



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 2ND JULY 2008 AT 17:00.

(RESERVE DATE : MONDAY 7TH JULY 2008 AT 17:00)

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### AGENDA

1. Apologies.
2. Minutes of the meeting of the Planning Committee held on 11 June 2008 (to follow).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. Taunton - 38/2008/223 Report item  
Construction of Northern Inner Distributor Road (NIDR) linking Staplegrove Road to Priory Avenue, including a new bridge at Chip Lane for pedestrians and cycles, new road bridge at Station Road and a road bridge across the River Tone at Priory Park, Taunton.
6. BISHOPS LYDEARD - 06/2008/046  
USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008.
7. MILVERTON - 23/2008/017  
ERECTION OF BUNGALOW ON LAND ADJACENT TO QUEENSMEAD, SILVER STREET, MILVERTON.
8. NORTH CURRY - 24/2008/021  
DEMOLITION OF PUBLIC HOUSE AND ERECTION OF A TERRACE COMPRISING 6No. TWO BEDROOM HOUSES AND 2No. ONE BEDROOM FLATS WITH 13 PARKING SPACES (AS CLARIFIED BY EMAIL DATED 04/06/08) AT THE WHITE HART INN, KNAPP LANE, NORTH CURRY.
9. TAUNTON - 38/2007/554  
CONVERSION AND ERECTION OF TWO STOREY EXTENSION TO PROVIDE 4 FLATS AT 38 PRIORY AVENUE, TAUNTON (REVISED SCHEME OF 38/2007/223) AS AMENDED BY AGENTS LETTER DATED 17 APRIL 2008 AND ACCOMPANYING PLANS DRAWING NO 0704/11A, 12A, 13A.

10. TAUNTON - 38/2008/103  
CONVERSION OF GARAGE TO UTILITY/STUDY AND ERECTION OF DOUBLE GARAGE AND STORE ADJACENT TO 68 THAMES DRIVE, TAUNTON.
11. TAUNTON - 38/2008/151  
ERECTION OF BUILDING COMPRISING 10 FLATS AT CAMBRIA HOUSE, PLAIS STREET, TAUNTON AS AMPLIFIED BY LETTER DATED 23 APRIL 2008 AND PLAN DRAWING 10.
12. WELLINGTON - 43/2008/059  
REDUCTION IN HEIGHT OF EXISTING FENCE BY 300MM, 32 SEYMOUR STREET, WELLINGTON.
13. Norton Fitzwarren - 25/2006/020  
Development comprising employment, residential (389 dwellings) and village centre (incorporating health care facilities, two village shops, retail unit and public house), part construction of Norton Fitzwarren Relief Road and provision of infrastructure and services, former Cider Factory, Norton Fitzwarren. Miscellaneous item
14. E160/07/2007 - Alteration, refurbishment and extensions to former farm buildings at Trefusis Lodge, Tone Green, Bradford on Tone. Enforcement item
15. E168/14/2008 - Provision of replacement windows at former Creech Paper Mill, Creech St. Michael, Taunton. Enforcement item
16. E343/30/2007 - Depositing of waste and building materials on agricultural field, land adjacent to Fosgrove Cottage, Pitminster, Taunton. Enforcement item
17. E83/38/2008 - Erection of flags together with poles and brackets and fascia board at 49 Bridge Street, Taunton. Enforcement item
18. E54/46/2007 - Extension of garden curtilage into agricultural field at 20 Dyers Close, West Buckland, Wellington. Enforcement item

Tonya Meers  
 Legal and Democratic Services Manager  
 26 June 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 Mrs Floyd

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:



Tel: 01823 356410  
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Website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

## **Planning Committee – 11 June 2008**

Present:- Councillor Mrs Hill (Chairman)  
Councillors Bishop, Critchard, Denington, Mrs Floyd, C Hill, House,  
Miss James, Stuart-Thorn, Watson, Ms Webber, A Wedderkopp and  
D Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer  
(Development Control Area Manager – West), Mr G Clifford (Area  
Planning Manager – South), Mr M Roberts (Area Planning Manager  
(East)), Ms M Casey (Planning and Litigation Solicitor) and  
Mrs G Croucher (Democratic Services Officer)

Also present:- Councillor Beaven in relation to application No 06/2008/024 and  
Councillor Coles

(The meeting commenced at 5.00 p.m.)

### **66. Apologies/Substitution**

Apologies: Councillors Mrs Allgrove, Bowrah, McMahon and Woolley.  
Substitution: Councillor Stuart-Thorn for Councillor McMahon.

### **67. Minutes**

The Minutes of the meetings held on 21 May and 22 May 2008 were taken as  
read and were signed.

### **68. Public Question Time**

Mr Alan Debenham asked the Committee about the Rumwell Farm Shop  
which he likened to a supermarket but in the wrong situation. He asked  
whether there had been a breach or breaches of planning control?

The Development Control Manager replied that he would ask one of the  
Enforcement Officers to check that the premises were operating in  
accordance with the planning regulations

### **69. Declarations of Interest**

Councillor Bishop declared a personal interest in application nos 27/2008/008  
and 27/2008/009.

Councillor House declared a personal interest in application no 36/2008/003  
and left the meeting during consideration of this application.

### **70. Applications for Planning Permission**

The Committee received the report of the Development Control Manager on  
applications for planning permission and it was **resolved** that they be dealt  
with as follows:-

- (1) That the **details be approved** 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:-

**06/2008/024**

**Erection of two and a half storey building to provide accommodation for commercial/community use on ground floor A1 (shop), A3 (restaurant/café), A4 (drinking establishments), A5 (hot food takeaway), D1 (non residential institution), accommodation agency, accountant and tax advisor, bank, building society, citizens advice bureau, charitable and voluntary organisation, employment agency, estate agent, financial advisor, fitness centre, gymnasium, health centre, launderette, social services centre, solicitor, taxi business, tourist information centre, travel agent and 12 single bedroom apartments on first and second floors at land adjacent to Rogers Walk, Cotford St Luke (amended scheme)**

#### **Conditions**

- (a) Any variation to the appearance of the ground floor doors and windows shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The area allocated for vehicular and cycle parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and cycles in connection with the development hereby approved;
- (c) The ground floor of the building shall be used for the uses applied for and for no other purpose;
- (d) 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.

(Notes to applicant:- (1) Applicant's attention was drawn to the conditions of planning permission numbered 06/1994/018 which must be complied with before development commences; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – design – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) Applicant was advised that soakaways should be provided in accordance with Building Research Digest 365. If ground conditions were found not to favour the use of soakaways, then some form of on-site surface water attenuation system will have to be installed with a limit to its discharge; (8) N051B – health and safety; (9) Applicant was advised that an existing street lighting unit adjacent to the cycle path may need to be relocated; (10) Applicant was advised that the site currently does not have a direct connection onto the publicly maintained highway; (11) Applicant was requested to ensure that deliveries to the proposed commercial/community units, including

refuse collections, should not be in vehicle movements across the cycle path).

**Reason for approving details:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and provided for commercial use of the site in the interests of the local community and was therefore considered acceptable. Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1, S2 and EC15 of the Taunton Deane Local Plan.

- (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:-

**05/2008/021**

**Construction of flood storage areas and associated earthwork and surface water drainage works at land around Longrun House, between Somerset College of Arts and Technology and the River Tone, Bishops Hull, Taunton**

**Conditions**

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) Details of final levels over the soil storage areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to completion of any scheme;
- (d) C901B – archaeological work;
- (e) Details of the provision of a wheel wash facility for construction vehicles shall be submitted to, and approved in writing by, the Local Planning Authority and shall be provided on site at all times during the construction work;
- (f) All construction traffic to the site shall use the temporary access off Heron Drive which shall be provided prior to excavation work commencing;
- (g) Within one month of the completion of the scheme the field, fencing and hedging shall be reinstated to its previous condition prior to the commencement of work unless otherwise agreed in writing by the Local Planning Authority;
- (h) C238 – trees – protection in relation to construction;
- (i) Details of the river bank protection and embankment protection shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter so constructed prior to completion of the scheme;
- (j) No development shall commence until the detailed design of the outfall has been submitted to, and approved in writing by, the Local Planning Authority;



- (k) A strip of land 8m wide adjacent to the banks of all watercourses crossing the site shall be kept clear of all new buildings and structures (including gates, walls and fences);
- (l) A full operation and maintenance strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme;
- (m) A programme of spoil management within the floodplain of the River Tone shall be agreed with the Local Planning Authority prior to the commencement of works;
- (n) No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme shall include details of the following: (i) Site security; (ii) Fuel oil storage, bunding, delivery and use; (iii) How both minor and major spillages will be dealt with; (iv) Containment of silt/soil contaminated run off; (v) Disposal of silt/contaminated water pumped from excavations; (vi) Site induction for workforce highlighting pollution prevention and awareness. Invitations for tenders for sub-contracted works must include a requirement for details of how the above will be implemented;
- (o) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority: (1) A desk study identifying: - all previous uses, - potential contaminants associated with those uses, - a conceptual model of the site indicating sources, pathways and receptors, - potentially unacceptable risks arising from contamination at the site. (2) A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site. (3) The results of the site investigation and risk assessment (2) and a method of statement based on those results giving full details of the remediation measures required and how they are to be undertaken. (4) A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority;
- (p) The mitigation measures indicated in paragraph 6.3 of the Environmental Report to protect wildlife in the area shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that under the Water Resources Act 1991 and the Land Drainage Act 1991 both the

Environment Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as "Main River" or "Ordinary Watercourse". However, responsibility for general maintenance of the watercourses and their banks, rests with riparian owners; (2) Applicants and developers were made aware of their responsibilities to ensure that the operations do not interfere with riparian owners common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability; (3) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of a designated 'main river'; (4) As the landowner, Taunton Deane Borough Council will be responsible for the future maintenance and operation of this facility and their relevant departments should be consulted; (5) Applicant was advised that exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities; (6) Applicant was advised that in relation to the proposed development, insofar as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters (and relevance of regulatory regimes where the Environment Agency is the enforcing authority, eg waste management licensing). The Environment Agency recommends that developers should: (i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination; (ii) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health; (iii) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information; (7) Applicant was advised of the need to inform contractors of protected species and have access to a qualified ecologist for expert advice.)

**Reason for granting planning permission:-**

The proposed development was one that was compatible with the area, would improve habitat and biodiversity and will provide important flood storage capacity to enable development elsewhere whilst maintaining the openness and character of the area in compliance with Taunton Deane Local Plan Policies S1 (General Requirements), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows), EN13 (Green Wedges), EN25 (The Water Environment) and EN28 (Development and Flood Risk).

**24/2008/017**

**Retention of increased height of south east boundary wall and infill pedestrian access, additional roof light and the substitution of a window for a door in north east wall, and swimming pool plan room at The Olde Canal Barn, Wrantage**

**Condition:-**

The work to the front boundary wall shall be carried out within 2 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The development did not adversely affect the character of the buildings, or visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) or H17 (Extensions to Dwellings).

**27/2008/008**

**Conversion of barn to form offices and store, Allerford Farm, Allerford, Norton Fitzwarren**

**Conditions:-**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (d) C324 – parking;
- (e) The development shall not be brought into use until a Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. Such a Travel Plan shall include a list of elements to promote sustainable travel together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the approved Travel Plan (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied;
- (f) The store shall be used for the storage of construction materials, plant and equipment only and no other storage use;
- (g) C708 – restricted use – no storage except where stated;
- (h) C927 – contaminated land – barns/small sites;
- (i) The planting scheme comprising the hedge shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development. 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (j) C010 – drainage;
- (k) Work shall not commence until details of a scheme for the provision of a bat box on the building to be converted in the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the bat box and the access for bats shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' box and related accesses has been fully developed;

(Notes to applicant:- (1) N118A – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) N126 - ground contamination; (6) Applicant was advised that all operatives on site must be appropriately briefed on the potential presence of protected species on site. The protection afforded to species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site must comply with the appropriate wildlife legislation. If bats are found on site then work must stop and Natural England must be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.)

**Reason for granting planning permission:-**

The proposal provided for the appropriate reuse of a redundant agricultural building and it was considered that with the conditions imposed, the proposal met the criteria in Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings).

**38/2008/092**

**Two no 2 bedroom dwellings and two no 1 bedroom apartments in a two storey terrace on land between 11 and 13 Adcombe Road, Taunton**

**Conditions:-**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) The existing tree and shrubs shown as retained on drawing No 07/17.05A shall be retained on site and the tree shall be protected in accordance with BS5837:1991 Trees in relation to construction. Appropriate replacement planting shall be agreed in writing by the Local Planning Authority and thereafter provided if the planting is damaged and dies within a 5 year period;
- (d) The cycle and bin storage shown on the submitted plan shall be provided for prior to occupation and thereafter so maintained;

- (e) The boundary details illustrated on drawing No 07/17.05A shall be provided prior to occupation of the dwellings hereby approved and shall thereafter be so retained;
  - (f) C324 – parking;
- (Notes to applicant:- (1) Applicant was advised to ensure access to adjoining properties is maintained during construction; (2) Soakaways shall be constructed in accordance with Building Research Digest 365. Applicant was advised to contact Wessex Water to agree means of protection for their infrastructure crossing the site.

**Reason for granting planning permission:-**

The proposal was considered in keeping with the character of the area, not to harm residential amenity and to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

**38/2008/229**

**Erection of conservatory (amended design) 6 Kings Close, Taunton**

**Conditions:-**

- (a) C001A – time limit;
- (b) C102 – materials.

**Reason for granting planning permission:-**

The proposed conservatory would have no material impact on neighbouring amenity and complied with Taunton Deane Local Plan Policy H17 (Extensions to Dwellings).

**52/2008/017**

**Erection of conservatory to rear at 23 Castlemans Road, 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 any detrimental impact upon the visual or residential amenity and was therefore considered acceptable and accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

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

**27/2008/009**

## **Siting of one mobile home and one touring caravan at Altona Park, Hillfarrance**

### **Reason**

The site is located in open countryside where occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice. It has not been demonstrated that there is an identified need for gypsy accommodation in this location such as to outweigh the above concerns in addition to the harmful affect the mobile home and caravan would have on the open countryside. The proposal is therefore contrary to Policies 5 and 36 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1, H14, EN12 and S7 of the Taunton Deane Local Plan.

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

The Committee was of the view that the need for further gypsy accommodation on the site had not been demonstrated.

## **36/2008/003**

### **Erection of 4 dwellings and garaging on land of former depot at Woodhill, Stoke St Gregory**

### **Reasons**

- (a) The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development will be wholly reliant on the private car and there will therefore be an increase on the reliance on the private motor car and this comprises unsustainable development which is contrary to advice given in Planning Policy Guidance Note 13, Regional Planning Policy Guidance Note 10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;
- (b) The buildings the subject of the proposed development are considered to be new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to Planning Policy Statement No 3, Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.

## **49/2008/016**

**Removal of Condition 11 of Permission 49/2003/061 in order to allow residential usage of Wivey View, Higher Whitefield, Wiveliscombe**

**Reasons**

The site lies within a countryside area where it is the policy of the Local Planning Authority only to allow the conversion of existing buildings to residential use where such buildings are in keeping with traditional surroundings, where no significant alteration would be required, and where the building is unlikely to attract a suitable business re-use. In the opinion of the Local Planning Authority, the building is not of traditional character, significant alteration has taken place, and it has not been demonstrated that a suitable business use cannot be attracted. Accordingly, the proposal conflicts with Taunton Deane Local Plan Policy H7.

**71. Erection of 32 no dwellings and associated works, including demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard (06/2008/027)**

Reported this application.

**Resolved** that subject to:-

- (1) the receipt of satisfactory amended plans;
- (2) the receipt of satisfactory surface water drainage details; and
- (3) the further views of the County Highway Authority on the amended plans,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following condition be imposed:-

The boundary of the site to be developed shall be maintained in perpetuity to the satisfaction of the Local Planning Authority.

(Notes to applicant:- (1) Applicant's attention is drawn to the conditions of planning permissions numbered 06/2005/046 and 06/2005/058 which must be complied with before development commences; (2) N118 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) NO51B – health and safety; (7) Applicant was advised to contact Wessex Water with regard to the proposal; (8) Applicant was advised that the existing buildings contain asbestos panels, which will need careful removal. If the asbestos is contained within something like cement, such as roof or wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. If the sheeting is to be broken up for any reason a specialist contractor must be used. If the asbestos is in a more friable condition/material, for example lagging or water tank insulation, then a licensed specialist contractor must be used. Either way, materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip. You are advised to contact the Environmental Health Officer in this respect.)

**Reason for approving detailed plans, if granted:-**

The site was located within the settlement of Bishops Lydeard where residential development was considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR5. The proposal was considered to meet the requirements of the Taunton Deane Local Plan Policies S1 (General Requirements), S4 (Rural Centres), H9 (Affordable Housing within General Market Housing), EC9 (Loss of Employment Land) and C4 (Standards of Provision of Recreational Open Space) and material considerations did not indicate otherwise.

**72. Residential development comprising 100 apartments and 4 town houses with associated infrastructure and external works at Area A, Firepool Lock, Taunton (38/2008/022)**

Reported this application.

**Resolved** that subject to appropriate variations to the existing Section 106 Agreement regarding affordable housing, alignment of highway, delivery and providing for implementation of a Public Art Strategy and a contribution towards drainage attenuation maintenance (if necessary) being agreed and entered into and consideration of outstanding consultee responses with the addition of any conditions which might arise from them, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) C101 – materials;
- (b) No development shall take place until detailed plans and specifications of the highway infrastructure work have been submitted to, and approved by, the Local Planning Authority in consultation with the County Highway Authority;
- (c) No dwelling or unit shall be occupied until the highways infrastructure has been constructed to the satisfaction of the Local Planning Authority and the County Highway Authority and opened to traffic;
- (d) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (e) 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;
- (f) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of



which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%, or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (g) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place;
- (h) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (i) Development hereby approved shall not commence until a wildlife plan, produced in conjunction with a construction environmental management plan has been submitted to, and formally approved in writing by, the Local Planning Authority. The plan shall detail how provision will be made for protected and national bio-diversity action plan species especially those known to use the corridor of the River Tone. Any plans shall detail a maintenance schedule;
- (j) A line of trees shall be provided along the top of the canal bank with the primary aim of continuing the canopy. Trees shall be native and appropriate to the site. Species shall be agreed by the Council's Landscape Officer and the Nature Conservation Officer;
- (k) Any necessary lighting of the foot cycleway must be designed and sited to minimise stray light on the watercourse with the object of achieving a maximum of 1 lux on the waterway;
- (l) Prior to the commencement of any development works, the applicant shall examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and the proposed strategic road will not be detrimental to the amenity of the occupants of the premises on the completed development. The applicant shall submit to the Local Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied;
- (m) Prior to the commencement of any development works, the applicant shall provide detailed designs showing the play value of the site, how it takes into account the objectives of the Council's Play Policy and how it will be managed to ensure that children and young people can use it effectively for play in particular taking into account the proximity to dwellings and

potential for noise nuisance. Such details to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details prior to first occupation of any dwelling or within a timescale to be agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant/agent; (2) Applicant was strongly recommended to include sustainable design and construction measures, which comply with the Code for Sustainable Homes within the proposed development. The development should aim to achieve the highest number of stars possible, preferably six. The Code includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced; (3) Applicant was advised that water efficiency measures should be incorporated into this scheme. These could include, for example, water butts, rainwater recycling and the use of water-efficient internal appliances and systems. It would assist in conserving natural water resources and offer some contingency during times of water shortage; (4) Applicant was advised that there should be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways; (5) Applicant was advised that nothing other than uncontaminated excavated natural materials shall be deposited on the site; (6) Applicant was advised that there should be no discharge of foul or clean water into the Bridgwater and Taunton Canal; (7) Applicant was advised that the Environment Agency welcomes the proposal to wave/weave the foot cycleway. This will add some width to discrete areas to be planted. It will also add interest for users of the path/cycleway; (8) Applicant was advised that this development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 m high trespass fence be erected parallel to, but separate from, the railway fence; (9) Applicant was advised that the Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The safety barrier should be designed to cater for specific loadings dependent on the road traffic anticipated; (10) Applicant was advised that additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 m of Network Rail's boundary; (11) Applicant was advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land; (12) Applicant was advised that the design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway).

**Reason for approving detailed plans, if granted:-**

The application comprised details pursuant to an outline consent for development and was in the line with the approved Masterplan. It was therefore considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 & T3 of the Taunton Deane Local Plan.

**73. Erection of 14 no apartments (Block E), land to rear of Fore Street and North Street, Wellington (43/2007/184)**

Reported this application.

**Resolved** that subject to the views of the County Highways Authority and the Environmental Health Officer and the further views of the Nature Conservation Officer on the follow up bat and reptile surveys, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was refused, the following reasons be stated:-

- (a) Inadequate justification has been put forward for the proposed development in the form submitted. It is considered that the proposed development will have a significant detrimental impact on structures of local/historic importance, traditional building patterns, the character and appearance of the Conservation Area and the setting of Grade II listed buildings on Cornhill and Fore Street due to the scale, design, massing and materials of the proposed buildings (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, Taunton Deane Local Plan Policies EN14 and EN15 and Planning Policy Guidance Note No15);
- (b) The proposed development together with the subject of applications 43/2007/184 and 43/2007/185 fails to adequately make provision for the comprehensive redevelopment of the area, in particular the restoration of the existing properties fronting Cornhill, which are within the Conservation Area and some of which are Grade II listed;
- (c) The proposed development does not make any provision for affordable housing or contributions towards local leisure facilities and primary/secondary education facilities, as required by Taunton Deane Local Plan Policies H9, C1 and C4;
- (d) The proposal represents an overdevelopment of the site out of keeping with the general scale and character of the existing properties in Bishops Court. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity of the area. The proposal would furthermore be un-neighbourly and adversely affect adjacent property in Bishops Court by reason of overlooking and having an overbearing effect on outlook (Taunton Deane Local Plan Policies S1 and S2);
- (e) The Ecological Assessment submitted with the application concluded that further bat and reptile surveys are required. In the absence of the results of these further surveys, there is no guarantee that the proposal will not have an adverse effect on protected species. Therefore the Local

Planning Authority considers it reasonable to issue a holding reason for refusal on the basis of Taunton Deane Local Plan Policy EN4 and Planning Policy Statement 9.

**74. Erection of 24 no apartments (Blocks A and B), land to rear of Fore Street and North Street, Wellington (43/2007/185)**

Reported this application.

**Resolved** that subject to the views of the County Highways Authority and the Environmental Health Officer and the further views of the Nature Conservation Officer on the follow up bat and reptile surveys, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was refused, the following reasons be stated:-

- (a) Inadequate justification has been put forward for the proposed development in the form submitted. It is considered that the proposed development will have a significant detrimental impact on structures of local/historic importance, traditional building patterns, the character and appearance of the Conservation Area and the setting of Grade II listed buildings on Cornhill and Fore Street due to the scale, design, massing and materials of the proposed buildings (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, Taunton Deane Local Plan Policies EN14 and EN15 and Planning Policy Guidance Note No15);
- (b) The proposed development together with the subject of applications 43/2007/184 and 43/2007/187 fails to adequately make provision for the comprehensive redevelopment of the area, in particular the restoration of the existing properties fronting Cornhill, which are within the Conservation Area and some of which are Grade II listed;
- (c) The proposed development does not make any provision for affordable housing or contributions towards local leisure facilities and primary/secondary education facilities, as required by Taunton Deane Local Plan Policies H9, C1 and C4;
- (d) The proposal represents an overdevelopment of the site out of keeping with the general scale and character of the existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity of the area. The proposal would furthermore be unneighbourly and adversely affect adjacent property in North Street by reason of overlooking and having an overbearing effect on outlook (Taunton Deane Local Plan Policies S1 and S2);
- (e) The Ecological Assessment submitted with the application concluded that further bat and reptile surveys are required. In the absence of the results of these further surveys, there is no guarantee that the proposal will not have an adverse effect on protected species. Therefore the Local Planning Authority considers it reasonable to issue a holding reason for refusal on the basis of Taunton Deane Local Plan Policy EN4 and Planning Policy Statement 9.

**75. Erection of 40 no apartments (Blocks C and D), land to rear of Fore Street and North Street, Wellington (43/2007/187)**

Reported this application.

**Resolved** that subject to the views of the County Highways Authority and the Environmental Health Officer and the further views of the Nature Conservation Officer on the follow up bat and reptile surveys, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was refused, the following reasons be stated:-

- (a) Inadequate justification has been put forward for the proposed development in the form submitted. It is considered that the proposed development will have a significant detrimental impact on structures of local/historic importance, traditional building patterns, the character and appearance of the Conservation Area and the setting of Grade II listed buildings on Cornhill and Fore Street due to the scale, design, massing and materials of the proposed buildings (Somerset and Exmoor National Park Joint Structure Plan Review Policy 9, Taunton Deane Local Plan Policies EN14 and EN15 and Planning Policy Guidance Note No 15);
- (b) The proposed development together with the subject of applications 43/2007/185 and 43/2007/187 fails to adequately make provision for the comprehensive redevelopment of the area, in particular the restoration of the existing properties fronting Cornhill, which are within the Conservation Area and some of which are Grade II listed;
- (c) The proposed development does not make any provision for affordable housing or contributions towards local leisure facilities and primary/secondary education facilities, as required by Taunton Deane Local Plan Policies H9, C1 and C4;
- (d) The Ecological Assessment submitted with the application concluded that further bat and reptile surveys are required. In the absence of the results of these further surveys, there is no guarantee that the proposal will not have an adverse effect on protected species. Therefore the Local Planning authority considers it reasonable to issue a holding reason for refusal on the basis of Taunton Deane Local Plan Policy EN4 and Planning Policy Statement 9.

**76. Installation of roller shutters to window and door openings, 24 Silver Street, Wiveliscombe**

Reported that red roller shutters to the door and window openings had been installed at 24 Silver Street, Wiveliscombe without planning permission. The owner of the property had been contacted about the unauthorised shutters but, to date, no application to regularise the situation had been submitted.

**Resolved** that:-

- 1) Enforcement action be taken seeking the removal of the unauthorised shutters at 24 Silver Street, Wiveliscombe; 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.

**77. Selling of cars from residential property at 4 Gravelands Lane, Henlade, Taunton**

Reported that it had come to the Council's attention that vehicles were being offered for sale at 4 Gravelands Lane, Henlade, Taunton.

The owner of the property had been contacted about the unauthorised change of use of the premises but, to date, no application to regularise the situation had been submitted and the use had continued.

**Resolved** that:-

- 1) Enforcement action be taken to stop the unauthorised change of use of 4 Gravelands Lane, Henlade, Taunton for the purposes of selling motor vehicles; 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.

(The meeting ended at 9.20 p.m.)

SOMERSET COUNTY COUNCIL

**CONSTRUCTION OF NORTHERN INNER DISTRIBUTOR ROAD (NIDR) LINKING STAPLEGROVE ROAD TO PRIORY AVENUE INCLUDING A NEW BRIDGE AT CHIP LANE FOR PEDESTRIANS AND CYCLES, NEW ROAD BRIDGE AT STATION ROAD AND A ROAD BRIDGE ACROSS THE RIVER TONE AT PRIORY PARK, TAUNTON**

322702/125355REG 3/4:OBSERVATIONS - SOMERSET COUNTY COUNCIL DECISION

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**1. RECOMMENDATION**

That Somerset County Council be advised that Taunton Deane Borough Council raise no objection to the application for the Northern Inner Distributor Road, subject to:

- A. The matters of concern raised by the Planning Policy Officer are reconsidered, and further discussions take place as a matter of urgency to resolve these issues, with a further update to this Committee in due course if appropriate.
- B. Conditions that landscaping as shown be carried out within the first planting season following completion; that the mitigation identified in the various accompanying reports/studies is incorporated into the contracts; that the archaeological remains are subject to proper recording as required by the County Archaeologist.
- C. That full details of the following be submitted to and agreed by Taunton Deane Borough Council prior to commencement of any part of the scheme:-
  - Further tree planting in areas identified by the Landscape Officer
  - Full details of the proposed lighting of the pedestrian/cycle bridges and their approach
  - Full details of the noise mitigation barriers
  - Further consideration be given to the design of the approaches to and the structures of the two pedestrian/cycle bridges
  - Further surveys be carried out to ascertain whether badgers have moved back onto the site.

**2. APPLICANTS**

Somerset County Council

### **3. THE SITE**

The site extends from Staplegrove Road to Prior Avenue, running alongside the railway line from Staplegrove Road to Station Road, where there will be a new junction and thence eastwards towards the Firepool/Abbey Manor Development where that scheme will provide a link, to the remainder of the application site which then runs approximately north-south towards the existing roundabout at Priory Avenue. There is a cycle/footpath link alongside the canal towards Firepool Lock.

### **4. PROPOSAL**

The scheme involves:

- Construction of new bridge over the River Tone and the canal in the vicinity of Priory Fields Business Park
- Construction of new footbridge connecting Firepool Bridge to the Greenfield area between the canal and the river
- Replacement of the former rail bridge (Kingston Loop Bridge) over Station Road to the north of Whitehall
- Replacement of existing footbridge over the railway at Chip Lane
- Construction of approximately 1.6km of new carriageway together with the realignment of a further 150m of carriageway
- Construction of a new junction at the intersection of Chip Lane and Staplegrove Road
- Demolition of retail property
- Construction of traffic signal controlled junction at the entrance to Taunton railway station
- Improvements to the existing Priory Bridge Road/Priory Avenue/Priory Park roundabout
- Retaining walls and fences in appropriate locations
- The provision of pedestrian and cycle facilities.
- A comprehensive landscaping scheme will form an integral part of the proposals with particular attention paid to those areas with adjacent residential property.

The area covered by the scheme is approximately 3 hectares comprising existing highway, retail park, operational Network Rail land, Greenfield open space and brownfield development land with planning consent.

The road rises by approximately 7m from existing levels at the Priory Avenue roundabout to the south abutment of Firepool Bridge. This allows access for heavy goods vehicles into the retail outlets' delivery yard. The surrounding ground over the remainder of the length of the scheme is reasonable level.

The new Firepool Bridge will rise, in a reasonably gentle curve, such that the soffit level is around 10m above river level and about 4.5m above the canal towpath. Pedestrians and cyclists use the riverside and canalside paths as leisure and commuter routes.



The road generally comprises a standard 7.3m wide carriageway with a 3m wide off-road segregated footway/cycleway and a verge of varying width of between around 1m and 2m. the verge is at it's narrowest between Kingston Loop Bridge and Chip Lane, over which length Network Rail operations constrain the amount of land available. The carriageway is slightly narrowed to fit over the refurbished Kingston Loop Bridge.

The proposal for the main structure at Firepool is a 3 span steel composite structure with concrete abutments and central piers along with access steps on its eastern side.

Firepool footbridge, which lies on the western side of the main structure comprises a cable stay type structure with a single, raking pylon and a viewing platform facing towards the town centre.

Kingston Loop Bridge is of significant local historic interest, but not listed, and the external beams will be reused as a façade to the new structure, thus preserving the existing street scene. The replacement structure will be of pre-stressed concrete beams.

The connection of the Chip Lane Right of Way with Staplegrove Road is improved by the installation of a traffic signal controlled crossing while the replacement Chip Lane footbridge has improved facilities for pedestrians and cyclists. The riverside path and canalside bridleway are unaffected or enhanced by the scheme as the new Firepool Bridge passes overhead with sufficient headroom clearance and the new Firepool Footbridge connects with NIDR to the bridleway. The improvements to the existing highway at Priory Park include provision to incorporate the existing Rights of Way.

## **5. PLANNING HISTORY**

No history is supplied as in this instance history of uses/permissions is not considered to be material to the consideration of this application.

## **6. RELEVANT PLANNING POLICIES**

Regional Planning Guidance/Regional Transport Strategy; Draft Regional Spatial Strategy. These identify Taunton as an area of growth.

### Somerset and Exmoor National Park Joint Structure Plan Review Policies

STR1	Sustainable Development
STR2	Towns
STR4	Development in Towns -New development should be focussed on the Towns where provision for such development should be made in accordance with their role and function, individual characteristics and constraints. Priority should be given to the re-use of previously developed land and to the encouragement of mixed use development.
Policy 1	Nature Conservation

Policy 8	Outstanding Heritage Settlements
Policy 9	The Built Historic Environment
Policy 17	Mixed –Use Developments
Policy 39	Transport and Development
Policy 40	Town Strategies - In Towns a range of measures should be implemented to facilitate more sustainable modes of transport and reduce reliance on the private car in order to improve the living and working environment. Such transport measures should complement development proposals.
Policy 41	Corridor Strategies – Taunton (Bridgwater to Minehead) ..... transport will be managed in order to achieve transfer to more sustainable modes, improve safety and environmental conditions.
Policy 42	Walking - Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops, community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.
Policy 43	Access for people with disabilities - Facilities for people who are mobility impaired should be improved by maintaining and extending the network of suitable footpaths, bridleways and cycle routes and by facilitating ease of access to other transport infrastructure and new development.
Policy 44	Cycling - Urban and longer distance facilities for cyclists should be improved by maintaining and extending the cycle network between residential areas and schools, shops, community facilities and workplaces, and by making the best use of existing highway infrastructure. Improvements to the highway should provide for safe use by cyclists.
Policy 54	Transport Proposals and the Environment - New transport proposals and improvements, particularly road schemes must take into account the need to:- <ul style="list-style-type: none"> <li>• minimise the impact of proposals through mitigation and compensation measures, improve or conserve the natural and built environment,</li> <li>• avoid the risk of pollution to the water environment, including water resources,</li> <li>• minimise the consumption of resources both in construction and operation,</li> <li>• minimise conflict with adjoining land uses.</li> </ul>

#### Taunton Deane Local Plan

Policy S1	General Requirements
Policy S2	Design
Policy S9	Taunton Town Centre
Policy EC9	Loss of Employment Land - Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retailing, will not be permitted unless the

	overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site.
Policy M5	Cycling - A comprehensive, convenient and safe cycle network is proposed through a combination of measures and works, including the following main elements: (A) on- and off-road cycleways as shown on the Proposals Map; (B) traffic calming, traffic management and junction redesign; and (C) convenient and secure cycle parking facilities.
Policy C8	Proposals which would affect disused railway tracks or canals will only be permitted where a corridor to retain the potential use of the track or canal for footpath/cycleways is provided or the proposals would reinstate these railways or canals for their original purposes.
EN3	Local Wildlife Geological Interests
EN6	Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss. The good management of such tree cover for nature conservation purposes will be sought.
EN22	Development affecting sites of County Archaeological importance.
EN23	Areas of High Archaeological Potential
EN25	Development which would harm the landscape, character, wildlife and recreational potential of the water environment will not be permitted. Development proposals near rivers, canals, still waters and watercourses must respect, enhance and maximise the benefits of a waterside location.
EN28	Development and Flood Risk
EN34	Control of External Lighting
T3	Major Site Allocation – Firepool

The line of the proposed road includes sections which are shown as County Archaeological Site (canal and railway tracks), County Wildlife Site (river and canal), proposed cycle route, with a small section on land within the 1 in 100 year flood plain and some areas within the T3 allocation.

#### Proposals for change in Taunton town centre (October 2007)

The roadline is shown on the Taunton Town Centre Action Area Plan as proposed new road (Tr 7).

#### Vision Statement:

Vision and Objectives 6 – A town centre that is well connected and less congested ..... delivery of the Northern Inner Distribution Road.

Firepool policies paragraph 4.12 – high quality pedestrian and cycle routes will be needed alongside and across the River Tone and to other parts of the town, including Taunton East and (by means of a future bridge over the railway line) North Taunton.

Firepool Policy Fp 4 – a high quality pedestrian and cycle crossing of the Northern Inner Distributor Road.

Transport Policy Tr7 – Highway scheme the following schemes are programmed for construction between 2006 and 2011 a) the Third Way Relief Road; b) Northern Inner Distribution Road

## **7. RELEVANT CENTRAL GOVERNMENT ADVICE.**

PPS1	Delivering sustain the development
PPS9	Biodiversity and geological conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS23	Pollution Control
PPS25	Development and Flood Risk

## **8. CONSULTATIONS AND REPRESENTATIONS**

The application is made by Somerset County Council so that authority will have consulted the statutory consultees. Taunton Deane Borough Council is one of the consultees, and this authority has consulted internal departments only.

LANDSCAPE OFFICER - "There will be major landscape impacts from the construction of the NIDR. There are proposals to protect the retained trees during construction and where land is available there will be scope for replanting. However, there are situations where trees and shrubs will be removed but nothing provided to reduce or mitigate their impacts such as at the junction of the road with Priory Bridge Road where the retail park will be left open to passing traffic. There is a similar situation just to the north west where the new housing estate will lose its tree and bank mitigation but little offered in compensation. The ramp and bridge link to the Children's Wood area between the river and B&T Canal area is an important amenity area that will need further landscape mitigation if it is to be successfully integrated into the riverine landscape. The route of the road follows in part the historic route of the Grand Western Canal. Any archaeology should be carefully monitored as there is great interest in it history locally and regionally".

NATURE CONSERVATION AND RESERVES OFFICER – "Flora: The conservation and management for Somerset notable species such as flowering rush and common Club rush identified in CC's report and the control of alien species such as Himalayan balsam and giant hogweed must be managed through the landscape management plan.

Badgers: CC's report of surveys July 06 – Oct 07 concluded that badgers are not a material consideration 4.3.3 as setts on site were closed under licence and a new sett established off site. However, I advise that up to date checks should be made to make sure that badgers have not moved back onto the site. I support recommendations that during construction all trenches have a means of escape.

Otters: Otters are considered to use the Tone and Canal and lighting must be carefully designed to avoid lighting of the waterways. I support CC's report conclusions and recommendations 5.3 and 5.4. Details of the lighting of the bridge and details of how otters can safely move under the bridges should now be submitted.

Water Voles: No evidence of water voles was found along the sections of the Tone or Canal and are not a material consideration in this case. However, I support report recommendations 6.4 for careful working and enhancement of habitat for the species.

Bats: Same comment as above for bats. At least four species known to use the waterways for foraging and commuting. Daubentons bats are particularly susceptible to increased light levels and details of the lighting should now be submitted. I support the report recommendations 7.4

Birds: There will be great disturbance of an important nesting area for a range of bird species, including sedge warbler, which is a species of conservation concern in Somerset. Consideration should be given to maintaining suitable habitat for this species. I advise that a condition should be made to prevent works during the main nesting season March 1<sup>st</sup> to July 30<sup>th</sup>.

There are opportunities to improve habitats and I support recommendations in the landscape plan for habitat creation and management”.

PLANNING POLICY – “The main points of concern with the scheme as submitted are in:

- Provision of with-flow cycle lanes in both directions
- Provision of footways 405m wide
- Replacement of the roundabout at Staplegrove Road by a signal controlled junction with appropriate pedestrian and cycle facilities.
- Incorporation of ‘passive provision’ for future setting back of the abutments of the overbridge across Station Road by 6m to allow for bus lane(s), continuous cycle lanes and wider footways.
- Revision of the Station Road overbridge design to create a more contemporary appearance compatible with future changes to street width and alignment.
- A vertical alignment at the junction with the station approach and the ‘Station Boulevard’ access to Firepool that provides for a continuous north-south descent and an unbroken line of sight for people approaching the Firepool development from the railway station.
- Reconsideration of the Priory Avenue roundabout to reduce pedestrian and cycle severance of taunton East from Priory Bridge Road and the Firepool area, including the potential for a signalised junction at this point.”

RIGHTS OF WAY OFFICER - "I have not visited the site however I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that cross the area of the proposed development/area highlighted on your plan at the present time (T 33/15, T 33/14, T 33/21, T 33/22 and T 33/22A), I have enclosed a plan showing these footpaths and bridleway for your information. It is also not known to what extent any other ways are used by the public at large, and any right of way gained in the process. My colleague Esther Harbour has responded to a consultation from Mrs Rebecca Comyns dated 8 May 2008. Comments from memo below."

My colleague, Pete Hoble, has previously responded to two memos from Bob McWilliams (Transport Development) regarding Chip Lane Bridge and Firepool Bridge. Copies of these memos are also attached for your information. In addition to Pete's comments we would ask that footpath T 33/22A is considered for diversion or preferably extinguishment, whilst ensuring that suitable pedestrian access is catered for along Priory Park north to the proposed bridge, as well as maintaining a pedestrian link to footpath T33/22. I am still researching the exact alignment of T 33/22A and will confirm ASAP. If it is considered that the development and access to the site would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483091".

STREET LIGHTING OFFICER - "I examined the proposed scheme in depth with the following recommendations:

- (A) Please could I have a copy of the lighting design for the footpath and Cycleway link from Cyril Street to Chip Lane.
- (B) The lighting design for the footbridge over the railway must be submitted to Network Rail for their approval.
- (C) The raised structure of the attractive proposed footbridge across both The River Tone and the Bridgwater and Taunton Canal should be either floodlit or preferably illuminated with very long life luminaries".

ARTS OFFICER - "From a Public Art and Design perspective, I have concerns about the design of the raised bridges, particularly of the South Elevation Footbridge off the east Elevation Road Bridge and the Chip Lane Foot/Cycle Bridge. I question the necessity for such a large structure as a 4 –

4.5 metre South Elevation footbridge which will drastically alter the view from the Abbey Manor Firepool Lock residential development as well as the view across the Tone and the Canal. The nature of the sides of the bridge will be important, as to whether people feel safe or too enclosed. Railings would be better than concrete sides. It is also a potentially dangerous junction as this slip ramp will lead from a lit strategic arterial route and plunge into darkness in between two water routes. From a cyclists' and pedestrian view point, this would be an uncomfortable journey which is unlikely to be used in the dark and the winter, and which is likely to be circumvented through other desire lines. If the Chip Lane footbridge is to be improved then consideration must be given to make it easier for people with buggies, wheelchairs and bikes to use it, as well as how to improve the visual design which at the moment is very unattractive".

BRITISH WATERWAYS – "British Waterways is a public body set up to maintain and develop the network of canals and other inland waterways in a sustainable manner so that they fulfill their full economic, social and environmental potential. In addition to statutory navigation and safety functions, British Waterways has to:

Conserve our waterway heritage and environment

- Promote and enable rural and urban regeneration
- Maintain and enhance leisure, recreation, tourism and education opportunities for the general public and
- Facilitate waterway transport

After due consideration of the application details, British Waterway has the following general comments to make:

British Waterways has been in discussions with Somerset County Council for some time regarding the various proposed bridge crossings and improvements for the Taunton area. We are disappointed that the application was submitted before we have concluded discussions with the County Council as several matters remain unresolved. The requirement for a stoppage of the navigation during main lifting/construction operations needs further consideration. In this instance it may be possible to close the navigation for an extended period and BW are willing to work with the County, our partners and customers of the canal in this respect. However it is noted that the bridge/main lifts could also be undertaken under a series of short duration stoppages and past experience has shown that once the main bridge elements have been lifted it is possible for Contractors to develop safe systems of work that allow the navigation to open during 'second fix' operations. However this issue has not yet been resolved. Prior to formally closing a navigation a formal consultation exercise is required with national and local user groups. This has not yet been undertaken. The final bridge soffit level above the canal and towpath must still be confirmed with British Waterways. The towpath at this point is located on the southern side of the canal further agreement confirming the headroom details above the navigation and the southern towpath must be agreed. Environmental Impacts of the bridge crossing should be considered. It had been agreed that all pre-works investigations with respect to the canal and its environs should be submitted to British Waterways for review prior to the submission of the

application however this does not appear to have happened. The treatment of the canal edge in the vicinity of the structure and of the towpath itself adjacent to the proposed bridge and 'tie in' of the new link to the towpath requires consideration. The wider refurbishment of the towpath between Firepool and Obridge requires consideration and it is felt can be carried out as part of this project. Details of the access points onto the towpath will require careful detailing including surface treatments and security and must be agreed by British Waterways prior to any work commencing. We would suggest that this is dealt with by condition or by a S106 agreement.

Confirmation on the intended disposal route for the discharge of surface water arising from the road, structure and back of abutment drainage should be confirmed and must be agreed by British Waterways who will need to issue a License for the disposal of surface water. The facing on the abutments should be consistent with the character of the waterway. Landscaping proposals along the waterway boundary should be developed in conjunction with BW and further landscaping is required in the vicinity of Childrens' wood, Piling and deep excavations in the vicinity of the canal may be detrimental to the integrity of the canal liner. In particular vibrations from piling operations may be sufficient to cause damage to the canal liner and a method statement for such work should be agreed with British Waterways prior to work commencing. The waterway and its bank is potentially home to several protected species included Bats, otters and Water voles. Not only is the timing of the work therefore important but the positioning and luminescence of any lighting is important to ensure that rare and protected species are not discouraged from either inhabiting or traveling through the area. Care must also be taken to ensure that no contaminants are allowed to enter the watercourse during construction works. Cement in particular is very damaging to aquatic life and great care is needed to ensure that no materials are washed or blown into the watercourse during construction. Certain species such as Japanese Knotweed, Giant Hogweed and Himalayan Balsam is easily transported via the watercourse and can quickly invade a much larger area. Contractors need to be aware of the ease in which such plants can invade and ensure that precautions are taken. Further details of the above issues can be found in the British Waterways Code of Practice document. All works of this nature must be undertaken in accordance with the Code of Practice for Works affecting British Waterways (BW) which is available via the link below.

[http://www.britishwaterways.co.uk/images/Code of Practice for Works Affecting BW.](http://www.britishwaterways.co.uk/images/Code%20of%20Practice%20for%20Works%20Affecting%20BW.pdf)

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

"The applicant/developer is advised to contact John York and Tina Martin in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways". In addition, we would ask that members consider imposing a condition or 8106 to seek improvements to the Canal towpath in the wider area to allow better accessibility to the whole area. We would suggest that



improved surfacing, better signage and seating would be appropriate in this location following the general improvement of the area”.

1 NEIGHBOUR HAS RESPONDED directly to Taunton Deane Borough Council. The redesign of the pedestrian and cycle bridge at Chip Lane across the railway and new road will mean less privacy in our back garden. Please could you consider using solid fencing at the northern end of the footbridge so that the view into the gardens is restricted. Please also ensure that the footpath is securely fenced in order to stop people gaining access to the back gardens as this was a problem in the past before Railtrack replaced the boundary fence around the northern steps. We also have concerns about the noise levels from the new road which will be constant during the daytime at least. Consideration should be given to adequate fencing and landscaping around the road to help with noise reduction.

## **9. LIKELY IMPACTS AND PROPOSED MITIGATION MEASURES**

Given the range of supporting studies and statements accompanying the application, the following section outlines the main study areas and proposed mitigation. This section is based directly on the written material supporting the application.

### Transport Assessment

This concludes that the NIDR is a scheme that is included in relevant local policies and is derived from regional and national policies and it will be funded by Department of Transport with contributions from Somerset County Council and relevant adjacent developers. This assessment considers the potential to improve the environment and reduce vehicular traffic on some of the town's roads. The scheme should offer significant traffic relief to Staplegrove Road south of the NIDR, Priory Bridge Road, Greenway Road, Priorswood Road and Obridge Viaduct, it would reduce congestion in the town centre and increase flows on Castle Street, Third Way, Bridge Street and Staplegrove Road (S). The assessment concludes that there would be an overall reduction in travel times, an overall increase in network speeds, enhanced cycle facilities, increase in the provision of pedestrian facilities, enhanced road safety, overall benefits to Somerset's economy and beneficial overall changes in air quality.

### Road Capacity

The Road Capacity Assessment concludes inter alia that for the design year of 2018, assuming the third way and the NIDR are in place, that there will be a predicted queue length of 24.8 vehicles in the morning peak at the Staplegrove Road west arm, which may block the pedestrian crossing on this arm; the new Station Road junction is likely to be at capacity during the 2018 morning peak, with queuing specifically on the southern arm and right turn from the western arm of the NIDR, such queuing could block the traffic turning right into the proposed multi-storey car park to the east of the station. The assessment indicates that at the Priory Avenue/Priory Park Junction the

morning and afternoon peak will result in overcapacity and long queue lengths, consideration was given in the model to the closure of Priory Avenue South, but this would not improve the operation or the capacity of the roundabout, it would result in an increase in delays at the junction. The model tests various alterations to the junctions, including the removal of the 'all-red pedestrian' stage ie; removal of the pedestrian phase. This appears to show at the new station junction all arms operate within capacity for all time periods. This option would have implications for pedestrian crossing movements in the vicinity.

### Noise

The noise and vibration assessment indicates that inter alia, there would be the greatest increases in noise at residential properties closest to the scheme, with increases in noise levels greater than 10 dB(A) occurring at 2 residential properties in Canal Road. Mitigation has been proposed to minimise increases in noise wherever practical. Overall there are increases in noise predicted at 631 dwellings with decreases predicted at 237. If the scheme is not constructed there would be increases in noise at approximately 177 dwellings and decreases in noise at approximately 81. In respect of the wider area, the greatest increase would occur on Castle Street, to the NHS Clinic (Millstream House) and 2 properties which would experience a perceptible increase in noise levels due to the scheme.

Detailed comments include that the Abbey Manor and Firepool developments may require that internal and external noise levels are controlled and such measures would need to be incorporated into the detailed design. Mitigation would include measures to aim to reduce all predicted noise increase at residential properties to less than 10 dB (considered to be 'substantial effect') and to minimise the number of increases greater than 5 dB ('moderate effect'). In addition a quieter road surface could reduce scheme impacts further – this is dependant on traffic speeds (the higher the speed the greater the possible reduction in noise). Mitigation is suggested as a 2m high reflective barrier, some 0.5m north of the scheme, along a section from Cyril Street West to Thomas Street. No barriers are proposed to the southern side of this section, mainly due to the screening offered by the existing industrial buildings on Chip Lane. In the section with properties on Whitehall, Station Road, Prospect Terrace and Canal Road, there would be two separate barriers on the south side of the scheme road. A 0.6m high reflective noise barrier on top of the proposed 1.4m retaining wall opposite Whitehall, and a 2m tall reflective noise barrier behind Prospect Terrace. In the area of Priory Avenue, no barrier is shown as whilst recommended to reduce predicted noise increases, the barrier is subject to further assessment due to visual impact and structural feasibility.

### Environmental Impact

This considers the likely direct and indirect impact of the implementation of the scheme. For instance there will be disruption during construction, Fairwater Terrace, Whitehall and Priory Park being most affected. There

would be visual impact mainly to Priory Park. On the positive side, the new Chip Lane footbridge would be accessible to wheelchair users and be more bike friendly, and there would be less traffic travelling through the town centre, with easier travel between east and west of town, and shorter overall distance travelled. There is a predicted reduction in accidents on Greenway Road and Priorswood Road. There will be a direct impact on cultural and natural environments which will require mitigation. Mitigation will have regard to the requirement to protect badgers, otters, water voles, bats and breeding birds.

### Flooding/Drainage

The EA floodplain map indicates that the southern part of the proposed road lies within the area with a 1% chance of flooding; this is the new Priory Avenue roundabout. SCC has concluded that this is not an issue due to Project Taunton flood mitigation measures upstream. The NIDR is considered to be 'essential infrastructure' based on guidance in PPS25, in terms of the exception test, it will provide a clear wider sustainability benefit to the community, it will be on previously developed land and remain safe in times of flood.

The study of drainage issues gives details of requirements to provide for the new road, these include petrol interceptors, connections into existing systems, drainage into the canal, (subject to British Waterway's approval) and further investigations in some areas to confirm storage capacity and existing sewers/drainage systems.

### Street lighting

The application is accompanied by a schedule of proposed lighting details for the road itself. There are no details of the lighting of the footbridge – such details are considered to be essential in order to assess the impact of nearby residents.

### Ecological surveys

These have been carried out to identify plant species and communities, to assess their intrinsic ecological value, to identify species of local or national importance. Three locally notable species are present – the yellow-wort (in the railway and yard north of the Canal), the Common Club-Rush and Flowering Rush on the River Tone margins. Otherwise the ecological value of the vegetation is low. Giant Hogweed, which is controlled as an invasive alien and it is illegal to cause it to be spread in the wild, soil that may contain its seed is restricted waste may only be disposed of to licensed landfill sites. Both the River Tone and the Taunton and Bridgwater Canal are designated as Local Wildlife Sites and the local notables Common Club-Rush and Flowering Rush are present on the river margins. Both water courses are known to be used as corridors by otters, their value in this junction is limited by urban land use and intensive management practices such as moving the adjoining grassland areas.

As regards other species, there was a badger sett in the area within the railway sidings to the north of the canal. This has now been destroyed under licence from Natural England to enable the Abbey Manor development to proceed, and an artificial sett has been constructed. Any trenches should be covered or means of escape provided for badgers during the construction. Otters have been sighted and the recommendations of the report include that road construction should include design of bridges to incorporate mitigation for otters, any artificial lighting should be placed and directed to avoid spillage which illuminates the water courses, and planting schemes and bank reinstatements should provide cover and connectivity for otters to follow potential established and protected routes.

There were no indications of water voles, however at least four bat species were detected in the surveys. Recommendations include the minimum necessary removal of all tree and vegetation to allow road and bridge construction, all planting schemes should be predominantly native species which provide food and refuge and construction should be at times when bats are inactive.

During the survey for nesting birds, 18 species were considered to be nesting, others were seen but not recorded as breeding. All were common species. The recommendations include the removal of trees, scrub and other vegetation should avoid the bird nesting season, and new planting include there to provide nesting and feeding opportunities.

No reptiles or amphibians were found in the study area. There were a number of Dragonfly species seen and identified and these are not the rare species. The loss of aquatic and marginal habitat is limited and mostly temporary so no specific mitigation is recommended. There were a good range of terrestrial invertebrates, one was considered notable – the Adonis Ladybird found in large numbers in north of Canal Road. There are no specific recommendations for mitigation, other than the provision of predominantly native species in the planning scheme.

In terms of Archaeological remains, SCC's archaeologist notes impact on industrial archaeological sites associated with the railway and canal and proper recording is recommended as part of the construction programme.

### Land Contamination

The study includes information in geology, hydrogeology, ground water abstraction, currently potentially contaminative uses, landfills, previous uses with possible potential contaminants eg: petrol station, oil tank, coal yard, a review of previous investigations and recent ground investigation.

As a result of surveys, it is noted that potential contamination is likely associated with former landuses, particularly the use of the land for railway sidings and for re-fuelling. Several contaminants were found, including arsenic, naphthalene, lead and benzoe (a) pyrene. The site can be classified as very low risk for commercial/industrial land use from gas. There appears

to be some contamination of the groundwater. It is recommended that gas monitoring take place during excavation of ditches and for services. Further studies are recommended in some areas in order to assess risk to human health.

Recommendations include careful re use of excavated materials in order to avoid unacceptable risk to controlled waters or human health.

### Ground investigation

This study was to establish inter alia, ground, ground water and ground gas conditions and information to determine design values for the engineering properties of the ground.

### Landscaping/Hardscape

The proposal includes the provision of a 1200-1500 high retaining wall with planted bund, to include trees, in the area of Fairwater Terrace in Staplegrove Road, with a service road giving direct access to Nos 109 – 125 and to the premises to the rear of Staplegrove Road. The roundabout is shown as having banks up then down to a wetland interior. This roundabout is to have tree planting and there will be more trees between the roundabout and the railway lines. Pedestrian crossing points are also shown.

The new pedestrian/cycle bridge at Chip Lane will include slopes and steps on both sides of the railway and it will be in a position just to the east of the existing bridge. The minimum width is shown as 3.5m wide. There will be a footpath/cycle path to the south of the NIDR linking to the new Station Road junction as well as back to Chip Lane to the West. Existing trees and shrubs alongside Whitehall and to the north of this section NIDR will be removed, but new planting will take place where space allows. Trees and shrubs in the area to the north of the Tone and to the south of the Canal will be removed to allow for the construction of the cycleway/footpath link from the canal up to the north/south arm of the NIDR. Trees to the east of Priory Park will be removed to provide the goods access to the Priory Fields retail units, with some new planting towards the Priory Avenue roundabout, and within the roundabout.

### Air Quality

In order to control dust during reclamation and construction, there would be recommendations specified in the contracts, these could include regular water spraying and sweeping of unpaved and paved roads, having wheel washers for vehicles leaving the site and storing dusty materials away from site boundaries. The study indicates that the implementation of the scheme should result in a deterioration overall in concentrations of nitrogen dioxide, mainly as a result of significant increases in concentrations at properties near the new road.

### Traffic modelling

This was to forecast and assess the traffic impact so the NIDR on the local road network in 2011 and 2018 am and pm peaks, for instance to identify problems, capacity constraints and to provide traffic information for noise and air quality assessment. One of the options included in the model is a bus only gate on Priory Bridge Road at its western end. In summary the road would attract 800-900 vehicles (2 way) in the am peak hour and 700-750 vehicles in pm peak hour, and would result in less traffic on Priory Bridge Road, Greenway Road, Priorswood Road and Obridge Viaduct, it would reduce congestion and probably improve road safety on the roads. It would increase traffic on northern section of Staplegrove Road, have little impact on Bindon Road, the traffic generated by the Firepool development in 2018 peak hour (pm) would exceed the capacity of the NIDR eastern roundabout and centralised signal junction, thus requiring additional improvements at junctions/signals.

### Visual impact

The proposed route is within the built environment main impacts will be in the more open Firepool area. Much of the road will be marked by existing buildings and structures, the bridges will have moderate visual impact as these are more visible, as will the new and revised roundabouts. There will be high adverse visual impact to Nos 1-7 Priory Park due to the new bridge. The removal of existing vegetation on the embankment in the Station Road areas will result in a moderate adverse impact on the surrounding residential areas. The study concludes an overall moderate adverse impact on townscape character.

## **10. PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposed development comply with the relevant Local and National Planning Policies? **POLICY**
- B. Is the design of the new road and associated structure appropriate? **DESIGN**
- C. Are the landscaping proposals acceptable? **LANDSCAPING**
- D. Have nature conservation interests been adequately taken into account? **NATURE CONSERVATION**
- E. Will the proposed development have an adverse impact on the residential amenity of adjacent properties? **RESIDENTIAL AMENITY**
- F. Is the proposed development sustainable? **SUSTAINABILITY**
- G. Other issues

A. POLICY

The site is within the settlement area for Taunton, is brownfield and is clearly shown in the Taunton Town Centre Area Action Plan as a proposed road (including the Abbey Manor section which is not part of this application). Regional and Structure Plan Policies support the provision of some new roads when benefits can be achieved. Policies also provide for improvements for pedestrians, cyclists and disabled persons, to be able to travel more safely and into areas currently poorly served by footpaths/cycle paths. There are concerns however in respect of the amount of provision and how some features have been designed. Some significant alterations and amendments will be required to overcome these aspects, and further discussion is sought. The proposal is considered to generally accord with such policies for a new road; there are further specific policies which are considered below.

B. DESIGN

The design of the foot bridges is likely to be the most striking with the eastern bridge with its 'mast' being prominent and the long sections of cycle/disabled access slopes to the Chip Lane bridge being dominating in the local scene. The Taunton Deane Borough Council Arts Officer has concerns about both these bridges. It is considered that lighting the cycle path/footpaths along the canal would be contrary to Nature Conservation interests, and if cyclists/pedestrians wish to use a 'safer' route in terms of lighting, there are good alternatives. In reference to the Chip Lane bridge, it is functional, but perhaps more thoughts could go into the design of the sides of the bridge and approaches. As regards the road bridge over the river and canal, and the road over Station Road, these appear to be well designed for these locations. There appear to be no details given of the design of the noise barriers, such details are vital considerations and Taunton Deane Borough Council should be able to properly access such detail.

C. LANDSCAPING

There are several areas where trees and shrubs will be removed, with new planting in other areas, as well as close to areas of removal. In general such new planting is welcomed, along with retaining walls with planting bunds, however the Landscape Officer identifies some areas where little or no new planting is proposed. It is considered that additional planting be sought in these areas.

D. NATURE CONSERVATION

Many species were identified in the studies including several 'protected' species. These will need to have the various recommendations detailed in the surveys/mitigation measures implemented before, during and after the construction works. Such actions should protect the named species and along with the replacement planting should enable the 'corridors' to be continued.

## E. RESIDENTIAL AMENITY

It appears inevitable that additional properties will suffer from noise by the implementation of the scheme. Noise barriers will help in many cases, but not all. There will be moderate visual intrusion in some places, especially where the road/bridges are elevated. The air quality in general should be better, but again some people will be exposed to some poorer air quality. Accidents should reduce in Priorswood Road/Greenway Road and general accessibility is increased. Residential Amenity of a small number of properties will be adversely affected, a larger number of residents should see benefits. Overall there should be a general increase in benefits.

## F. SUSTAINABILITY

The location of the proposal takes account of the 'lie to the land' as regards removal of the minimum number of existing buildings/business, using a route over brownfield land and with as little disturbance to identified nature conservation interest as appears possible. The route includes cycle and pedestrian facilities along its length and a new crossing of the railway incorporating pedestrian, cycle and disabled users access, and new cycle/foot access to the canal. It therefore benefits a greater section of the local community than the 'do nothing' situation. This road has been identified as a key part of the Project Taunton. Its provision will enable more people to travel without congestion, resulting in less journey times, and will enhance access to the Firepool development area.

## G. OTHER ISSUES

There are archaeologically important routes for railway and canal within the scheme. There should be the subject of detailed appraisal during the construction process. Street lighting details of the two footpath/cycleway links have not been provided. Such details are crucial to residential amenity/nature conservation interests and should be forwarded to Taunton Deane Borough Council for comment.

## 11. **CONCLUSION**

In general the scheme is supported, as an essential element within Project Taunton and will provide a good link between communities within inner Taunton. There are a few details which require further consideration by Taunton Deane Borough Council officers in addition to the several detailed recommendations which should be taken into account by Somerset County Council in its formal consideration of the scheme.

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

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

NOTES:





06/2008/046

MR HENRY SMALL

**USE OF LAND TO SITE 3 NO. MOBILE HOMES AND PROVISION OF SEPTIC TANK FOR ONE GYPSY FAMILY AT SUNNY DENE, DENE ROAD, COTFORD ST LUKE, BISHOPS LYDEARD (REVISED SITING) AS AMENDED AND AMPLIFIED BY LETTER DATED 13TH JUNE 2008**

317423/127565

FULL

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**PROPOSAL**

Permission is sought for the retention of three mobile homes to accommodate one gypsy family comprising Mr Small, his wife and five children. In addition a septic tank is proposed. The applicant purchased the site, which forms part of a larger field abutting the south side of Dene Road – located to the east of Cotford St Luke, in June 2006. The land purchased is just over 1 hectare. In July 2006 a planning application was submitted for the erection of a stable block in the south west corner of the site. The application was subsequently approved.

The mobile homes now in situ were brought onto the site over the weekend of the 24<sup>th</sup>/25<sup>th</sup> of November 2007. Two stop notices were served, one for operational development and the second for no further mobile homes to be placed on the site. The access from the highway to the site was already in existence for agricultural purposes but there was previously no track into the field. The Council temporarily permitted the applicant to the laying down of hardcore to enable vehicles to enter/leave the site following highway safety concerns regarding mud being carried onto the highway. In addition a one metre access strip was agreed to provide access to the mobile homes again using hardcore which is easily reversible.

The previous application, planning reference 06/2007/064, for the retention of the mobile homes and the installation of a septic tank was refused by the Planning Committee, on the 18<sup>th</sup> February 2008, for the following reason: -

‘the siting of the mobiles homes would appear an incongruous and significant skyline feature and would have a harmful impact upon the rural character and appearance of the landscape. Furthermore, the required visibility splays would require a significant amount of hedgerow to be removed and would also reduce the availability to provide landscape mitigation measures. As such the development would be contrary to the provisions of Policy 5 of the Somerset & Exmoor National Park Joint Structure Plan Review and Policy S1, S7, H14 and EN12 of Taunton Deane Local Plan’

In order to address the above reason for refusal the applicant has been in discussion with the Council’s Landscape Officer in order to mitigate the visual impact of the proposal. As such a revised block plan has been submitted which repositions the largest of the mobile homes, located immediately adjacent to the highway, further

into the site and set down from the existing position. Furthermore, a comprehensive landscape mitigation scheme is now proposed, using native species, and this forms part of the submission. The proposed curtilage has also been reduced as shown on the block plan and a revised site/location plan has subsequently been submitted to reflect the application site as shown on the block plan.

The applicant has confirmed there are no changes in personal circumstances or need since the previous application was determined.

## **CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL – The proposed revised siting in no way addresses the Council's concerns and therefore the Parish Council objects to the proposal on the grounds that: -

- The development is contrary to the Taunton Deane and Cotford St Luke development plans.
- Use of land for siting of mobile homes is contrary to the original use agreed for the land.
- The development is in open countryside and has a detrimental impact on nearby residents' visual amenity.
- The Parish Council has concerns over the safety of access from Dene Road, both for passing motorists and for anyone attempting to enter or exit the field where the mobile homes are currently located.
- The Parish Council is concerned over the request for unlimited vehicles to be parked on the site and over the request for goods vehicles to be parked on what is claimed to be a residential site.
- The Parish Council notes that no claim of gypsy status was made by Mr Small in his original planning application.

SOMERSET COUNTY GYPSY AND TRAVELLER SERVICES – In response to application 06/2007/064 confirmed that Mr Henry Small is recognized as a bonifide Gypsy as defined within the Housing Act 2004.

LANDSCAPE OFFICER – The relocation of the mobile home and two caravans further into the site, more restricted garden curtilage and proposed landscaping should help to reduce the landscape impact of the proposals. My remaining concerns are the colour of the roof tiles which would be better grey and the wider landscape impact from the south.

DRAINAGE OFFICER – I note a septic tank is to be used to dispose of foul sewage. Percolation tests should be carried out to ascertain the length of the sub-surface irrigation drainage. The Environment Agency's consent to discharge to underground Strata is also required. With regards to the use of soakaways, these should be constructed in accordance with Building Research Digest 365 (Sep 91) and again made a condition of any approval.

COUNTY HIGHWAYS AUTHORITY – Previous comments apply equally. The proposed development site is located just outside of the development limit for Cotford St Luke. As a result, 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'. The site is in close proximity of Cotford St Luke and Bishops Lydeard, which are the nearest settlements with any services and facilities. I consider that the distance may not so great as to conflict with Policy 36.

In detail the proposal will derive access onto a classified unnumbered highway, which is subject to the national speed limit, however vehicle speeds are generally lower than 60mph. It is imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees, together with sufficient onsite parking and turning within the site 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 no layout has been submitted with the application. I am aware there have been personal injury accidents on this stretch of highway to the east of the site, however I do not consider that this proposal would result in a significant increase in traffic over and above that, which currently occurs on this stretch of highway.

If the Local Planning Authority is minded to approve the application a number of highway related conditions are recommended.

HOUSING OFFICER – Previous comments reiterated - Initially there is reason to believe that if unable to remain on their land at Cotford that the family would be threatened with homelessness, and therefore put TDBC under a duty to carry out enquiries under Section 184, Part 7 of 1996 Housing Act (as amended by Homelessness Act 2002). If homeless they appear to be eligible for assistance. If found to be homeless unintentionally and if they could establish a local connection with TDBC, which initially they do not appear to have one, then the onus would be for TDBC to accommodate. The Council would find it very difficult to discharge this duty as TDBC would need to be able to secure for them suitable land to site their trailers/mobile homes owing to their aversion to bricks and mortar. Authorities must give gypsies special consideration to securing accommodation that will facilitate their traditional way of life. (R (Price) v Carmarthenshire CC (2003).

COTFORD ST LUKE COMMUNITY ASSOCIATION strongly objects to the development for the following reasons: -

- The original Cotford St Luke Master Plan and Taunton Deane Borough Council's ten year plan did not include this land for residential purposes and therefore, it should not be built upon.
- The land is registered for agricultural use and does not have any Planning Permission for building a dwelling or installing drainage. Mr Small is in breach of the Town and Country Planning Act 1990.
- Mr Small's previous Planning Application was based on the building of a stable block only. Mr Small is a well known horse trader. Mr Small stated in his Planning Application that he only wanted the land to graze his horses. This is clearly not the case.

- The erection of these three mobile homes is in contravention of the present Planning Permission granted in application 06/2006/036.
- The erection of these three mobile homes is not in keeping with the present built environment of the village and the natural beauty of the area (proximity to the Quantock Hills AONB) as set out in the Cotford St Luke Master Plan and Taunton Deane's Local Plan.
- Taunton Deane's Local Plan states that the appearance of open countryside should be protected for its own sake. The mobile home site is clearly visible especially to those living in North Villas. Although Mr Small is proposing to plant Field Maple, Crab Apple and Oak trees along his boundary that faces North Villas, these trees will take some considerable time to reach a height that will block out the mobile home site.
- A significant amount of vehicles each day travel from/to Cotford St Luke using Dene Road as the thoroughfare. I understand that Mr Small claims in his Access statement that the gates are presently set nine metres back from the road. This is not the case. Situating the entrance to these three mobile homes so close to the sharp bend and allowing light goods vehicles and public carrier vehicles to access the site; would potentially put the public at risk – be the cause of a fatality or further serious accidents along this stretch of road.
- Mr Small states in this Planning Application that unlimited vehicles are to be parked on site that will include goods vehicles and public carrier vehicles. Does Mr Small intend to run a business on the site? If this is the case, then the change of land usage is not only for residential but commercial as well.
- There is the potential for cars and goods vehicles to be parked in Dene Road which has a 60mph speed restriction. Parking vehicles on Dene Road will cause an obstruction to fast flowing traffic and the potential for another fatality or accident to occur.
- The erection of three mobile homes so close to Norton Manor Camp would raise security concerns for the Ministry of Defence.

Cotford St Luke Community Association therefore urges that the planning application is rejected and the Enforcement Notice and permanent Stop Notice that were originally served on Mr Small earlier this year are enforced.

13 LETTERS OF OBJECTION have been received. Summary of objections: - changes do not overcome previous reason for refusal; Contrary to development plan; contrary to Circular 01/06 which requires Gypsy and Traveller Caravan Sites to be carefully planned after consultation with Gypsy and Traveller representatives and local communities. Such sites should be established according to a formal plan – in the same way as housing needs for the rest of the community – and should not simply appear as unauthorised developments; Concern raised as to the investigation undertaken by the Council's Gypsy Liaison Officer in relation to the 'Gypsy Status' of the applicant; Gypsy status should be allocated based on 'habit of life' and confirmation is sought that the Council has investigated the applicant's previous 'habit of life' and Gypsy Status has not simply been allocated on the basis of race, which would contravene planning regulations; nature of site is permanent not temporary – Council are urged to define what constitutes a 'mobile home' in terms of planning regulations – essentially the site would be classified as a 'housing development'; Outside settlement limits; Creeping development; Detrimental impact upon visual amenity of the area and erodes the rural landscape; Development sited

in a very prominent and elevated position and should have been carefully planned and positioned within the site; bright orange roof tiles can be seen from the A358 and the B3227; caravans not shown on plan; removal of hedgerow to provide visibility; landscaping mitigation will not be sufficient and would take a considerable time; concern that landscaping will be implemented; Contrary to the original use of the land previously approved (stables); livestock in relation to earlier approval have never materialised; Proposal does not integrate with the development style; scale or layout of the surrounding area by reproducing any of the building characteristics found within Cotford St Luke; Highway safety concerns regarding the proposed access from Deane Road, both for motorists, cyclists, walkers and anyone attempting to enter or exit the field where the mobile homes are currently located; application form states parking provision for 'unlimited vehicles'; applicant to run business from the site; Lack of information; the road is not safe, Somerset and Exmoor National Park is an 'Area of Outstanding Natural Beauty', suitable plots for gypsy sites should be allocated with Taunton Deane not on ad hoc; Blot on the landscape – close to AONB; Unfair precedent; To live in a static caravan of park home is not conducive to nomadic way of life and are synonymous with a settled way of life for people (non gypsy or travellers); proposal does meet the requirements of Policy H14; development took place without permission being sought; application form not correct and insufficient information submitted; potential for further increase in numbers; local residents urged to be patient in the Council not prosecuting the stop notice breaches.

## **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.

#### EN12 Landscape Character Areas

Development proposals must be sensitively sited and designed to respect the distinct character and appearance of Landscape Character Areas.

Executive report dated 3<sup>rd</sup> 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 GTAAs 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 is called "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 services. 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 60 ....In 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.

## 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**

Circular 01/06 relating to gypsy and traveller sites amends the definition of 'gypsies and traveller's' to be more wide-ranging. The new definition is:-

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*

The applicant was interviewed with regards to his gypsy status under planning reference 06/2008/046 and in relation to a housing needs assessment. The Somerset County Gypsy Liaison Officer confirmed in writing that the applicant was a bona fide gypsy as defined within the Housing Act 2004. The Housing Officer considered that there is reason to believe that the applicant would be threatened with homelessness should they not be able to remain on site and appear to be eligible for assistance. Due to the applicant's aversion to 'bricks and mortar' this would put a duty on the Council to accommodate the family on suitable land. A copy of the Housing Assessment will be distributed to Members at the Planning Committee at the meeting. This information also details the travelling pattern of the applicant.

Circular 01/06 makes it clear that local planning authorities should not refuse private applications solely because the applicant has no local connection. It is accepted that there is currently an unmet need for gypsy sites within the area. Circular 01/06 recognises that traditional patterns of work are now changing and that the community has generally become more settled. The Circular states that a more settled existence can prove beneficial to some gypsies and travellers in terms of health and education services. The applicant has indeed expressed his belief that as traditional employment opportunities have changed there is now a desire to settle in

the locality and to be in close proximity to educational and health care facilities. The site is within close proximity to the settlement of Cotford St Luke and it is therefore considered the proposal is not so isolated as to be considered unsustainable taking into account the latest guidance within Circular 01/06.

The application site is located in the open countryside, within Low Vale Landscape Character Area, 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 gypsy and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were relaxed as a result of Government advice contained within Circular 01/06 to allow additional sites. In particular the Council has 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. The guidance contained within Circular 01/06 identifies that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. It is considered the proposal would not place undue pressure on the local infrastructure given the low number of mobile homes proposed.

The site is not located in an area of nationally recognised designations as referred to within the Circular 01/06. The site is not located within an Area of Outstanding Natural Beauty. Despite concerns from the public regarding the impact upon the Quantocks AONB to the north it is considered that given the distance from the site to the AONB that the proposal would not affect the AONB landscape. The guidance within Circular 01/06 states that local landscape and local nature conservation should not be used in themselves to refuse planning permission for gypsy and traveller sites.

The primary issue therefore relates to whether the proposed revisions to the scheme overcome any demonstrable harm to the landscape set against other planning considerations such as an identified need for gypsy sites and taking into account the advice contained with Circular 01/06.

The applicant has reduced the site curtilage considerably from the original application. The mobile home and caravans are located at the northern end of the field, previously at the highest level within the site. However, in order to reduce the visual impact of the larger mobile home it is to be repositioned further into the site and is located at a lower level than the previous refusal. The proposed repositioning of the mobile home would reduce its visual prominence when viewed along the public highway. The applicant has previously stated that it would not be feasible to locate the units even further down the slope and as such the application needs to be assessed against the information submitted. It is accepted that the mobile homes would still be visible from long distance views towards the site. However, due to the topography of the land it would no longer be a skyline feature and would be seen against the backdrop of the existing hedgerow when viewed from the south. It should be noted that the landscape officer is seeking for the hedgerow, adjacent to the highway, to be left to grow to 3.0m high. The highway visibility splay will require a section of the hedgerow to be removed, but the Landscape Officer is satisfied that the remainder of the hedgerow along the highway, set back, can be retained and

supplemented. Moreover, the landscape officer has agreed a comprehensive landscape mitigation plan which will help to soften the visual impact of the site.

In assessing the potential adverse impact upon local residents it is considered that whilst the development would be visible from residential properties in the vicinity, given the separation distances involved it would be difficult to substantiate a reason for refusal based upon unreasonable loss of amenity such as to be harmful to the living conditions of those occupiers.

The potential danger to road users is a recurring theme raised in the representations to this application. However, the Highway Authority (subject to the imposition of the necessary improvements to the access and necessary visibility splays) do not consider that this proposal would result in a significant increase in traffic over and above that which currently occurs on this stretch of highway. As such there is no highway objection to the proposal. Local residents concerns raised in relation to the provision of numbers of vehicles parked on site could be controlled by condition. The application does not seek any business activity as part of the application other than the provision of vehicle parking for cars/light goods vehicles.

To conclude, the applicant's personal circumstances and need for choosing this site in order to offer a settled base for his family. To provide for their education and health requirements, is a material consideration, which has to be balanced against the degree of landscape impact. It is considered the revised submission which seeks to reposition the larger mobile home further into the site and set at a lower level would, together with the proposed landscape mitigation plan, and taking into account guidance on such issues in Circular 01/2006, not be so harmful as to warrant a refusal. As such it is recommended the application be approved subject to the imposition of conditions detailed below.

## **RECOMMENDATION**

Permission be GRANTED subject to the conditions of occupation by one gypsy family only, personal occupancy, no fencing, no other buildings, not more than one mobile home and 2 caravans, details of any external lighting, details of foul drainage and surface water; no business activities unless agreed by the LPA, no open storage of items connected with business activities; landscaping; retention of hedgerow; details of parking spaces, siting and dimensions of mobile homes to be in accordance with submitted block plan and existing mobile homes to be relocated within one month of the decision notice; highway visibility requirements.

## **REASON FOR APPROVAL**

The mobile homes are considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 (as amended).

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

**CONTACT OFFICER: MR A PICK**

**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:

23/2008/017

R WYNNE ESQ

**ERECTION OF BUNGALOW ON LAND ADJACENT TO QUEENSMEAD, SILVER STREET, MILVERTON**

312443/125819

FULL

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**PROPOSAL**

The proposal comprises the erection of a two-bedroom bungalow on a site that is situated within the defined settlement limits of Milverton, and also within the Milverton Conservation Area. The site currently accommodates six lock-up garages that have Conservation Area consent to be demolished. The site is accessed via a private drive, which currently serves a bungalow adjacent to the site, which is also owned by the applicant. The application includes provision of car parking with one of the existing garages to be retained for the bungalow and an additional parking space between the retained garage and proposed bungalow. A turning area has also been incorporated in the proposed scheme. The materials proposed for the bungalow are block work and rendered walls and a natural slate roof. The design of the bungalow has a simple pitched roof with a pitched roof gable coming off the north/front elevation.

This application is the resubmission of a previous proposal that was initially withdrawn, and then refused. The previous refused application was for a two storey dwelling and did not incorporate parking/turning facilities included in this proposal.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY – The proposed site is located within the defined settlement limit for Milverton and derives access from the B3187, Silver Street which is classified as a County Route in the Somerset and Exmoor National Park Joint Structure Review Plan. It is proposed to demolish five of the six lock-up garages, which are owned by the applicant/owner of Queensmead and rented out to various individuals within the village. The proposed development would utilise an existing private access from/onto the B3187, Silver Street. Visibility at the point of access onto Silver Street is restricted to the confines of the access and there is no pedestrian visibility. The Highway Authority, would not support proposals in this location that would result in an increase in traffic movements over and above the existing use, however it is likely that the substitution of the garages with a single dwelling may result in comparable traffic movements and on this basis it may be unreasonable to raise a highway objection. I am aware that this application has raised some concern amongst neighbouring properties regarding the loss of parking and turning available to other residents of the village. The development is located on private land and from my understanding the landowner could decide to remove the garages or the use of the garages, by third parties, without requiring planning permission. There is a public car park situated within the village approximately 150m



from the proposed site that could be used to accommodate displaced parking. In the event of there being a legal right of way to protect the access, this will be a legal/private matter. The parking spaces are clear of any rights of access to adjoining properties and on this basis I would not wish to raise an objection. There is sufficient turning within the site to ensure that vehicles can enter and exit the site in a forward gear. Recommended conditions included.

CONSERVATION OFFICER – Fortunately, the proposed bungalow will not be visible at all from the Silver Street end of the access lane, unlike Queensmead. The affect that the proposal will have to the neighbouring historic building Deans Cottage will be very minimal since adequate screening and boundary segregation is provided by the existing hawthorn tree and old stonewall. The proposal is somewhat of an improvement to what is currently occupying the site (6 lock-up garages) and the choice of covering materials is acceptable (Natural slate and render), therefore I have no objection to this application.

LANDSCAPE OFFICER – Subject to retention of the existing Hawthorn tree it should be possible to integrate the proposals into the local area. The tree should be protected during construction with no services within its canopy spread.

DRAINAGE OFFICER – I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

PARISH COUNCIL – Objects to the proposal because it is considered the development to be too big for the site. However, if the Planning Committee disagreed with this viewpoint and agreed to grant planning permission, the Parish Council asked that the following conditions be applied.

- That permitted development rights be removed so that any future extension or development into the roof space would be subject to planning permission.
- That sufficient turning space be protected in front of the bungalow to allow neighbouring private access rights (for Dens Cottage and Queens Walk) to be safely exercised.

WESSEX WATER – Standard response regarding foul flows and water supply, that points of connection to Wessex Water infrastructure must be agreed prior to the commencement of any works on site.

FIVE LETTERS OF OBJECTION – Have been received, raising concerns over the following: size and situation of the site is unsuitable for a dwelling; density is inappropriate; a bungalow will loom over the adjacent property; Queens Walk and Deans Cottage have a right of access to the private drive and should be able to have an off road turning space; Deans Cottage has a right of way to the gate in the east wall (by the garage to be retained); it is absurd that six garages in the centre of the village should be lost when there is such a terrible parking/garage situation in Milverton; small bungalow is of no architectural merit; will be squeezed onto a small site with little garden, surrounded by 1.8m high fences or walls with no aspect/view from the property; will blight the outlook from Queensmead; six garages house six vehicles which would otherwise be parked on the street or competing in overcrowded car parks; occupants of Queens Walk and Deans Cottage should not be required to

back out onto the road; no permission has been sought from the applicant or agent to obtain access to view the other side of the southern boundary wall, as it is currently obscured by the garages; the southern boundary wall has fallen down in places; can a condition be imposed to ensure the applicant rebuilds this section of wall in stone; no dimensions, sections or site plan showing rights of way or drainage plans have been submitted; would like to know how the proposed soakaways will impact on the boundary walls of the adjoining owners; bungalow is not suitable for the site that is partially within the Conservation Area; bungalow is of bad design and does not reinforce the local character or distinctiveness of the area; bungalow erodes character and residential amenity; bungalow will not preserve or enhance the appearance or character of Milverton; can conditions be imposed to ensure no further openings are made to the elevations and no future roof space development takes place; plot is too small to accommodate the proposed dwelling and turning arrangements; roof of bungalow will overshadow and cause loss of light to adjacent properties; vehicular access will be impaired; retaining wall behind garages will not be able to hold building with drainage undermining the structure of the wall; building trucks will not be able to deliver materials down the narrow lane; existing bungalow drain runs into neighbouring property's drain which causes problems and the occupiers do not intend to let a second drain use the system.

TWO LETTERS OF REPRESENTATION – Has been received, stating there is no objection to a bungalow as it would be in keeping with the existing surrounding properties and neither reduce the privacy of the other gardens or bungalows, however, restrictions should be put in place to prevent an increase in height or inclusion of any dormer style roof windows as this would reduce privacy, and it is important the residents are able to turn a car around on the site.

## **POLICY CONTEXT**

PPS1 – Delivering Sustainable Development, PPS3 – Housing Policies STR1 (Sustainable Development), STR3 (Development in Rural Centres and Villages), 9 (The Built Historic Environment), 33 (Provision of Housing) & 49 (Transport Requirements of New Development) of the Somerset & Exmoor National Park Joint Structure Plan Review.

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas) and M4 (Residential Parking Provision).

## **ASSESSMENT**

The site is located within the defined settlement limits of Milverton where the principle of new residential development is deemed acceptable. Only a small part of the site comes within the Conservation Area, including just the access and two of the garages to be demolished. The surrounding properties to the north and east are bungalows, and therefore it is considered the proposal of a bungalow is in keeping with the character of the surrounding properties and will not erode on the character of Milverton in this location, as the bungalow would not be seen from Silver Street. A previous application for this site that came to the Planning Committee refused a cottage style dwelling on the site. Due to the nature of a bungalow being only single

storey, it will not 'loom', overbear or cause a loss of light to adjacent properties. The site is of adequate size to accommodate the bungalow, parking and turning areas. The right of way into and across the site is a legal matter, not a planning one – however the proposed bungalow and garage do not obstruct any right of way within the site. A turning space is also provided within the site. The area in front of the garage would be conditioned to prevent any obstruction. The loss of car parking has already been addressed under conservation area consent 23/2006/029CA. The garages are privately owned and planning approval is not required to stop the use of the garages. There is no planning control for the garages to be continued to be used. Foul flows from the bungalow will be connected to Wessex Water infrastructure and the surface water will be disposed of via soakaways, which the Drainage Officer has stated must be built to a certain specification and this can be conditioned. Therefore the drainage will not be added to any private systems and it will not undermine boundary walls. It is not known whether the southern boundary wall belongs to the applicant or neighbour, and therefore it would be unreasonable to attach a condition requiring the parts of the collapsed wall to be rebuilt by the applicant. However, a condition would be imposed requiring details of the boundary treatment to be submitted. Conditions can be imposed to restrict future permitted development of the dwelling and a note can be attached to advise that care should be taken during construction with building materials and equipment accessing the site. There is insufficient headroom within the roof space to accommodate living accommodation.

## **RECOMMENDATION**

Permission be granted subject to conditions of time limit, materials, boundary treatment, retention of existing tree, no obstruction to parking/turning area, garage use only, surface water disposal, removal of GDO for extensions/other structures/fences. Notes re Wessex Water infrastructure, during construction works, soakaways and rights of way.

## **REASON(S) FOR RECOMMENDATION:-**

The proposal, for residential development, is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or the Conservation Area in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49 and Taunton Deane Local Plan Policies S1, S2, EN14 and M4.

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

**CONTACT OFFICER: 356469 MISS C NUTE**

NOTES:



24/2008/021

LOADACE LTD

**DEMOLITION OF PUBLIC HOUSE AND ERECTION OF A TERRACE COMPRISING 6NO. TWO BEDROOM HOUSES AND 2NO. ONE BEDROOM FLATS WITH 13 PARKING SPACES (AS CLARIFIED BY EMAIL DATED 04/06/08) AT THE WHITE HART INN, KNAPP LANE, NORTH CURRY**

331806/125285

FULL

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**PROPOSAL**

The proposed involves the replacement of the recently demolished building with 8 dwellings comprising 6 no. two bedroom houses and 2 no. one bedroom flats contained within a single two-storey terrace. 13 parking spaces are shown provided partially on the existing parking area at the western end of the site which is to be extended towards the southern boundary. Rear access is shown along the south boundary from the gardens of all dwellings to the parking area

The proposal includes the realignment of the southern kerb along Knapp Lane to provide a consistent road width of 5m wide (at present the narrowest point is 4.35m) with a new footway partially provided in the existing carriageway .

This scheme has been revised from application 24/2007/052, which is the subject of a non-determination appeal. The applicant's agents have identified the following revisions with regard to highway concerns:-

- The private parking space for plot 8 has been omitted and further parking has been concentrated at the south eastern side of the site. This creates a single safe access on to the site with both parking and turning facilities located off the highway to comply with Structure Plan Policy 49.
- The scheme still provides a continuous 1.2m wide footway along the site frontage to provide a safer environment for vehicles and pedestrians.
- The new scheme provides 13 new parking spaces for the 8 units which consist of: 5 two bedroom houses with 2 parking spaces each, two bedroom house with 1 parking space, 2 one bedroom flats with parking space each.

Further information in support of the application was received in a copy of a letter dated 2<sup>nd</sup> June 2008 addressed to the County Highway Authority asserting that the parking standards are met.

Following a meeting with the Conservation Officer the applicant's agents have identified the following revisions with regard to conservation concerns:-

- omitted the standard gable dormers
- added "Somerset" dormers
- repositioned the front entrances to plots 1-6

- removed the door surrounds to plots 2 and 3
- designed the front doors to plots 1 and 2 to align with the first floor windows in a typical Georgian style.

In their recent email the applicant's agents have confirmed that the two 1 bedroom flats to be allocated as the two affordable housing units and that the commuted sum of £43,139.00 for remaining 0.66% as set out by Lesley Webb in the Housing Department will be met .

They have also confirmed a willingness to pay £25,032.00 as indicated by the Leisure Development Team and that this could be within a Section 106 Agreement or be part of a condition of any future planning consent.

## **CONSULTATIONS AND REPRESENTATIONS**

**NORTH CURRY PARISH COUNCIL** – The Parish Council strongly objects to this application on the following grounds:

1. Jim Doyle (the previous landlord) wrote a letter to TDBC stating that the pub was a good working pub and a viable business. The pub also has the potential to be a larger business ie. Bed and breakfast which had been done by the landlord before Mr Doyle.
2. The pub had excellent facilities of a skittle alley, pool table, darts, television, jukebox and fruit machines which were all well supported and cannot be replicated by the remaining pub in the village which although classified as a pub is in fact 75% to 80% restaurant.
3. The size of the village of North Curry is such that two pubs would be sustainable.
4. The pub gives local employment.
5. The Parish Council feel that the 300 year old building has character and is a landmark of the village and a social focal point especially for the youth of the village who found the White Hart to be of a more affordable price for food and drink.
6. The balance of the village is being upset by the removal of an amenity and the replacement with additional housing.
7. It is an over-development in a small area
8. There is a privacy issue over the proposed development for some of the residents of Town Farm and neighbouring properties.
9. With reference to TDBC policy: the policy is to maintain and enhance the level and diversity of service facilities beyond the town centres of Wellington and Taunton
10. It is felt certain design features of these houses do not meet anything that is currently within the village ie. That you step right out of the houses straight onto the footpath. The design is unimaginative with all four houses in the central terrace being identical. This development does not fit in with the rest of the village and it is overdevelopment of a small site.

**COUNTY HIGHWAY AUTHORITY** - The proposal will see the demolition of the existing public house and a terrace of six dwellings and associated parking will replace it.

There is no objection in principle but I have the following comments to make. In terms of parking provision the proposal should provide a maximum of two parking spaces per dwelling and one space per flat as per the requirement of the Local Transport Plan. This equates to a total of 14 parking spaces. The proposed plan only shows space for 13 vehicles. As such there is a under provision of parking within the site.

Therefore the Highway Authority would require an amended drawing providing a total of 14 parking spaces and adequate turning.

The proposal provides sufficient space within the car park to allow vehicles to turn and exit the site in forward gear. The site should provide a minimum visibility splays of 2.4m back and 43m in either direction. This is considered to be sufficient visibility for this site.

However due to the under provision of parking I recommend that planning

- The proposed development would be likely to encourage the parking of vehicles on the public highway which would interrupt the free flow of traffic and thereby add to the hazards of road users at this point.

#### Revised Comments following Applicants Agents Letter

I am writing to you in connect to the above planning application (ref 24/2008/021) and my comments in my letter dated 20th May 2008.

Although I was satisfied that the majority of issues from the original application had been addressed, there was a concern that there was not sufficient parking within the site to accommodate each dwelling.

However I have since received confirmation via e mail of the break down of the parking for the dwellings. Taking into account the information provided in terms of parking I therefore remove my objection to this proposal. And if planning permission were to be granted I would require the following conditions to be attached:

- The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
- Before the dwellings hereby permitted are 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 by the Local Planning Authority.
- 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 by the Local Planning Authority.
- 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.

- NOTE: The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager @ Somerset Highways, Burton Place, Taunton (0845 3459155). He will be able to advise upon and issue/provide the relevant licenses, necessary under the Highways Act 1980 (Section 184).

COUNTY ARCHAEOLOGIST - As far as we are aware there are a limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

PARRETT INTERNAL DRAINAGE BOARD - The site is outside the Board's area of jurisdiction and therefore not adjacent to any Board asset or "viewed rhynes" however potentially the surface water run off from the proposals could discharge into the Board's area. The applicant's agent has indicated within the submitted details that surface water run-off will be disposed of by use of soakaways. The proposed layout limits the area available to locate any soakaways and whilst the Board is unaware of any particular problems at this location the use of soakaways should be established by successful porosity tests results and careful design to locate the soakaways as not to affect the existing or proposed dwellings.

The principal requirements for surface water drainage from developments are set out in PPS 25 annex F and are understood to be '*a material consideration*'. As stated above the Board knows of no known difficulties or flooding issues however the Board would suggest the use of sustainable drainage techniques to mitigate the proposed development's impact on the receiving drainage system or formal a connection to the public sewerage network is made if appropriate which is in line with your Council's policy EN29.

If the relevant committee of the Local Planning Authority were of a mind to approve the application the Board would ask that a drainage condition regarding provision of surface water drainage prior to any works commencing would be included on the decision notice.

The design of the surface water drainage system will need to address the long-term maintenance requirements and I would suggest that a maintenance strategy and regime be required to be approved by the planning authority to ensure the proposals are sustainable and maintainable.

DRAINAGE OFFICER - I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digests 365 (September 1991). The porosity tests required should be carried out and results agreed before any work commences on site and this should be made a condition of any planning approval is

HOUSING ENABLING MANAGER - I would be looking for an Affordable Housing contribution to should this scheme proceed. The requirement would be 2No. two bedroom houses for rent through a Registered Social Landlord. There will also be a requirement for a commuted sum contribution of £43,139.20



### Views on applicants offer re Affordable Housing

This does not fit the need. One person is requesting a two bed flat and the rest is for 2 and 3 bed houses. I would be looking for, at the very least 1 x 2 bed flat, 1 x 2 bed house plus the commuted sum.

LEISURE DEVELOPMENT TEAM - In accordance with Policy C4 provision for play and active recreation must be made

A contribution of £1023.00 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1795.00 each 2 bed + dwelling should be made towards children's play provision. The contributions should be index linked and would be spent in the vicinity for the benefits of the residents.

CONSERVATION OFFICER - 1. Comment re the historic interest of the existing building as per previous application.

2. Fenestration and detailing improved to previous scheme.

3. Whilst UPVC windows and doors not considered refusable in this location, detailing will be important. Essential that specific details submitted and approved and thereafter maintained (e.g. plots 7 & 8 need to have vertically sliding sash is not top hung).

4. Good to see chimneys incorporated, sad that these are not functional.

5. Palette of materials appropriate -- condition submission of sample Slate (natural) clay tile (double roman), ridge tiles, coping stones and cills.

6. Condition sample panel of render and brickwork to be erected on site for approval.

7. Conditions submission of details re venting of roofs, so as to avoid unsightly modern "mushrooms" etc.

8. Conditions submission of specific details of doorcases to plots 8,(to ensure proportional are appropriate), likewise vouissoirs to Plots 1 & 2.

9. Condition no bell casts formed in render over window heads to plots 7 & 8.

10. Condition windows to be recessed minimum of 900mm from face of wall.

Numerous letters of representations have been received in respect of this proposal, as was the case with the last application (24/2007/052) which is currently the subject of an appeal against non-determination and more continue to arrive. The principal points raised in those letters may be summarised as follows

- the proposal will result in the loss of a valued historic local public house and local facilities associated therewith;
- the other pub in town, The Bird in Hand is more of a restaurant and does not provide the same facilities as the White Hart Inn has done in the past;
- the proposed residential development would result in increased traffic exacerbating problems at the dangerous Queen Street /Knapp Lane junction;
- proposal fails to make adequate provision for car parking to serve the reasonable needs of occupiers;
- development would be higher than the existing property and appearing incongruous;
- the siting of the development reduces the building line
- the relationship of the proposed scheme to neighbouring properties will give rise overlooking and loss of privacy;
- the proposal represents an overdevelopment of the site;

- nature of development will impact on important local trees on site and could result in their loss or destruction;
- with increasing North Curry population there is need for a second Public House;
- existing building should be retained to keep the character of the area
- existing problems of inadequate infrastructure will be exacerbated by increased residential development;
- a variety of appeals decisions have been referred to where loss of public houses have been resisted by the Inspectorate.

## **POLICY CONTEXT**

PPS1, PPS3, PPG13, RPG10 & Emerging RSS

Somerset and Exmoor National Park Joint Structure Plan Review 2011:

STR1 – Sustainable Developments

STR3 - Rural Centres and Villages

Policy 14, - Archaeological Strategies

Policy 33 - Provision for Housing

Policy 35 - Affordable Housing

Policy 39 - Transport and Development

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Taunton Deane Borough Council Local Plan : S1, S2, H9, EC15, M4 & C4

## **ASSESSMENT**

The demolished building was a two-storey building at the front with single storey additions to the rear and flanks consisting of a public house on the ground floor areas and residential accommodation at first floor level. The land raises up behind the public house with the rear area being approximately 2m above road level. There are 2 No. TPO on the site comprising mature sycamore trees at the south of the site.

The design now proposed shows Plots 1 & 2 as a pair of semi detached dwellings, Plots 3 to 6 as a terrace slightly set back from the adjacent pair of properties and the flats at Plots 7 & 8 designed to resemble a single dwelling. This new design is considered acceptable to the Conservation Officer subject to a variety of conditions.

With regard to the public concern about the loss of the public house that would result from this application the applicants have stated the following:-

“..... it is our understanding that the current planning policy within the Local Plan seeks to retain one community facility in each village. North Curry has as existing vibrant and viable public house at the Bird In Hand in the centre of the village. As you know the status of North Curry was downgraded from a Rural Centre to a Village during the compilation of the last Local Plan and hence the loss of the White Hart is compliant with the policy. Furthermore, the restricted nature of the site, in both size and levels does not allow for the public house to be extended sufficiently to create a viable enterprise. It could be considered that the loss of the White Hart will help ensure the survival or the other public house in the village.”

Local residents have expressed the view that the existing pub the “Bird in Hand “ is more food orientated and does not fulfil the same local function as the White Hart Inn which was a venue for various local teams. Notwithstanding that concern it is considered that the loss of this one public house, which will still leave another in public house in the village could not be justified as reason for refusal. Consequently refusal is not recommended on that basis.

The existing public house had 4 windows on the front elevation which face north towards the dwelling opposite at 1 Lodwells Orchard. The proposal will introduce a total of 6 bedroom windows and the lounge/dining room/kitchen window of Plot 8 all on the proposed front elevation. Of these the front bedroom windows of Plots 1 to 4, with one in each dwelling, are on approximately the same building line as the existing property, positioned where the existing two storey section of the public house is located. It is therefore considered that the proposal will not give rise to any significant increase in overlooking that has historically been the case.

Parking provision has increase from 8 spaces on the last scheme to 13 on this application. The Highway Authority has indicated on there revised response that they are satisfied with this provision subject to imposition of conditions. No technical objection has been raised to the scheme regarding increase traffic generation or highway safety aspects associated with nature of Knapp Lane or its junction with Queen Square.

As on the last application the applicant’s agent has specifically confirmed the proposal development would pay the commuted sums set out above regarding Affordable Housing and Play provision.

The applicant has also indicated that the two one bedroom flats will be made available as affordable houses. The Housing Enabling Officer has indicated that this does not meet the identified local need.

Without meeting this requirement the proposal could be considered to be contrary to Policy H9. No justification has been submitted as to why in this instance the requirements of this Policy cannot be met without such justification it is considered that permission should be refused.

## **RECOMMENDATION**

Permission be REFUSED for the following reasons.

The application fails to make on-site provision for Affordable Housing appropriate to the identified needs of the Parish. No reasoned justification been advanced as to why, in the case of this site, those provisions should be relaxed or varied. The proposal is therefore contrary to Policy H9 of the Adopted Taunton Local Plan.

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

**CONTACT OFFICER: 01823 356454 MR M ROBERTS (PART-TIME)**



38/2007/554

MR TREVOR SPURWAY (ARCHITECT LTD)

**CONVERSION AND ERECTION OF TWO STOREY EXTENSION TO PROVIDE 4 FLATS AT 38 PRIORY AVENUE, TAUNTON (REVISED SCHEME OF 38/2007/223) AS AMENDED BY AGENTS LETTER DATED 17 APRIL 2008 AND ACCOMPANYING PLANS DRAWING NO 0704/11A, 12A, 13A**

323252/124944

FULL

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**PROPOSAL**

The proposal comprises the conversion and extension to an end of terrace property, to form 4 No. 1 bedroomed flats.

The property is sited at the junction of Priory Avenue with Cranmer Road.

A previous application was refused in June 2007 due to flooding, design and size of extension, and overlooking. An appeal was lodged with the Planning Inspectorate and then dismissed.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the application proposes the demolition of an existing garage and the construction of 4 No. 1 bedroom flats together with 3 off road parking places. The Highway Authority's policy on parking provision is given in the LTP2. This document quotes a maximum provision of one space per 1 bedroomed flat and 2 spaces for a 2/3 bedroom dwelling, but with further reductions depending on the proximity to services and location. For this site a reduction of 50% would be appropriate. This equates to 3 spaces as proposed. Therefore whilst local concerns over parking provision are recognised the proposed level of parking can be considered acceptable. Consequently there is no highway objection to the proposal.

ENVIRONMENT AGENCY - no objection subject to internal ground floor levels and other notes.

WESSEX WATER recommends notes.

DRAINAGE OFFICER - flood risk measures should be made a condition of approval.

ENVIRONMENTAL HEALTH - no observations.

14 LETTERS OF OBJECTION - raising the following: - flooding; strain on drainage; highway and pedestrian safety; change of character; over development; loss of privacy; fear of crime and noise; building has better use as family home.

PETITION OF 61 SIGNATURES - including Ward Councillor.

## **POLICY CONTEXT**

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

## **ASSESSMENT**

The Planning Inspector did not consider that flood risk is an objection to the appeal proposal and that occupiers would not be at unacceptable risk from flooding. Furthermore, the Flood Risk Assessment submitted with the application has been assessed by the Environment Agency who no longer object the proposal.

Pedestrian access has been reintroduced at the front of the site to improve highway safety. Previously the only access to the flats would have been from Cranmer Road, with the absence of a footway on the frontage of the site.

The design of the extension has been altered to overcome the previous refusal. The width of the extension has been reduced to maintain the symmetry of the frontage. The extension is no longer a bulky addition, and the amended scheme will not have a detrimental impact on the street scene.

A side window in the first floor elevation will serve the bathroom and have obscure glazing. A second first floor window is at an angle to Cranmer Road. The distance from this window to the closest property in Cranmer Road is approx 14.5m, and is not considered to cause any detrimental loss of privacy.

## **RECOMMENDATION**

Permission be GRANTED subject to time limit, materials, landscaping, boundary treatment, cycle store, bin store, floor levels, parking as plan. Notes compliance, building over sewer, Wessex Water, Environment Agency

In summary the revised scheme is considered to address the reasons for refusal and the design issues raised by Planning Inspector and it is therefore considered acceptable.

## **REASON(S) FOR RECOMMENDATION**

The proposal is not considered to harm the visual or residential amenity of the area and accords with policies S1, S2 and H17 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: 356463 MR D ADDICOTT**

NOTES:

38/2008/103

MR KENNETH JONES

**CONVERSION OF GARAGE TO UTILITY/STUDY AND ERECTION OF DOUBLE GARAGE AND STORE ADJACENT TO 68 THAMES DRIVE, TAUNTON**

324663/124560

FULL

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**PROPOSAL**

The site comprises a semi-detached two storey dwelling with an integral garage. Permission was granted in 1991 for a first floor side extension and in 2002 for a conservatory to the rear.

This proposal is for a large detached garage to be erected to the South East of the property, the other side of a sub-station building. The garage door will be on the side elevation, facing North West. The walls are to be brickwork and roof to be pitched, with lipped ends and will be concrete tiles.

The original plans sited the garage at an angle to the existing dwelling. Amended plans have been submitted siting the garage square with the dwelling and slightly reducing its size to 5.8m x 6.9m. The existing integral garage is to be converted to ancillary accommodation, with a window replacing the garage door.

The applicants partner is a member of staff.

**CONSULTATIONS AND REPRESENTATIONS**

LANDSCAPE OFFICER – the positioning of the garage on Plan C would result in much of the hedgerow along the Eastern boundary being cut back or lost. The hedgerow is protected under the Section 106 Agreement 1984 (PD/20/189) which should continue to be protected.

RIGHTS OF WAY OFFICER – No objections.

ONE LETTER OF SUPPORT - from nearby property.

WESTERN POWER DISTRIBUTION – have been consulted due to location of substation: awaiting response.

**POLICY CONTEXT**

Taunton Deane Local Plan Policy S1 (General Requirements), S2 (Design) and EN6 (Conversion of Rural Buildings).

## **ASSESSMENT**

The conversion of the existing garage to ancillary accommodation is considered acceptable. Within the locality many properties have detached garaging next to or in front of their properties. Initially the proposed garage was considered too large with potential adverse impacts upon the protected hedgerow. Amended plans have been submitted reducing the size of the garage and re-positioning it so that less of the hedgerow would be cut back. To compensate the impact upon the hedge and to screen the garage the plan indicates hedging to be planted along the front of the garage, next to the road. It is now considered that the proposal will not detract from the visual amenities of the area and will have no demonstrable impact upon the residential amenities of surrounding occupiers. The proposal will involve driving across the access of the sub-station. Western Power Distribution have been consulted to ensure no adverse impacts are anticipated in relation to the access, use and safety of the sub-station.

## **RECOMMENDATION**

Subject to the comments from Western Power Distribution the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and planning permission be GRANTED subject to time, materials, landscaping, retention of garage for parking of motor vehicles.

## **REASON(S) FOR RECOMMENDATION:-**

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

**CONTACT OFFICER: 01823 356313 MRS F WADSLEY**

NOTES:



38/2008/151

BARRATT & CANNIFORD LTD

**ERECTION OF BUILDING COMPRISING 10 FLATS AT CAMBRIA HOUSE, PLAIS STREET, TAUNTON AS AMPLIFIED BY LETTER DATED 23 APRIL 2008 AND PLAN DRAWING 10**

322980/125577

FULL

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**PROPOSAL**

The proposal is to erect a new build development of 10 flats on the site of the existing semi-detached property and yard and garden area. The scheme involves a detached two storey of two flats 7.6m high and a central section of 6 flats over 3 storeys (11.2m to ridge) and a further two storey rear section of 2 flats. Parking for 6 cars is provided together with cycle and bin storage.

**CONSULTATIONS AND REPRESENTATIONS**

**LANDSCAPE OFFICER** - There are limited opportunities for landscaping within the proposals but given the urban nature of the existing site this may not be a problem. The off-site trees are TPO'd so any works within the canopy spread should be designed to reduce any root damage. The root protection area of the trees should be protected during construction.

**LEISURE DEVELOPMENT MANAGER** - In accordance with policy C4 provision for play and recreation must be made. A contribution of £1023 for each dwelling should be made towards active outdoor recreation and a contribution of £1785 for each 2+bed dwelling towards children's play provision. The contributions should be index linked and would be spent in locations accessible to the occupants of the dwellings.

**WESSEX WATER** - The Development is located in a sewered area, although there are no separate surface water sewers in the vicinity and the developer will need to investigate methods for the disposal of surface water from the site. Surface water should not be discharged to the foul sewer. The Council should be satisfied with the means of disposal of surface water. A connection point to Wessex services can be agreed at detailed stage. There is a public combined sewer and water main close to the site and diversion or protection works may need to be agreed. An informative should be placed on any consent to ensure protection of Wessex infrastructure.

**HIGHWAY AUTHORITY** - The proposal is for the erection of ten two bedroomed flats and associated parking on Plais Street. In terms of parking requirement the Local transport Plan states that one bedroomed units should have a minimum of one space per flat. As such the development should provide 10 spaces. The proposal provides 6, which is an under provision and due to this there will be an increase in on street parking with this proposal. This increase in on street parking will exacerbate the current issue of vehicles parking on the highway. As such the Highway Authority would require an amended plan requiring one space per flat and adequate turning

within the site. If this is not provided then I would recommend the proposal is refused.

WARD COUNCILLOR - concerned over level of car parking.

## 1 LETTER OF SUPPORT

PETITION OF 102 SIGNATURES - from 66 properties on basis of development not in keeping, too close causing loss of privacy and light, insufficient parking causing congestion and access problems and noise dust and disturbance during construction.

19 LETTERS OF OBJECTION - on grounds of not in keeping with the surroundings, too dense and cramped, loss of privacy and light, loss of skyline, loss of outlook and loss of value, proximity to boundary, increase in noise and disturbance, impact on amenity of local properties, inadequate play space for children, loss of view, no cycle storage contrary to policy M4, footway should be provided, lack of parking causing access problems and congestion and difficulty for emergency access, safety issues for pedestrians/wheelchair users, pushchairs and cyclists, it would impede pedestrian and cycle access, access to road unsafe, impact on protected maple trees, impact on water pressure, noise and dust during construction and blocking of access, closure of road for demolition, blocking of access by new residents, unauthorised use of Glenthorne Road which is private would be unacceptable, will not enhance peaceful area, bins would be sited adjacent to boundary causing smells and vermin, no need for flats and security of closed garden site would be lost increasing security risk.

## **POLICY CONTEXT**

Regional Planning Guidance for the South West (RPG10)

HO5 – Previously Developed Land

TRAN1 – Reducing the Need to Travel

Somerset & Exmoor National Park Joint Structure Plan Review

STR1, STR4, Policy 33 and Policy49

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

C4 – Leisure and Recreation

M4 – Residential Parking

## **ASSESSMENT**

The proposal involves the provision of a two and three storey development to provide 10 flats on the site of an existing semi-detached property, garden and parking area. The main consideration is the impact on the amenity of the surrounding properties, provision of adequate parking, provision of adequate play and recreation and adequate ecological mitigation.

The proposal has been designed to prevent direct neighbour overlooking by designing the two storey buildings with flats having rooflights at the rear at a height to prevent views downward. The 3 storey section will have obscure glazed windows serving the stair well and adjacent windows while the bedroom windows face towards the road to the rear. The proposal is therefore considered to protect the privacy of adjacent properties as the main windows are orientated north and south. The two storey elements of the scheme are set 2 -3m off the boundary with the properties to the east and while this will impact on the outlook and views from properties in Compton Close, given the site level is 600mm below the adjacent properties, this impact is considered to be an acceptable one.

The proposal provides for 6 parking spaces and has storage areas for bin and cycle storage for each flat. The site is in a location that is only 60m to the north of the defined central area and is considered to be in a sustainable location and well placed in relation to facilities in Station Road. Flats have been allowed in other areas further from the centre without parking and where Inspectors have allowed developments on appeal. The provision of 6 parking spaces for 10 units is considered to be appropriate in this instance given policy M4 of the Local Plan.

The development will provide for 10 new flats and in accordance with policy C4 of the Local Plan a contribution to the provision of play and active recreation must be made. This would equate to £2808 per unit which would need to be secured through a legal agreement. Approach has been made to the applicant and a condition is considered an appropriate means of ensuring this requirement.

The development will involve the demolition of the existing building on the site and this may provide a limited habitat. A condition to ensure a bat roost site provision in the new building is considered appropriate to ensure compliance with PPS9. The site is also close to a group of protected trees and protection of these during the construction period is considered appropriate.

The development is the re-use of previously developed and in a sustainable location. It is considered that the impact on the amenity of the adjacent residential properties is acceptable, the scale and height will not be detrimental to the area and there is sufficient parking in this edge of centre location and the proposal is recommended for approval.

## **RECOMMENDATION**

Permission be granted subject to conditions of time limit, materials, tree protection, boundary treatment, parking, bat mitigation, play and recreation provision, bin and cycle storage, obscure glazing, surface water disposal and note re Wessex infrastructure.

## **REASON(S) FOR RECOMMENDATION:-**

The proposal is considered not to adversely affect neighbouring amenity, to be in keeping with the scale of development in the area and to provide adequate parking

on site to comply with policy and is thus considered to accord with Taunton Deane Local Plan policies S1, S2, C4 and M4.

**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:

43/2008/059

MRS DEBORAH SAGE

**REDUCTION IN HEIGHT OF EXISTING FENCE BY 300MM, 32 SEYMOUR STREET, WELLINGTON.**

313361/121136

FULL

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**PROPOSAL**

Planning permission was refused at Planning Committee on 26 March 2008, reference 43/2008/016, for an already constructed 1.5m high close boarded fence with 300mm high trellis above, on the grounds that it constitutes an incongruous feature in the street scene with an adverse impact on visual amenity. Enforcement action was deferred for 3 months to allow for a further application to be submitted.

The current proposal seeks to reduce the height of the close boarded fence from 1.5m to 1.2m with 300mm trellis retained above.

**CONSULTATIONS AND REPRESENTATIONS**

TOWN COUNCIL – Recommend approval

COUNTY HIGHWAYS AUTHORITY – I have no objection in principle to the proposal. The fence does not have a detrimental effect on the visibility of vehicles using the junction of Seymour Road, Holyoake Street and Bovet Street. It is noted from my site visit there are two vehicular accesses at the site, it should be ensured, in the interests of highway safety for all road users, and there is no obstruction to visibility greater than 900mm, 2.0m back and parallel to the nearside carriageway edge over the entire site frontage. This will provide vehicular visibility splays for vehicles emerging to see approaching traffic. It would appear that such splays would be easily achievable given the width of the adjoining footway. The height of the fence does not provide any pedestrian visibility for vehicles emerging to see people utilising the adjoining footway the accesses should ideally incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

1 LETTER OF SUPPORT has been submitted on the grounds that the fence represents a great improvement on the fir trees that were there before.

**ASSESSMENT**

Whilst the reduction in height by 300mm could be considered modest, in this particular instance it is not immaterial, and would make a significant difference to the impact on the street scene. Given that the applicant is additionally prepared to stain/paint the fence and plant shrubs and climbers, I consider that it would be now unreasonable to resist the amended proposal.

The County Highways Authority advise that both accesses should 'ideally' incorporate pedestrian splays is considered excessive.

### **RECOMMENDATION**

That permission be granted subject to conditions of reduction in height being carried out within 2 months, fence to be stained/painted and landscaping.

### **REASON(S) FOR RECOMMENDATION:-**

The proposed development would not adversely affect visual amenity, nor road safety, and therefore will not conflict with Taunton Deane Local Plan Policies S1 and S2

**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:

## **Planning Committee – 2 July 2008**

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

#### **Miscellaneous Item**

**Development comprising employment, residential (389 dwellings), and village centre (incorporating health care facilities, two village shops, retail unit and public house), part construction of Norton Fitzwarren relief road and provision of infrastructure and services, former cider factory, Norton Fitzwarren (25/2006/020)**

The above planning application was considered by Committee in February 2007 and planning permission was granted in August 2007. The permission was subject to conditions, several of which were related to measures to reduce the incidence of flooding in the locality. These related to both off site and on site measures. A central element to these measures is the provision of an upstream flood attenuation dam. This has now been completed and is operational. This has been designed to significantly attenuate high flood flow events and reduce levels of flood risk downstream, both to the new development including the current proposal and existing properties.

One of these conditions read as follows:-

“Built development above existing ground levels within the flood plain as at November 2004 shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority”.

These works include the provision of a flood mitigation channel through the site. The first stage of these works have now been carried out. However, due to the location of key service infrastructure upstream of the railway bridge and delays in the removal of several trees along the line of the channel due to nesting birds, the construction of the remaining part of the new channel is unlikely to be completed until November 2008.

Construction of the development is currently under way and some of the properties being built by one of the 3 developers of the site, Bellway Homes, will be ready for occupation in July. Bellway Homes have commissioned Hyder Consulting to assess flood risk to the newly constructed properties due for occupation in July, and to existing properties, based upon the partial implementation of the flood mitigation measures. Their Report (included as an appendix to this Item) demonstrates that there is no increase in flood risk to existing properties, compared with the base line situation, and new properties constructed in the north western section of the first phase of the development (Mill House area) will be protected to a standard above the 1 in 100 year (1%) design flood event.

The developers have requested that the Local Planning Authority agree to development proceeding within the flood plain, prior to the completion of all the flood risk management infrastructure. Specifically they are seeking the occupation of a maximum of 50 plots in the north western Mill House area of the site. The developers contend that these will provide a vital source of funding needed to begin to recover the very significant investment made by the developers, not only in the development itself but also for the off site flood alleviation dam.

The following is the view of the Environment Agency:-

"I refer to Hyder's letter dated 4 June 2008 regarding their wish to relax planning condition 34.

This constitutes one of a number of conditions relating to flood risk management that were set and agreed by all parties prior to issue of planning permission for the Norton Fitzwarren Cider Factory redevelopment.

Notwithstanding the fact that the Consortium have consistently ignored a considerable number of Conditions associated with planning permission 25/2006/020 they now wish to allow occupation of a number of completed dwellings. The Environment Agency would object to any relaxation of conditions for the following reasons:-

1. The Conditions were set on the basis of the recommendations set out in the applicants own Flood Risk Assessment report, dated January 2007.
2. There was no objection to any of the submitted conditions by the applicant, prior to granting of permission.
3. The Conditions meet all the tests for conditions as set out in Circular 11/95.
4. Whilst we accept the results of Hyder's supplementary report dated May 2008, the flood management works have always been viewed as a 'package' of measures and NOT to be assessed in isolation of each other. The dam, on-site channel works and residual off-site flood management work are all required to provide the necessary standard of protection to new and existing development.
5. The Environment Agency would also express its disquiet about any proposal to occupy residential units, which could lessen the incentive of the Consortium – especially in today's economic climate, to fully discharge the conditions associated with this permission. We understand that the Consortium have proposed a Bond to cover the outstanding works. This is clearly NOT for the Environment Agency to discharge. If the Local Planning Authority were to accept this proposal, it would be down to Taunton Deane Borough Council to complete the necessary work under the Bond. We strongly disagree with this course



of action as it could appear to third parties that the developer could 'ride roughshod' over any condition they do not like."

Notwithstanding their objection to the developer's proposition, the Environment Agency accept the consultant's findings that the new dwellings would be suitably protected from flooding and that there is no increase in risk to existing dwellings. On this basis, I consider that the developer's request for a maximum of 50 occupations to take place in the north western part of the site in advance of the full completion of the on site channel works is reasonable and should be accepted. There would still be a requirement for the remaining flood works to be carried out, with the developers expecting this to be completed by November.

### **Recommendation**

That the developers be allowed to occupy a maximum of 50 dwelling units in the Mill House area of the site in advance of the completion of the on site infrastructure works required by condition 34 of planning permission 25/2006/020. The developers be reminded that the outstanding works should be carried out at the earliest possible opportunity with best endeavours to secure completion by November 2008.

## Planning Committee – 2 July 2008

### Report of the Development Control Manager

#### Enforcement Item

#### Parish:

- |    |                                |  |
|----|--------------------------------|--|
| 1. | <b>File/Complaint Number</b>   | E160/07/2007   |
| 2. | <b>Location of Site</b>        | Trefusis Lodge, Tone Green, Bradford on Tone.<br>TAUNTON               |
| 3. | <b>Names of Owners</b>         | Mr J Bendle, T/A Village World, Manor Orchard,<br>Staplegrove, TAUNTON |
| 4. | <b>Name of Occupiers</b>       | Unoccupied   |
| 5. | <b>Nature of Contravention</b> |  |

Alteration, refurbishment and extensions to former farm buildings.

#### 6. **Planning History**

The buildings are situated in the Northern part of the site and formed the boundary to the former farm yard at Trefusis Lodge Farm. They have been the subject of a number of planning applications from 1975 to 1998 and the most recent being received in 2000. This last application sought permission to convert the buildings to a single dwelling. The proposal included a degree of alterations to the existing building together with a modest extension. Following objections from the Environment Agency over the possible flooding of the site the applicant decided to withdraw the application. The site was subsequently purchased by Village World and over a number of years renovation works have been carried out. Much of the work carried out was internal and did not come to the attention of members of the public or the Local Planning Authority until substantial extensions were constructed. No planning permission was submitted or Building Regulations applied for. The owner was approached in June 2007 requesting that an application be submitted. Initially he said that the works were purely repairs and that no additional work was carried out. When compared with past planning application drawings it can be clearly seen that there has been considerable extensions and additions to the roofs carried out. The owner finally accepted this and requested a meeting with a Planning Officer. Attempts have been made to contact the owner to arrange a meeting but to date it has not been possible to contact him. It is understood he may now reside overseas.

**7. Reasons for Taking Action**

The works carried out appear to have been carried out for the purpose of providing a separate dwelling. The scale of the extensions is inappropriate on what was a traditional range of farm buildings. The area is liable to flood and no provision has been made to minimise the effects of future flooding which may occur. The works carried out are considered to be contrary to Taunton Deane Local Plan Policies S1 (D) S2 and H7.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and to 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 John A W Hardy Tel: 356479**

## **Planning Committee – 2 July 2008**

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

#### **Enforcement Item**

##### **Parish:**

1. **File/Complaint Number** E168/14/2008/014
2. **Location of Site** Former Creech Paper Mill, Creech St Michael, TAUNTON
3. **Names of Owners** Wilscombe Ltd, Upcott Hall, Bishops Hull, TAUNTON
4. **Name of Occupiers** Unoccupied
5. **Nature of Contravention**  
The provision of replacement windows
6. **Planning History**  
An application to replace the existing windows in the former mill building was received on 3 April 2008. The existing windows were made up of 30 panes. The proposal was to replace these windows with aluminium frames made up of a 16 pane pattern. Soon after the application was registered a complaint was received that the work had already started on the installation of the replacement windows. The type being installed was of the 16 pane applied for in the application. Although not a listed building the Conservation Officer is of the view that the building has strong industrial merit. When a visit was made some of the windows had been replaced and it was considered that the replacement windows are inappropriate on this historic building. The application was subsequently refused under delegated powers on 29 May 2008.
7. **Reasons for Taking Action**  
The replacement of the windows is considered unsatisfactory in that the design and appearance of the windows with internal glazing bars detract from the historic heritage and character of the building and thus the visual amenities of the area contrary to Taunton Deane Local Plan Policies S1(D) and S2(A).
8. **Recommendation**  
The Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution proceedings, 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 John A W Hardy Tel: 01823 356479**



## Planning Committee – 2 July 2008

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E343/30/2007
2. **Location of Site** Land adjacent to Fosgrove Cottage
3. **Names of Owners** Mr Wiltshire
4. **Name of Occupiers** Unkown
5. **Nature of Contravention**

Depositing of waste and building materials on agricultural field.

#### 6. **Planning History**

This field has been in the ownership of Mr Wiltshire for a number of years. A complaint was received in August 2003 that activity was occurring on the site, which may have required planning permission. Investigations were carried out and it was found that a gate and piers had been constructed and an area was being used to cultivate vegetables. It was concluded that the works carried out on site did not require planning permission. In November 2007 further complaints were received stating that materials were being 'dumped' on site. Lorries were noticed coming to site and tipping what appeared to be builder's waste. It was found out that the owner was in fact leasing the field to a groundwork company who were possibly looking to purchase the land. However, this may not now be an option. The Environment Agency has also been involved with regard to the material being brought to site. The owner was contacted and advised that the current use of the land constituted a change of use, which requires planning permission. He asked that he be given time to clear the site as he intends to put the land on the open market. The deadline for clearing the site or the submission of an application has now passed. Reports have been received that material is still being brought to the site and tipped.

## **7. Reasons for Taking Action**

It is considered that the use of the field for the storage of building materials and of the depositing of waste material has a detrimental effect on the visual amenities of the area and of the neighbouring property. Therefore it is contrary to Policy S1 of the Taunton Deane Local Plan. Also the increased traffic movements by heavy lorries negotiating narrow lanes to and from the site have a detrimental effect on other road users.

## **8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution proceedings, 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: John A W Hardy 01823 356479**

## **Planning Committee – 2 July 2008**

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

#### **Enforcement Item**

##### **Parish:**

1. **File/Complaint Number** E83/38/2008
2. **Location of Site** 49 Bridge Street, Taunton
3. **Names of Owners** Mr B D Burrige
4. **Name of Occupiers** DIT GROUPE
5. **Nature of Contravention**

The erection of 3 flags together with poles and brackets attached to the building. Also a new large fascia board has been erected on the property.

##### **6. Planning History**

The flags were first brought to the Councils' attention in April 2008. A site visit was made and discussions took place with Mr Peter Nduthu, Marketing and Sales Directorate, of D.I.T. Groupe. He was advised that the flags and poles together with the brackets needed to be removed, as in the event that an application was submitted for their retention it was unlikely that permission would be granted. Following this, Mr Nduthu requested a site meeting with the Conservation Officer. This was carried out and agreement was reached that the flags and fittings would be removed by the 1 June 2008. The flags have been removed but the fittings are still in situ. At this meeting Mr Nduthu was also advised that listed building consent was required for the retention of the existing fascia. To date no application has been received.

##### **7. Reasons for Taking Action**

The fixings to enable three flags to be flown on this middle terrace of listed properties is excessive and totally inappropriate in this location. The fascia sign is too large and of inappropriate materials.

##### **8. Recommendation**

The Solicitor to the Council be authorised to serve a listed building enforcement notice and commence prosecution action in respect of the unauthorised works to this listed building.

**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**



## Planning Committee – 2 July 2008

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E54/46/2007
2. **Location of Site** 20 Dyers Close, West Buckland, WELLINGTON
3. **Names of Owners** Rev. & Mrs P Self
4. **Name of Occupiers** As above
5. **Nature of Contravention**

Extension of garden curtilage into agricultural field.

6. **Planning History**

A complaint was initially received regarding an increase of the domestic curtilage of this property in 2003. Investigations were carried out at the time and it was found that the area concerned had been in domestic use in excess of ten years therefore no action could be taken. A further complaint was received in March 2007 suggesting that additional buildings had been erected on agricultural land outside the domestic curtilage. It was suggested that the building provided changing facilities in respect of the existing swimming pool. The owner was contacted and informed that a planning application would be required for the structure should it not be used in connection with agriculture. A site meeting was arranged in order that a detailed inspection of the grounds could be carried out. From the records of the visit carried out in 2003 it was evident that little had changed. Existing buildings on site had been repaired and refurbished but no additional structures were on site. However, a native hedge forms the boundary to the garden and it was noticed that a small polytunnel had been constructed. This is the only structure near the pool that could be the subject of the complaint. It is used solely for the growing of vegetables and not used as changing rooms. The owners confirmed that the polytunnel had been there for a number of years but the polythene cover had to be replaced from time to time. When asked how long the structure had been on site the owner stated that it was in excess of 12 years. The polytunnel was not noticed in 2003 as the hedge obscured the polytunnel from the garden. The owner has subsequently submitted a photograph and two letters from neighbours confirming that the polytunnel has been on site for more than ten years therefore it is immune from any further action. The reason why this matter is before the Committee is that although the structure is immune from action the Committee is asked to support the recommendation in order that the complainant can be informed of the resolution.

**7. Reasons for Taking Action**

As stated above there is sufficient evidence to suggest that the structure has been on site in excess of ten years therefore it is recommended that no further action be taken

**8. Recommendation**

That 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: Mr John A W Hardy Tel: 356479**