by Ambulance Service vehicles. For some residents the support of our service may be required on a regular basis if they suffer from an unstable medical condition, which in the context of certain conditions could be a number of times a week, therefore any switch system would need to be easily accessible by a resident or their carer in an emergency situation and incorporate a facility for routine access by our vehicles when discharging patients to their home addresses and for follow up treatment if they have limited ability.

Somerset Waste Partnership - Have looked at the plans with ECT Recycling, the waste and recycling contractor. Due to waste and recycling collections taking place on the same day, there will be a need for a hard standing. This should be of sufficient size to accommodate 9 wheeled bins, 9 food bins and 9 recycling boxes. The Somerset Waste Partnership will provide these on request. To allow the contractor to reverse the collection lorry up to the bollard and have enough space to activate the lifting mechanism on the lorry, would like the collapsible

bollard to be 14 metres from the back of the footpath. The access road should be built to take a gross weight of 23 tonnes. Because of the highway being private, the contractor may request a disclaimer against surface damage by the vehicle.

Devon & Somerset Fire and Rescue Service – No objection to the scheme provided in the event of emergency the following fail safe contingencies are built into the system; the bollard will collapse in the event of a power cut, the bollard will remain collapsed whilst appliances are on site to allow vehicles to withdraw quickly and a manual override is provided. and the management of the system is include in the risk assessment.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY OFFICER - No objection to the principle of residential development in this location. In detail, there are two issues : 1. the fact that the development is, in essence, car free, only having a private delivery and refuse collection access road, and 2. the effect that the lack of car parking will have on the surrounding streets,

In terms of the principle of car-free development, it is clear that the location is reasonably close to the town centre, and similar developments in other parts of Taunton with similar locations in terms of proximity to the town centre have been approved as car-free development. It is my view that, from a transport point of view, it will be difficult to sustain a recommendation of refusal on insufficient parking within the site.

In terms of the effect on the parking on the local streets, the area is covered by residents' parking. I appreciate that parking is at a premium but I do not believe that this development will exacerbate the problem to such an extent that highway safety hazards are created.

It is clear that the development access will not be an adopted highway. If it is not to be adopted as public highway, it must be designed to adoptable standards. The applicant must be aware that it is likely that the internal layout of the site will result in the laying out of a private street and, as such, under Section 219-225 of the Highways Act 1980 , will be subject to advanced payments code (APC). This will require private drainage systems, together with a private power source for lighting.

NATURE CONSERVATION AND WILDLIFE OFFICER - MWA's ecological survey dated October 2007 did not find any signs of badgers, bats or reptiles using the site. Birds do however use the site and may nest there. The following garden birds were recorded during the survey - collared dove, house sparrow, dunnock and blackbird. He suggests that the survey only offers a snapshot of the site at the particular time of survey. There is always the possibility that protected species may be detected at a later date. If permission is granted, suggests conditions re further survey after 1 year and site clearance and note re wildlife.

WESSEX WATER - The development is in a foul sewered area and a point of connection will need to be agreed. A public sewer may cross the site which would require an easement. There should be no increase in flows to the combined sewer. The developer will need to discuss discharge rates with the development engineer and attenuation may be required. A water connection can be agreed at detailed stage. A note should be added to ensure protection of Wessex infrastructure.

DRAINAGE OFFICER - No objections.

3 LETTERS OF OBJECTION - on grounds of overdevelopment, two storey houses overbearing, traffic free development is unrealistic, lack of effective screening, out of character, 2 or 3 bungalows would be more appropriate, safety issue with emergency vehicle access, will exacerbate parking in Wilton Street, risk of damage to adjoining property, impact on rear garden, loss of light

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review - Policies STR2 (Towns), STR4 (Re-use of urban land,) and 49 (Transport Requirements).
Taunton Deane Local Plan - Policies M4 (Parking), S1 (General Requirements) and S2 (Design).

ASSESSMENT

The site is located in an area of no notation on the Taunton Central Area Inset Map, and is just outside the defined Central Area. (The boundary of the Central Area runs down Wilton Street some 40 metres to the east).

The site is currently occupied by a disused bungalow, and residential development, in principle, is acceptable. In detail a car free development on this site is acceptable, subject to the control of the bollard. The main issues are addressed below:

The site lies on the adjacent to the town centre area where policy M4 of the Local plan encourages car free residential development in appropriate locations. The Highway Authority has previously advised that the principle is acceptable and a refusal could not be sustained on this basis.

Local residents have raised concern over problems of on-street parking in the area. However it is not considered that parking on street would exacerbate problems to an extent that would cause safety hazards and this is supported by the Highway Authority. The proposal incorporates cycle parking provision and the development is considered to comply with policy. A similar site in South Road was lost on appeal with costs for refusal on lack of parking grounds.

The density of the site is 54 dwellings/hectare and whilst this is clearly higher than the older development, which abuts the site, there are more recent blocks of flats close to the site. Planning policies at national and local level encourage higher densities and the visual impact of the site on its surroundings is considered an acceptable one. The scheme has been reduced from the original 11 to 9 to address amenity issues in terms of overlooking of adjacent properties. A bungalow is provided to prevent overlooking at Wilton Close and there is adequate distance from windows in other properties of 20m not to create an overlooking issue. While plot 10 is close to the boundary this has a rendered upper wall and an obscure glazed bathroom window and distance to the neighbouring building of 20m which is considered acceptable.

The reason the development was refused was the overdevelopment of the site resulting in difficulty providing a suitable access without detriment to highway safety.

The number of dwellings and density in itself is not considered overdevelopment. The applicant has sought to address the suitability of the access and highway safety by providing a system that is car free and would prevent access to private cars. Thus a highway safety issue of private vehicles using the site would not occur. Access for emergency service vehicles is provided for, as is sufficient access for the refuse and recycling collections. A condition can be imposed to ensure the provision and management of this bollard. A similar development with no on site parking in South Street run by the same developer has been operating without incident to date.

In summary the principle of residential development on this site is acceptable. In detail, a car parking free development is acceptable in this location close to the town centre and residents will be eligible for street parking permits. A condition to address the provision, maintenance and management of the bollard at the entrance can be imposed which would ensure no car access and appropriate use of the site. Provision for cycle parking will be made on site. High density development in appropriate locations is encouraged by national and local policies and no unacceptable overlooking/loss of privacy will occur from the proposal. A contribution to the provision of play and recreation areas and protection of wildlife can be required by condition.

RECOMMENDATION

Subject to no further representations raising new issues by 17th April the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and Permission be GRANTED with conditions time limit, estate road details, MWA ecological survey, site clearance, surface water drainage, soakaway, materials, floor levels and finished heights, landscaping, extensions dwellings, ancillary buildings, no further windows, window at first floor level, adequate play and recreation contributions, fixed bollard, cycle and bin storage. Notes for Section 184 Permit, nesting birds, bats, badgers, wildlife legislation, Wessex Water, Chronically Sick and Disabled Person Act 1970, energy conservation, meter boxes, secure by design.

REASON(S) FOR RECOMMENDATION:

It is considered that the proposal represents sustainable development, which will not give rise to any unacceptable visual or neighbour impact, and it is in accordance with Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

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

CONTACT OFFICER: 356454 MRS H PULSFORD (MON/TUES/WED)

NOTES:

Planning Committee – 16 April 2008

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E102/29/2007
2. **Location of Site** Lower Fyfett Farmhouse, Otterford, Chard, TA21 3QP
3. **Names of Owners** Mr J M Terry
4. **Name of Occupiers** Mr J M Terry
5. **Nature of Contravention**

Change of use of land to form access drive

6. **Planning History**

A complaint was received in April 2007 that the owner of the above property had commenced excavating an access track across an agricultural field. The purpose of the access track was not for agricultural purposes but to serve the domestic dwelling. The owner was contacted on 3rd May 2007 advising him that the works required planning permission as it constituted a change of use. A set of forms were enclosed with the letter. No contact or an application was received so in October 2007 a further letter was sent informing the owner that as no application had been received and the access track was still in place the matter would be reported to the Planning Committee for further action. An application was finally submitted in December 2007 but was not able to be registered as there were several items missing from the submission. Letters were sent requesting the information but to date nothing has been received. It has now been noticed that the property is being offered for sale

7. **Reasons for Taking Action**

It is considered that the provision of the access track across this agricultural field is a visual intrusion and detrimental to the visual amenities of the area. The site is located within the Blackdown Hills AONB. Therefore the development is contrary to Policy EN10 of the Taunton Deane Local Plan

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with.

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

CONTACT OFFICER: Mr J A W Hardy 01823 356479

Report of the Development Control Manager

Countryside Items

Objection to Taunton Deane Borough (Wellington No.1) Tree Preservation Order 2008 at 11 High Path, Wellington. TD1044, T1 Beech

Objections received from:-

- a) Mr D Bailey, 11 High Path (owner of the tree)
- b) Mr J Trueman and Mr R Payne, 42 Richards Close, Wellington (in the process of buying 11 High Path)

The Tree Preservation Order (TPO) was served in response to a proposal by J Trueman and R Payne to have the tree felled once they had become owners of 11 High Path. Knowledge of their intention was received from 3 tree surgeons who, having been asked to quote for the work, contacted the Landscape Technician at Taunton Deane Borough Council to ascertain whether the tree was protected by TPO.

The reasons for the objections are summarised below:

- c) The tree is a health and safety risk to people and property
- d) It is an inappropriate species and size for the location
- e) It restricts the use of the garden
- f) It is/will be costly to maintain and insure
- g) It is adversely affecting a grade II listed building, wall and garden.
- h) It blocks light from adjacent properties and its branches are growing very close to those properties
- i) A similarly large tree would not be maintained by the local authority where the public were at risk
- j) The timing of the serving of the TPO was inappropriate, with regard to the sale of the house
- k) The owner of the tree was not notified at the same time as the buyers and other parties

Officer's Comments

This beech tree, from visual inspection on the ground, appears to be in good health with good trunk and branch structure and an appropriate density of healthy buds for the species. It has had some crown reduction work in the past, and some of the lower branches have been removed, particularly on the northern side. One major branch has been removed from the north side at about 8 metres from the ground, which appears not to have healed fully and would require closer inspection to ascertain the extent of any rot that may exist there. It should be noted that none of the 3 tree surgeons who contacted the Landscape Technician reported any obvious defects with the tree.

The tree is surely over 100 years old, possibly considerably older. At a height and spread of approximately 18 to 20 metres, and growing in this elevated position (the front garden of

11 High Path), it is highly visible to the general public, particularly from the adjacent main road (B3187 Station Road) but also from the wider distance. It therefore makes a significant contribution to the 'treescape' of Wellington, and is very much part of the Victorian character of this part of town. Its removal would impact on the local environment and its enjoyment by the public, and to truly replace it would obviously take many years.

To address some of the other points raised by the objectors:-

- i) No evidence has been provided to show that the tree is adversely affecting the grade II listed building, either directly or indirectly (through subsidence). The adjacent wall and garden are not listed in any way. The Conservation Officer has been made aware of the TPO and supports it. Neither has any evidence been provided to show that the neighbouring property (12 High Path) is being adversely affected by the tree. The tree is approximately 8 metres away from both buildings, which, when using current guidelines for assessing trees for TPO (see Notes below) is far enough away for the tree to be considered for TPO.
- ii) The tree will restrict to an extent the use of the garden below, but should be thought of as an asset, and the garden designed in harmony with it.
- iii) It is agreed that tree maintenance can be costly if carried out by suitably qualified professionals. As the general rule for mature trees is 'the less you do to them the better' it is hoped that maintenance would be restricted to annual inspections and possibly very light crown reduction/balance/thinning in the near future.
- iv) With regard to insurance, property owners' liability is part of home insurance and typically covers the owner for up to 1 million pounds worth of damage.
- v) Similarly large trees, often close to busy thoroughfares or buildings, are maintained by local authorities, with regular inspections carried out by their arborists to keep them in as healthy and safe a condition as is possible.
- vi) With regard to the timing of the TPO, it is often difficult to predict how imminent the threat to a tree is, and any delay in serving the TPO may mean that the tree is lost.
- vii) With regard to the alleged lack of notification of the owner, letters were sent out to all concerned parties on 29 February 2008, including one registered post to the owner at 11 High Path. Unfortunately it is admitted that the name, which had been provided by Mr Trueman and Mr Payne, was wrong. However, the letter was never returned to Taunton Deane.

Large trees like this beech are scattered amongst properties throughout many of the older parts of Taunton Deane's towns, not least the conservation areas such as Trull Road, South Road and Haines Hill in Taunton. This authority has a duty to protect these high amenity trees for the future, whilst at the same time encouraging new generations of trees. To allow the beech tree at 11 High Path to be felled would set a precedent that may make it difficult to protect other fine old trees throughout the district when the need arose.

RECOMMENDATION

That the Tree Preservation Order be confirmed.

Notes

Two systems have been used to help to assess the tree's suitability for statutory protection by TPO, one devised by the Wessex Tree Officers Group, and one devised by CBA Trees (arboricultural consultants) called Tempo – Tree Evaluation Method for Preservation Orders.

Planning Committee – 16th April 2008

Report of the Development Manager

Miscellaneous Item

49/2007/076 REDEVELOPMENT OF SHOP AND STORAGE/GARAGE TO FORM DWELLING WITH REPLACEMENT OF SHOPFRONT AT 24 SILVER STREET, WIVELISCOMBE.

- 1.0 Planning permission was granted for the conversion of 24 Silver Street Wiveliscombe on 26th March 2007. During the works it became evident that the building was not in good structural order and the developer had to demolished a considerable amount of the building in order to make the building safe.
- 2.0 It was considered that due to the amount of demolition that had taken place it could no longer be considered as a conversion of an existing building.
- 3.0 Members will recall that Enforcement action was authorised on 5th September 2007 for the unauthorised demolition of the building within the Wiveliscombe conservation area
- 4.0 The owner continued with the demolition stating that elements of the structure needed to be removed due to a possible danger to adjoining properties and third parties.
- 5.0 The owner also stated that he had appointed an Architect to submit a new planning application for the re building of the property in order to over come the fact that the original planning permission was null and void. In view of this the serving of the Enforcement Notice was delayed.
- 6.0 The new application was submitted 18th December 2007 and was subsequently recommended for approval.
- 7.0 The application was presented to the Planning Committee on 13th February 2008 where members 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.
- 8.0 The required plans have not been received and the application has now been refused. However, the owner has continued with the construction of the property following the plans submitted with the application. .

RECOMMENDATION

9.0 Members are asked to confirm that they wish the resolution for enforcement action to be amended to relate solely to the need for rubble walling in line with their resolution on the planning application.

The Committee report and minute are attached for members information.

Contact Officer: John A W Hardy 01823 356479

THE COMMITTEE REPORT

49/2007/076

MR D TAYLOR

REDEVELOPMENT OF SHOP AND STORAGE/GARAGE TO FORM DWELLING WITH REPLACEMENT OF SHOPFRONT AT 24 SILVER STREET, WIVELISCOMBE AS AMENDED BY AGENTS LETTER RECEIVED 16TH JANUARY 2008 AND ACCOMPANYING BLOCK PLAN AND ALSO AS AMENDED BY...

308195/127862

FULL

PROPOSAL

The proposal relates to the redevelopment of what was previously a shop and dwelling into a dwelling with additional living accommodation, with the shop front removed. The proposal was previously approved under an application to convert the property, however the Design and Access Statement submitted with this application states that as the project approved got underway it became apparent that parts of the existing structure were impossible to maintain, and as such it was viewed the project became a redevelopment of the site rather than the approved conversion. The scheme submitted under this application proposes to redevelop the building along similar plans to those already approved.

Amended plans have been requested from the agent to simplify the proposed scheme by omitting the brick quoin and plinth detailing on the front elevation and by using a better quality brick for the remaining brickwork.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER – No objection subject to receipt of amended plans with different brick and omission of brick detailing on front elevation.

COUNTY HIGHWAY AUTHORITY – Previous comments and recommended conditions equally apply: - No objections subject to conditions.

PARISH COUNCIL – Objects to the proposal due to: loss of vernacular features at the property; modern detail design inappropriate, e.g. shutters, brick quoins, metal railings; more sympathetic design required.

WIVELISCOMBE CIVIC SOCIETY – Commented on the use of brickwork on the street and side entrance elevations where there used to be a rubble finish, not brickwork. Wiveliscombe is a stone, slate and render town and these vernacular materials ought to be used in any renovation. It is also noted that other materials such as wrought iron railings and shutters are proposed, these

are not replacements but new works and in this conservation area appropriate materials should be used.

FIVE LETTERS OF OBJECTION – Have been received, raising concern over: treatment of adjacent property walls/party walls suffering from damage following the redevelopment work that has already taken place; stone and brick from the original building have not been reclaimed and have been taken away in skips; works should not have been carried out without planning permission; use of brick quoins and plinth are inappropriate; building was not unstable and did not require demolition; application does not propose any archaeological investigation; use of render in a conservation area is not appropriate; the bricks currently being used are of very poor quality; development does not preserve or enhance the conservation area; ornamental shutters and steel balustrade are inappropriate; the application states the road is tarmaced when it is cobbled; level of intrusion is increased by having a balcony; material to be used for the window has not been specified and could therefore be uPVC;

POLICY CONTEXT

Policies relevant to this application include:

PPS1 – Delivering Sustainable Development & PPS3 – Housing
Taunton Deane Local Plan Policies S1, S2, EN14 and M4

ASSESSMENT

The site is located in a sustainable town centre location and therefore the principle of redeveloping to residential use is considered acceptable. The proposal does not result in an increase in the number of residential units but would provide additional accommodation to what was an existing dwelling. The removal of the shop front to facilitate the redevelopment to residential is often frowned upon but in this case the shop front was dilapidated to such an extent that it was not worthy of retention. The use of ornamental shutters is something that the Local Planning Authority has very little control over, and could be added to the building as permitted development. Subject to the receipt of amended plans regarding the front elevation on the building, the redevelopment works are sympathetic to the building and the balcony is designed so as not to overlook the neighbouring garden to the north. If the committee is minded to approve the proposal, the retention of the cobbled access and the use of timber windows can be conditioned, and the agent/applicant will be advised of the provisions of the Party Wall Act. The proposal will therefore not detrimentally affect the visual and residential amenity of neither the area, nor the character and appearance of the Conservation Area. The recommendation should also be subject to comments from the County Archaeologist.

RECOMMENDATION

Permission be granted subject to the receipt of amended plans and comments from the County Archaeologist, and with conditions of time limit, materials

(samples to be submitted), timber windows, rooflights, garage use only, footway obstructions and cobbled access. Note re Party Wall Act and that Conservation Area consent is required for the demolition works despite being retrospective.

REASON(S) FOR RECOMMENDATION:

The site is in a sustainable location within the town centre and comprises the conversion of an existing building. The proposal is considered not to have a detrimental impact upon visual, residential amenity or the character and appearance of the Conservation Area and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, EN14, M4 and PPS3.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

MINUTES FROM PLANNING COMMITTEE 13 FEBRUARY 2008

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) M0001A—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/carriageway 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) N1 12 — 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, EN 14, M4 and Planning Policy Statement No 3.