

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 23RD JULY 2008 AT 17:00.

AGENDA

1. Apologies.
2. Minutes of the meeting of the meeting of the Planning Committee held on 2 July 2008 (attached).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. LANGFORD BUDVILLE - 21/2008/017
ERECTION OF BUNGALOW, ADJOINING PETERSMEAD,
LANGFORD BUDVILLE
6. MILVERTON - 23/2008/020LB
INTERNAL ALTERATIONS AT QUARTLEY HOUSE, FORE
STREET, MILVERTON
7. OTTERFORD - 29/2008/008
ERECTION OF HOLIDAY CHALET IN FIELD EAST OF
LITTLEFIELDS, BISHOPSWOOD
8. TAUNTON - 38/2008/295
TEMPORARY CHANGE OF USE OF PART OF CIDER PRESS
GARDEN FOR RESTAURANT SEATING BETWEEN APRIL AND
END OF SEPTEMBER EACH YEAR ADJACENT TO HUNTS
COURT, CORPORATION STREET, TAUNTON
9. COMEYTRWE - 52/2008/019
ERECTION OF SPORTS CENTRE COMPRISING INDOOR AND
OUTDOOR FACILITIES WITH PARKING, ACCESS,
FOOTPATH/CYCLE ROUTE AND ASSOCIATED WORKS AT CIVIL
SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON
10. Draft Heritage Protection Bill 2008 and Heritage at Risk Register
2008. Report of the Conservation Officer (attached). Miscellaneous item
11. E95/38/2008 - Unauthorised erection of signs at Zizzi, Magdalene
House, Magdalene Street, Taunton. Enforcement item

Tonya Meers
Legal and Democratic Services Manager
15 July 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:



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

Planning Committee – 2 July 2008

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

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer
(Development Control Area Manager – West), Mr A Pick (Principal
Planning Officer – West), Ms K Marlow (Principal Planning Officer –
East), Mrs J Jackson (Legal Services Manager), Ms M Casey
(Planning and Litigation Solicitor) and Mr R Bryant (Democratic
Services Manager)

Also present:-Councillor Beaven in relation to application No 06/2008/046, Councillor
Stone in relation to application No 24/2008/021, Councillor Hayward
and Councillor Mrs Court-Stenning in relation to application No
25/2006/020, Councillor Murphy in relation to application No
38/2008/151 and Councillors Coles and Morrell

(The meeting commenced at 5.00 pm)

78. Apologies/Substitution

Apologies: Councillors Bowrah and A Wedderkopp.
Substitution: Councillor Stuart-Thorn for Councillor Bowrah.

79. Minutes

The Minutes of the meeting held on 11 June 2008 were taken as read and
were signed.

80. Declarations of Interest

Councillor Hayward declared a personal interest in application No
25/2006/020 as his property overlooked the site; Councillor Stone declared an
interest in application No 38/2008/223 as an employee of Somerset County
Council; Councillor Stuart-Thorn declared a personal interest in Minute No 85
and left the meeting during consideration of this item; and Councillor Watson
declared a personal interest in Minute No 86 and also left the meeting during
consideration of this item.

81. 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 **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:-

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)

Conditions

- (a) Not more than three mobile homes shall be stationed on the site at any one time;
- (b) No touring caravans shall be stationed on the site without the written permission of the Local Planning Authority;
- (c) The three mobile homes hereby granted shall be occupied solely by Mr Henry Small, the applicant's spouse or dependant relative thereof, together with their children living as one extended gypsy family;
- (d) The siting and dimensions of the mobile homes shall be in accordance with the submitted block plan and no change of unit or siting shall be permitted unless agreed in writing by the Local Planning Authority. The existing mobile homes shall be relocated as per the approved details within one month of the date of this permission and shall thereafter be maintained as such;
- (e) No business activities, including storage of equipment, materials or machinery, shall be conducted at the site other than access and egress necessitated by the adjacent stables unless otherwise agreed in writing by the Local Planning Authority;
- (f) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (g) No building, structure or tent shall be erected on the land other than in accordance with details submitted to, and approved in writing by, the Local Planning Authority;
- (h) There shall be no external lighting on the site unless otherwise agreed in writing by the Local Planning Authority;
- (i) C203 – landscaping;
- (j) The hedgerow on the north boundary of the site, adjacent to the public highway, shall be retained, supplemented and maintained in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority within one month of the date of this permission. The submitted details shall take into account the requirements of the highway visibility splay;
- (k) Within one month of the date of this permission, details of the foul water drainage system and surface water drainage works shall be submitted to, and approved in writing by, the Local Planning

Authority. The development shall be carried out in accordance with the approved details;

- (l) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2m back from the carriageway edge on the centreline of the access and extending to the extremities of the site frontage. Such visibility splays shall be fully provided within one month of the date of this permission and shall thereafter be maintained;
- (m) The first 6m of the access, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) within three months of the date of this permission in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (n) A recessed entrance 4m wide shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel). The works shall be carried out within one month of the date of this permission;
- (o) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (p) 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 be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this permission;
- (q) Parking of vehicles within the site shall be restricted to the area of hard standing as identified on the submitted block plan unless any variation to is agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

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

23/2008/017

Erection of bungalow on land adjacent to Queensmead, Silver Street, Milverton

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C215 – walls and fences;
- (d) The existing Hawthorn tree shall be retained, and protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (e.g. BS 5837: 1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that the tree becomes damaged or otherwise defective during such period, the

Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with a tree of such size, species and in such position as may be agreed with the Local Planning Authority;

- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garages to be retained shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation or other use whatsoever;
- (f) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (g) C245 – details of surface water disposal;
- (h) P001A – no extensions;
- (i) P003 – no ancillary buildings;
- (j) P006 – no fencing;
- (k) P010 – no further windows.

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure; (2) Applicant was advised that care should be taken using the narrow access for building materials and equipment during construction; (3) Applicant was advised to ensure that no existing rights of way are blocked as part of this development; (4) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).)

Reason for granting planning permission:-

The proposal for residential development, was located within defined settlement limits where new housing was 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.

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)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;

- (d) C215 – walls and fences;
 - (e) Bin storage shall be provided on site as indicated on the submitted drawing prior to occupation of the units and shall thereafter be so retained;
 - (f) Cycle storage shall be provided on site as indicated on the submitted drawings prior to occupation of the units and shall thereafter be so retained;
 - (g) The internal ground floor levels of the residential buildings shall be constructed no lower than 14.75m above Ordnance Datum;
 - (h) C324 – parking.
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage; (3) Applicant was advised that, in view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation; (4) Applicant was advised that there may be a public sewer crossing the site that would be subject to an easement; (5) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure. It should be noted that attenuation of flows may be required.)

Reason for granting planning permission:-

The proposal was not considered to harm the visual or residential amenity of the area and accorded with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

43/2008/059

Reduction in height of existing fence by 300mm, 32 Seymour Street, Wellington

Conditions

- (a) The fence shall be reduced in height by 300mm within two months of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority;
- (b) The fence shall be stained/painted within two months of the date of this permission, in accordance with a colour sample which shall first be submitted to, and approved in writing by, the Local Planning Authority, and no other material shall be used without the written consent of the Local Planning Authority;
- (c) A landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or be otherwise extended with the agreement in writing of the Local

Planning Authority. Such scheme shall be submitted within two months of the date of this permission.

Reason for granting planning permission:-

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

- (2) 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:-

24/2008/021

Demolition of public house and erection of a terrace comprising 6 no two bedroom houses and 2 no one bedroom flats with 13 parking spaces at the White Hart Inn, Knapp Lane, North Curry

Reason

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

38/2008/151

Erection of building comprising 10 flats at Cambria House, Plais Street, Taunton

Reason

The proposed development, due to its height, size and proximity to the boundary, would be an over-development and overbearing on neighbouring properties in Compton Close and upon Plais Street, contrary to Taunton Deane Local Plan Policies S1(D) and S2(A). (Note to applicant:- Applicant was advised that wildlife issues in terms of a survey is still an outstanding issue that is a material consideration.)

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

The Committee was of the view that the application would be an over-development of the site and would be over-bearing on the properties in Compton Close and Plais Street, Taunton.

- (3) That **no objection be raised** to application No **38/2008/223** for the construction of the 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 subject to:-

- (a) The matters of concern raised by the Committee should be considered by the applicant, namely that the Station Road bridge abutments should be set back for possible future road widening, to allow for proper segregation of cyclists, pedestrians and vehicles, and that there should be a reconsideration of the use of traffic lights rather than roundabouts;
- (b) That matters of concern raised by the Planning Policy Officer should be 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. The applicant to have regard to the other comments raised by consultees;
- (c) That full details of the following be submitted to, and agreed in writing by, Taunton Deane Borough Council prior to commencement of any part of the scheme:-
 - (i) Further tree planting in areas identified by the Landscape Officer;
 - (ii) Full details of the proposed lighting of the pedestrian/cycle bridges and their approach;
 - (iii) Full details of the noise mitigation barriers;
 - (iv) Further consideration be given to the design of the approaches to and the structures of the two pedestrian/cycle bridges; and
 - (v) Further surveys be carried out to ascertain whether badgers have moved back onto the site;
- (d) Conditions that landscaping as shown shall be carried out within the first planting season following completion; that the mitigation identified in the various accompanying reports/studies would be incorporated into the contracts; that the archaeological remains to be subject to proper recording as required by the County Archaeologist.

82. Conversion of garage to utility/study and erection of double garage and store adjacent to 68 Thames Drive, Taunton (38/2008/103)

Reported this application.

Resolved that subject to the comments of Western Power Distribution, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
 - (b) C102 – materials;
 - (c) C201 – landscaping;
 - (d) C326 – garage – domestic use only;
 - (e) Unobstructed access to the substation shall be maintained at all times.
- (Note to applicant:- Applicant was advised that Western Power Distribution has a substation adjacent to the proposed garage with high and low voltage cables which would appear to be close to foundations. Care must be taken when excavating and excavation in the vicinity should be hand dug.)

Reason for planning permission, if granted:-

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

83. 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

Reported that planning permission for the above development had been granted in August 2007, subject to a number of conditions that included the following:- "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 included the provision of a flood mitigation channel through the site and the first stage of the works had 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 was unlikely to be completed until November 2008.

The development was currently under construction and some properties would be ready for occupation by July 2008. The developer had commissioned a report to assess flood risk to both existing properties and the newly constructed properties based upon the partial implementation of the flood mitigation measures. The report demonstrated that there was no increase in flood risk to existing properties, compared with the base line situation, and newly constructed properties would be protected to a standard above the 1 in 100 year (1%) design flood event.

Resolved that:-

- 1) The developers be permitted to allow occupation of 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 the previously imposed planning condition; and
- 2) The developers be informed that the outstanding works should be carried out at the earliest opportunity to secure completion by November 2008.

84. Alteration, refurbishment and extension to former farm buildings, Trefusis Lodge, Tone Green, Bradford-on-Tone

Reported that it had come to the Council's attention that conversion works had been carried out at Trefusis Lodge, Tone Green, Bradford-on-Tone without planning permission.

The owner of the building had been requested to submit a planning application in an attempt to regularise the situation, but there had been no response.

Resolved that:-

- 1) Enforcement action be taken in respect of the unauthorised works undertaken at Trefusis Lodge, Tone Green, Bradford-on-Tone, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

85. Provision of replacement windows at the former Creech Paper Mill, Creech St Michael

Reported that it had come to the Council's attention that the provision of replacement windows at the former Creech Paper Mill, Creech St Michael had taken place. Although an application for planning permission had been submitted for the replacement windows, they were considered to be inappropriate on this historic building and, consequently, permission had been refused.

The Development Control Manager has therefore recommended that enforcement action should be taken to replace the 16 pane pattern windows with windows made up of 30 panes.

During the discussion of this item Members took the view that the windows that had been installed were acceptable.

Resolved that:-

- 1) Enforcement action be not taken in respect of the unauthorised replacement windows that had been installed at the former Creech Paper Mill, Creech St Michael; and
- 2) The applicants be encouraged to submit a further planning application to regularise the situation.

86. Depositing of waste and building materials on agricultural field, land adjacent to Fosgrove Cottage, Pitminster

Reported that it had come to the Council's attention that an agricultural field on land adjacent to Fosgrove Cottage, Pitminster was being used for the depositing of waste and building materials.

The owner of the site had been contacted about the unauthorised change of use of the site 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 land adjacent to Fosgrove Cottage, Pitminster; 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.

87. Erection of flags together with poles and brackets and fascia board at 49 Bridge Street, Taunton

Reported that three flags, together with poles and brackets, had been displayed at 49 Bridge Street, Taunton without the appropriate consent. A fascia board had also been erected at the property without listed building consent being obtained.

Although the flags had now been removed, the fittings were still in place.

Resolved that:-

- 1) Listed building enforcement action be taken seeking the removal of the wall brackets and the fascia board at 49 Bridge Street, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

88. Extension of garden curtilage into agricultural field at 20 Dyers Close, West Buckland

Reported that it had come to the Council's attention that a polytunnel had been erected on agricultural land outside the domestic curtilage of 20 Dyers Close, West Buckland without planning permission being obtained.

The owner had supplied photographic evidence confirming that the polytunnel had been on the site for more than ten years and was therefore immune from any further action.

Resolved that no further action be taken.

(The meeting ended at 9.20 p.m.)

21/2008/017

MR JOHN PITMAN

**ERECTION OF BUNGALOW, ADJOINING PETERSMEAD, LANGFORD
BUDVILLE**

311018/122972

OUTLINE APPLICATION

PROPOSAL

This is an outline application for the erection of a bungalow on land currently within the curtilage of Petersmead, and sited to the rear of Rose Cottages.

The vehicular access, which currently serves Petersmead, would be shared and existing gates will be removed to ensure greater visibility. The driveway would be constructed to the rear and side of Rose Cottages and a section of the existing double garage, which serves Petersmead, would be reduced to enable access through to the new dwelling. A parking and turning area for the new dwelling is shown on an illustrative block plan.

A similar application was withdrawn in February 2008, reference 21/2008/005.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY – I refer to the above mentioned planning application received on 26 May 2008, and have the following observations on the highway and transportation aspects of this proposal.

Further to my colleagues comments that were made in respect of the previous application, 21/2008/005 in relation to this site, a new application has been received and the site has been revisited and it seems clear to me although full visibility standards are not available, the area of land over which access is to be gained is already used by vehicles and I do not consider that the proposed development will unduly exacerbate the situation. Taking this point into consideration, I do not propose to raise a highway objection.

If the Local Planning Authority were minded to grant consent, I would recommend that conditions be imposed.

PARISH COUNCIL – Object on access to site, foul sewer on land which has a tendency to flood, and over development of the site.

DRAINAGE OFFICER – Recommends 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. No details of foul drainage have been provided.

WESSEX WATER – Awaited. The following recommendations were in respect of application 21/2008/005. As development is located within a foul sewer area, it will be necessary for the developer to agree a point of connection onto the system

for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. According to our records, there is a public foul sewer crossing the site. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.

It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

The developer has proposed to dispose of surface water to soakaway. Surface water should not be discharged to the foul sewer. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to the water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of such development proposals as may affect its apparatus.

COUNTY ARCHAEOLOGIST – Awaited.

4 letters of objection have been submitted raising the following concerns:-

- An additional dwelling would cause additional problems to any already mathematic local drainage system;
- Additional traffic would create additional road safety problems;
- Increased noise and traffic would be detrimental to the adjacent Conservation Area;
- The old boundary wall between the original houses and Petersmead should be considered;
- New entrance gates and walls may impact on neighbouring properties;
- Loss of light may result;
- Concern over future development.

POLICY CONTEXT

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

ASSESSMENT

The site is inside the settlement limits of Langford Budville, and is clearly large enough to accommodate a bungalow. The building would be well screened from the adjacent Conservation Area and would consequently have no impact on its character or appearance. There are no objections raised by the County Highway Authority in respect of road safety, and Wessex Water and the Drainage Officer raise no concerns. In respect of residential amenity, and given the substantial existing boundary fencing and screening, there would be no undue loss of light or privacy to any neighbouring property, and in terms of visual amenity, a bungalow in this particular position would not be out of keeping either with the variety of different styles and design of dwelling in the vicinity, nor with the established non-linear layout of the area. The proposal is considered acceptable.

RECOMMENDATION

That permission be granted subject to conditions of time, reserved matters to be submitted, foul and surface water drainage details to be agreed, materials, details of all boundary walls, fences, or hedges to be submitted, landscaping scheme, removal of PD rights in respect of windows to the elevation facing Rose Cottages, highway conditions and full details of the modified garage to be submitted.

REASON(S) FOR RECOMMENDATION:-

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:

23/2008/020LB

MR GARRY BAKER

**INTERNAL ALTERATIONS AT QUARTLEY HOUSE, FORE STREET,
MILVERTON**

312220/125744

LISTED BUILDING CONSENT-WORKS

PROPOSAL

The property is a Grade II listed building, and this application comprises internal alterations to the basement, rear bedroom and study. The applicant is the partner of a member of staff.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER – Pre application discussions re this proposal. Existing basement has been inappropriately treated in the past hence the extant damp problems. Recommendations by Premier Heritage supported. No objection subject to recommended conditions and note being attached.

POLICY CONTEXT

PPG15 and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review are relevant to this application.

ASSESSMENT

The proposals will enhance the architectural and historic interest of the property, which is a Grade II listed building.

RECOMMENDATION

Permission be granted subject to conditions of time limit and Premier Heritage report. Note re future roof repairs.

REASON(S) FOR RECOMMENDATION:- It is considered that the proposal is in line with PPG15 and Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

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

CONTACT OFFICER: 01823 356469 MISS C NUTE

NOTES:

29/2008/008

MISS A CAMPBELL

**ERECTION OF HOLIDAY CHALET IN FIELD EAST OF LITTLEFIELDS,
BISHOPSWOOD**

325533/112666

FULL

PROPOSAL

The proposal is to site a holiday chalet on land to east of existing complex of buildings as a further means of diversification. The building would be timber framed, 'L'-shaped, single storey, timber clad and with a slate roof designed to appear as an agricultural building. The chalet can sleep up to 12 and the use is intended for learning holidays as the applicant is a qualified art teacher. A business plan was submitted with the proposal. A barn to the west of the site has an art studio/gallery use.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - My concerns are the possible visibility splay requirements and visual impact on AONB landscape. The first issue could be addressed if the Highway Authority are content to accept existing hedgerow alignment and the existing access blocked up with new hedge bank and planting. The visual impact may be mitigated during summer months by careful landscaping but I am concerned it may not be possible to achieve this during the winter without more substantial planting.

NATURE CONSERVATION OFFICER - The wildlife survey found no evidence of great crested newts using the site. Smooth newts and frogs were found and I recommend the report recommendations to protect amphibians is implemented. In applying PPS9 to maintain and enhance sites for wildlife I recommend this is conditioned. From an earlier report low level of badger foraging and evidence of bird nesting was found. I suggest a condition to prevent works between March 1ST and July 31st to protect birds and note re badgers. I would expect a landscape plan to be submitted that would identify the retention of the hedges and pond on site. A management plan to secure the retention of these features would be advisable.

ECONOMIC DEVELOPMENT MANAGER - It is my opinion that the application does not demonstrate sufficient benefit to the broader economy to justify the Economic Development Unit supporting the application in contravention of the policies contained in the Taunton Deane Local Plan.

BLACKDOWNS AREA OF OUTSTANDING NATURAL BEAUTY - Support on behalf of the LEADER+ Funding Programme which supports rural economic activity carried out by the applicant in the Blackdown Hills. We think that projects of this type are very valuable to the AONB as the area needs to be a living and working landscape. We are happy the holiday use activity described would be in accordance with our policies and we support the application in principle. To conserve and enhance the environment through the social and economic well being of the people who live and

work in the AONB is a key delivery mechanism and clearly the educational and tourism aspect fits the criteria.

NATURAL ENGLAND- No objection but recommendations of the ecological survey report and the Nature Conservation Officer, in terms of wildlife/protected species mitigation, be considered in determining the application and attaching conditions.

ENVIRONMENT AGENCY - The proposal falls outside the scope of matters as a statutory consultee and we have no comment to make.

HIGHWAY AUTHORITY - I would refer you to my colleague's letter dated 25 July 2007 in connection with planning application no. 29/2007/012, a copy of which is attached for your information, and would advise you that these comments and recommended conditions apply equally to the present application. The site is in an unsustainable location, however it is for tourism and tourism outside of built-up areas is a different matter to permanent residential accommodation. It must be a planning matter if this is a suitable location for such a use. From a technical point of view the road leading to the site is narrow and not a location where I would wish to see significant development take place which would generate significant traffic movements. This development for one chalet is unlikely to generate more than 5/6 vehicle movements a day and I do not consider that to be such as to create a significant additional highway safety hazard. I would recommend a condition to secure the details of access and parking shown on the drawing submitted.

PARISH COUNCIL - The Council raise concerns re waste disposal and noxious waste reaching the nearby watercourse or pond, the steeply sloping nature of the site, the size of the chalet – 12 people would lead to an unacceptable number of extra vehicles using the narrow access road. Car parking not seriously addressed and could mean 6 cars on site. The proximity to other houses and the possible noise nuisance.

18 LETTERS OF SUPPORT - on grounds of diversifying business, support local employment and rural economy and will enable 'learning holidays' in ideal location that will tie in with the Barn Gallery.

8 letters of objection on grounds of lane unsuitable for additional traffic, will increase traffic at a dangerous blind bend, no footpaths and close to a play area, parking insufficient for scale of building, will increase vehicular journeys, creation of precedent, impact on AONB, develop a Greenfield site, inappropriate design, it will erode the character of the village, lack of amenities, impact on wildlife, contrary to policies EC23 and EC24, concern over potential noise and amenity impact, water pollution and flood risk, no need for holiday use as vacancies exist in current accommodation and minor benefit to tourism and the rural economy not out-weighted by damage to AONB, wildlife and amenity and not suitable location.

POLICY CONTEXT

PPS7 - Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

Department for Communities and Local Government - Good Practice Guide on Planning for Tourism.

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR6 – Development Outside Towns, Rural Centres and Villages

Policy 1 – Nature Conservation
Policy 3 – Areas of Outstanding Natural Beauty
Policy 23 – Tourism Development in the Countryside

Taunton Deane Local Plan Policies

S1 – General Requirements

S2 – Design

S7 – Development Outside Settlements

EC7 – Rural Employment Proposals

EC23 – Tourism Accommodation

EN6 – Protection of Trees, Orchards and Hedgerows

EN10 – Area of Outstanding Natural Beauty.

ASSESSMENT

This application is the resubmission of a previous scheme in 2007 which was refused due to lack of information in the wildlife survey in respect of newts on the site. A note was added re the acceptability of a resubmission if the wildlife issue was addressed. Since the refusal policy for holiday chalets in the countryside EC24 has been deleted from the Local Plan.

The current submission addresses the omission of the previous application in terms of ecology with additional survey work to address the refusal. Both the Nature Conservation Officer and Natural England are happy with the submitted scheme and have recommended conditions. A local resident has raised issues with the accuracy of the wildlife reports submitted and considers the adjacent land in separate ownership has not been surveyed and could be affected by the scheme. The Nature Conservation Officer considers the survey work to be acceptable and it is considered unreasonable to require surveys beyond the application site. Conditioning of mitigation as per the survey report recommendations is considered necessary as is a management plan.

The application site lies just outside the settlement limit of the village of Bishopswood, which benefits from a village hall and public house, although this has recently shut. The site is therefore a Greenfield site and policy EC24 of the Local Plan has not been saved. The proposal therefore falls to be considered in light of existing plan policies and Government guidance. The latter exists in the form of the Good Practice Guide on Planning for Tourism which seeks to direct tourist accommodation to within or adjacent to settlements. The site lies beyond the settlement boundary but within around 50m from the settlement limit and is considered adjacent to it. It has previously been recognised that there is an oversupply of self-catering accommodation. The proposal is one that is being promoted to provide tourist accommodation largely for groups who will be able to have a 'learning holiday' in relation to the nearby art gallery. The Economic Development Manager does not consider the benefit to the local economy to outweigh the policy issues, however this is a balanced view and there is clear economic support from the Blackdowns Partnership. The proposal identifies 1 full time employee and 3 part-time jobs. Policy S7 is relevant to the proposal and the scheme is considered to comply with policy EC7 of the Local Plan and to support the

vitality of the rural economy. The structure is considered to be sited and designed to minimise landscape impact.

The proposed chalet building is single storey structure 5.7m high with timber frame and cladding and a slate roof. It is considered a temporary structure and if approved a condition to secure its removal if the holiday business were to fail is considered appropriate. Policy EC23 is considered to apply to permanent built holiday accommodation. It is to be sited in the corner of an existing field and is considered to be in a well screened location that will not be significantly visible in landscape terms and is not considered to have an adverse impact on the character of the AONB given the design and materials. The provision of a new access will involve hedgerow removal, however the existing access will be closed up and the impact on the character of the area is considered to be an acceptable one. The provision of additional planting to address the view of the Landscape Officer can be conditioned. The proposal is considered to maintain the character of the area, to comply with policy EC7 of the Local Plan and it supports the local economy.

The Highway Authority is satisfied with the proposed access, parking and visibility and suggests conditions. The proposal is for holiday accommodation and the location on the edge of the village is considered to be an acceptable one in terms of its siting given government guidance. The promotion of the site will advise on the parking provision. The level proposed is considered an acceptable one in visual terms and further parking is not considered necessary or appropriate.

The site is not identified as being in a flood risk area and the Environment Agency has raised no comment on the proposal. The intention is to provide a soakaway in respect of the roof area and this should not generate more run off than the existing situation. Concern has been raised over foul drainage. It is intended that the foul drainage will be dealt with by means of a treatment plant and separate consent to discharge will be required from the Environment Agency and will be conditioned to ensure adequate provision.

The proposed structure lies within 30-40m of the nearest residential property. With its use for holiday purposes it will not be occupied on a permanent basis and it is not considered appropriate to impose a noise condition on the building. The level of noise generated by occupants is partly down to the management of the site and this potential issue is not one that is considered to warrant an objection to the scheme.

The proposal is the re-submission of a scheme for a holiday chalet. The wildlife issue has been addressed and conditions are recommended by the consultees. There has been no highway objection to the proposal and the site is considered one that is well screened and not one that would cause any significant adverse landscape issues within the AONB. The landscape impact on the AONB has to be carefully considered as does the benefits to the rural economy. The Economic Development Manager considers there is insufficient benefit to the economy, however the Blackdowns Partnership support the scheme. In light of this local support and the impact on the AONB landscape being acceptable it is considered that the scheme on balance can be supported.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, holiday use only, removal if not let for 24months, landscaping, management plan, parking, mitigation measures, no works between March – July, drainage detail and note re badgers.

REASON(S) FOR RECOMMENDATION:- The proposed scheme is considered in line with PPS7 and the government guidance on holiday accommodation, is not considered detrimental to highway safety and is not considered to harm the character of the AONB or the amenities of the area and neighbouring properties and is considered to comply with Taunton Deane Local Plan policies S1, S2, EC7, EN6 and EN10 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 01823 356398 MR G CLIFFORD

NOTES:

38/2008/295

LOCH FYNE RESTAURANTS LTD

TEMPORARY CHANGE OF USE OF PART OF CIDER PRESS GARDEN FOR RESTAURANT SEATING BETWEEN APRIL AND END OF SEPTEMBER EACH YEAR ADJACENT TO HUNTS COURT, CORPORATION STREET, TAUNTON

322605/124477

FULL

PROPOSAL

The proposal is a revised scheme to use the western part of the Cider Press Garden for use as seating in connection with the new Loch Fyne Seafood Restaurant proposed within the Hunts Court building. The scheme involves 31sqm and the surfacing of part of the grassed area with a gravel paved finish and the introduction of tables, chairs within this area. It is intended that the area will function between 1st April and September 30th each year and the maximum operating times will be within the hours of 9am and 10pm. The area will accommodate 7 tables and seat up to 28 rather than the previous proposal for 40. The intention is to store the furniture within the restaurant premises each evening and during the winter months

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - I do not object in principle to the temporary use of the area but as in my previous comments do not consider a gravel surface suitable. I recommend permanent hard surfacing similar to existing paving and that the design of the whole space should be a consideration.

CONSERVATION OFFICER - Observations as previous application. The Cider Press garden is a long established public open space which is rare within the town centre and provides a pleasant setting to the adjoining Listed Buildings – the former library and Hunts Court, as well as a pedestrian thoroughfare between Bath Place and Corporation Street. When the former library was first converted to a public house, the Council resisted a similar use of the Cider Press Garden due to loss of public amenity. Council land to the rear, adjoining Bath Place was subsequently released for such use. In my opinion the Cider Press Garden offers an important public open space and thoroughfare, the ambience of which would be diminished by the proposal and to the detriment of the character of the Conservation Area.

ECONOMIC DEVELOPMENT UNIT - Considering that there is currently extremely limited seating in the Cider Press Garden for the public to use, this application for a change of use would actually improve the usage of this public space by the paying public. It would be important to keep the present public seating to at least its current levels when restaurant seating is introduced in order not to lose free public facilities and to encourage use of it as an enjoyable public space.

The concept of a 'cafe culture' is one that TDBC, the Town Centre Company and the Taunton Cultural Consortium wish to encourage. However, the Cider Press Garden should remain in public ownership and management to ensure this public land is not lost to private development in the long term.

It is recommended that the restaurant is responsible for enhancing the attractiveness of the space when they are using it, with responsibility for litter collection, ensuring that a high standard of furniture is provided to complement the surroundings and that the Cider Press Garden remains presentable and accessible.

ENVIRONMENTAL HEALTH - No observations.

LEISURE DEVELOPMENT MANAGER - This will be a loss of what is already a small open space which is well used by the public and will set a precedent for the future.

4 Letters of objection on grounds of loss of little haven in the midst of the busy town, the garden area is most used in the summer months, precious open space and use should not be abused, the area will be unusable in the wet, seating will bring noise pollution, smoking pollution and litter, the restaurant will not necessarily benefit many local people and it is unjust to let the use go for commercial gain.

POLICY CONTEXT

PPG15 - Planning and the Historic Environment

RPG10 – Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

POLICY9 – The Built Historic Environment

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

EN14 – Conservation Areas

ASSESSMENT

There are two key concerns with this proposal and they are interlinked. One is the loss of public open space within the town centre and the other is the impact on the character of the conservation area.

There have been a number of public objections to the loss of this amenity area to public use and this is also reflected by the view of the Leisure Development Manager. Clearly this is an area that is well used by the public and is one of the few green spaces within the town centre. There is an existing commercial use in the building on the other side of the Cider Press Garden and allowing this use for a new restaurant could set a precedent. The use of the restaurant in Hunts Court has already been allowed and whilst the benefits outlined in consultation responses are noted these have to be set against the loss of the public space and impact on the character of the area. The space is not identified within the Local Plan as one having protected status through any policy, however clearly it is considered of benefit to the town.

If the use were to be allowed here it would necessitate the loss of the grass area for good. While the use is proposed for part of the year and the area has been reduced in size, in order to provide the necessary seating area it would require a hard surface

treatment that would exist all year round as it would not be practical to reinstate the grass after each period of use. The revised scheme no longer proposes movable planters to define the boundary.

The area of the Cider Press Garden is considered an important one in street-scape terms lying between two prominent listed buildings within the conservation area. The building at Hunts Court has been granted permission as a restaurant use and separate consent has been sought to provide a fire escape that would access out into the Cider Press Garden. The loss of part of the green area through the current proposal on a permanent basis and the introduction of a commercial use into this public space clearly will affect the character of the area. The Authority has a duty to preserve or enhance the appearance or character of the conservation area. The Conservation Officer considers the proposal will result in a detriment to this character. The loss of part of the greenery and the public space for part of the year is considered to be detrimental to the existing character of this area. As such it is considered that the use of this area for commercial purposes cannot be supported and although the area has been reduced, members previous objections were based upon the principle of loss of this space rather than the extent of the area.

RECOMMENDATION

Subject to no further representations raising new issues by 25 July 2008 the Development Manager be authorised to determine in consultation with the Chair/Vice Chair and permission be REFUSED for reason of the adverse impact on the character and appearance of the Conservation Area contrary to Policy EN14 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

REASON(S) FOR RECOMMENDATION:-

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

CONTACT OFFICER: 01823 356398 MR G CLIFFORD

NOTES:

52/2008/019

CSSC SPORTS AND LEISURE

ERECTION OF SPORTS CENTRE COMPRISING INDOOR AND OUTDOOR FACILITIES WITH PARKING, ACCESS, FOOTPATH/CYCLE ROUTE AND ASSOCIATED WORKS AT CIVIL SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON

321546/123357

FULL

52/2008/019

CSSC SPORTS & LEISURE

ERECTION OF SPORTS CENTRE COMPRISING INDOOR AND OUTDOOR FACILITIES WITH PARKING, ACCESS, FOOTPATH/CYCLE ROUTE AND ASSOCIATED WORKS AT CIVIL SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON AS AMPLIFIED BY AGENTS LETTER DATED 19TH JUNE 2008.

321546/123357

FULL

PROPOSAL

This revised submission follows a preceding application, planning reference 52/2007/037, for 'the erection of a sports centre, parking and access', previously withdrawn in order to address various issues that arose during the consideration of the scheme.

The existing Civil Service Sports Club (CSSC) buildings are served by an inadequate access with Trull Road and are located adjacent and to the north of Queens College. The agent states that the CSSC, who have occupied the site since the 1950's, is no longer viable in its current format with the facility scheduled to close later in 2008. In order to remain viable the vision is to provide the core outdoor facilities, with the introduction of a purpose built building to provide indoor leisure activities and facilities.

Permission is sought for the erection of a new sports club, built over two floors, with access off College Way, with provision for 122 parking spaces. The new building would be located at the western end of the existing site and the application site excludes the existing CSSC clubhouse, car park, and indoor bowls building. The purpose of the new facility is to provide a comprehensive use of the site with both indoor and outdoor facilities. The proposal would see the retention of the two football pitches, cricket square, together with a new all weather cricket pitch in compensation for the loss of a second cricket pitch, multi use games area, and archery area, while internally the facilities will include a beginners and main swimming pool, health and fitness studios, a gymnasium, sauna, crèche facility, ancillary café bar, sports bar,

changing rooms and showers as well as separate changing facilities for the outdoor sport use. The proposed opening times for members would be from 6.30am to 11.00pm. Existing members of CSSC will be given priority to membership with the remaining club capacity open to the wider community.

The planning statement details the revisions to the previous scheme as the following:-

1. Provision of a unilateral undertaking to provide public use of the outdoor facilities.
2. Revised visibility splay – this would account for the loss of two protected trees.
3. A new footpath/cycleway link between Trull Road and College Way.
4. Re-siting of the building slightly further within the site.
5. Removal of the proposed service road and compound in close proximity to Pitts Close to provide additional landscaping.
6. Repositioning of the sports pitches.
7. Confirmation of the inclusion of archery and the Multi Use Games Area within the scheme (red line amended).
8. Supplemented landscape scheme.

The application is also accompanied by a landscape assessment, an assessment of need and sequential test, as well as a transport assessment.

As previously highlighted the red line of the application site does not incorporate the existing CSSC buildings. The future use of that element of the site is considered to be a material consideration and will be discussed later within the report. However, for information purposes, the agent has confirmed that agreement has been reached with Queens College for their acquisition of the surplus CSSC premises and car park to the north, currently excluded from the application site.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY - I have the following observations on the highway aspects of this proposal:

Through discussions with the developer both pre-application, and since the submission of the previous application on this site, 52/2007/037, it was established that the proposed sports centre, was to be a direct replacement for the existing facility, currently served from Trull Road. Despite this issue being raised previously, there is no mention within the current application of the existing facility, and how this area of land is intended to relate to the current proposal.

The proposal seeks to gain access from College Way, a distributor road within the route hierarchy. It is usual that a distributor road does not serve private or individual points of access, and as such there is a presumption in terms of highway design against the provision of an access from College Way. This is specified in the adopted document, 'Estate Roads in Somerset – Design Guidance Notes'. It was suggested most strongly in my response to the previous application, that a balance

needed to be struck and that the aforementioned additional information was required.

This information has not been included as part of the application, and as such the Highway Authority continues to have concerns about the proposal, and would again request that further information be provided relating to the existing site, and its ongoing/future use, to enable a full assessment of the implications of the scheme.

The proposed vehicular access has been modified, and considering it in terms of detail alone, it is improved. The required visibility has now been agreed at 2.4m x 90m in both directions with no obstruction to visibility greater than 900mm above adjoining road level. This is achieved, and demonstrated on a survey drawing that has been supplied.

The drawing submitted as part of the Transport Assessment, number RLT/012/01'P4, shows an acceptable access layout, and a footway along the site frontage. This is accepted, but will need to be provided as part of a formal agreement with the highway Authority. It will also be necessary to agree a crossing point on College Way to the south of the access which will be furnished appropriately.

There is no mention within the submission of restricting parking along College Way, however this will need to be explored in the interests of highway safety, and can be done as part of any formal agreement.

As part of the response from the Highway Authority to the previous application, it was stated that the developer, provide an upgrade to the existing crossing facilities on Trull Road to link the cycle routes, as well as provide the pedestrian/cycle route through the site that is included in the LTP and Local Plan. I note that the link is shown in this submission, although there is concern at how users will interact with traffic to the existing site, as no information has been forthcoming about the future use of this land.

The layout of the pedestrian/cycle route is generally acceptable; however it is essential that there is a clear understanding of how this will be accessed, and of any conflicts that will occur, before the Highway Authority will be happy to progress with this.

Without the additional information that is required, the Highway Authority reluctantly recommends the refusal of this application for the following reasons:

- The Local Planning Authority and the Highway Authority in adopting the Somerset County Council publication 'Estate Roads in Somerset' have agreed standards for the design and layout of streets. The proposed access does not conform to these agreed standards and is not, therefore, adequate to serve the development proposed.
- Insufficient information has been submitted regarding the use of the existing buildings within the site, to satisfy the Highway Authority that the existing substandard access to Trull Road can be stopped up, the vehicular traffic removed, and the pedestrian/cycle link provided so that it is safe to use.

COUNTY ARCHAEOLOGIST there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

WESSEX WATER a connection can be made to the foul sewer to the north. There is a public surface water sewer in the verge of College Way. Connection may be made to this but TDBC will limit the discharge to green field run off rate. The applicant is advised to consider SuDS techniques. In line with Government protocol the applicant is advised to contact Developer Services to see if drainage systems can be adopted under a Section 104 Agreement. The Sewage Treatment Works and terminal pumping station have spare capacity provided there is no trade waste being generated. There are water mains in the vicinity available for connection.

DRAINAGE OFFICER – I note that surface water from this proposal is to connect to a Wessex Water public sewer. No regard has been given to attenuating flows and the use of Sustainable Urban Drainage Systems (SUDS) in this proposal. No approval should be given until a detailed surface water disposal plan has been submitted and agreed with the Authority.

LANDSCAPE OFFICER – the building and car parking, being located adjacent to College Way, will have a detrimental impact on the character of the 'Urban Open Space' EN24 and 'Recreational Open Space' C3 and even with landscape enhancement will in my opinion not be appropriate for this location.

LEISURE DEVELOPMENT OFFICER – I have the following observations to make on this application. Whilst the applicant argues that the second cricket square on this site is in effect a square by default rather than by design the fact is that a second square existing on the site and it will be lost if the development is permitted to proceed.

At present games are played concurrently on the 2 squares and the provision of an artificial wicket on the edge of the main square is not sufficient replacement for the proposed loss. The outcome of the loss of this sport facility will be to displace a cricket team. TDBC has no cricket facilities suitable to accommodate a team having reduced the number of cricket pitches available for public use in recent years (since the public in 2003 of the Playing Pitch Strategy referred to by the applicant).

The offer of free 'off peak' use of the grass pitches is no compensation for the loss of this facility as in practice the 'offer' is likely to be taken up by few, if any, schools (and the second square is used by adult teams rather than young people).

In order not to object to this application on the grounds of a loss of sports facilities I would expect to see a formal agreement between Queens College and the Civil Service Sports Club that one cricket square on the Queens College site is made available for use by the teams currently using the CSSC site between suitable agreed dates.

Regardless of the benefits that the new club would undoubtedly bring to CCSC members the proposal means the loss of playing fields for both a building and car parking and the loss of trees for access. All of which is regrettable.

There seems to have been no consideration given to building on the existing site of the club and whilst this may be more 'difficult' to achieve I would have thought it would have been an option worth exploring especially if access could be gained from Hoveland Drive.

The applicant places great emphasis on the supposed 'latent demand' for health and fitness facilities in Taunton, yet there is little evidence to support this view. In fact, recent reports, including one from Strategic Leisure Ltd, indicate that the market may well be saturated (the relatively recent closure of Fitness First may have altered the picture to some extent but not fundamentally). This matter is unlikely to be a major factor in making a planning decision but should be ignored as it is speculation.

I object to this application on the grounds that it means the loss of a cricket pitch with the consequent displacement of at least one team. The alternative offered (an artificial pitch on the remaining square) is unacceptable. I also consider that building on the existing site should be explored rather than automatically proposed to build on the sports pitches.

Further comments in response to the provision of community use as set out by the agent, letter dated 19th June 2008. Comments awaited from Queens College before providing a comprehensive response. Nevertheless, the submission from the agent does not make it clear that there is a guarantee that displaced cricket teams for CSSC will have access to facilities at Queens on a Saturday afternoon (for instance) – it merely suggests a 'priority booking' situation that could in fact not solve the issue at all.

For clarity I would expect a guarantee that those teams currently playing at CSSC and displaced as a result of the proposed developments have guaranteed access to Queens College facilities at a level at least equal to that which they currently enjoy – for instance they forward their fixtures in April and these are guaranteed to be accommodated at Queens College without question.

SPORT ENGLAND: In commenting on applications we assess whether the proposal meets any of the 5 exceptions to our Playing Field Policy 'A Sporting Future for the Playing Fields of England'. This requires that:

'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'

In order for the proposals to fully meet the requirements of E5 of our policy, we would wish to see the following requirements secured as part of any permission that is granted.

Loss of second cricket square

We note that there are two cricket squares on the site, and that the applicants have suggested (page 40 of the Planning Statement) that the second wicket is substandard and was developed by local users 'by default rather than design'. They

suggest that this loss can be replaced by the provision of a synthetic cricket wicket on the first square.

However, information provided by your Sports Services Manager suggests there is, from time to time, concurrent use by league teams of both cricket pitches at the CSSC ground on a Saturday, and as such at least one cricket team will be displaced if the development goes ahead without this issue being addressed.

The applicants have stated (para. 7.6 of the Planning Statement) that there is currently an agreement between Queens College and the CSSC which enables both parties to utilise each others facilities, particularly the sports pitches, and that this is intended to continue. The applicants have stated that the cricket facilities at Queens College will in the future be able to be used by future members of ROKO if the proposals were to go ahead. We consider that, for the application to be acceptable it will be essential to satisfactorily address the issue of accommodating displaced cricket teams that may wish to play when the remaining CSSC pitch is being used.

In order to achieve the above, we would request written confirmation from Queens College that the existing arrangements with the Civil Service Sports Club will continue once the ROKO club is established, or alternatively a requirement (by way of a planning condition or Section 106 Agreement) is included as part of any planning approval that is granted, along the following lines:

Condition A: The development hereby granted shall not be commenced until a Joint Use Scheme has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England, for the use of an alternative cricket pitch that is at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality as the existing cricket pitch which will be lost as a result of the development. The scheme shall include details of location, pricing policy, days and hours of use, access by CSSC members and non-members, and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason – To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with LP Policy C3 and EN24).

Future management and maintenance of sports pitches

With regards to the sports pitches on the site, the applicants have indicated a willingness to provide assurances, either by condition or S106, that the pitches would be retained and continue to be made available for sports use following the development. We would therefore request that a planning condition is included as part of any planning approval that is granted along the lines of the following Sport England model condition.

Condition B: The development hereby permitted shall not be commenced until a Management and Maintenance Scheme for the remaining sports pitches at the CSSC site has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Management and Maintenance Scheme shall be for a period of at least 10 years, and shall include management

responsibilities and a maintenance schedule. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development, and shall include a mechanism for review.

(Reason – To ensure that the sports pitches on the site are managed and maintained to ensure sufficient benefit of the development to sport and to accord with Local Plan Policy C3 and EN24.

Subject to securing the above requirements as part of any planning approval that is granted, Sport England does not wish to object to this application, as we would be satisfied that the proposals would meet Exception E5 of our playing fields policy.

However, if the Council resolves to approve the proposed development without the above requirements being secured then Sport England would wish to object to this application.

Further comments in response to the provision of community use as set out by the agent, letter dated 19th June 2008 – Sport England are please to see some good progress has been made. However, as per the Council's leisure services department further details are required, in particular regarding priority for displaced CSSC teams.

PARISH COUNCIL – The Parish Council discussed the changes/amendments from the previous application, 52/2007/037, but felt quite strongly that these did not materially alter the original application. The Parish Council unanimously agreed to oppose the application for the following reason: -

1. The proposed Centre is an intrusion in the street scene and not in keeping with the present surrounds and surrounding area. Its location, size and appearance will have a detrimental impact on the residential area and will result in the substantial loss of a very important open aspect within a fully developed area. The proposal would appear to be contrary to your 'Urban Open Space' and 'Recreational Open Space' policies in the Local Plan.
2. The proposed two storey Centre building would not be in keeping with the residential and surrounding area. The high level of lighting would exacerbate this, especially as it is proposed to open the centre until 11.00pm, and incorporate large illuminated signage for the Centre.
3. There would be significant loss of green field and open aspect from exists at present and a loss of available sports facilities and playing area. This would be made worse by also losing the present indoor bowling facility. These losses would include the second cricket square towards College Way, which is used throughout the season and has been for a considerable number of years; a hockey pitch towards College Way, which for years has been marked out with the proper hockey goalposts and a third football pitch in front of the lit multi-purpose five-a-side hard court area.
4. The effects of the additional traffic on College Way and the College Way/Galmington Road junction, especially at Peak times during the day, i.e. school and work time in the mornings and evenings. Its proximity with Pitts Close will cause significant traffic flow problems on a junction that is already

very demanding with access to the local Primary School, Shops, Church, Community Hall and Doctor's Surgery. As a measure of the traffic problems that already exist, a controlled crossing was put in the vicinity. The Centre will only exacerbate these problems.

5. The proposed entrance/access to the Centre would need an agreed visibility splay, which will require the removal of existing trees. This would create additional traffic safety issues along College Way with the amount of traffic turning left and right off College Way, in order to enter and leave the Centre.
6. The Council have in the past discussed with Somerset County Council the possibility of a cycleway/footpath coming from Trull Road to College Way. The Council note that this has now been added and joins the existing footpath beside Fulwood Close. The Council would like to know who owns the land (grass strip) between the Civil Service fence and the footpath, where the two would have to merge and who would be responsible for upgrading the remainder of the footpath into a cycleway/footpath? In addition, the Council would like to know the legal responsibility and future maintenance of the proposed cycleway/footpath, as it is shown inside the security fence and therefore on Civil Service owned land.
7. The Council feel that there would be an additional problem created along College Way, because at present there is a barrier preventing cyclists and pedestrians from turning left towards Pitts Close. They have to go right to join the properly installed crossing, which was positioned there to prevent road safety problems opposite the Pitts Close junction (see 4 above). This could be exacerbated if the footpath or cycleway/footpath link is extended towards the entrance to the Sports Centre on the same side of the road.
8. The Council would need to be convinced that it was not possible to build the proposed Sports Centre in the same place or close to the existing Sports Club building and believe this requires further detailed consideration.

If however, the application were to be approved, the Council would expect to see a number of conditions imposed, even if they required further discussion with the Parish Council. These would include: -

1. Access to and from the site is of major importance to users of College Way.
2. The visual impact of the building on the surrounding area, its positioning would mean the loss of the present open visibility and rare aspect in a fully developed area.
3. The choice of building materials, the style and design of the building, and assurances of future control of structural changes and appearance.
4. The lighting of the new building and the size and wattage of the lit signage, especially in view of the proposed opening hours for the Centre.
5. The hours of business, especially the proposed closing time.

6. The protection, as far as possible, of a highly significant site in the Parish.
7. Security of the site, with the essential need for a barrier to be installed when the Centre is closed to prevent illegal use of the car park and site. There would also need to be further information on the type, materials and colour of the proposed security fence around the site.

CIVIC SOCIETY – raises concern to the application, mainly arising from the landscape impact and the effect of on College Way, together with doubts over the viability of the proposed business.

What is proposed appears to be a large shed, in gross outlines not unlike warehouse buildings found on business parks. This is completely at odds with the residential and retail development along College Way and because of its extra height cannot be said to relate to the existing single storey club buildings.

It appears that the existing club is in a degree of financial difficulty, so the proposal seems to be to transform it into a health and sports facility open to the general public (although the basis for this is unclear – there still seems to be a ‘membership requirement’). If it is thus opened on competitive terms then it benefits the Galmington & S-W quarter of the town with new facilities.

However, Taunton has a considerable number of similar establishments, all of which depend on their patrons’ discretionary expenditure, and we suggest that the possibility that the venture may fail must be considered. If so, what will happen to the site? Will Galmington be left with what will then appear to be an unsightly white elephant – and will the remaining sports field be lost because ‘development’ has occurred and the site can be considered brownfield?

If it will not be of benefit to local residents, the net effects may be negative, as it involves the reduction in playing field space and the loss of the present indoor bowls facility.

If the application is approved we request the following conditions be imposed:

1. That the external materials used for the building, and particularly those parts above the ground floor, be such as to minimise the visual impact both from College Way and the buildings to the north of the site, and from the scarp to the east. It is desirable that the building blends in with the predominantly green surroundings.
2. For similar reasons of reducing visual impact we ask that strict controls be imposed on signage, car park lighting etc.
3. If the field is to continue as a landing ground for air ambulances, that a clear access to the field be maintained at all times. We are concerned that parking may obstruct this.

10 LETTERS OF OBJECTION have been received raising the following issues:- it would be sensible to look at using local buses or extending routes – please do not

encourage further use of cars which encourages weight gain and causes pollution; increase traffic congestion at the junction of College Way and Pitts Close which will be detrimental in terms of highway safety on what is a major route for cars, cyclists, delivery vehicles, bus route and emergency route to the hospital from helicopter landing in the Civil Service playing fields together with access to local facilities; it will exacerbate parking on College Way; traffic survey flawed as its counts are taken after the school run and do not reflect real life traffic conditions; concern that the development should not cause the loss of the protected Poplar trees bordering College Way which provides one of the most attractive visual aspects of the area; no reference made to the bungalows in Pitts Close which will be impacted upon and the proposed centre would be visually obtrusive; inappropriate for a commercial use in a predominantly residential area; there are other established sport and fitness facilities within Taunton Deane – given existing economic downturn may provide unviable and concern regarding the re-use of any redundant industrial type building; another established sports facility has recently closed in Taunton; the site will not have adequate security; it will lead to people cutting through private land of adjacent flats; scheme should be referred back to the developer as the site next to the clubhouse (brownfield) is preferred and would not reduce the size of the sports field; the building is of an industrial type out of keeping with the residential location; it will cause noise and disturbance to residents; local residents not consulted or site notice posted; contrary to Local Plan Policy EN24 (Urban Open Space) and C3 (Recreational Open Space); current users of the outside sports facilities may be forced to pay higher commercial rates – reducing participation for those on low incomes; existing facilities have been underused due to lack of information; object to opening times; removal of screening which has previously been sited there for a reason; emergency helicopter service will suffer because of commercial demands to let the pitches at a much increased volumes, therefore reducing ‘landing slots’ and the waiting ambulances may be caught in the traffic chaos generated by the facility; no community involvement from the developer prior to submitting this major application; still no assurances about the plans for the existing Civil Service Sports Club site; concern regarding management of the site to ensure there is no trouble from young people in and around the vicinity of the site.

5 LETTERS OF SUPPORT have been received. Summary of comments:- despite the lack of information available on the website support the proposal; further enhancement to the Galmington Area; boost to the area – the sports facilities must be retained bearing in mind Comeytrowe/Trull has a large population; as a retired civil servant I have no objections (letter notes the representee lives 20 miles from Taunton).

POLICY CONTEXT

PPS1 – Delivering Sustainable Development

PPG17 – Planning for Open Space, Sport and Recreation

RPG 10 – Regional Planning Guidance from the South West, TCS2 – Culture, Leisure and Sport, TRAN1 – Reducing the Need to Travel, TRAN10 – Walking, Cycling and Public Transport.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR4 – Development in Towns, POLICY 21 – Town Centre Uses, POLICY 37 – Facilities for Sport and Recreation, POLICY 44 – Cycling, POLICY 48 – Access and Parking, POLICY 49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, EC12 – Major Retail and Other Key Town Centre Uses, M1 – Transport, Access and Circulation Requirements, M2 – Parking Provision, M3 – Accessibility, M5 - Cycling, C3 – Protected Recreational Open Space, C5 – Sports Facilities, EN6 – Protection of Trees , EN24 – Urban Open Space.

ASSESSMENT

The application seeks a new sports centre for the Civil Service Sports Club which will also be available to non-members, i.e. members of the local community. The proposed building is intended to be sited at the College Way end of the site, rather than replacing the existing clubhouse building, and includes provision of a new access of College Way, the local distributor road. The main considerations are the design of the building and visual impact in terms of the protected open space and the views from College Way, whether the proposal will result in the loss of playing field facilities, whether there are more appropriate sites in terms of the site itself and the sequential test and whether the access and visibility is acceptable.

Design and Impact upon protected open space

The proposed dimensions of the building are approximately 31m x 49m x 9m high. It is to be steel framed with a mix of brick and coloured cladding panels for the external walls. In design terms it is difficult to design a building that is both modern and attractive given the nature of the internal uses involved. The building is a large modern structure and attempts have been made to break up its visual appearance by the use of different external materials and a curved roof. It is considered that the building design is acceptable; however, the visual impact of such a large building in street scene terms remains a concern.

PPG17 states that the recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site. In considering planning applications - either within or adjoining open space - local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.

Para 10 of PPG 17 Planning for Open Space, Sport and Recreation 2002 states that local authorities should:

1. avoid any erosion of recreational function and maintain or enhance the character of open spaces;
2. ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;
3. protect and enhance those parts of the rights of way network that might benefit open space; and

4. consider the impact of any development on biodiversity and nature conservation.

The building is located within the urban open space designation covered by policy EN24. This states that new development will not be permitted unless the urban open space is surplus to needs or the development is compatible with the functions of the open space, would not impair the ability to provide these functions and is of an appropriate scale, siting and design to minimise the impact on the open space.

The open space is not considered surplus to needs and the existing function of the open space is as playing fields. The playing field provides an area for archery, two football pitches and two cricket pitches. This recreational open space is also protected under policy C3 of the Local Plan. In this policy proposals should not be permitted unless there is an excess of good quality recreational facilities that would be lost, sufficient to meet local demand; or the development provides a recreational or community benefit greater than the long term recreational value of the facility that would be lost; or equivalent provision in a convenient location is made. The issue therefore is one of whether the community benefit of the indoor and retained outdoor facilities is sufficient to outweigh the loss of the playing field uses such as the second cricket square. Clearly, there would appear to remain concern that the use of Queens College facilities as compensation for the loss of the second cricket pitch would not satisfy Sport England or leisure services. However, there further views are awaited.

The agent has provided the terms regarding an agreement with Queens College over joint use of the retained CSSC facilities and the use of the Queens College facilities, particularly for the cricketers in the future. The fundamentals of the agreement are as follows:

1. Agreement to the Queens College to lease the CSSC playing pitches with a priority of use in the order of CSSC, Queens College and wider general public in that order.
2. Agreement for the existing CSSC teams to continue to access the Queens College pitches including the cricket, with the order of priority being the Queens College, then CSSC.

The Council's leisure services department and Sport England raise concern that the proposal does not make it clear that there is a guarantee that displaced cricket teams for CSSC, for example, will have access to facilities at Queens on a Saturday afternoon (for instance) –merely suggesting a 'priority booking' situation that could in fact not solve the issue at all. The leisure department would expect a guarantee that those teams currently playing at CSSC and displaced as a result of the proposed developments have access to Queens College facilities at a level at least equal to that which they currently enjoy – for instance they forward their fixtures in April and these are guaranteed to be accommodated at Queens College without question.

The Council's leisure officer and Sport England have requested clarification from Queens College before responding further. Queens College have set out their response to the application and there support for the retention of the playing fields and other sports facilities where there remains demand for their use and is intent upon providing wider use of its own such facilities as far as is conducive with its

responsibility for child safety and protection. Queens College consider that should consent be granted it will assist Queen's College in realising its intent by providing changing facilities that can be used by visiting teams (quite separate from those provided for the school's pupils) in the CSSC Club House for which there is now an agreement, subject-to-contract and planning permission, for Queen's College to acquire. The agent acting on behalf of Queen's College's states that the College would not provide any other opportunity to provide such facility and, in fact, there is very little scope for much-needed extra classroom and examination accommodation so that its acquisition of this site and buildings immediately to the east of the Application Site would also provide such accommodation for its educational needs.

It would be the school's intention to operate the site as part of its overall school campus so that vehicular access would be largely through its main site rather than via Civil Service Lane, reducing traffic movements along that lane. However Queen's College would still need to retain that access to its main site and to the present CSSC car park which it has used informally in the past. The intention would not therefore be to stop up the existing access, which has implications for highway safety as referred to later.

With regards to the loss of the second cricket pitch which would be lost if this application is approved, Queen's College has now agreed terms with the applicant, subject to contract, to provide second call (after the school's own needs) for the use of its own sports facilities, which would be available to CSSC for evening matches and for a number of weekends through the summer during half-term and the long school holiday. This agreement, a lease for 25 years, would also provide for Queen's College maintaining the whole of CSSC's remaining sports field with a cricket pitch in summer and two winter sports pitches.

Subject to the change of use of the existing buildings on the CSSC Grounds to educational use as described above and the applicant entering the lease on the terms agreed, Queen's College supports this application. The agent to Queens College states the application should only be approved subject to the Applicant entering an agreement under Section 106 of the Town & Country Planning Act to ensure these conditions are implemented.

It is considered, on the basis of Sport England and the Council's leisure officer, that the proposal will impair the ability to provide the same range of playing field facilities as existing as the building and car park will take up space and there will also be a loss one cricket square. The scale of the building cannot really be altered given the proposed scheme. However the siting of this building in terms of the open space is questionable. It is a large building that has been located on the western end of the site in a location that would be clearly visible by traffic travelling along College Way and will also be visible from the footpath running east-west along the northern boundary of the site. Siting the building and car park along the College Way frontage eats into the open appearance of the playing field from this main vantage point.

Moreover, the Council's landscape officer considers that the proposed building and car parking, being located adjacent to College Way, will have a detrimental impact on the character of the 'Urban Open Space' and even with landscape enhancement would be inappropriate for this location. The impact of the building upon the street

scene is one of the considerations that need to be weighed in the balance against the degree of community benefit arising from the development.

The existing clubhouse building would seem a potential alternative location as has been suggested by a number of the objectors. This site is read in conjunction with the residential development to the north and east and the school to the south east. However an alternative access to the site would need to be considered.

Sequential Test

The applicant has submitted a planning statement which looks at the sequential test necessary as the proposal is likely to be a major traffic generator and the site lies outside the central area. This is in line with both PPS6 and the requirements of the Local Plan policies C5 and EC10. The policy concern, raised during the previous application, is that the test undertaken has not looked at all town centre sites and when these are looked at there are sites available which could house a sports centre use. The applicant argues that they have a specific business model which looks to incorporate the existing playing field facilities into a scheme to ensure their retention and that disaggregation onto a smaller site to provide indoor facilities would ignore the requirements to provide for outdoor sports. Financial viability of quality outdoor sports it is claimed can only be provided by linking the facilities on the one site. Relocation of the entire facility would require 3 hectares which could not be found in a more sustainable location. The proposed site is adjacent to the existing local centre and benefits from good local transport links and is considered an acceptable alternative. It is a location that is well related to residential areas and does not have a similar facility nearby on this side of town other than at Castle School.

Highway Implications

The highway authority have expressed concern that whilst they have been informed the proposal would be a direct replacement for the existing facility, currently served from Trull Road there is no information submitted regarding the future use of the buildings. Information within the correspondence from the highway consultant and Somerset County suggest the use would cease and the building be demolished, but this is not referred to within main contents of the information. The proposal seeks to gain access from College Way, a distributor road. The Highway Authority has made it clear that there is a presumption against providing a private access from a distributor road unless there is clearly a benefit to highway safety, such as the benefit from stopping up the substandard access from Trull Road. However, without comprehensive information as to the ongoing/long term future use of the buildings a full assessment of the implications of the scheme is not possible.

It is noted that highway safety has been raised as one of the fundamental concerns to the proposal from local residents. In terms of the access and highway visibility requirements the highway authority are satisfied that the proposal is acceptable. The pedestrian/cycle route now proposed in response to previous requests from the highway authority has been incorporated into the scheme. However, the highway authority raises concern as to the potential conflict of users, again without further clarification over the future use of this land. On the basis of the information submitted the highway authority retain their objection to the scheme.

Conclusion

In summary the visual impact of the scheme on College Way and the protected open space, together with the loss of facilities, is considered to be contrary to policy C3 and EN24 and this impact would be worsened by tree loss necessary for the highway visibility opening up the site. The lack of an adequate access and insufficient information regarding the stopping up of the existing access are considered further reasons to refuse the scheme. The impact on the loss of playing facilities, as set against community benefit is a balanced one as is the sequential test issue and the comments of Sport England and the Council's leisure department on this are awaited.

One of the recurring considerations in the assessment of the application relates to the long term future of the CSSC buildings. There is now an understanding that Queens College are seeking to purchase the remainder of the CSSC site. However, the existing CSSC buildings are located outside of the application site and it is considered that a comprehensive application which covers the existing application site and the remainder of the CSSC buildings, parking etc, would be the most appropriate way of assessing the relative community benefits and those of the highway authority with regards to the development of the site as a whole.

RECOMMENDATION

Subject to the further views of Sport England and the Council's leisure department, permission be REFUSED for reasons of adverse impact on protected recreational open space contrary to Local Plan Policy C3 and EN24 and potential loss of trees contrary to policy EN6, proposed access is not adequate to serve the development and would be contrary to the standards for design and layout of streets as set out in the adopted 'Estate Roads in Somerset' and would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49, Insufficient information has been submitted regarding the use of the existing buildings within the site, to satisfy the Highway Authority that the existing substandard access to Trull Road can be stopped up, the vehicular traffic removed, and the pedestrian/cycle link provided so that it is safe to use contrary to Policy 49 Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan policy M5.

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

CONTACT OFFICER: 01823 356586 MR A PICK

NOTES:

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Taunton Deane Borough Council

Report of the Conservation Officer to the Planning Committee - 23 July 2008

Draft Heritage Protection Bill 2008 and Heritage at Risk Register 2008

(This matter is the responsibility of Councillor Simon Coles)

1.0 Draft Heritage Protection Bill 2008

- 1.1 In April 2008 the government published its draft Heritage Protection Bill – a radical overhaul of the way the historic environment is protected and managed in England and Wales.
- 1.2 Under the proposed system the existing legal distinction between different kinds of heritage assets will disappear. Instead of separate but overlapping categories of listed buildings, scheduled monuments, registered parks and gardens, battlefields and wrecks, there will be one national register of ‘heritage assets’.
- 1.3 One important benefit is considered to be that it will be simpler to identify those assets at greatest risk. Another is that streamlining of the current system will make it easier for owners to manage their assets. A key element is a proposal that Local Authorities should take the lead in looking after the historic environment at local level. NB: Whilst not spelt out in the draft Bill, it is clear that the proposals will impact on Local Authority resources.

2.0 Heritage at Risk Register 2008

- 2.1 The annual report and register produced by English Heritage, highlighting the most important heritage assets at risk in England, has recently been published.
- 2.2 For the first time the register combines all categories of nationally designated assets that have been assessed to date, hence the change in title from the former ‘Buildings at Risk Register’.
- 2.3 The table below sets out the categories and number of assets and percentage at high risk in England:

Asset Type	No of Assets	No. of Assets at Risk	% at Risk
Grade I and II* Listed Buildings	30,687	977	3.2
Grade II Listed Buildings in London	16,515	402	2.4
Scheduled Monuments	19,695	4,136	21.0

Registered Parks and Gardens (RPG)	1,595	112	7.0
Registered Battlefields	43	8	18.6
Protected Wreck Sites	45	10	22.0

- 2.4 Of the entries on the South West 1999 baseline buildings at risk register 50% have been removed – slightly above the national average.
- 2.5 The total number of Grade I and Grade II* Listed Buildings and structural monuments at risk on the register is now 162, along with 4 protected wreck sites and one registered battlefield.
- 2.6 In the last year, two notable buildings at risk were removed from the register but 7 were added.
- 2.7 The regional position reflects the national trend of a small increase in building at risk entries.
- 2.8 The current heritage at risk assets for Somerset are as follows:

District	Grade I and II* Listed Buildings	Within RPG	Scheduled Monument
Mendip	5	2	-
Sedgemoor	2	-	-
South Somerset	4	-	-
Taunton Deane	4	1	-
West Somerset	1 (also SM)	-	2

- 2.9 The entries for Taunton Deane are:

Sandhill Park
Gatehouse at Cothelstone Manor
Cloth Finishing Works at Tone Mills
Tonedale Mills (West Complex)

3.0 Recommendation

- 3.1 Members are requested to note the above.

**Contact Officer: Diane Hartnell 01823 356492 or e-mail
d.hartnell@tauntondeane.gov.uk**

Planning Committee – 23 July 2008

Report of the Development Manager

Enforcement Item: E95/38/2008

Parish:

- 1. File/Complaint Number** E95/38/2008
- 2. Location of Site** Magdalene House, Magdalene Street, Taunton
- 3. Names of Owners** Zizzi, 20 High Street, St Albans, Hertfordshire
- 4. Name of Occupiers** Zizzi
- 5. Nature of Contravention**

Unauthorised erection of signs

6. Planning History

Applications 38/2008/192A and 193LB for retention of signs and erection of 2 menu boxes withdrawn 22 May 2008, with Agent agreeing to resubmit once negotiations had been undertaken with the LPA. No contact has subsequently been made by the Agent.

7. Reasons for Taking Action

Applications 38/2008/192A and 193LB for retention of signs and erection of 2 menu boxes withdrawn 22 May 2008, with Agent agreeing to resubmit once negotiations had been undertaken with the LPA. No contact has subsequently been made by the Agent.

8. Recommendation

The solicitor to the Council be authorised to commence Listed Building enforcement action to secure removal of the unauthorised signs including illumination and associated wiring and fixings at Magdalene House, Magdalene Street, Taunton.

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

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