



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 3RD SEPTEMBER 2008 AT 17:00.

(RESERVE DATE : MONDAY 8TH SEPTEMBER 2008 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 13 August 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. Bishops Lydeard - 06/2008/058
Erection of detached dwelling with garage, 26 Church Street, Bishops Lydeard
6. Oake - 27/2008/026
Siting of one mobile home for gypsy family and transit pitch for touring caravan at Altonia Park, Hillfarrance as amplified by applicant's representation dated 14 August 2008
7. Taunton - 38/2008/237
Conversion and extension of former shop and accommodation to form two flats, demolition of outbuildings and erection of attached dwelling at 44-46 Staplegrove Road, Taunton as amended by revised floor plan (Drawing 13A) received 1 August 2008
8. Taunton - 38/2008/280
Erection of construction and motor vehicle workshop, a replacement sports hall and new infant nursery building at Somerset College of Arts and Technology, Wellington Road, Taunton as amended by letter dated 11 July 2008 and plans AL(P)212B, 120F and 113E and letter dated 12 August 2008 with report and plans AL(P)100G, 102A, 110E, 111E, 112E, 120G, 130F, 210C, 220D, 230E and 310C.
9. Taunton - 38/2008/292
Erection of 4 storey arts and design building, 3 storey temporary accommodation building, single storey store, electrical substation, reconfigured service yard, landscaping and demolition of buildings at Somerset College of Arts and Technology, Wellington Road, Taunton as amended by Drawing 4673/D23A and D70A

10. Taunton - 38/2008/326
Erection of two storey extension to rear in place of conservatory and extension to front of garage at Fairhaven, The Avenue, Taunton as amended by revised plans and elevations (Drawing No C4513/100C) received 7 August 2008

11. E58/36/2007 - Stationing of mobile home outside of curtilage of barn, Frog Lane Barn, Frog Lane, Stoke St Gregory Enforcement item

Tonya Meers
Legal and Democratic Services Manager
26 August 2008

Tea for Councillors will be available from 16.45 onwards in Committee Room 1

Planning Committee Members:-

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Critchard

Councillor Denington

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor A Wedderkopp

Councillor D Wedderkopp

Councillor Miss Wood

Councillor Woolley



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



Tel: 01823 356410
Fax: 01823 356329
E-Mail: g.dyke@tauntondeane.gov.uk

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

Planning Committee – 13 August 2008

Present:- Councillor Mrs Hill (Chairman)
Councillors Bishop, Bowrah, Denington, Critchard, Mrs Floyd, C Hill,
House, Miss James, McMahon, Watson, Ms Webber and Woolley

Officers:- Mr B Kitching (Area Planning Manager), Mrs J Jackson (Legal Services
Manager) and Mrs G Croucher (Democratic Services Officer)

Also present:- Councillor Coles

(The meeting commenced at 5.00 pm)

96. Apologies

Councillor Mrs Allgrove (Vice-Chairman) and Councillors Mrs Smith,
D Wedderkopp and Miss Wood.

97. Minutes

The Minutes of the meeting held on 23 July 2008 were taken as read and
were signed subject to the addition of Councillor Bowrah to the list of those
present.

98. 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
development, subject to the standard conditions adopted by Minute No
86/1987 of the former Planning and Development Committee and such
further conditions as stated:-

38/2008/274

Erection of single storey extension, 10 Clifford Crescent, Taunton

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) P011 – no windows on the north elevation;
- (d) C902 – alternate permissions on same site.

Reason for granting planning permission:-

It was considered that the proposal complied with Taunton Deane
Local Plan Policies S1 (General Requirements), S2 (Design), and H17
(Extensions to Dwellings) in that neither residential nor visual amenity
would be adversely affected.

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

38/2008/298

Retention of 2m high timber fence to the south of Weirfield Boarding House, Taunton School, Staplegrove Road, Taunton

Reason

The fence represents an incongruous and inappropriate feature, having an adverse impact on the open setting of adjacent listed buildings. As such, the fence fails to preserve or enhance the settings of the adjacent listed buildings and is therefore contrary to the guidance contained in Planning Policy Guidance Note No15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

99. Unauthorised fascia, hanging sign and repainting of shopfront, 56 East Street, Taunton

Reported that it had come to the Council's attention that a hanging sign had been displayed and the fascia and shopfront had been repainted at 56 East Street, Taunton without the appropriate consent.

During the discussion of this item Members took the view that that the fascia, hanging sign and repainting of the shopfront was acceptable.

Resolved that no further action be taken.

100. Erection of unauthorised structure over skittle alley, Somerset Inn, Alfred Street, Taunton

Reported that it had come to the Council's attention that a structure had been erected over the skittle alley at the Somerset Inn, Alfred Street, Taunton without planning permission being obtained.

The owner of the property had been contacted and advised to remove the structure but, to date, only part of it had been removed.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised structure over the skittle alley at the Somerset Inn, Alfred Street, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 5.40 p.m.)

06/2008/058

A & J RAUCKI

**ERECTION OF DETACHED DWELLING WITH GARAGE, 26 CHURCH STREET,
BISHOPS LYDEARD.**

316872/129673

FULL

PROPOSAL

The proposed development comprises the erection of a detached 4-bedroomed dwelling with attached single garage, within the rear garden of no. 26 Church Street. An existing vehicular access would be used, and a single-storey DIY shop and materials storage building would be demolished to enable construction of a driveway.

Planning permission was refused in May this year, reference 06/2008/029, for the erection of 2 no. detached houses. An appeal against this decision is pending.

Outline planning permission was granted for a single-storey dwelling in March 1987, reference 061/86/028.

The site is within the settlement limit, within the designated Conservation Area, and the property adjoining no. 26 Church Street is listed Grade II.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY – The proposal is located within the development limit and in the centre of Bishops Lydeard deriving access from/onto Church Street, which is one of the main routes through the village. I am fully aware that parking is a contentious issue in this area as there is no public car park and on-street parking is well utilised and more often than not at a premium.

Therefore it is essential that careful consideration is given as to whether this proposal would significantly exacerbate these existing problems or lead to a significant increase in traffic over and above that which currently occurs on this stretch of highway.

There is an existing shop and storage building that will be demolished in order that access to the site can be achieved and it is considered that the two dwellings would generate less traffic than the use of this shop. In addition I have noted during several visits to the village that the access, parking area in front of the shop is particularly congested making turning within the site practically impossible. It is therefore considered that a residential use would not only result in less traffic, but it would also ensure that this area would improve manoeuvrability for and of vehicles utilising both the remaining and proposed uses within the site.

Sufficient onsite parking and turning is being provided to serve the dwellings.

Given the points raised above it may be considered unreasonable to raise a highway objection to the proposal particularly as it is considered that the removal of the builders/DIY shop would result in a decrease in traffic utilising this access. If the Local Planning Authority is minded to grant consent, it is recommended the following conditions are imposed.

- 1 The area allocated for parking/turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 2 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the uses of the garages hereby permitted shall be limited to the parking of domestic vehicles only and shall not be used for further ancillary residential accommodation or other purpose whatsoever.
- 3 There shall be no obstruction to visibility greater than 900mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times.

WESSEX WATER - The 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. It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets. The developer has not disclosed on how they proposed to dispose of surface water flow. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from site (e.g. soakaways). Surface water should not be discharged to the foul sewer.

With respect to 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 see 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 any such development proposals as may affect its apparatus.

DRAINAGE OFFICER – No details provided as to how surface water flows are to be treated. Details should be provided before approval before any approval is given.

CONSERVATION OFFICER – The revised proposal for a single dwelling and garage at the rear of the plot behind 26 Church Street Bishops Lydeard is much improved. It addresses the points of main concern, namely it is a far less cramped development of the site, the development is much further away from the Grade II Listed 25 Church Street and the effect of the development on the street scene of the Conservation Area is minimised as well as somewhat screened with some proposed planting. No objection to this application

PARISH COUNCIL – The Council does not object to the application and has the following comments to make:

- the Council accepts that there should be development on the site.
- the Council has concerns over the proximity of the window of the property 26A to the proposed development
- given that there are already reported flooding problems to the rear of Radlett
- and Church Lane, this should be investigated before any approval is given.

SEVEN LETTERS OF OBJECTION have been received on the grounds that: loss of light and privacy will result; traffic problems would be expected; future occupiers would suffer from noise pollution from the applicants yard; the setting of a listed building would be adversely affected. Noise problems would be generated, loss of outlook will result; the drawings are not scaled; the proposal constitutes a cramped form of over-development; since outline permission was granted in 1987, the surrounding area has changed dramatically; the Conservation Area would be adversely affected; the proposed house is out of character; flash floods occur regularly and this would be exacerbated by the building of a new house.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity, and road safety. Policy EN14 seeks to safeguard the character and appearance of designated Conservation Areas. Policy 9 of the Somerset and Exmoor National Park Joint Structure Review and PPG15 seek to safeguard the setting of listed buildings.

ASSESSMENT

The site is within the settlement limit of Bishops Lydeard, the County Highway Authority have raised no objection in respect of road safety, it is not considered that residential amenity would be unduly affected in terms of light or privacy, and the site is clearly large enough to accommodate a single dwelling. The contention concerns the impact on the Conservation Area and the setting of the adjacent listed building (no. 25), and it is considered that the reduction from 2 dwellings to 1 address the previous concern of the development being cramped. Furthermore, the 1 dwelling is further away from the listed building and has less impact on the street scene of the Conservation Area.

The proposed development is considered acceptable.

RECOMMENDATION

That permission be GRANTED subject to conditions of time, materials, landscaping, drainage details, fencing, removal of Permitted Development Rights, highway safety conditions.

REASON(S) FOR RECOMMENDATION:

The proposed development would not adversely affect visual and residential amenity, nor road safety, nor the character and appearance of the designated Conservation Area, nor the selling of the adjacent listed building. Accordingly, the proposal does not conflict with Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), Somerset and Exmoor National Park Joint Structure Plan Review policy 9 and PPG15.

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:

27/2008/026

MRS SALLY WOODBURY

SITING OF ONE MOBILE HOME FOR GYPSY FAMILY AND TRANSIT PITCH FOR TOURING CARAVAN AT ALTONIA PARK, HILLFARRANCE AS AMPLIFIED BY APPLICANT'S REPRESENTATION DATED 14TH AUGUST 2008

317581/124749

FULL

PROPOSAL

This planning application seeks permission for the siting of one mobile home and one touring caravan for people with gypsy and traveller status at Altona Park, Hillfarrance. The application site was granted planning permission in 2006, reference 27/2006/019, for the siting of one mobile home and one touring caravan for a single gypsy family (comprising Mrs Sally Tucker and her two young children) and the erection of stables.

The rectangular site is adjacent to the road, with a field behind the site also under the same ownership, which is currently used for horse grazing. The site is located 1½ miles from the village of Norton Fitzwarren and also 1½ miles from the village of Oake. The site is screened with mature native hedging on the site frontage and side boundaries, and the rear boundary has a 1 metre earth mound with new planting on top. The applicant, Mrs Sally Tucker Woodbury, has stated the mobile home and touring caravan would be for gypsies and travellers in the Borough who require accommodation or a site, and in the long term, the accommodation and site would be for the applicant's family who currently live abroad. The mobile home and transit pitch would therefore be used by the identified need until such time when the applicant's family return from abroad.

This application is the resubmission of a previously refused planning application, where the reason for refusal was as follows:

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

This application differs from the previously refused application on the site, by changing the occupation of the mobile home and touring caravan site for any gypsy family rather than extended family of Mrs Tucker Woodbury who currently reside abroad (even although Circular 01/06 recognises that gypsies and travellers have an

actively itinerant lifestyle, including groups of long distance travellers). Therefore the provision of the additional mobile home and transit pitch would contribute towards the identified need that is currently present in the Taunton Deane Borough.

The applicant has made further representation in response to letters of objection that have been received. This representation has raised the following issues: there is no intention to turn the site into a large gypsy site; if granted, the second mobile home will be similar to the existing mobile home; people who live over a mile from the site hold a prejudice against the applicant; the application will not effect house prices in the area, this has been demonstrated by new people moving to properties within close proximity to the site recently.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY – Previous comments equally apply: Comments and recommendations from letter dated 14th November 2006 regarding planning application 27/2006/019 equally apply to the present application: - The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such, as, education, employment, health, retail and leisure. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice. The proposed site is located approximately 1km from the centre of Hillfarrance; however the nearest settlement in terms of services is Norton Fitzwarren, which is approximately 3km away. There is one very limited bus service that operates for Hillfarrance, but such a limited service from the village would make access to facilities and major centres of employment difficult except by car and would be outside of the recommended walking distances as set out in RPG10. If the Local Planning Authority consider that this is an acceptable location in terms of meeting the criteria set out in Policy 36 of the Somerset & Exmoor National Park Joint Structure Plan Review and H14 of the Taunton Deane Local Plan in relation to Gypsy and Traveller Sites, it may be unreasonable to raise a Highway Objection. In detail the site will be accessed from an existing agricultural access from/onto a classified unnumbered highway. Visibility at the point of access is good to the northeast; however it is restricted to the southwest by the roadside hedge. If the Local Planning Authority is minded to grant consent it is imperative that recommended conditions are included. I would also like to recommend a further condition regarding parking be imposed if consent is granted.

LANDSCAPE OFFICER – Subject to the banking and native hedgerow planting being extended 5m into the site it should be possible to soften the impact of the proposals.

HOUSING OFFICER – No observations

RIGHTS OF WAY OFFICER – No observations

PARISH COUNCIL – Object to the proposal on the grounds that the applicant has failed to demonstrate sufficient personal need and that it is an extension from the original application for one mobile home and one touring van and could therefore

create a precedent, they would have to rely on private vehicles as the nearest bus route, as the applicant agrees, is approximately 1.5 miles away.

SIX LETTERS OF OBJECTION – Have been received, raising the following concerns: the applicant previously stated she had close family ties within the Taunton area, so why is the accommodation required; the applicant previously stated she frequently attended Musgrove hospital for back treatment but this is not a reason to live in Hillfarrance; as far as objector is aware the applicant does not have any relatives here; one objector is disabled and this does not qualify this person to any special planning permissions; the narrow lane is not safe for walking with young children; there is no bus service to Taunton from here; proposal is to the detriment of the village and its surroundings; the single track lanes in the area will not support the increase in traffic; the facilities in the area will not support the increased occupation of the land; nearest bus stop is 1½ miles from the site; applicant has failed to demonstrate sufficient local need exists; applicant has not appealed refusal of last application on site and this suggests the applicant accepts the initial decision; fostering of growth in the need to travel is contrary to government advice; granting permission for this application could set a precedent for more people wishing to erect homes on agricultural land; current mobile home on site is immobile, any future mobile homes on the site would have the same degree of permanence; Council policy is explicitly against development of this rural strip of land; no objection to the applicant keeping a touring caravan at the site; past experience has demonstrated in other areas that if an initial application is granted it will attract further development, legal or otherwise; the LPA has an inability to control or enforce conditions in their jurisdiction and further development however legal would be beyond control; the applicant's declared interest in promoting gypsy rights suggests suspicion of future enlargement of the site may be well founded.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review

POLICY STR6 - Development Outside Towns, Rural Centres and Villages.

Development in the Countryside will be strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

POLICY 5 - Landscape Character

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

POLICY 36 - Sites for Gypsies and Travelling People

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

POLICY 49 - Transport Requirements of New Development

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

- (1) Provide access for pedestrians, people with disabilities, cyclists and public transport;
- (2) Provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and,
- (3) In the case of development, which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

Taunton Deane Local Plan

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

S1 General Requirements

Proposals for development should ensure that: -

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

EN12 Landscape Character Areas

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

S7 Outside Settlements

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

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

H14 Gypsy and Travellers sites

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

- (A) There is a need from those residing in or passing through the area
- (B) There is safe and convenient access by bus, cycle or on foot to schools and other community facilities

- (C) A landscaping scheme is provided which screens the site from outside views and takes account of residential amenity
- (D) Adequate open space is provided
- (E) Accommodation will enjoy adequate privacy and sunlight
- (F) Accommodation for incompatible groups of gypsies and/or non-traditional travellers are not mixed on the same site
- (G) Areas for business, where appropriate, are provided within sites, with satisfactory measures for their separation from accommodation spaces and the safety and amenity of residents and
- (H) In the case of transit sites, there is convenient access to a County or National route
- (I) The site is not within an Area of Outstanding Natural Beauty or a Site of Special Scientific Interest, or would harm the special environmental importance of any other protected area
- (J) Adequate fencing, capable of preventing nuisance to neighbouring areas, is provided

Taunton Deane Borough Council noted, in an Executive Report dated 3 May 2006 – titled "providing for Gypsies and Travellers", that Circular 01/2006 altered the approach to the provision and assessment of gypsy and traveller sites nationally.

In order to address these alterations the Executive agreed that whilst all proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan, the criteria that are applied may need to be considered in a more flexible way where an identified need has been established. The fact that a site may be in an area with a landscape, wildlife or conservation designation should no longer in itself be a reason for refusal, unless it can be demonstrated that the development would undermine the objectives of that designation. A more flexible approach should also be taken in terms of distance to local facilities. Whilst sites immediately adjoining settlements may best meet sustainability criteria they can also give rise to other problems, particularly in relation to impact upon residential amenity.

The report also acknowledged that Circular 01/2006 states that large-scale gypsy sites should not dominate existing communities. As a result, in implementing policy H14, the relative size of any proposed site in relation to nearby settlements must be taken into account as a material planning consideration.

RELEVANT CENTRAL GOVERNMENT GUIDANCE

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

Paragraph 4

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

Paragraph 12 The Circular's main intentions are;

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

Paragraph 19

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

Circular 1/2006 requires all local planning authorities to carry out Gypsies and Travellers Accommodation Assessment (GTAA's) to ascertain the need for pitches in their districts. This must then be submitted to the relevant regional authority. The regional authority will use the information from the GTAA's to impose quotas of gypsy pitches on all the districts in the region. Each district will be obliged to allocate

sufficient land in their Development Plan Documents (DPDs) to meet its quota. The circular contemplates that this process will lead to the provision of an adequate number of gypsy sites.

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

Paragraph 48

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

Paragraph 53

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

Paragraph 54

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

Paragraph 60

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

REGIONAL SPATIAL STRATEGY (RSS)

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

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

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

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

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

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

GYPSEY AND TRAVELLER ACCOMMODATION ASSESSMENT (GTAA)

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

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

Work is due to start on the updated GTAA in the near future. Its results will inform the preparation of the Council's LDF, including any need which may exist for the identification of new sites.

RELEVANT LEGISLATION

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

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

Article 1

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

ASSESSMENT

One of the main intentions of Circular 01/06 is to significantly increase the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years. Other main intentions are that local authorities develop strategies to ensure that needs are dealt with fairly and effectively – making provision for accommodation requirements, and to promote more private gypsy and traveller site provision in appropriate locations through the planning system. It is accepted that there is currently an unmet need for gypsy sites within the area. This application is aimed at providing accommodation for bona fide gypsies and travellers, and should planning permission be granted, the mobile home and transit pitch with touring caravan would contribute towards the identified and justified need for provision of gypsy and traveller sites within the Borough. The proposal is in line with government guidance in relation to the special need to accommodate gypsies and travellers.

Circular 01/06 recognises that traditional patterns of work are now changing and that the gypsy and traveller community has generally become more settled. The Circular states that a more settled existence can prove beneficial to some gypsies and travellers in terms of health and education services.

The application site is located in the open countryside where normal policies resist the erection of new dwellings or the siting of new residential caravans. However there are exceptions to this policy including policy H14, which allows the principle of gypsies and traveller sites within rural areas provided they can fulfil certain criteria. These criteria were relaxed as a result of Government advice contained within Circular 01/06 to allow additional sites and in particular to expand existing sites where appropriate. In particular the Executive agreed a more flexible approach in

terms of distance to facilities and accepted that sites could be provided in areas of local landscape designation provided they do not undermine the purpose of the designation. The guidance contained within Circular 01/06 identifies that sites in rural settings, where not subject to special planning constraints, are acceptable in principle. The location of the proposed accommodation is considered to be acceptable given that the site already has planning permission. The application site is located approximately 1½ miles from both Norton Fitzwarren, which is the closest settlement to the site, and a similar distance to Oake. It is considered the proposal would not place undue pressure on the local infrastructure given the relative low number of mobile homes. This argument is supported by the County Highway Authority who has not raised a highway objection to the proposal in their consultation response. Furthermore, the application is supported by an additional planning statement by a representative of Planning Aid SW. This statement highlights that there was no objection raised by the County Highway Authority in response to the previously refused application (27/2008/009), and on the successful application for the site (27/2006/019), highway issues were not raised by the Local Planning Authority (the consultation response from the County Highway Authority has been identical with every application submitted). As there has been no material change in circumstances of the site or policy, the point is raised of why this issue was invoked as a reason for refusal on the last application. To reiterate, Circular 01/06 states rural settings are acceptable in principle and local authorities should be realistic about the availability of alternatives to the car. The statement also clarifies there is bus service that serves both Norton Fitzwarren and Oake which are only approximately 1½ miles from the site, and therefore the site is not entirely car dependent. Notwithstanding these observations, Circular 01/06 states in paragraph 66 proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. Given the scale of the proposal, the increase in vehicular movements to and from the site would be modest and the impact on minor roads would not be significant.

The site is not located in an area of nationally recognised designations as referred to within the Circular 01/06. The site is not located within a local landscape or local nature conservation designated area. Despite concerns from the public regarding the impact upon the character and appearance of the countryside it is considered that the proposal would not directly affect the landscape such as to warrant a refusal. Furthermore the Landscape Officer has stated that further landscaping should soften the impact of the proposal on the landscape.

Turning to other objections made by local residents the applicant has fully complied with the Local Planning Authority's requests for further information, and the applicant has also complied fully with guidelines set out in Annexe E of Circular 01/06 on making planning applications. The right of appeal is still an available option to the applicant for the previously refused application, and the fact the applicant has resubmitted the application instead of appealing the decision does not, as one objector suggests, imply the applicant accepts this decision – hence the resubmission of this revised application. Granting of permission of this application would not set a precedent for residential development on agricultural land, as strict exception policies would still apply to all agricultural land.

In conclusion the modest rise to daily vehicle movements, the impact on minor roads and the visual harm of the additional mobile home and touring caravan in this location would not be so harmful as to outweigh the identified need in the Borough for gypsy and traveller accommodation and as such it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Permission be GRANTED subject to conditions of accommodation for gypsies only, no more than two mobile homes and two touring caravans including those allowed by planning permission 27/2006/019, no business activities unless agreed, no open storage in connection with any business activities, landscaping, percolation tests, retention of hedges and removal of GPDO rights for means of enclosure. Note re Environment Agency consent to discharge to an underground strata required and soakaway guidance.

REASON(S) FOR RECOMMENDATION

It is considered that the proposal will cause a modest rise in daily vehicle movements and have limited impact on the local roads and visual amenity of the rural area and furthermore the proposal is in line with Central Government advice contained in ODPM Circular 01/06.

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

CONTACT OFFICER: 356469 MISS C NUTE

NOTES:

38/2008/237

BARRATT & CANIFORD LTD

CONVERSION AND EXTENSION OF FORMER SHOP AND ACCOMMODATION TO FORM TWO FLATS, DEMOLITION OF OUTBUILDINGS AND ERECTION OF ATTACHED DWELLING AT 44 - 46 STAPLEGROVE ROAD, TAUNTON AS AMENDED BY REVISED FLOOR PLAN (DRAWING 13A) RECEIVED 1ST AUGUST 2008

322395/125090

FULL

PROPOSAL

44-46 Staplegrove Road is a former shop with residential accommodation above. The existing property is a white painted brick and slate terraced property, with an element of hardstanding to the front, used for the parking of two vehicles. To the north and west of the site is Avongrove Court, which provides accommodation for the elderly. The site lies within the Conservation Area, an Area of High Archaeological Potential and Flood Zone 3 – a High Risk Area.

This application seeks permission for the conversion and extension of the former shop and accommodation to form two flats, demolition of outbuildings and erection of an attached dwelling to the rear. Bicycle storage is provided for each property and bin stores are proposed to the front within the parking area.

Permission was granted in November 2005 for extensions, change of use and conversion of this property into four flats. This application is the resubmission of two previous applications, which were refused in May 2007 and March 2008 on the grounds of lack of bicycle storage; and the adverse impact on the Conservation Area and occupiers of adjacent premises.

Following concerns raised by the Conservation Officer regarding the adverse impact of the bin stores on the Conservation Area (see comments in full below), the applicant was requested to reconsider the potential alternatives for bin storage within the site. Amended plans have now been submitted, removing the two bin stores and repositioning them within the entrance hall of the flats.

CONSULTATIONS AND REPRESENTATIONS

CONSERVATION OFFICER – Conversion and extension proposals generally in accordance with pre-application discussions. Reservations were expressed about the principle of bin stores on Staplegrove Road, at our meeting on 8th April, advising that we would need to have further information to enable an adequate assessment. The submitted details do not allay my potential concerns. They do however now enable me to offer the opinion that positioning of bin stores, as proposed, would have a detrimental impact on the character of the Conservation Area. In addition, should such be permitted, a precedent could be set whereby it would be difficult to

resist applications of a similar nature, thus further eroding the character of the Conservation Area.

Further comments on amended plans – Fine if sufficient for proposed units and will be used.

HISTORIC ENVIRONMENT SERVICE – No objections

COUNTY HIGHWAYS AUTHORITY – I have no objection in principle to this proposal, as the development will utilise the existing parking facilities and will not see an increase in traffic movements. The dwelling located to the rear of the property is located within the town centre therefore car free development is considered acceptable. Suggests condition regarding cycle storage.

WESSEX WATER – The development is located within a foul sewered area and there are water mains within the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for water supply and for the satisfactory disposal of foul flows generated.

The developer has not disclosed on how they propose to dispose of surface water flow. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer.

Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of three-metre of this apparatus.

With respect to water supply, according to our records, there is a public water main near 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 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.

ENVIRONMENT AGENCY – No objection provided Local Planning Authority is satisfied that the Sequential Test has been applied and passed. Suggest conditions regarding provision of surface water drainage works, internal ground floor levels, scheme for flood resilience and informative regarding surface water drainage system of surrounding land.

A PETITION OF 34 NAMES AND 6 LETTERS RECEIVED – objecting on grounds of:

- Potential encroachment on adjacent property.
- Concerns regarding parking as permission will not be given on privately owned road at rear.
- Private road is dangerous for mobility scooter users, due to parked cars. Car parking is a problem and emergency vehicles sometimes find access difficult. Proposal will exacerbate problem.
- Existing car parking at front, if retained, sets a precedent for others to do the same in the Conservation Area.
- Other non-planning issues raised including concerns that the right of way between Avongrove Court and Staplegrove Road could be blocked; removable access panel could be made into a gate for everyday access and passes bedroom window of occupier of adjacent property; rights of way has been blocked and submitted maps do not show this; car parking, ramp and bin stores to front will restrict access to archway from Staplegrove Road for Avongrove Court residents; where contractors will park and work from as permission will not be given on privately owned road at rear

POLICY CONTEXT

PPG15 – Planning and the Historic Environment

S&ENPJSR – P9 (The Built Historic Environment)

TDLP – S1 (General Requirements), S2 (Design), EN14 (Conservation Areas) and M4 (Residential Parking Provision)

ASSESSMENT

The proposed alterations to the front elevation will be an improvement to the existing shop front, which will have a positive impact on the street scene.

To the rear, over the boundary at no.48 is an obscure window at first floor level with a window below. However, the existing wall already has an impact on this ground floor window. The proposed extension is not therefore considered to have a significant increased loss of light beyond the current situation and the only window facing no.48 is a rooflight above eye level so there are no overlooking concerns.

The new dwelling to the rear has low eaves, which are not significantly higher than the existing boundaries so is not considered to increase overshadowing and the dwelling will be adjacent to the rear part of the garden and the adjacent parking space, rather than the main amenity space. In addition, the windows face front and rear, they do not overlook the adjacent properties. Over the boundary to the east is part of Avongrove Court, there are no windows in the side of this property to be affected. As such, the dwelling will have no significant impact upon the residential amenities of adjacent properties.

Whilst the dwelling is quite cramped, the surrounding development is generally quite small plots.

In terms of flooding, whilst the site is within a high risk area, where the sequential test would not be passed as there are other sites within the Taunton Town Centre that could accommodate additional residential units, permission has already been

granted for four flats on this site, which is a material consideration. As this proposal is now for three units, there is less risk in terms of flooding.

The Conservation Officer initially raised concerns regarding the bin stores to the front of the property, and their consequent impact on the Conservation Area. The agent has now submitted amended plans relocating these stores within the building, which overcomes the concerns regarding the adverse impact on the Conservation Area.

A number of issues raised by objectors referred to the use of/parking on the private road to the rear, blocking rights of way and the access panel in the side boundary. These are civil matters, which would need to be agreed between the parties involved. They are not planning matters and therefore no weight can be attached to these concerns in processing the application. Any grant of planning permission does not automatically grant such permissions/consents, these would still need to be sought from the relevant parties. If these necessary consents could not be obtained, this may prevent the scheme from actually being implemented.

RECOMMENDATION

Permission be GRANT subject to conditions of time limit, samples of slate/ridge tiles, sample panel of brickwork, timber doors/windows/fascias/soffits only, flush fitting rooflights, bin and cycle stores, provision of surface water drainage works, internal ground floor levels, scheme for flood resilience and remove permitted development rights.

Note re: Wessex Water (point of connection, surface water disposal, public sewer under site, easement, checking for uncharted sewers or water mains), works within highway limits, surface water drainage system of surrounding land and requirement to gain other necessary consents from relevant parties.

REASON(S) FOR RECOMMENDATION

The proposed flats and new dwelling are considered appropriate in this location and the level of car parking provided is acceptable due to its close proximity to the town centre facilities. Cycle storage will be provided to encourage sustainable transport methods. The proposed extensions and new dwelling will not result in detriment to the amenities of the occupiers of neighbouring properties or the character and appearance of the Conservation Area. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356468 MS K PURCHASE

38/2008/280

MRS LIZ HURST

ERECTION OF CONSTRUCTION AND MOTOR VEHICLE WORKSHOP, A REPLACEMENT SPORTS HALL AND NEW INFANT NURSERY BUILDING AT SOMERSET COLLEGE OF ARTS AND TECHNOLOGY, WELLINGTON ROAD, TAUNTON.

321467/124779

FULL

PROPOSAL

Somerset College are in the process of implementing a programme to replace a number of facilities on site which are either in poor condition or not suitably located to deliver the necessary curriculum requirements. This application is for the erection of a new construction and motor vehicle workshop, a replacement sports hall and a new children's nursery.

The new teaching building for construction and vehicle workshops is located along the northern boundary of the site and replaces the existing construction building while also incorporating facilities for the motor vehicle workshops that are currently off site. The size of the building is prescribed by the Learning and Schools Council and there is a large Information Learning Centre (ILC) as well as 15 classrooms and an administrative department. The building is approximately 130m long, 35m wide and 9-10m high set into the site so it is on split levels with the central administration block over 2.5 storeys. The building is divided into 3 parts, the construction workshops, the vehicle workshops and the teaching block. The workshops have a masonry base and are clad on the upper levels with an insulated metal panel system punctuated with glazing to give high levels of natural light and have a standing seam metal roof. The single storey teaching blocks are located on the south side of the construction and are clad in brick, timber and masonry, reflecting the 'trades' that they support. The central teaching block is articulated as two rendered blocks separated by a glass foyer/atrium.

The existing sports hall dates from the 1960's, is in poor condition and has become unsuitable for long-term use. The proposal is to replace the building with a new facility to the west of the car park where it is readily accessible to the public and has good access to the playing fields and will allow third party access without disrupting the College use. The building is 33m by 38m and 11m high with a masonry base and insulated panel cladding at a high level with a standing seam metal roof. An area of insulated translucent panels is provided on the eastern elevation to provide a controlled level of natural light. The building has a lean-to element to the south which houses the fitness room, a classroom, reception, office and changing areas. The height of the main hall building is governed by the need to provide badminton facilities within the main hall.

The proposed nursery replaces temporary facilities and will provide the same number of spaces as the existing 40. The building is sited on the edge of the

existing campus and is set back to allow for a landscaped play area between it and the access road while retaining the existing trees and providing for a drop off point without having to go through the existing car park. The building is 25m by 19m and 5.5m high with two monopitch standing seam zinc roofs over single storey spaces. The building is clad in brick and timber panels.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - Given the sensitive setting of the proposals on the edge of the green wedge I recommend a landscape assessment of the impact of the two buildings. My main concerns are - Nursery: the proposed building is within the root protection area of several mature trees that are likely to be severely affected by the proposals. The general landscape treatment looks fine. Sports Hall: there is no tree planting to the north or west of the building to help its fit into the wider green wedge landscape setting.

The revised planting scheme around the Sports Hall and Nursery needs adjusting as I've indicated on the drawing.

NATURE CONSERVATION OFFICER - The survey of May 2008 concluded that the site has minimal nature conservation value and that the development will have no significant impact on the wildlife of the site. Trees onsite provide nesting opportunities for a variety of birds. Retention and protection of trees during development need safeguarding. Any tree or scrub removal should take place outside the nesting season. If any tree needs to be removed it should be individually surveyed for protected species prior to felling.

FORWARD PLAN UNIT - 1. It is proposed that the sports hall and nursery, currently located within the settlement limits of Taunton and outside the green wedge, be relocated through provision of new improved facilities outside of those limits and within the green wedge. There they would occupy part of an area of playing fields protected as Recreational Open Space (ROS). Therefore saved Taunton Deane Local plan (TDLP) policies EN13 and C3 apply.

2. Policy C3 states that loss of recreational facilities, including playing fields, will not be permitted unless one of a number of criteria would be met. Criterion B requires that the development provides recreational or community benefit greater than the long-term recreational value of the recreational facility that would be lost. It is considered that provision of an improved sports hall and nursery would meet that criterion, particularly as the part of the playing field affected appears to be a relatively small area of outfield, between the artificial pitch to the north and the college access. It is also possible that the proposal could meet criterion D, since college playing fields are involved, although further information would be needed to show that adequate playing fields to meet statutory requirements would be retained or provided.

3. Policy EN13 states that development that would harm the open character of green wedges will not be permitted. Building a new sports hall and nursery on the playing field would affect the openness of the actual site, within the green wedge, but it is on

the extreme edge of a wide green wedge, and would not affect the integrity of the wedge. The landscape of the immediate area has been affected by the artificial pitches to the north, with fencing and floodlights, and to a degree by the proximity of the college car park and adjoining buildings, despite a partial screening by trees.

4. However, it seems unnecessary to locate the sports centre and nursery in the green wedge. It should be possible to locate them on the area proposed for car parking, (within the settlement limits and outside of the green wedge), and to locate the car parking to the west, within the green wedge. This would not affect the character of the green wedge as much as the proposed buildings, particularly if appropriately designed car parking, perhaps with a porous surface comprising sets allowing grass to grow in the gaps, was used. The new sports hall and nursery would still be towards the edge of the campus, maintaining the scope for ease of accessibility by the local community. While we would not object to the proposal as proposed, this alternative layout is preferred and should be investigated.

5. According to the Flood Risk Assessment (FRA) accompanying the application, most of the site is flood risk zone 1 (low risk), but the “eastern extremity of the site appears to be at risk from flood zone 2, medium risk and zone 3 high risk”. Saved TDLP policy EN28 applies. From the flood zones map in the FRA, it appears that the proposed sports hall to the west also falls within zone 2 and possibly partly in zone 3, (although the map is far from clear). The sequential test in PPS25 requires demonstration that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development or land use proposed. The application does not explain why land within zone 1, proposed for car parking, could not be reasonably used for the sports hall instead, (although it is unclear from PPS25 which is the more vulnerable use, a sports hall or a car park.) The Environment Agency should be consulted on this point and the application as a whole.

6. Saved TDLP policy S1, criteria A and B, cover road safety issues and accessibility by public transport, cycling and walking. The Highway Authority should be consulted on these aspects, including the proposed coach turning drop off space and new pedestrian access.

7. Saved TDLP policy S1, criterion E, covers noise, vibration, and other forms of pollution or nuisance. While a Noise Assessment has been submitted, the Borough Environmental Health Officer should be consulted on these aspects, particularly regarding the proposed construction and motor vehicle workshops, since residential properties lie nearby to the south east.

8. Saved TDLP policy S2 criterion J covers energy efficiency. The Design and Access Statement states that “ground source heat pumps, wind turbines and photovoltaics have been rejected for good reasons” but does not state what the reasons are. We feel that more information is required to show that use of heat pumps and photovoltaics in particular would not be reasonable or feasible, since the location at a college, particularly adjoining the Genesis Project, seems ideal for maximum use of such renewable energy. Similarly more justification for the non-use of biomass is needed, since the adjoining Genesis Project uses that source of renewable energy successfully.

Conclusion

While we do not object to the proposal, we strongly recommend investigation of the potential to amend the proposal as described in paragraph 4, including consultation with the Environment Agency on the flooding issues. Other points where further investigation/consultation are required are outlined in paragraphs 6, 7 and 8.

ENVIRONMENTAL HEALTH OFFICER - I have reviewed the noise assessment submitted and the noise monitoring and assessment appears satisfactory. The assessment does however identify that the final construction of the workshop has not been finalised and this would provide the majority of the sound insulation for the activities within the workshop. As such I would recommend a noise condition to limit levels above background levels at residential boundaries.

LEISURE DEVELOPMENT - Local Plan policy C3 on the loss of public open space states that a development resulting in the loss of playing fields needs to provide equal or better community benefit. This argument is not articulated and needs to be. There is potential for community benefit to offset loss of the pitches through the provision of community access to the proposed sports centre and to the outdoor pitches, both on this site or at the Canonsgrove sports pitches owned by SCAT. This would need to be a binding community access document agreed with the Council and Sport England prior to the commencement of the development.

SPORT ENGLAND - In relation to this application in order not to object we need to be satisfied that Exception E5 of our policy is met. 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." There appears limited information regarding the impact of the development on the College's playing fields. It appears that there is currently one football pitch marked out. The proposed location of the replacement sports hall does not impact on the existing pitch. The proposed layout plan indicates two football pitches being accommodated on the site to the west of the proposed sports hall. In order for the proposals to fully meet the requirements of policy E5 we would need to be satisfied that there are sufficient benefits to outweigh the loss of part of the field. In order to achieve this Sport England would wish to see the indoor and outdoor facilities at the college made available to the local community. We would suggest this is achieved either through a Section 106 community use agreement or a condition attached to the planning permission. Sport England has produced a number of model conditions and one which relates to community use scheme may be appropriate to use in this case. In the light of the above comments I can confirm that subject to confirmation that indoor and outdoor facilities will be made available for community use by way of an agreement or similar arrangement Sport England does not wish to object to this application.

CIVIC SOCIETY - The application illustrates the inadequacy of the SCAT site for the current and future development of the College. The application would have been better for two or three separate applications with each building being treated on its own. We have no comment to make on the functional proposed Construction and Motor Vehicle Workshops building, but are concerned about the consequences of its

large footprint, namely the forced move of the sports hall. The proposed sports hall site is in the Green wedge and in principle all such incursions ought to be resisted. We have read the Planning Policy comments and strongly support the suggestion that the sports hall should be relocated to the existing car park and the space lost from the car park should be made up by a 'greencreted' area in the green wedge. We think the response from NVB that the option was discarded because it worsened community access and decreased college security is nonsense. The alternate site on the existing car park is only less accessible by 50 or 60m and we cannot see how the car park presents a lower threat to security than the sport hall – if anything we regard a car park as a higher threat – and surely some users of the sports hall will use the car park. Another concern stemming from the Sports Hall site is there may be a privacy issue for Richmond Park if there is any southwards facing viewpoint for the public from anywhere above the hall's ground floor level.

WESSEX WATER - The development is in a foul sewerred area and a point of connection will need to be agreed at detailed stage. There is a public foul sewer crossing the site and an easement is required and diversion or protection works may need to be agreed. The integrity of Wessex systems should be protected. The developer has proposed disposal of surface water to the main sewer and the Development Engineer should be contacted to discuss an acceptable discharge rate. Attenuation of flows may be required. Water supply connection can be agreed at detailed stage. The developer should check with Wessex Water to ascertain if there are uncharted sewers or mains within the site.

ENVIRONMENT AGENCY - We would remind the Local Planning Authority and the applicant that Planning Policy Statement (PPS) 25 requires the Sequential Test to be demonstrated for proposals other than those that meet the description in footnote 7 of the PPS and Change of Use. As this proposal is for 'Major' development the Environment Agency **OBJECT** on the lack of evidence of the Sequential Test. The Sequential Test is a requirement of PPS25 and the Local Planning Authority must be satisfied that it has been demonstrated and the Exception Test applied if appropriate too. In each case the Local Planning Authority must have a demonstrable Sequential Test (and Exception Test where appropriate) as part of the planning application. If they do not and they are challenged then this could clearly be an issue for them and could possibly lead to judicial review. Advice on the evidence required to show that the Sequential and Exception Test has been properly applied is set out in the Sequential Test table within the Practice Guide to PPS25 and the Environment Agency's Standing Advice on development and flood risk.

The Environment Agency further **OBJECT** to the proposed development, as it has been submitted without a fully compliant Flood Risk Assessment (FRA).

The FRA needs to demonstrate that the proposed floor levels of the development will be set at a minimum of 600 mm above the likely 1 in 100 year flood depth or 300 mm above the likely 1 in 100 year plus climate change flood depth, whichever is the highest. If the development cannot be raised to the above requirement, the applicant needs to provide evidence to that matter and explain how the building will be defended against flooding by using flood proofing measures to the same level.

Insufficient information has been submitted regarding the surface water drainage and the scheme for surface water limitation. The applicant should submit details of the existing surface water drainage system and demonstrate that it is designed to the current standards, and estimate the existing runoff from the site for a storm event up to and including the 1 in 100 year event plus climate change. The applicant should also provide an indicative layout plan for the surface water drainage network and attenuation scheme for the development.

In the event of the Environment Agency's objection being overcome, we would request the inclusion of the following conditions in addition to any flood risk conditions and infomatives that may be applied as a result of the information received in respect of the above.

HIGHWAY AUTHORITY - The applications are for the redevelopment of a section of the existing SCAT complex. In the main it results in the demolition and rebuilding of elements of the College. The development also results in the relocation to the site of 2 currently off-site activities. This will result in a limited number of extra people on site but parking and therefore trip generation will be very similar to the existing trip patterns. This therefore will not have significant adverse effect on the Highway Network. The college contributed to Highway Works as a result of a previous application and I do not propose to require further works.

The College currently has a Travel Plan, set up in 2002. I believe it is important that this develops and changes as the College develops. To this end I would request a condition be attached to any consent to require the existing Travel Plan be updated, agreed by the LPA in conjunction with the Highway Authority and implemented prior to the new development coming into use.

3 LETTERS OF OBJECTION on grounds of the area is prone to flooding, the access road floods and the proposal will exacerbate the situation. The increased traffic noise will inconvenience residents of the hospice, the development would be a significant and detrimental incursion into the Green Wedge and undermining the policies that protect it. The sports hall and infant nursery will intrude into the green wedge and should be sited closer to existing buildings, approval for the road and car park stated no further western development would be allowed. The proposal will generate more vehicles and coaches using the access road, cars are often parked along the access and traffic would have to cross Silk Mills Road increasing the potential for accidents. The problem with surface water drainage will be increased. Noise and disturbance to local residents through traffic and sports hall could be considerable. The sports hall is 11m high and 38m long and will have an overbearing and oppressive effect on the nearest dwellings, the proposal will have a visual intrusion and the spectator balcony may lead to overlooking. The proposal may impact on badgers.

POLICY CONTEXT

Regional Planning Guidance Note 10
Policy SS5 – Principal Urban Areas
Policy SS14 - Taunton
EN1 – Landscape and Biodiversity

EN4 – Quality in the Built Environment
TRAN1 – Reducing the Need to Travel
RE2 – Flood Risk

Regional Spatial Strategy – Following the Panel Report the Draft RSS has recently been revised. Relevant policies are:

SD1 – The Ecological Footprint
SD2 – Climate Change
Policy A – Development at the Strategically Significant Cities and Towns
Policy G – Sustainable Construction
F1 – Flood Risk

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development
STR4 – Development in Towns
STR6 – Development Outside Towns
Policy1 – Nature Conservation
Policy 38 – Sport and Recreation in the Countryside
Policy48 – Access and Parking

Taunton Deane Local Plan

S1 – General Requirements
S2 – Design
S7 – Outside Settlements
M2 – Parking
C3 – Protection of Recreational Open Space
C5 – Sports Facilities
C12 – Renewable Energy
EN6 – Protection of Trees/hedges
EN13 – Green Wedges
EN28 – Development and Flood risk

ASSESSMENT

The proposal is for the erection of a construction and motor vehicle workshop to replace the existing construction building on site as well as providing a replacement sports hall and new infant nursery building thus providing the necessary range of facilities to deliver the curriculum requirements on the current campus site. This would also help achieve a sustainability aim of reducing the need to travel by providing facilities in an accessible central location. The main issues raised over the scheme are the impact on residential amenity of nearby residents, the impact on the character of the area and the green wedge, sports facility provision, the traffic implications and the impact on flood risk and flooding.

The proposal will increase the built footprint of the development on the campus and will extend it westwards. Elements of the proposed scheme particularly the sports hall will be visible from the properties in Richmond Park. However the building will be approximately 25m from the residential boundaries of properties and there will be screening provided in addition to the existing between the building and these boundaries. In addition there are no first floor windows in the building facing south towards the residential properties. The Nursery building is lower and set around

60m from residential boundaries with more screening in between. The impact on these residential properties in terms of visual impact is considered to be an acceptable one and the noise issue is one that is considered by the Environmental Health Officer and no objection is raised subject to a noise condition to address the appropriate insulation of the buildings. The option of locating the car park to this location would potentially create more noise and disturbance to residents. An amendment to the landscaping scheme has been submitted which addresses the Landscape Officer's concerns over the siting of the Nursery building and planting associated with it and the sports hall. The current layout is therefore considered to be one that, while potentially impacting on views, particularly in winter months, is considered to be an acceptable one.

The site of the development extends the built form into the green wedge and the sports hall for instance lies around 80m beyond the car park boundary. Policy EN13 relates to green wedges and seeks to prevent development which would harm the open character of the area. The development as proposed lies on the edge of the existing green wedge area and the running track, artificial pitches and fencing lie to the north and it is therefore considered that the integrity and openness of the green wedge as a whole would not be harmed by the location of the buildings as proposed. Policy C3 of the Local Plan seeks to protect recreational open space and Sport England have guidance in terms of loss of playing fields. The area of the sports hall and nursery are within this area, however it is an under utilised open area not used for sport and pitches used in the area are to be retained. Sport England has raised no objection to the scheme subject to the provision of a community use agreement. The proposed new sports hall will provide an improved facility better than that lost and will be subject to a condition to secure a community use of the development. The use of the land is for educational facilities and there are considered to be sufficient playing field facilities retained to meet the necessary requirement of the establishment on the site. The site is well related to the existing campus and sports hall location and the access is considered suitable by the Highway Authority. There is an alternative for the sports hall siting which is the existing car park. The alternative sites were looked at by the College and the car park was rejected as a solution since it wanted to ensure the community facilities were located on the periphery of the campus to meet the objective of easy community access and enhanced college security. The car park option was also rejected on the basis of available site area and the need to retain access through the existing car park to service the site. It is considered that the replacement sports hall building is necessary, that moving the car park area would involve more noise and disturbance and land take and thus the site as proposed is an appropriate one that would comply with policy C3 and C5 of the Local Plan.

The Environmental Health Officer has considered the proposal and considers the scheme to be acceptable subject to a condition with regard to noise to ensure the buildings are adequately sound insulated. An ecological survey was submitted with the application and no protected species were considered to be affected by the scheme. The scheme includes energy efficiency measures designed into the construction of the building and includes solar panel provision as a means of heating in striving to achieve a BREEAM excellent status. Other renewable energies have been looked at but not taken up on grounds of cost and practicality. The provision of the renewable energy proposed is an element of the scheme that will be conditioned.

The Highway Authority are satisfied that there will be no significant difference in trip patterns to the current situation and raise no objection subject to the updating of the travel plan.

The site of the proposal lies to the north west of the existing campus and lies within flood zone 2. The development is considered to comply with the sequential test in that there are no alternative sites within the campus to locate the buildings proposed that lie outside of flood zone 2. The proposed buildings are considered to be in the 'More Vulnerable' category of development and this is considered to be an appropriate form of development within flood zone 2. The developer has set floor levels at 17.56m and 18m AOD to address the flood risk and details of surface water are being submitted to address the Environment Agency concerns. Consequently subject to the Environment Agency withdrawing their objection the scheme would be acceptable in flood risk terms and the recommendation is therefore worded accordingly.

In summary the development is considered an acceptable means of providing the necessary on site replacement of teaching and workshop space to meet the needs of the College. The siting and impact on the character of this area in terms of neighbour's amenity, the green wedge and protected open space has been carefully considered and impact is considered an acceptable one and one that will see a benefit to the College and local community in the long term.

RECOMMENDATION

Subject to the withdrawal of the Environment Agency objection and provision of any necessary conditions and no objections raising new issues by 5th September the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and Permission be GRANTED subject to conditions of time limit, materials, landscaping, retention and protection of trees, site clearance, updated travel plan, community use agreement, surface water disposal details, oil/fuel storage, noise limit, further ecology survey if no commencement in a year, inclusion of solar panel provision. Notes re nesting birds, oil storage pollution, waste, protection of Wessex infrastructure.

If the Environment Agency objection is not withdrawn by 14th September permission be refused for reason of inadequate FRA contrary to PPS25.

REASON(S) FOR RECOMMENDATION

The proposed development is not considered to have any significant detrimental affects on the amenity of neighbours, flood risk, highway safety or the openness of the green wedge and is considered to comply with Taunton Deane Local Plan policies S1, S2, M2, C3, C12, EN6, EN13 and EN28 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

38/2008/292

MS LIZ HURST - SOMERSET COLLEGE OF ARTS & TECHNOLOGY

ERECTION OF 4 STOREY ARTS AND DESIGN BUILDING, 3 STOREY TEMPORARY ACCOMMODATION BUILDING, SINGLE STOREY STORE, ELECTRICAL SUBSTATION, RECONFIGURED SERVICE YARD, LANDSCAPING AND DEMOLITION OF BUILDINGS AT SOMERSET COLLEGE OF ARTS AND TECHNOLOGY, WELLINGTON ROAD, TAUNTON AS AMENDED BY PLANS 4673/D23A AND D70A

321699/124681

FULL

PROPOSAL

The proposal is one to improve the Art and Design teaching accommodation by construction of a new purpose built building. The current accommodation is out of date and not fit for purpose and refurbishment of the building alone would run into millions of pounds. The building is designed to give a range of facilities, including interactive activities, for informal learning, display of work and for presentations and performance.

The site of the new building lies to the east of the main Atrium building on the campus and will involve the demolition of two blocks, currently the HE Common Room and Pupil Referral Unit, plus the west wing of the existing Art and Design building. The new building will be prominent from the main approach to the campus and it will be aligned with main site building and will be visible through a stand of mature trees. Temporary 3 storey accommodation will be provided for the demolished west wing for the duration of the construction period. The new building will be contained beneath a gently sloping roof, rising to the rear of the site, from 3 storey in the south to 4 storey in the north. The overall height will be similar to the existing Arts and Design building and the 4 storey wing of the Atrium building. The form of the new building has been influenced by the context of the site, the functioning of surrounding buildings, the uses of the building, the building's orientation and sustainability objectives. A U-shaped plinth towards the rear of the site provides a series of workshops forming a Technical Resource centre on the ground floor. Above lie the main studio and seminar accommodation in three storey blocks linked along the north edge of the building by informal social/teaching area. A main performance space of double height volume forms the centre of the building. An Independent Learning Centre (ILC) is contained in a box like form raised two storeys above ground to allow for an entrance foyer below which would provide further gallery and exhibition space. Entrance blocks extend over 3 storeys either side of the ILC and accommodate front of house accommodation for reception, administration, café and gallery space activities.

The building is contained below a single span roof rising from south to north. The roof overhangs to the south containing the projecting ILC while providing solar shading to the entrance foyer. The sloping roofscape is punctuated by groups of zinc clad north lights and wind catchers related to the spaces below. The main roof

will be largely single ply membrane and will have part intensive sedum roof to the lower terraces at the rear. Externally the building will have oak and larch timber cladding with timber double glazed windows while the cantilevered ILC projection will be clad in a gold patinated copper alloy.

The building is being designed to attain a BREEAM 'Very Good' rating and this is achieved through the use locally attainable and recycled materials. The design of the building will provide a predominantly naturally ventilated environment with high levels of daylight combined with solar control. The combination of a centralised boiler with localised solar heating will address the renewable energy requirements of the proposed building.

The construction of the building will require the partial demolition of the existing accommodation and a decant strategy is required to provide a temporary home over the construction period. This involves modification to the east wing access and the provision of a three storey temporary office building to the east of the existing building.

CONSULTATIONS AND REPRESENTATIONS

LANDSCAPE OFFICER - No Objections, subject to the details of landscape proposals, hard and soft.

NATURE CONSERVATION OFFICER - Wessex Ecological Consultancy survey found that the site has minimal nature conservation value and the development will have no significant impact on wildlife. However the trees on site provide nesting opportunities for a variety of birds. A recommendation of a condition that if the time period between the original survey (dated May 2008) and the commencement of the works extends more than one year, then a further survey must be commissioned and submitted to and agreed in writing by the local authority.

ENVIRONMENTAL HEALTH OFFICER - No Objections.

CIVIC SOCIETY - The Society are pleased to see and in principle are supportive of the continued development of Somerset College. We understand the desirability of ending the isolation of the Performing Arts school and giving it suitable purpose built premises. The papers submitted demonstrate the College's requirements are substantially different from the original building and that adaptability is now a key requirement. We would not seek to suggest the general design of the building is not a good solution to the design brief, our concerns are with the context of the building, with details of the external appearance and materials used and with the decision to demolish (initially partially one of the few good Brutalist buildings in the south west).

Many HE facilities show effects of outgrowing their site and of piecemeal capital funding. It is disappointing that Somerset College is also demonstrating this problem, as it is clear that the proposed building has been designed to meet a functional specification without sufficient consideration of the interaction of buildings and the spaces between them and of the opportunities that could be grasped to create an impressive, interesting campus compatible with the long term aspirations of the college. Such thinking could result in civilised inter-related paved and planted spaces

that could enhance the experience of all those using the College. The present proposals perpetuate the stringing along the Wellington Road of buildings that are in an unsatisfactory visual competition with each other. Drawing D56 shows the building more massive than the atrium building and consequently out of scale.

An untidy and cluttered roof is a common problem with 'green' buildings and contributes to the unsatisfactory appearance of this design. Judging from detailed east and west elevations we believe the photomontage from the Wellington Road is carefully composed to minimise the many protuberances from the 'gently sloping roof'. That is a nice phrase but in fact is a roof with two elevated flat platforms from which spout 6 pairs of ventilation chimneys, and these platforms are surrounded by a plethora of rooflights and solar collectors and 2 further chimneys. It does not help that the two rooflights nearest the front are of different sizes and asymmetrical. We consider if this building is erected as proposed the frontage along the Wellington Road will exhibit far too many different materials. The existing Atrium building façade uses 5 materials and this building proposes to add at least another 9, none of which correspond to anything in the earlier building. This results in confusion. We deprecate the current fashion for wood cladding, believing that in the south west with our quite high rainfall, it will deteriorate quickly and prove to be a high maintenance choice.

The existing Brutalist style building is quite striking and is one of the very few architecturally distinguished 20th century buildings in Taunton. The Council should be very careful before consigning it to oblivion - and it is clear that if the proposal to demolish the western section is approved the eastern part cannot be defended. While the proposal submits evidence that the costs of reusing the existing building are prohibitive and will not be sanctioned by the Learning Skills Council, we hear that Jeremy Gould, Professor of Architecture at Plymouth (and a CABE commissioner) has written a report that does not agree with the conclusions of the estate audit and consider this should be made available.

COUNTY HIGHWAY AUTHORITY - The applications are for the redevelopment of a section of the existing SCAT complex. In the main it results in the demolition and rebuilding of elements of the College. The development also results in the relocation to the site of 2 currently off-site activities. This will result in a limited number of extra people on site but parking and therefore trip generation will be very similar to the existing trip patterns. This therefore will not have significant adverse effect on the Highway Network. The college contributed to Highway Works as a result of a previous application and I do not propose to require further works.

The College currently has a Travel Plan, set up in 2002. I believe it is important that this develops and changes as the College develops. To this end I would request a condition be attached to any consent to require the existing Travel Plan be updated, agreed by the LPA in conjunction with the Highway Authority and implemented prior to the new development coming into use.

ENVIRONMENT AGENCY - The environment agency objects to this application in its current form as it has been submitted without a fully compliant Flood Risk Assessment (FRA). Insufficient information has been submitted regarding surface water drainage and the scheme for surface water limitation. In the event of the

environment agency's objection being overcome, we would request the inclusion of the following conditions and informatives and recommendation, in addition to any flood risk conditions and informatives that may be applied as a result of information received in respect of the above.

WESSEX WATER - The development is in a foul sewer area and point of connection will need to be agreed. A public surface water sewer crosses the site and an easement or diversion works may be required. An informative to protect the integrity of Wessex systems will be required. The developer will need to contact the Development Engineer to discuss acceptable discharge rate for surface water flows.

DEVON AND SOMERSET FIRE AND RESCUE SERVICE - Means of escape, access for appliances, water supplies and the demolition of buildings shall all comply with the relevant approved documents and standards required.

Neighbour Consultations: One comment about expenditure not on planning grounds.

POLICY CONTEXT

PPS1

Regional Planning Guidance Note 10

Policy SS5 – Principal Urban Areas

Policy SS14 - Taunton

EN1 – Landscape and Biodiversity

EN4 – Quality in the Built Environment

TRAN1 – Reducing the Need to Travel

RE2 – Flood Risk

Regional Spatial Strategy – Following the Panel Report the Draft RSS has recently been revised. Relevant policies are:

SD1 – The Ecological Footprint

SD2 – Climate Change

Policy A – Development at the Strategically Significant Cities and Towns

Policy G – Sustainable Construction

F1 – Flood Risk

Somerset & Exmoor National Park Joint Structure Plan Review

STR1 – Sustainable Development

STR4 – Development in Towns

Policy1 – Nature Conservation

Policy48 – Access and Parking

Taunton Deane Local Plan

S1 – General Requirements

S2 – Design

M2 – Parking

C12 – Renewable Energy

EN6 – Protection of Trees/hedges

EN28 – Development and Flood risk

ASSESSMENT

The proposal is to provide a new Art and Design building to replace the existing one which dates from the early seventies and is no longer suitable for its purpose. The new building is sited on the line of the main campus buildings and will involve the demolition of a number of existing buildings including the west wing of the existing Art and Design building. The main issues in considering the proposal are the design and flooding issues.

The building is approximately 48m x 51m and 17m high. The building is considered to reflect the scale of the other buildings on the front of the campus, although it is 3m higher than the main flat roof of the existing Art and Design building adjacent but is lower than the tower elements of this building which extend to approximately 20m. The materials are largely timber cladding reflecting the cladding on the existing stair tower on the campus frontage. The roof is designed to allow for light and air to penetrate the building with north facing rooflights, wind catchers and solar panels. It is accepted that these elements are necessary in terms of the 'green' design of the building and it is not considered that this results in a such a cluttered appearance of the roof to warrant a design objection. The range of external materials of the building is considered to sit together well and the appearance of the building in the context of the existing campus buildings is considered an acceptable one. The design and access statement has considered carefully how this building links in with the rest of the campus and hard and soft landscaping is proposed and would be conditioned as part of any scheme. The works will involve the removal of the west wing of the existing building and the loss of this element is considered acceptable. The Civic Society raise concern over a number of issues including the loss of the existing building. However the demolition of this building in itself would not require planning permission and it is possible for anyone to approach English Heritage to seek the listing of any building. The status of the existing building was raised with the applicants prior to the current application being submitted and estate audit submitted with the scheme indicates the inadequacies and costs involved with maintaining the current building.

It is accepted that a temporary office building will be required on the site to provide accommodation during the construction period and this option is considered to be preferential to having to decant staff off site during this period. The siting of the temporary 3 storey office building is considered acceptable and not to harm the amenity of neighbours in light of its orientation and a condition to secure removal of the building on completion of the construction is considered necessary.

The application was submitted with a Flood Risk Assessment and this concluded there would no increase in flood risk from the scheme. The Environment Agency initially raised objection on the basis of a lack of information in respect of surface water drainage and attenuation. Further information has been supplied by the applicant to address this issue and a response from the Environment Agency is awaited. It is considered this technical issue can be overcome and the recommendation is therefore subject to the Environment Agency removing their objection.

The proposed scheme will provide an improved new building accommodating the same staff numbers as existing. The Highway Authority have raised no objection to

the scheme and consider the proposal not to raise adverse effects and consider the proposal acceptable subject to the revision of the College's travel plan.

In summary the proposed application is considered to provide a modern new Art and Design building providing new and improved facilities for the College in an exciting building that will enhance the campus and the scheme is one that is supported subject to removal of the Environment Agency objection.

RECOMMENDATION

Subject to the withdrawal of the Environment Agency objection and any necessary conditions the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and Permission be GRANTED subject to conditions of time limit, materials, hard and soft landscaping, programme for art installation, travel plan, oil storage, prevention of pollution during construction, disposal of surface water drainage, removal of temporary office accommodation, site clearance and survey work, making good following demolition, recording prior to demolition and cycle parking. Notes re nesting birds, protection of Wessex infrastructure, Waste Management License Regulations, waste disposal and SUDs.

If the Environment Agency objection is not withdrawn by 14th September permission be refused for reason of inadequate FRA contrary to PPS25.

REASON(S) FOR RECOMMENDATION

The proposal is not considered to harm the residential amenity or character of the area and not to create additional flood risk and is considered to comply with Taunton Deane Local Plan policies S1, S2, M2, C12 and EN28 and material considerations do not indicate otherwise.

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

CONTACT OFFICER: 356398 MR G CLIFFORD

38/2008/326

MRS GILLIAN TUCKER

ERECTION OF TWO STOREY EXTENSION TO REAR IN PLACE OF CONSERVATORY AND EXTENSION TO FRONT OF GARAGE AT FAIRHAVEN, THE AVENUE, TAUNTON AS AMENDED BY REVISED PLANS AND ELEVATIONS (DRAWING NO. C4513/100C) RECEIVED 7TH AUGUST 2008

322307/125126

FULL

PROPOSAL

Fairhaven is a buff brick and tile hipped roof semi-detached dwelling, set within the Conservation Area. The surrounding area is characterised by large dwellings, many of which are traditional style typical of a Conservation Area. The site also lies within Flood Zone 2 – medium risk area.

This application seeks permission for the erection of a single storey extension to the front in order to reinstate the garage and a two storey extension to the rear to provide a breakfast/dining room with a fourth bedroom above. Following loss of privacy concerns raised by the case officer, amended plans were received repositioning the first floor bedroom window from the south elevation to the north.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAYS AUTHORITY – The proposal relates to the erection of a two storey extension to the rear of the existing dwelling. Whilst also providing an extension to the front of the existing dwelling to provide additional space for the reinstated garage. There is no objection in principle but I have the following comments to make. In normal circumstances the Highway Authority would require that the internal dimensions are 2.5m x 5.0m. However from the plans provided it shows that the internal dimensions of the garage are 2.366m x 4.750m this is below the minimum standards set by the Highway Authority. But as this is a reinstatement of an existing garage, the Highway Authority raise no objections to this proposal. Suggests condition.

CONSERVATION OFFICER - I have no objection to the proposals to this building provided that samples of brick and slates/tiles to be used are approved in writing by the Local Authority prior to application, since they will be clearly visible with the building's setting within Conservation Area.

POLICY CONTEXT

TDLP – Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas)

ASSESSMENT

This application is being presented at committee as the agent is married to a member of staff.

The garage is to be reinstated as in the case of the adjoining semi-detached property, although it will come further forward towards the road. It is not considered to unbalance the appearance of the semi-detached properties. The dwelling is set back from the street and screened partially by landscaping on the front boundary therefore the extension will not appear prominent in the street scene.

The rear extension has been designed to be in keeping with the existing dwelling, with matching fenestration and following the line of the hip on a significantly lower level than the ridge, so appears subordinate. The extensions will have no adverse impact on the character of the dwelling or the surrounding Conservation Area.

The proposed rear extension is set over 3 metres from the boundary with Hesperia and is therefore a sufficient distance from that dwelling to avoid any loss of light or overbearing impact. The removal of the first floor window in the south elevation overcome loss of privacy concerns and a condition is attached to maintain this privacy in the future. To the north of the property is an access driveway with a residential property to the other side of this. The extension will be over 20 metres from the dwelling and will only overlook the bottom of the garden, not the main amenity space. The proposal is not therefore considered to result in a loss of privacy.

It is intended to replace the existing windows throughout the property with upvc. This can however be carried out under permitted development rights, without the need for planning permission and therefore the local planning authority have no control over this alteration.

RECOMMENDATION

Permission be GRANT subject to conditions of time limit, samples of bricks and tiles, no further windows in south elevation and garage to remain available for parking. Note re: flood zone.

REASON(S) FOR RECOMMENDATION:

The proposed extensions have been designed to be in keeping with the existing style of the property and will not compromise its character. The character and appearance of the surrounding Conservation Area will be preserved and there will be no adverse impact upon the amenities of the neighbouring properties nor highway safety. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

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

CONTACT OFFICER: 356468 MS K PURCHASE

Planning Committee – 3rd September 2008

Report of the Development Manager

Enforcement Item: E58/36/2007

Parish:

1. **File/Complaint Number** E58/36/2007
2. **Location of Site** Frog Lane Barn, Frog Lane, Stoke St Gregory, TAUNTON, TA3 6HT
3. **Names of Owners** Mr G Venn, Moorside, Woodhill, Stoke St Gregory, TAUNTON TA3 6EW
4. **Name of Occupiers** Miss Fiona Quick, Frog Lane Barn, Stoke St Gregory, TAUNTON TA3 6HT
5. **Nature of Contravention**
Stationing of mobile home outside of curtilage of barn

6. **Planning History**

Planning and Listed Building Consent was granted for the conversion of the barn to a dwelling under applications 36/2004/019 and 023LB on 23rd November 2004. The site plan approved indicates a domestic curtilage for the proposed dwelling. Following a complaint, a site visit was made on 14th March 2007 where it was found that a mobile home was on site and being occupied. The mobile home was sited on land outside the red lined area of the site previously approved and was in fact on agricultural land. Also, a large drainage treatment plant had been installed adjacent to the mobile home. The owner was contacted and confirmed that she lived in the mobile home whilst work was being carried out on the barn conversion. However, they were considering changes to the approved scheme therefore no work had yet been carried out. An amended application would shortly be submitted. An application was finally submitted in November 2007 but not registered until 13th February 2008. It was subsequently refused under delegated powers on 7th April 2008. A recent site visit confirmed that the mobile home continues to be stationed and occupied on land outside the approved curtilage of the barn conversion permission.

7. **Reasons for Taking Action**

The area of land used to site the mobile home effectively increases the area of domestic curtilage/garden. This additional area is considered to be excessively large such that the character of the area is significantly altered to the detriment of the local character and area, contrary to Taunton Deane Local Plan Policy EN12.

8. Recommendation

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

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

CONTACT OFFICER:

John A W Hardy 01823 356466