



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, TA1 1HE ON WEDNESDAY 7TH JANUARY 2009 AT 17:00.

(RESERVE DATE : THURSDAY 8TH JANUARY 2009 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 10 December 2008 (to follow)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. 29/08/0015 - Change of use to form permanent, short stay, emergency stopping facility for gypsies comprising six pitches with individual amenity block; creation of vehicular and pedestrian accesses; construction of internal access road, footpath and hard standing areas to pitches; provision of on-site services at Higher Yalham Farm, Culmhead, Otterford
6. 31/08/0023 - Erection of replacement dwelling and garage following demolition at Sarsden, Lipe Lane, Henlade (amended scheme to 31/2008/003)
7. 38/08/0372 - Construction of a bridge in connection with the Tangier Residential Redevelopment at the former gas storage site, Castle Street, Taunton as amended by letter on 21 November 2008 and attached plans
8. 38/08/0443 - Change of use to A5 (A3 consent granted) at Unit B, Aspect, Corporation Street, Taunton
9. 52/08/0019 - Erection of sports centre comprising indoor and outdoor facilities with parking, access, footpath/cycle route and associated works at Civil Service Sports Club Ground, College Way, Taunton, as amended and amplified by agents letter dated 12 November 2008 with revised plans site plan 2462 (03) 001 L; 2462(03) 100 Rev H; 2462(03) 101 Rev E; 2462(03) 200 Rev D and the following illustrative plans 2462(03) 202 Rev A and 2462(03) 201 Rev A
10. 52/08/0034 - Change of use of land and buildings at Civil Service Sports Club, Trull Road, Taunton, from assembly and leisure use (Class D2) to non residential institution (Class D1) in order to

incorporate it into the adjacent Queens College campus

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| 11. | 24 Silver Street, Wiveliscome - current position regarding enforcement action | Miscellaneous item |
| 12. | E247/38/2007 - Various unauthorised works at the Taunton School Campus | Enforcement item |
| 13. | E76/10/2008 and 10/08/0023 - Retention of shed to be used for agricultural storage purposes, Venncroft Farm, Churchstanton, Taunton | Enforcement item |
| 14. | Planning Appeals - Appeal decision received for December 2008 | Appeals |

Tonya Meers
Legal and Democratic Services Manager
22 December 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 Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahan

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor D Wedderkopp

Councillor Miss Wood

Councillor Woolley



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



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



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

29/08/0015

Housing Services

CHANGE OF USE TO FORM PERMANENT, SHORT STAY, EMERGENCY STOPPING FACILITY FOR GYPSIES COMPRISING SIX PITCHES WITH INDIVIDUAL AMENITY BLOCK; CREATION OF VEHICULAR AND PEDESTRIAN ACCESSES; CONSTRUCTION OF INTERNAL ACCESS ROAD, FOOTPATH AND HARD STANDING AREAS TO PITCHES; PROVISION OF ON-SITE SERVICES AT HIGHER YALHAM FARM, CULMHEAD, OTTERFORD

22106.15831

Full Planning Permission

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PROPOSAL

This proposal is for the provision of 6 pitches for emergency short stay gypsy occupation (up to 6 months maximum stay). Each pitch would provide space for the siting of up to 2 caravans, parking for 2 cars and would have a small amenity building containing a family bathroom and washing facilities. The amenity blocks would be single storey and constructed of brick and tiles (details to be agreed). Each pitch would be separated from its neighbour by a 1.2m high timber post and wire fence. Along the eastern boundary of the site with Higher Yalham farm a 1.8m high screen fence would be erected on the inside of the existing hedge boundary. The proposal would utilise the existing highway access and create a 4.5m internal access road with pedestrian footpath along its edge.

SITE DESCRIPTION AND HISTORY

The site is located in the Blackdown Hills AONB between the existing Gypsy site, run by Somerset County Council, and Higher Yalham Farmhouse. It is not adjacent to any recognised settlement (as defined in the Taunton Deane Local Plan) and is regarded as within an area of open countryside. There is a substantial tree and hedge boundary with the highway which helps to screen the site. There is an existing site access in the north-east corner of the site with a hard surfaced (stone/gravel) track running east west across the site that would be used for this proposal. The land was used some years ago, to site the caravans from the adjacent gypsy site, whilst the site was upgraded. Since that time the land has been rented by the County to a gypsy resident for general-purpose uses.

29/05/0011 - In November 2005 a three year temporary planning permission was granted for the use of the land for the siting of a maximum of six gypsy caravans and associated parking. This permission proposed six pitches with the minimum facilities, namely a water and electric point per pitch. The permission allowed for each pitch to be occupied for a maximum of three months to allow time for alternative sites to be provided and was to provide for gypsies whose continued unauthorised occupation of land could not be tolerated. This permission has not been implemented.

29/93/0017 - Renewal of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary

one-year permission granted 2 February, 2005.

29/93/0002, 29/92/0003 - Renewals of use of land as 12 temporary pitches whilst existing permanent site is upgraded, formation of temporary access thereto and restoration to former use upon completion of redesign and upgrading of existing at Otterford. Temporary one-year permissions granted April 1993, July 1992.

29/85/0001 - Permanent site for 18 gypsy caravans Otterford Gypsy Camp, Otterford. Permission granted 7 May, 1995.

29/77/0013 - Caravan site with toilets working and parking area former RAF Camp, Otterford. Temporary permission granted 16th December, 1977.

29/77/0011 - Touring caravan site adjoining land at Yalhams Farm, Otterford. Permission granted 23rd November, 1977

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

COUNTY HIGHWAY AUTHORITY - 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 dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice. However, notwithstanding the above comments it may be unreasonable to raise an objection on sustainability grounds, whether it is a temporary or permanent arrangement considering that there is another Gypsy settlement on the adjoining land.

The access is onto a classified unnumbered highway. It is a busy straight stretch of road where the observed speed to traffic is approximately 40mph. It would be imperative in the interests of highway safety for all road users that adequate visibility splays are incorporated, which may result in the loss of part of the roadside hedge/trees. There is currently a tree-lined bank in-between the site and the highway, which is set back approximately 1m from the carriageway edge. It would appear with some cutting back (particularly for the first few metres immediately either side of the access), and maintenance of the remaining trees/hedges, that adequate visibility splays could be incorporated without too much detriment.

The required visibility for speeds of 40mph (as set out in Places, Streets and Movements), should be 120m, however taking into account my comments above the absolute minimum I would accept is 90m in each direction to the nearside carriageway edge.

FORWARD PLAN UNIT - In essence this application renews and makes permanent the planning permission (29/2005/011) granted in November 2005 on the same site, although it does slightly amend it and contains more detail of the facilities required. The comments made by the Forward Plan Unit on that application are therefore relevant to the current proposal, and a copy is attached.

In the meantime, however, the Government has published significant new advice, in the shape of ODPM Circular 01/2006, *Planning for Gypsy and Traveller Caravan Sites*.

The advice it contains is significant in relation to the current proposal. It indicates that gypsy and traveller sites can be acceptable within an AONB (thus addressing the conflict with criterion (H) of Local Plan policy H14), and indicates that planning authorities should be prepared to be flexible in relation to the distance of proposed sites from local service centres and the feasibility of using non-car modes of travel to them (which addresses the issue identified by criterion (B) of policy H14).

The effect of this new advice is to reduce the weight of the planning considerations against the proposal, which reinforces my earlier conclusion that it is acceptable.

OTTERFORD PARISH COUNCIL - The previous permission was for a temporary use as a last resort for a period of up to three months only. In fact it has not been needed since permission was granted in 2005. That three years has given the District ample opportunity to provide alternative sites that are not within an AONB and not contrary to policy. The principle differences between the 2005 permission and this application are: The current proposal is for a permanent permission; more infrastructure is required in terms of buildings, wash houses etc, the maximum period of stay has risen from three to six months and the intensity of use is likely to be greater. The site is located in an AONB in an unsustainable location, contrary to policy. In consideration of the 2005 permission there were four main issues and I believe these are still relevant, plus an additional concern: A) Does the site preserve or enhance the character and natural beauty of the AONB, the proposed impact has to be greater given the intensity of use and built structures in addition the planning officer stated that it was important to assess the frequency and impact of the use on the area, well the sites have not been used in the last three years so there is clearly no need and it must be impossible to assess fully for a permanent permission and it is therefore hard to justify a permanent permission for that reason; B) Does the proposed need outweigh the policy considerations for gypsy sites in the AONB, there is clearly no need for the facility as it has not been used over the last three years and this must be a strong material consideration against the proposal. The policy H14 criteria H specifically requests AONB to be avoided, the Council have had three years to find a better site in a sustainable location and have not found one and this should be a material consideration against permitting the site to be used for that purpose now. Policy EN10 states that development will not be permitted unless: A) it will meet a proven national need. B) the development cannot be located elsewhere. Just because the site is owned by the County Council it is not reason enough to over-ride policies. C) Would the use of the site for up to six caravans pose an unacceptable risk to highway safety? The last Highway comments were based on an expected limited use of the site and the fact that there was already a gypsy use on adjoining land. In the current application the agent quotes 50-60 two way movements per day, a significant increase that is not sustainable. D) Would the proposal form sustainable development? There is a remote location in the Blackdown Hills AONB, distant from facilities or services usually provided within a settlement or town. A proposal to use the site for six families for up to six months is not sustainable. The Council have had three years to look for an alternative site in a sustainable location and they should look again for suitable sites rather than impose a permanent permission in an AONB as it will be harmful both now and for future generations. E) The Parish Council raise concern that the parish already holds an unfair share of the gypsy accommodation for the district and the extra numbers would lead to a figure which is more than one which would be sustainable for a local community. Domination of an existing community is a material planning consideration, an additional three pitches were allowed recently and this additional six pitches' impact on the surrounding community is unacceptable.

In conclusion the agents have put forward no genuine reasons why the existing policies of the Structure and Local Plan should be overruled. The Council have done nothing to find an alternative site/s in order to avoid the AONB, the Agent has no established a genuine need and we do not believe that there are reasons for the Council to outweigh their development plan in regard to sustainable development and development within an AONB.

The ecological assessment is still awaited and the Parish may wish to add further comments once they have had an opportunity to study it.

CHURCHINFORD PARISH COUNCIL - The parish would like the following points to be taken into consideration:- the site is an AONB, the site is not served by public transport nor is it within easy reach; the local shop, medical practise and educational facilities are several miles away; the three pitches with permission were not occupied so there cannot be a need; Otterford Parish already provides a volume of pitches ludicrously out of proportion to its geographical size and population; the proposal would increase the reliance on the use of the private motor car contrary to local and national guidelines

BLACKDOWN HILLS AONB - Wish to ensure that the proposals do not have a detrimental impact on the character of the AONB. We are concerned that the development could be visually intrusive and that the proposals do not have a rural character. The site is on an exposed piece of land that is screened from the wider landscape by the belt of trees on the opposite side of the road. Without the trees the site would be highly visible from the wider landscape. The BHAP would be reassured if mechanisms could be used to ensure that the woodland cover remains. The site is screened from the road by the boundary hedge, this is currently grown out and not an effective screen at the base. This sort of management is necessary but will result in weak screening for a couple of years. Fencing along the boundary of say willow or hazel hurdles would help the short term screening problem. The BHAP would prefer the stopping facility to have a rural character, particularly the parts of the site that will be seen from the entrance. An agricultural design would be appropriate here.

Representations

14 LETTERS OF OBJECTION - have been received raising the following points:

The site is in an Area of Outstanding Natural Beauty(AONB) where permanent sites are not allowed; there are no amenities in close proximity to the site; the national speed limit applies to roads adjacent to the site and increased use by new occupants will increase the risk of accidents; the roads to the site rare unsuitable, narrow roads near to a junction where there have been several accidents; there are no footpaths along the roads; the roads are unlit; new residents would be unaware of accidents black spots that exist nearby; the current permission, granted three-years ago, has never been used and there cannot be an immediate need for this site; the site is in a relatively isolated rural area and not sustainable, local services that exist will be adversely affected, such as schooling and health (if all occupied could be in the region of 24 adults and 30 children); the nearest shops are 2.5 miles away at Blagdon and Churchinford and approval of this site would create exclusion from a normal level of services; there is no mains sewerage and storm water drainage is a problem; this site contains white asbestos which was buried for disposal after the demolition of the buildings on the site; the such sites should be better located to main centres like Taunton; the application

does not seem to address the need for proper disposal of foul water; even if provided gypsies from North Curry have no intention of moving onto the sites therefore the provision of such a site will attract additional gypsies and travellers to the area rather than dealing with current needs; a recent planning permission has been granted for three additional gypsy pitches (six caravans) and this current proposal will mean that there will be more gypsy caravans than houses in the area; the combination of the existing gypsy site, additional 3 pitches recently approved and this application result in a large blot on the AONB, a sensitive and lovely area; a similar application for pitches was refused in 2007 because "the adverse effects it would have on the AONB, because it would be prominent and obtrusive in the landscape and because it was to be located in the open countryside where new dwellings would not be allowed unless an over-riding need has been demonstrated" these reasons apply equally to this site; the Culmhead site accommodates a disproportionate number of gypsy sites; being at a higher altitude the site area suffers from high winds and abnormal weather conditions and is unsuitable for the siting of caravans; an influx of additional casual labour may reduce any opportunity for the settled residents although there are very few jobs available in the area; the site is currently unlit and the introduction of additional lighting for the caravans would be intrusive and is likely to reduce the enjoyment of the area by existing residents; proposal is contrary to the Taunton Deane Local Plan and Regional Spatial Plan policies for the area; there would be increased carbon footprint with inefficient heating systems and insulation in caravans and increased CO2 emissions through essential journeys to services; local transport is infrequent and only available at Whitehall Corner; it would be contrary to green infrastructure planning; this application is substantially different from the temporary permission granted three years ago on this site, the previous permission was for a temporary use on a temporary site this application is for a temporary use of a permanent site plus the extra permanent structures; the LPA has failed to have due regard to the development plan (local and structure plans), the provisions of the Blackdown Hills AONB, the local Government Act, the CRoW Act and the Town and Country Planning Act; The AONB should take priority over your other requirements and protected; there is no shortage of sites available outside of the AONB and sites such as those identified by residents three years ago should not be ignored; the availability of Government finance is not a material planning consideration; how can TDBC justify the additional cost of maintenance for this site; the argument in the Design and access statement is flawed as it claims that there is an pressing need for this site but residents of Oxen Lane do not wish to move to Otterford, this sets a dangerous precedent that any private land in the AONB could be sold for development; the argument in the D&A statement regarding social inclusion and tension at Otterford is invalid as it ignores those tensions at North Curry and the lack of social inclusion of the gypsies into the local community; there are no details of drainage in the D&A statement and so it is incomplete, I do not consider that the site is large enough for these facilities to be provided without extra land and a consent to discharge approved by the Environment Agency, the geology of the ground would dictate a treatment works for up to 12 static caravans the cost of provision and on going maintenance is likely to be substantial and cannot be justified; residents in the immediate locality would be outnumbered by the gypsy units in an area of the AONB where a number of families can trace their families occupation back over 400 years; the application was previously described as land adjacent to Higher Yalham Farm but is now Higher Yalham Farm does this mean there has been a change in land ownership in this time? Planning permission was refused to upgrade an existing cattery business nearby, to which there were no objections on highway grounds losing jobs in the rural area and this application provides no employment but introduces people to live and travel in a location with no local facilities; the spending of such a sum of money in these

financially challenging times cannot be justified

PLANNING POLICIES

Somerset and Exmoor National Park Joint Structure Plan Review

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are of relevance:

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 3 Areas of Outstanding Natural Beauty

In Areas of Outstanding Natural Beauty the conservation of the natural beauty of the landscape should be given priority over other planning considerations. Regard should also be had to fostering the economic or social well being of the locality. Provision should only be made for major industrial or commercial development where it is in the national interest and there is a lack of alternative sites. Particular care should be taken to ensure that any development proposed does not damage the landscape character of the area.

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 (Revised Deposit) adopted 19th November 2004)

Taunton Deane Local Plan Revised Deposit. 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;
- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposals will not lead to harm of protected species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;

(E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance, which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;

(F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use.

S7 Outside Settlements

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

(A) is for the purposes of agriculture or forestry;

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

(C) is necessary to meet a requirement of environmental or other legislation. New structures or buildings permitted in accordance with this policy should be designed and sited to minimize landscape impact, be compatible with a rural location and meet the following criteria where practicable

(E) avoid breaking the skyline;

(F) make maximum use of existing screening;

(G) Relate well to existing buildings; and

(H) use colours and materials, which harmonize with the landscape

H14 Gypsy and Traveller 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) 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

(G) in the case of transit sites, there is convenient access to a County or National route;

(H) 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;

(I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

EN10 Areas of Outstanding Natural Beauty

Priority will be given to preserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs). Development which would adversely affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs, major industrial or commercial developments will not be permitted unless they meet the following additional criteria:

A) the development would meet a proven national need; and

B) the development cannot be located elsewhere.

The protection of views to and from Areas of Outstanding Natural Beauty will be an important consideration.

Executive report dated 3 May 2006 - Providing for Gypsies and Travellers – an update: - Impact of Circular 01/2006 on the Determination of Planning Applications.

7.4 All proposals will still need to be assessed in terms of Policy H14 of the Taunton Deane Local Plan. H14 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 and they are sited near a public road; (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) 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; (G) in the case of transit sites, there is convenient access to a County or National route; (H) 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; and (I) adequate fencing, capable of preventing nuisance to neighbouring areas, is provided.

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

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

RELEVANT CENTRAL GOVERNMENT GUIDANCE

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

Paragraph 4

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

Paragraph 12 The Circular comes into effect immediately. Its main intentions are;

- (a) to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;
- (b) to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;
- (c) to increase significantly the number of gypsy and traveller sites in appropriate

- locations with planning permission in order to address under-provision over the next 3 - 5 years;
- (d) to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
 - (e) to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
 - (f) to identify and make provision for the resultant land and accommodation requirements;
 - (g) to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
 - (h) to promote more private gypsy and traveller site -provision in appropriate locations through the planning system, while recognising that there will always be - those who cannot provide their own sites; and
 - (i) to help to avoid gypsies and travellers becoming homeless through eviction from, unauthorised sites without an alternative to move to?

Paragraph 33

Local authorities must allocate sufficient sites for gypsies and travellers, in terms of the number of pitches required by the RSS, in site allocations DPDs. A requirement of the Planning Act (2004) is that DPDs must be in general conformity with the RSS. Criteria must not be used as an alternative to site allocations in DPDs where there is an identified need for pitches. Local planning authorities will need to demonstrate that sites are suitable, and that there is a realistic likelihood that specific sites allocated in DPDs will be made available for that purpose. DPDs will need to explain how the land required will be made available for a gypsy and traveller site, and timescales for provision.

Paragraph 34.

Identifying and allocating specific plots of land is a more difficult process than using a solely criteria based approach. However it ensures some certainty for local people and gypsies and travellers when planning applications are determined by local planning authorities, or appeals are considered by the Secretary of State.

Paragraph 35.

There are a number of ways in which local authorities can identify specific sites and make land available.

- a) Local authorities have discretion to dispose of land for less than best consideration where it will help to secure the promotion or improvement of the economic, social or environmental well-being of the area, as set out in ODPM Circular 06/03.
- b) Authorities should also consider making full use of the registers of unused and under-used land owned by public bodies as an aid to identifying suitable locations. Vacant land or under-used local authority land may be appropriate.
- c) Authorities should also consider whether it might be appropriate to exercise their compulsory purchase powers to acquire an appropriate site.
- d) Cooperation between neighbouring authorities, possibly involving joint DPDs, can provide more flexibility in identifying sites. Such cooperation is particularly important where an authority has strict planning constraints across its area.

Paragraph 43 Transitional arrangements.

Where there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward DPDs containing site allocations in advance of regional consideration of pitch numbers, and completion of the new GTAAs. The early data available from the GTAA will be one of a range of information sources that local authorities should consider when assessing the required level of provision to translate into site allocations in a DPD, and RPBs should consider when allocating pitch numbers to each district. Paragraph 31 above refers to the core strategy setting out criteria in advance of site allocations in a DPD. Where there is an urgent need to make provision, local planning authorities should consider preparing site allocation DPDs in parallel with, or in advance of the core strategy.

Paragraph 44.

Other sources of information could include;

- a) a continuous assessment of incidents of unauthorised encampments, both short and longer-term;
- b) the numbers and outcomes of planning applications and appeals;
- c) levels of occupancy, plot turnover and waiting lists for public authorised sites;
- d) the status of existing authorised private sites, including those which are unoccupied and those subject to temporary or personal planning permissions; and,
- e) the twice-yearly Caravan Count undertaken on behalf of ODPM, which gives a picture of numbers and historic trends. Local planning authorities will be expected to demonstrate that they have considered this information, where relevant, before any decision to refuse a planning application for a gypsy and traveller site, and to provide it as part of any appeal documentation.

Paragraph 45.

Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary

permission. Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

Paragraph 46.

Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination

of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

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 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 64

Issues of sustainability should include a) the promotion of peaceful and integrated co-existence between the site and the local community.

DETERMINING ISSUES AND CONSIDERATIONS

- A. Does the need for the proposed development at this location outweigh the policy considerations for gypsy sites within the AONB? (POLICY)
- B. Would the proposed emergency accommodation damage the landscape, character and natural beauty of the Blackdown Hills AONB? (IMPACT)
- C. Would the use of the site by up to 6 caravans for emergency accommodation for periods of up to 6 months, cause an unacceptable highway danger? (HIGHWAY)
- D. Would the proposal form Sustainable Development (SUSTAINABILITY)?

A. POLICY

Circular 1/2006 requires Local Planning Authorities to make an assessment of the need for Gypsy/traveller sites in their area and having identified the need to allocate sufficient sites/pitches to provide for that outstanding need.

A Gypsy and Traveller accommodation assessment was carried across Somerset in 2006. The findings from this report underpinned the figures for pitch requirements which were included in the Draft Regional Spatial Strategy for the South West. However, the figures did not include a comprehensive assessment of all sources of future needs as outlined in the subsequent Practice Guidance, so a new study is to be undertaken to remedy this omission. In the interim the number of pitches required in Taunton Deane has been adjusted through the process of RSS preparation, and the Secretary of State's Proposed Changes include a figure of 20 new pitches being required in the period 2006-2011. To date 17 pitches have been provided through planning permissions since 2006.

While opportunities for the new pitches are being identified and then provided there may be unauthorised gypsy encampments where the occupants have nowhere else to go and as a consequence occupy land without planning permission. The Borough Council has to consider each of these in terms of conformity to its policies and ultimately, if refused on a site where they cannot be tolerated, the Council would need to take eviction measures. This application is designed to provide a site for such gypsies whilst they are preparing to move on. It will ensure that none become homeless as a result of the Borough's action but can return to their travelling or permanent bases elsewhere within the six months. The site would be managed by the County Council to

ensure that the sites are not occupied beyond the permitted six months. Having thus identified a need for an emergency stopping place the Borough Council, in connection with its Housing Needs Assessment, has been carrying out an exhaustive search of alternative sites for the use by gypsies. This has included consultation with Government Agencies, Statutory Undertakers and Local Farmers. The only land that has been identified to date by this process has been the application site, which was identified as a result of negotiations to lease the existing gypsy site from the County. In my opinion the availability of this site and the failure to identify an alternative site, are material factors in favour of this application.

The Development Plan contains policies at Structure and Local Plan level for the provision of gypsy sites within Taunton Deane. Policy H14 governs the development of Gypsy and Traveller Sites. Government advice within Circular 01/2006, published subsequent to the Local Plan, is that a more flexible approach should be taken towards the location of gypsy sites. The Circular states that sites can be provided outside of settlement limits with greater flexibility in distances from services, and that large-scale gypsy sites should not dominate existing communities. This policy is applied to applications for permanent sites rather than emergency sites as in this case but I will assess the proposal against those requirements for consistency.

Policy H14 lists 9 criteria that need to be satisfied:

A, "There is a need from those residing or passing through the area".

In this case the RSS has identified a need for 20 additional permanent sites for gypsies and travellers within Taunton Deane. Whilst there is a need for new sites it is likely that there will be unauthorised encampments within the area. A point born out by the last two biannual gypsy/traveller counts with 23 and 41 unauthorised caravans within Taunton Deane and continuing new applications for retrospective permission for caravans. At present there is an unauthorised gypsy site at Oxen Lane, North Curry, where Taunton Deane Council has instituted injunction proceedings to secure clearance of the site. The Court will consider what type and level of alternative provision there might be. I therefore consider that there is a need for these pitches within the area of Taunton Deane.

B. Safe and convenient access by bus, cycle or on foot to schools and other community facilities".

Circular 1/2006 recognised the nomadic nature of the gypsies and travellers and the availability of sites in close proximity to such services for the gypsies/travellers and in response, the Taunton Deane Executive committee decided to accept that a more flexible approach in regard to distances to local facilities. In this case the

C. "A landscaping scheme has been provided which screens the site from outside views and takes account of residential amenity".

A landscaping scheme has been submitted with this application. The proposal would retain the existing hedgerows around the site and ensure that there is minimal impact on the wider area of the AONB. The Landscape Officer and Blackdown Hills Partnership require management works to the roadside hedge to result in an improvement of the boundary screening in the longer term.

D. "Adequate Open Space is provided".

The policy does not include a measure of "adequate open space" and this assessment is therefore subjective. I consider that, whilst there is no defined area for open space for the site as a whole, each pitch measures a minimum of 13m x 24m and I consider that this has the potential to allow adequate open space to be provided for the occupants.

E. "Accommodation will enjoy adequate privacy and sunlight".

The site consists of plots laid out on an open field either side of a central access road. I consider that there is adequate sunlight available to each plot. As these plots are not for permanent occupation I consider that the levels of privacy do not need to be of such a high standard as those for permanent occupation and I consider the proposal acceptable in this respect.

F. "Areas for business are provided with separation from accommodation to allow for the safety and amenity of residents".

The site is for emergency accommodation only and as such it is not to be expected that any businesses will be carried out from the site. Indeed due to the rural nature of the site and its position in the AONB I consider that business uses of the site would be actively discouraged.

G. N/A Transit sites only.

H. "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". The Council's interpretation of this criterion has been relaxed due to Circular 1/2006 and the Executive have agreed to support such sites provided there is no resultant harm to the purpose of the designation. In this case the site is located within the Blackdown Hills AONB and, as described in detail below in section(B), it is not considered that the proposed development would have a detrimental impact on the landscape, character or appearance of the area.

I. "Adequate fencing, capable of preventing nuisance to neighbouring areas, is provided".

The proposal is for the sites to be separated by a post and wire fence. This will delineate the areas of each pitch and should avoid nuisance between neighbours. The outer boundaries will comprise a close boarded fence with the retention of the boundary hedge on the outside. This should ensure that any nuisance arising from the site should not extend into the wider area/neighbours.

In conclusion and for the reasons set out above, I consider that the provision of an emergency site for gypsies/travellers would comply with the requirements of policy H14, criteria A), C), E), H) and I). I do not consider that the site complies with the criteria B) and D), however I consider that, for the type of use that is proposed, the failure of the site to comply with those criteria is not such as to warrant the refusal of the application.

B. Impact

The proposed site would be located on a site within the Blackdown Hills Area of Outstanding Natural Beauty where development is strictly controlled by Structure and Local Plan policies.

The Somerset and Exmoor Structure Plan policy 3 and Taunton Deane Local Plan Policy EN10 requires any development within the Area of Outstanding Natural Beauty to ensure it does not damage the landscape, character or appearance of the area. The proposed site is approximately 75 m to the east of an existing County Council Gypsy site where there are pitches occupied by gypsy families. This application site lies to the east, on a relatively flat site lying at the top of the hill. The site was part of a larger area of land used temporarily for the accommodation of the existing gypsy families when the

existing site was refurbished some years ago. As a result it has a hard surfaced (loose gravel) access track and the grass is kept short. The roadside hedgerows and trees form an effective boundary to the site and help to soften and obscure views into the site from the highway. To the east of the site there is a farm and farm buildings. These are separated from the site by open fencing and it is proposed to erect a new 1.8 m high fence along with a new hedgerow to maintain privacy for the farmhouse. To the south of the site is land used by the owner to site a variety of machinery and old vehicles. Beyond that land are trees and hedges that again help to obscure the site from wider view.

The proposed development would introduce a tarmac entrance way and drive with 6 tarmac pitches. On each pitch there would be sited an amenity building measuring 9m long x 4.3m wide x 4.6m high (approx) and up to one mobile home and one tourer sited per pitch. The Blackdown Hills Partnership and Landscape Officer consider that it is important to ensure that the northern boundary hedge, with the highway, is strengthened to provide good screening for the proposed uses. It has been agreed by the Landscape Officer that the Blackdown Hills Partnership suggestion that the hedge should be pruned to allow re-growth at a low level would be an effective method of minimising the views of the site in the mid to longer term with willow hurdles provided in the short term, whilst the hedge is recovering. This is similar to a condition of the extant permission and I am confident that this can be a condition of any permission. In addition, The Blackdown Hills Partnership has also suggested that the internal layout has a more rural finish and I agree that the use of tarmac over the whole site is not as suited to the rural environment and the applicant has been requested to consider the reduction in the tarmac areas within the site. In requesting this I do consider that if and when this site is used it must provide safe and useable access for cars, vans, and caravans.

Provided that the necessary improvements and management works are undertaken to the landscaping of the site I consider that the visual impact on the surrounding landscape would be acceptable.

In consideration of the previous permission I commented that it was important to test the use and impact on the area for a temporary period. The previous permission included few on site works or expenditure and it was reasonable to grant a temporary permission at that time. The current application differs in this respect as it proposes a better standard of site with amenity blocks and tarmac surfacing requiring a significant capital outlay. In such circumstances it becomes less reasonable to attach a temporary condition. I therefore consider the balance between the need for and advantages of the provision of the site against the impact on the AONB.

The site is to provide emergency stopping places for gypsies who are sited in unauthorised locations where their continued occupation cannot be tolerated whilst planning permission is being considered or following enforcement action to evict. There is currently a need for such sites within Taunton Deane where there are currently five families on unauthorised sites. In seeking to remove these families any court proceedings will need to consider if there is available alternative accommodation. Occupation on this site for up to 6 months would enable alternative, more permanent and more acceptable sites to be sought and provided for the families. This accommodation, once provided would be an important facility for the long term planning for the provision of acceptable permanent sites within the Borough.

In view of the current need for this facility and the comments of the landscape officer and BHP, who do not object to the principle of this site, I consider that it is reasonable to recommend a permanent permission on this site.

C. Highways

The site is located in the open countryside. It is accessed via a classified but unnumbered highway where the County Highways department consider that the average speed of vehicles is likely to be approximately 40 mph. As a result it is considered essential for highway safety that parking and turning are provided on site and that visibility splays are incorporated. The application includes parking and turning for 6 vehicles (one per caravan) on site so that they can enter and leave the site in forward gear. The suggested visibility splays (2 m back and 90 m in each direction) are based on full use of the site and traffic speeds of up to 40 mph. These are based on full and continuous occupation of the site by 6 caravans and would require the cutting back of the existing hedgerow (not removal) and bank. Bearing in mind the expected limited use of the site (described above), the existing site access and visibility, I consider that the impact on the highway network is acceptable in this location.

D. Sustainability

The application site is located in the Blackdown Hills Area of Outstanding Natural Beauty and is distant from any facilities or services usually provided within defined settlements or towns. As a result access to all facilities is likely to foster the need to travel, contrary to aims and objectives of sustainability. The proposal is for emergency accommodation only and, if granted, would be strictly controlled. It is envisaged that it would have minimal intermittent use. Gypsies as part of their cultural way of life, are dependant on travelling from place to place and it is not unusual for sites they accommodate to be in non sustainable locations. A point recognised in circular 1/2006 where the government states that LPA should be realistic about the availability or likely availability of alternatives to the private car. As a result I do not consider their occupation of this site for a short period would justify a refusal of this application.

The application site is located within an Area of Outstanding Natural Beauty where there is a requirement to conserve the natural beauty of the site for future generations. The character of the application site itself will alter as a result of this application.

- The site will be covered with tarmac
- six amenity blocks will be provided for each pitch. They would be single storey, measuring 11.5m long x 8.3m wide and 9.2m high and constructed of brick and tiles (details to be agreed).
- Timber post and wire fencing would be provided to separate the pitches.

There is no doubt that these alterations will have a permanent character and impact on the site however the site is located in close proximity to an existing gypsy site and farm yard which already have a more urban characteristic and do not degrade the wider area. In my opinion, provided the site boundaries can be adequately screened, then the proposal would not in itself detract from the designation. Furthermore, the sites are to be retained for emergency use and it is not anticipated that they are likely to be occupied on a permanent basis at any time.

I conclude that, whilst the site is not a highly sustainable location, the overall impact on sustainable objectives would be limited and the proposal should be supported.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed emergency facility would enable the Local Planning Authority to accommodate gypsies or traveller's whilst alternative sites are identified and planning permission granted as required by ODPM Circular 1/2006. In addition the proposal is considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would cause material harm to neither visual nor residential amenity. Accordingly the proposal does not conflict with Taunton Deane Local Plan Policies EN10 (Areas of Outstanding Natural Beauty).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the amenity blocks hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S2 and EN10 of the Taunton Deane Local Plan.

3. The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: The Local planning Authority would not wish to see a caravan site established in this locality, in the Blackdown Hills Area of Outstanding Natural Beauty except to meet the particular need for emergency sites for occupation by gypsy and travellers as defined in ODPM Circular 1/2006.

4. The proposal shall provide temporary accommodation for a period of up to 6 months primarily for gypsies who immediately preceding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane.

Reason: To enable the Local Planning Authority to effectively control unauthorised Gypsy/traveller encampments that are unacceptable and whose continued presence can no longer be tolerated whilst the need for new sites is being assessed, new sites are being allocated or sought in acceptable locations in accordance with ODPM Circular 1/2006 Gypsies and Travellers sites.

5. No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site

at any time.

Reason: To ensure that the development does not adversely affect the character and distinctiveness of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S1, S2 and EN10 of the Taunton Deane Local Plan.

6. No trade or business shall be carried on at the site and no materials associated with any trade or business shall be stored on the site at any time.

Reason: To ensure that the development does not adversely affect the character and distinctiveness of the area in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and policies S1 and EN10 of the Taunton Deane Local Plan.

7. No work shall be commenced on the site until a hedgerow and landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include an internal landscaping scheme for the site, any replacement /reinforcement planting that may be deemed necessary for the existing hedgerows and details of works to ensure the regeneration of the hedge sited on the boundary with the highway and associated temporary fencing. Such a plan shall thereafter be implemented and maintained on site unless a variation thereto is first submitted to and approved in writing by the Local Planning Authority.

Reason :To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Somerset and Exmoor National Park Structure Plan policy and Taunton Deane Local Plan Policy EN10.

8. Before any part of the permitted development is commenced, full details of all boundary walls, fences or temporary fences forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall or fence so approved shall be erected before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the Blackdown Hills Area of Outstanding Natural Beauty in accordance with Somerset and Exmoor National Park Structure Plan policy 3 and Taunton Deane Local Plan Policy EN10.

9. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 90m either side of the access to the nearside carriageway edge. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: To preserve sight lines at the entrance in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. No commencement of the use shall take place until a plan showing the internal site arrangement including turning, shall be submitted to agree by the Local Planning Authority. Once agreed the said area shall be marked out in accordance with the approved plan prior to the change of use being brought into use. Or unless otherwise agreed with the LPA

Reason: To ensure the orderly parking and turning within the site for the 6 caravans and thereby decreasing the likelihood of vehicles reversing onto the highway, in accordance with Taunton Deane Local Plan Policy M4.

11. The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

12. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

31/08/0023

UNIQUE HOMES LTD

ERECTION OF REPLACEMENT DWELLING AND GARAGE FOLLOWING DEMOLITION AT SARSDEN LIPE LANE HENLADE (AMENDED SCHEME TO 31/2008/003)

326938.124178

Full Planning Permission

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PROPOSAL

Permission is sought for a replacement detached dwelling. The dwelling will be one and a half storey. The roof will be pitched with gable ends to the East and West elevations. There will be two first floor gabled sections to both the front and rear elevations (front and back), plus a dormer to the rear elevation. The eaves of the front and rear gabled sections will be 1.7m above the eaves of the main roof slope. The height of the dwelling to the main ridge will be 6.5m. The application includes a detached pitched roof double garage to be sited to the front of the dwelling.

SITE DESCRIPTION AND HISTORY

The existing dwelling is a detached bungalow with a single garage to the rear. The ridge height of the building is 4.5m. The site is access via a private lane.

31/2008/003 – Application for a replacement dwelling; Chalet bungalow with two small pitch roof dormers to the front and rear. Height of dwelling to ridge is 6m. Pitch roof garage attached to side. Approved 27th May 2008.

CONSULTATION AND REPRESENTATION RESPONSES

Drainage – Soakaways to be constructed in line with BRD365(Sept '91)

PC – support application

Highways – no objection subject to various conditions; retention of garage for parking, provision of two spaces, access, surface water.

Wessex Water – need to agree points of connection.

Two letters of support from neighbouring properties – development will fit in with and upgrade the surrounding area, plans are a great improvement on previous ones.

One letter of support from residents of the Comeytrowe area of Taunton - development is great improvement on previous plans.

PLANNING POLICIES

TDLP S1 General Requirements

S2 Design

M4 Residential Parking Provision

PPS1

PPS3

DETERMINING ISSUES AND CONSIDERATIONS

The site is located down a private access road which leads to several other properties. The surrounding properties are largely single storey, some with dormers and one with a first floor window in a gable end.

The proposed development, due to the gabled sections to the front and rear, has the appearance of a two storey dwelling. The proposal is 0.5m higher than the previous approval and 2m higher than the existing dwelling. The design and massing of the proposal would result in a property out of scale and character with the surrounding properties.

It would be more appropriate for the design of the property to have dormer windows to the front and rear instead of the gable sections, or to cover a larger floor area on the ground floor.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development, by reason of its design and massing, is considered out of scale and character with existing nearby properties and would be detrimental to the visual amenities of the area and contrary to Taunton Deane Local Plan Policies S1 and S2.

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs F Wadsley Tel: 01823 356313

38/08/0372

MIDAS HOMES & NATIONAL GRID PROPERTY HOLDINGS

CONSTRUCTION OF A BRIDGE IN CONNECTION WITH THE TANGIER RESIDENTIAL REDEVELOPMENT AT THE FORMER GAS STORAGE SITE, CASTLE STREET, TAUNTON AS AMENDED BY LETTER ON 21ST NOVEMBER 2008 AND ATTACHED PLANS

322247.124771

Full Planning Permission

—

PROPOSAL

The proposal comprises the erection of a foot and cycle bridge from the former gas works site at Tangier across the River Tone to a location just to the east of French Weir Park.

SITE DESCRIPTION AND HISTORY

Planning permission was granted in 2007 for the erection of flats on the former gas works site at Tangier. The application required the provision of a bridge across the River Tone linking the flats to French Weir Park, giving access to the public open space and children's play areas that already existed there. The provision of the bridge was funded by the open space and children's play area contributions. This application is for the erection of that bridge. The bridge is of modern design providing an open aspect along the river. The bridge would be constructed of tubular steel and would be coloured light grey, in keeping with the proposed residential development of the gas works site. The surface of the bridge would be of a bauxite/resin finish which provides a durable non-slip surface. The height of the bridge is determined by the 1 in 200 year flood levels and will link to the new walkway on the gas works side of the river. However the northern bank of the river is at a lower ground level than the bridge and there are therefore steps and ramps on that side to allow access from the bridge to the park. The ramps necessary are quite extensive in order to accommodate the maximum 1:10 slope that is required. They have gabion walls with sections that overhang the landscaped bank to avoid interrupting the flow of any flood water. The River Tone is a County Wildlife Site and special care needs to be taken to avoid any detrimental impact on wildlife that uses the area especially the various protected species that are present.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

HIGHWAYS DEVELOPMENT, GROUP MANAGER - raise no objection in principle but highlight the need for some minor changes to the scheme

LEISURE DEVELOPMENT TEAM MANAGER -

RIGHTS OF WAY TEAM, SOMERSET COUNTY COUNCIL - No Public rights of way cross this site. I request that public use, mobility scooters, cycles and pedestrians

should be allowed access to the bridge.

LANDSCAPE OFFICER - The ramp, depending how it is constructed is likely to require the felling of two large poplar trees. If the ramp could be cantilevered from the steps this loss of trees could be overcome

NATURE CONSERVATION & RESERVES OFF. - providing that the details of the Environmental management plan are adhered to I have no objection to the proposal.

SOUTH WEST WATERWAY UNIT, MS J HENNELL - The construction of this bridge may require the stoppage of the navigation during main lifting /construction operations and this will need further investigation it may be possible to close the navigation for a period and BW are willing to work with the developers, our partners and customers of the canal in this respect. Prior to formally closing the navigation a formal consultation exercise is required with national and local user groups. This has not yet been undertaken.

THE PLANNING LIAISON OFFICER, ENVIRONMENT AGENCY - no objection subject to conditions and informatives

Representations

TAUNTON CIVIC SOCIETY - The siting of the bridge will not lead directly into French Weir Park and should be relocated to provide access directly into the park; the use of gabions for the walling of the landing, whilst suitable on the southern bank with the new development, and would be unsuitable on the northern bank; furthermore the gabions would be bulky and prone to collect litter; it is a pity that the opportunity to disguise the unsightly gas pipe , which crosses the river, has not been taken.

PLANNING POLICIES

S&ENPP49 - S&ENP - TRANSPORT REQUIREMENTS OF NEW DEVELOPMENT,
STR1 - SUSTAINABLE DEVELOPMENT,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
T2 - TDBCLP - Tangier Major Development Site,
EN25 - TDBCLP - The Water Environment,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
S&ENPP1 - S&ENP - Nature Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

Taunton Deane Local Plan, policy T2 criteria (B), requires the provision of a comprehensive cycle network from Tangier to its surroundings including good quality links to French Weir Park. When planning permission was granted for the redevelopment of the gas works site the Highway Authority required the provision of a footpath from the site across the River Tone to French Weir Park. This bridge was required for three reasons:

- 1) to improve footpath links along and across the river bank of the River Tone for the public;
- 2) to link the development to French Weir so that future occupants could easily benefit from the open space and play facilities at French Weir and finally;
- 3) to provide a flood escape for early occupants of the flats until the permanent

solution is completed with the end of the development.

The bridge has been sited in approximately the same position as shown on the approved planning permission. Its route and final landing position have been largely dictated by the need to ensure that the structure does not impede water flows along the River Tone, especially during flood periods, and the electricity sub station, located adjacent to French Weir Park. The bridge has a modern form, in keeping with the design approach and materials to be used in the development of the Tangier site on the opposite bank of the river. Due to the levels required to prevent flooding etc the bridge platform would be significantly above the ground level at French Weir, as a result the landing platform is bulky with an extended ramp to the road level, in order to provide the 1:10 slope required for safe access. The design of the bridge itself is modern and in my opinion visually pleasing. It will give a light clean and modern appearance in keeping with the upgrading of the River Tone envisaged in the Local plan. Accepting that there is a proven need for the provision of the bridge in this location, I accept that difficulties of the levels inevitably result in a large landing structure at French Weir and I consider it appropriate to tie the design into the Gas works redevelopment theme.

The section 106 agreement (attached to planning permissions 38/07/183 and 184) requires the provision of a foot and cycleway bridge. The Section 106 allows for the developer to either provide the bridge or in default to provide monies up to £180,000 to enable the council to provide the bridge.

The developer has worked with the Environment Agency, County Ecologist and Highway Authority in order to provide a foot and cycle bridge link across the River Tone. The Environment Agency and Ecologist are now satisfied with the proposal. County Highway Authority are in agreement with the principle of a bridge across the River Tone but, in order to provide for both foot and cycle use they require 1) a bridge that is a minimum width of 3.5m whereas the proposed bridge is only 2.4m in width and 2) a lighting scheme that provides standard levels of illumination.

- 1) The developer has been unable to redesign a scheme with the 3.5m clearance width that is required, due to the design constraints from land ownership on the northern bank, impact of the lighting on the County Wildlife site and protected species and Environment Agency requirements regarding flood level clearance.

Accepting that these constraints prohibit the provision of the wider bridge, there are three options available; a) refuse the application and accept the contributions for the Deane to build the bridge (all development of the gas works would be delayed until the bridge is designed and provided by the Deane); b) accept the footpath cycle bridge at a reduced width, deemed unsafe by County Standards or c) accept the proposed bridge as a footbridge only.

- a) If refused the developer would be likely to pay the Council £180,000 open space contribution and devise an alternative flood escape route to enable the development to go forward. The developer has claimed that the proposed bridge would cost around £200,000 to build (figures not verified) and that an increase in width to 3.5m would require even greater sums of monies. Irrespective of this monetary consideration, there is no doubt that, were the Deane to be left to design and build the bridge, there would be a significant delay in its provision and therefore a delay in the ability for the development of the gas works site to be occupied, at a time when there is a great need for new

housing provision.

- b) The lighting for the bridge has been carefully designed to avoid increasing the levels of lighting along the River Tone as both at and Otter species which frequent the River are detrimentally affected by higher light levels. As a result Taunton Deane has agreed to adopt the bridge. It is therefore possible to accept the provision of the bridge for use by both cycle and pedestrians with a 2.4m width. The applicants have provided details of many locations throughout the Country where narrower bridges have been provided and are being used by both. However I consider that this may pose a risk for accidents in the future that ought to be avoided if possible.
- c) The Taunton Vision document originally envisaged that the new Third Way would provide the primary vehicle/cycle crossing of the River Tone with a network of smaller bridges. Planning permission has now been granted for the bridge and I consider that this will provide a purpose built cycle link between the North and south banks of the river in the vicinity of the site. I therefore do not consider it essential for the proposed bridge to be dual use. The proposed bridge would link the residents to French Weir Park and provide a flood escape route for the residents of the development and in accepting a footbridge only the residential units would be provided in a timely manner as originally proposed.

In my opinion it is important to ensure that a new footbridge is provided across the River Tone to French Weir Park and one which takes full account of the flooding, recreation and wildlife issues associated with the site. As a consequence I consider that option c) is acceptable

RECOMMENDATION AND REASON(S)

That the Planning Committee authorise an amendment to the Section 106 agreement to enable the provision of a footbridge as proposed in this application.

CONDITIONAL PLANNING PERMISSION BE GRANTED for the proposed bridge, to provide a footbridge across the River Tone.

The proposal, in combination with the Third Way, would result in the provision of a comprehensive cycle and pedestrian network within the Tangier site as required by the Taunton Deane Local Plan policy T2(B)

RECOMMENDED CONDITION(S)

Time limit, Materials, upgrading of the flood defence wall, retention of access along the River bank for all protected species, submission of method of working, contaminated land, storage of oils etc, no lighting of site or storage compound, landscaping, public use.

Awaiting conditions from Highway Authority therefore full summary of conditions to be attached to update sheet.

1. The development hereby permitted shall be begun within three years of the

date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3. No development approved by this permission shall be commenced until a scheme for the upgrading of the existing flood defence wall within a 200 metre radius of the proposed footbridge has been submitted to and approved in writing by the Local Planning Authority. The flood defence works shall be completed in accordance with the details and timetable agreed unless a variation thereto is first agreed in writing by the Local Planning Authority.

Reason: In accordance with the aims of Planning Policy Statement (PPS) 25, new development must be safe over its lifetime. The existing flood defence wall is not currently to a sufficient standard to provide a 1 in 100 year event defence plus provision for climate change.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working has been approved by the Local Planning Authority.

Reason: To prevent pollution of the water environment in accordance with Taunton deane Local Plan policy EN25.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters, given the historic land-use of the surrounding area (Tangiers Gasworks) and associated remedial works in accordance with Planning Policy Statement 23 Planning and Pollution Control.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents,

gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment In accordance with Taunton Deane Local Plan policy 23.

7. All works shall comply fully with the Environmental management plan submitted and approved in association with planning permissions 38/2007/0183 and 0184 and referred to in your letter dated 31st July 2008 unless a variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to protect the wildlife and protected species that inhabit and frequent the River Tone in accordance with Somerset and Exmoor National Park Structure Plan policy 1 and Taunton Deane Local Plan policy EN3.

8. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

1. Please refer the applicant to Pollution Prevention Guidelines for Works in or Near the Watercourse (PPG5). If the applicant is planning to use coffer dams and pumping activity, they must ensure appropriate pump rates are used to avoid disturbance of the bed or bank. The maximum rate should be set after consideration of the flow of the river, the location of the discharge and the risk of erosion.
2. The minimal amount of ground should be exposed, as soil stripping and vegetation removal at the start of the project can increase the volume of contaminated surface water run-off.

3. Pollution prevention measures should be taken to ensure the minimal amount of debris enters the watercourse by using crash decks and nets to catch falling debris.
4. Storage of fuels for machines and pumps should be sited well away from any watercourses.
5. All waste disposed of off-site must be taken to appropriately licensed waste management sites in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. Carriers transporting waste from the site must be registered waste carriers.
6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, Flood Defence Consent (previously known as Land Drainage Consent) is required from the Environment Agency prior to any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'.
7. The applicant/developer is advised to contact John York and John Dewar, Third Party Works Engineer and Estates Surveyor respectively, in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".
http://www.britishwaterways.co.uk/images/Code_of_Practice_for_Works_Affecting_BW.pdf 1) The final bridge details must be confirmed with British Waterways. 2) The construction of this bridge may require a stoppage of the navigation during main lifting/construction operations and this will need further investigation it may be possible to close the navigation if necessary for a period 3) Environmental Impacts of the bridge crossing should be considered and all works must comply with our code of Practice 4) Care must also be taken to ensure that no contaminants are allowed to enter the watercourse during construction works. Cement in particular is very damaging to aquatic life and great care is needed to ensure that no materials are washed or blown into the watercourse during construction.
8. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

In preparing this report the Planning Officer has considered fully the

implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

38/08/0443

MORRELL & FARHABI

**CHANGE OF USE TO A5 (A3 CONSENT GRANTED) AT UNIT B, ASPECT,
CORPORATION STREET, TAUNTON**

322568.124465

Full Planning Permission

PROPOSAL

The proposal is to change the use of a proposed ground floor restaurant/cafe use to takeaway use as part of the mixed use redevelopment complex being undertaken by Gadds on Corporation Street. It is proposed to run the necessary ventilation ducting internally through the building via a lift service void to roof level.

The applicants are both District Councillors.

SITE DESCRIPTION AND HISTORY

Planning permission has previously been granted here for 4 retail units, an A2 office use, an A3 food and drink use and 50 flats (38/06/582) in December 2007. Work has commenced on site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

District Environmental Health Officer - Food Safety - No observations.

Principal Environmental Health Officer - Noise & Pollution - I would recommend the previous condition on application 38/08/582 remain in respect of kitchen extraction unit and flue or alternatively be replaced by reviewed conditions on odour and noise.

Somerset County Council - Transport Development Group - No observations.

Representations

None received.

PLANNING POLICIES

PPS6 - Planning for Town Centres,
PPS23 - Planning and Pollution Control,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The application is for the change of use of the restaurant/cafe (A3) use previously

approved to operate as a takeaway. The intended use is as a fish and chip shop. The main consideration is whether this will adversely affect the amenity of the area.

The site is one that has a mix of uses on the proposed ground floor and as the area is not protected by a specific shopping frontage policy in the Local Plan there is no policy objection to a takeaway use in this location.

The main issue is the noise, smell and disturbance to residents of the new flats. The intention is to have a ventilation system designed into the building with the vent exiting at roof level. Subject to appropriate conditions with regard to the ventilation terminal and the nature of the ventilation proposed and previously conditioned on the permission in 2007, the proposal is considered acceptable. Revised conditions are proposed by the Environmental Health Officer. The hours of operation indicated in the application are to extend to 10pm Monday to Saturday and to 9pm Sundays. The restriction to these hours is considered appropriate given the residential use on the floors above.

RECOMMENDATION AND REASON(S)

Recommended Decision:

Subject to no comments raising new issues by the 8th January the Development Manager be authorised to determine in consultation with the Chair/Vice Chair and Permission be GRANTED subject to conditions of time limit, ventilation detail, odour, noise and operating times (12-10pm Mon-Sat and 12-9pm Sun).

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

RECOMMENDED CONDITION(S) (if applicable)

- . Noise from any air extraction system should not exceed background noise levels by more than 3dB(A) for a 2 minute leq, at any time when measured at the façade of residential or other noise sensitive premises.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The cafe/take-away food outlet shall not open other than between the hours of 12.00hrs – 22.00hrs Mondays to Saturdays and 12.00hrs - 21.00hrs on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupiers of neighbouring properties in accordance with Taunton Deane Local Plan Policy S1(E).

3. Details of the external ventilation terminal in terms of its size, height and colour shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: In the interests of the visual amenity of the area in accordance with policy S1 of the Taunton Deane Local Plan.

Notes for compliance

1. Your attention is brought to conditions 6 and 7 on permission 38/06/0582 which should be complied with to ensure there are no adverse amenity impacts on the new flats.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

CSSC SPORTS AND LEISURE

ERECTION OF SPORTS CENTRE COMPRISING INDOOR AND OUTDOOR FACILITIES WITH PARKING, ACCESS, FOOTPATH/CYCLE ROUTE AND ASSOCIATED WORKS AT CIVIL SERVICE SPORTS CLUB GROUND, COLLEGE WAY, TAUNTON, AS AMENDED & AMPLIFIED BY AGENTS LETTER DATED 12TH NOVEMBER 2008 WITH REVISED PLANS SITE PLAN 2462 (03) 001 L; 2462 (03) 100 REV H; 2462 (03) 101 REV E; 2462 (03) 200 REV D AND THE FOLLOWING ILLUSTRATIVE PLANS 2462 (03) 202 REV A & 2462 (03) 201 REV A.

321546.123357

Full Planning Permission

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PROPOSAL

Members will recall this report was previously put before Planning Committee on the 23rd July 2008. Members deferred determination to allow the applicant to address the recommended reasons for refusal which were (1) impact on protected recreational open space and potential loss of trees (2) highway safety (3) loss of sports facilities, and, Members expressed concern at the proposed design and materials of the building.

Permission is sought for the erection of a new sports club, built over two floors, with access off College Way, with provision for 122 parking spaces. The new building would be located at the western end of the existing site and the application site excludes the existing CSSC clubhouse, car park, and indoor bowls building. The red line of the application site has been amended to omit the hard court area, which subject to contract, will be taken on by Queens College. The purpose of the new facility is to provide a comprehensive use of the site with both indoor and outdoor facilities. The proposal would see the retention of the two winter sports pitches, cricket square, together with a new all weather cricket pitch in compensation for the loss of a second cricket pitch, and archery area, while internally the facilities will include a beginners and main swimming pool, health and fitness studios, a gymnasium, sauna, crèche facility, ancillary café bar, sports bar, changing rooms and showers as well as separate changing facilities for the outdoor sport use. The proposed opening times for members would be from 6.30am to 11.00pm. Existing members of CSSC will be given priority to membership with the remaining club capacity open to the wider community.

The application, following an earlier withdrawal of the scheme – reference 52/2007/037, incorporates a revised visibility splay, requiring the loss of two protected trees. A new footpath/cycleway link proposed between Trull Road and College Way. The scheme also removes a proposed service road and compound in close proximity to Pitts Close. The current application has been revised to provide pedestrian access to the site from the bus stops on College Way.

Following the deferment of this application the agent has been in negotiation with officers and consultees to bring forward the development. The agent has taken on board Members concern to the design of the building and the following revisions have

been made. The building has been repositioned further into the site, from College Way, albeit marginally as to not impact upon the existing sports pitches. The elevation treatment has been amended to provide increased glazing and the building is now proposed to feature cedar timber cladding, previously metallic cladding, to provide for a softer external appearance more appropriate to this urban fringe location. An entrance feature consisting of a 'projecting wing' or 'fin' had been proposed but this has been omitted following concern raised by officers and the Parish Council and Civic Society on the grounds of its scale and visual impact.

One of the wider issues during the previous hearing at Committee related to the long term plan for the existing CSSC buildings. An agreement has been reached between Queens College and CSSC for the acquisition of the surplus CSSC premises and car park to the north, and multi-use games area, currently excluded from the application site. An application, reference 52/2008/034, on behalf of Queens College has now been submitted for a change of use of the CSSC buildings from Use Class D2 (Assembly and leisure) to D1 (Non-residential institutions). Both applications to be considered by the Planning Committee at this meeting.

SITE DESCRIPTION AND HISTORY

In 2007, planning reference 52/2007/037, permission was sought for 'the erection of a sports centre, parking and access'. The application was withdrawn in order to address various issues that arose during the consideration of the scheme.

The application site comprises sports pitches laid to grass. The site is designated as protected recreational open space. The existing Civil Service Sports Club (CSSC) buildings are served by access from Trull Road, which is considered to be inadequate, and are located adjacent to Queens College. The agent states that the CSSC, who have occupied the site since the 1950's, is no longer viable in its current format with the facility scheduled to close later in 2008. In order to remain viable the vision is to provide the core outdoor facilities, with the introduction of a purpose built building to provide indoor leisure activities and facilities.

CONSULTATION AND REPRESENTATION RESPONSES

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

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

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

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

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

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

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

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

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

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

WESSEX WATER - a connection can be made to the foul sewer to the north. There is a public surface water sewer in the verge of College Way. Connection may be made to this but TDBC will limit the discharge to green field run off rate. The applicant is advised to consider SUDS techniques. In line with Government protocol the applicant is advised to contact Developer Services to see if drainage systems can be adopted under a

Section 104 Agreement. The Sewage Treatment Works and terminal pumping station have spare capacity provided there is no trade waste being generated. There are water mains in the vicinity available for connection.

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

Revised Comments (15/12/08) - The revisions would have no further impact. The landscape officer has confirmed to officers that whilst there is an objection in principle to the development in this location, he is satisfied that if Members are minded to approve the scheme, the landscape mitigation plan is acceptable.

DRAINAGE OFFICER – Further to previous comments, I note that SUDS are to be installed, see Planning Statement April 2008 and Design & Access Statement August 2007 they are not indicated on the application form. The applicant should forward details of how SUDS are to be applied to this development and make a condition of any approval, should it be given.

However, no such approval should be given until such detailed proposals have been submitted to and agreed in writing with this Authority.

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

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

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

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

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

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

Drive.

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

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

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

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

Revised Comments (04/12/08) – We would also require the multi use games area now included in this application continue to be made available for community use.

Revised Comments (12/12/08) – Confirmation that following discussions with CSSC and Queens College the 'joint use agreement' as outlined in the draft S106 is sufficient to remove our objection to the application.

It remains regrettable that playing fields are lost to buildings and car parks but I am satisfied that the alternative provision is sufficient to compensate for the loss of actual sports provision in this case.

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

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

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

Loss of second cricket square

We note that there are two cricket squares on the site, and that the applicants have suggested (page 40 of the Planning Statement) that the second wicket is substandard and was developed by local users 'by default rather than design'. They suggest that this loss can be replaced by the provision of a synthetic cricket wicket on the first square.

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

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

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

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

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

Future management and maintenance of sports pitches

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

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

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

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

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

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

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

Revised Comments (23rd October 2008) – I can confirm we do not have any objection to the revised plans. However, we would still wish to see the requirements set out in our letter dated 28th May 2008 secured as part of any planning approval that is granted. Should the Council resolve to approve the proposed development without the requirements contained in our previous letter being secured, then Sport England would wish to object to this application.

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

Revised Comments (30/10/08) – The site lies adjacent to an area where aerial photography has revealed an enclosure possibly representing prehistoric activity. It is likely similar remains are located in the proposal area. However, at present insufficient information exists concerning the presence or absence of remains on the site. For this reason, it is recommended that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a geophysical survey.

The County archaeologist has subsequently confirmed that this can be achieved through condition.

PARISH COUNCIL – Original comments.

The Parish Council unanimously agreed to oppose the application for the following reason: -

- The proposed Centre is an intrusion in the street scene and not in keeping with the present surrounds and surrounding area. Its location, size and appearance will have a detrimental impact on the residential area and will result in the substantial loss of a very important open aspect within a fully developed area. The proposal would appear to be contrary to your 'Urban Open Space' and 'Recreational Open Space' policies in the Local Plan.

- The proposed two storey Centre building would not be in keeping with the residential and surrounding area. The high level of lighting would exacerbate this, especially as it is proposed to open the centre until 11.00pm, and incorporate large illuminated signage for the Centre.
- There would be significant loss of green field and open aspect from exists at present and a loss of available sports facilities and playing area. This would be made worse by also losing the present indoor bowling facility. These losses would include the second cricket square towards College Way, which is used throughout the season and has been for a considerable number of years; a hockey pitch towards College Way, which for years has been marked out with the proper hockey goalposts and a third football pitch in front of the lit multi-purpose five-a-side hard court area.
- The effects of the additional traffic on College Way and the College Way/Galmington Road junction, especially at Peak times during the day, i.e. school and work time in the mornings and evenings. Its proximity with Pitts Close will cause significant traffic flow problems on a junction that is already very demanding with access to the local Primary School, Shops, Church, Community Hall and Doctor's Surgery. As a measure of the traffic problems that already exist, a controlled crossing was put in the vicinity. The Centre will only exacerbate these problems.
- The proposed entrance/access to the Centre would need an agreed visibility splay, which will require the removal of existing trees. This would create additional traffic safety issues along College Way with the amount of traffic turning left and right off College Way, in order to enter and leave the Centre.
- The Council have in the past discussed with Somerset County Council the possibility of a cycleway/footpath coming from Trull Road to College Way. The Council note that this has now been added and joins the existing footpath beside Fulwood Close. The Council would like to know who owns the land (grass strip) between the Civil Service fence and the footpath, where the two would have to merge and who would be responsible for upgrading the remainder of the footpath into a cycleway/footpath? In addition, the Council would like to know the legal responsibility and future maintenance of the proposed cycleway/footpath, as it is shown inside the security fence and therefore on Civil Service owned land.
- The Council feel that there would be an additional problem created along College Way, because at present there is a barrier preventing cyclists and pedestrians from turning left towards Pitts Close. They have to go right to join the properly installed crossing, which was positioned there to prevent road safety problems opposite the Pitts Close junction (see 4 above). This could be exacerbated if the footpath or cycleway/footpath link is extended towards the entrance to the Sports Centre on the same side of the road.
- The Council would need to be convinced that it was not possible to build the proposed Sports Centre in the same place or close to the existing Sports Club building and believe this requires further detailed consideration.

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

Council. These would include: -

- Access to and from the site is of major importance to users of College Way.
- The visual impact of the building on the surrounding area, its positioning would mean the loss of the present open visibility and rare aspect in a fully developed area.
- The choice of building materials, the style and design of the building, and assurances of future control of structural changes and appearance.
- The lighting of the new building and the size and wattage of the lit signage, especially in view of the proposed opening hours for the Centre.
- The hours of business, especially the proposed closing time.
- The protection, as far as possible, of a highly significant site in the Parish.
- Security of the site, with the essential need for a barrier to be installed when the Centre is closed to prevent illegal use of the car park and site. There would also need to be further information on the type, materials and colour of the proposed security fence around the site.
- (Revised response, 02/12/08, following discussion at planning committee and in response to amendments submitted). The Parish Council agreed to the two proposed changes, (1) to take the hard court lit area out of this application and to include it in the Queens College application (52/2008/034) and (2) to remove altogether the fin beside the front door entrance to the Sports Centre. However, the following observations remain valid.
 1. Further detailed information is required on the proposed footpath/cycleway link, including: -
 - how it merges with the access road from Trull Road into the car park and how it will deal with the interaction with cars/cyclists/pedestrians
 - whether or not there will be proper segregation for cyclists/pedestrians from the entrance to the car park and the present sports club building
 - who will upgrade the existing footpath from College Way to Fulwood Close into a cycle/footpath in order to link to the proposed new cycleway/footpath
 - how the new cycleway/footpath will merge safely with the existing section at Fulwood Close
 - how the cycleway/footpath will merge safely with College Way
 - how the proposed footpath link from the end of the cycleway/footpath at the College Way end will lead into the Sports Centre and will there be any measures to stop cyclists and pedestrians from crossing College Way at this point to prevent possible accidents, as there is an official crossing point further down College Way from Pitts Close?
 2. The Parish Council understand that the present football pitch on the opposite side of the fence in front of the existing sports club building is to be reduced in size, in order to accommodate the proposed new cycleway/footpath. The Council would like you to ensure that the football pitch still meets the FA

minimum required length and width, together with the required space for spectators on the touchline, for adults football, as the pitch is already small than other football pitches used for adult matches.

3. The Council support the complete removal of the proposed projecting wing at the entrance to the Sports Centre and the removal of the original cladding for the proposed cladding.
4. What sort of security fence will go around the building? The Council would like to see the fencing along the College Way frontage match the existing security in front of the Queens College premises along College Way.
5. The Council feel that there should be a secure gate to the main entrance to the Sports Centre, which should be locked when the Centre is closed to ensure that no vehicles can gain access to the car park area and to maintain adequate security of the site.
6. Has all the highway issues along College Way and the entrance to the site been approved by the Highway Authority, including additional double yellow lines to prevent cars parking either side of the entrance to the Sports Centre?
7. Have the required legal agreements been completed with Queens College for the shared use of the land and Queens College facilities?
8. The Council note that the hard court lit area has now come out of this application and has been included in the Queens College application 52/2008/034. As outlined in 7 above, the Council would wish to see this facility included in the legal agreement for shared use with Queens College and Taunton Deane Borough Council. This hard court is presently well used by outside groups and organisations and should still available for the wider community use. This point has also been made in the Council's comments on application 52/2008/034.

CIVIC SOCIETY – Revised response (31.10.08). The Civic Society expresses concern because of the landscape impact and the effect on the character of College Way, together with doubts over the viability of the proposed business.

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

It is not clear and certain that the proposed facility will offer any benefits to the general (non-Civil Service) public as this depends on it having 'surplus capacity' (para 4.1 of the Design & Access statement). Even if it does it may not be attractive on price grounds compared to competition elsewhere in the town. If it were to offer competitive public prices it would benefit a quadrant of the town that has no such local facilities.

However, Taunton has a considerable number of similar establishments, all of which depend on their patrons' discretionary expenditure, and those patrons are now experiencing financial uncertainty. Para 4.13 of the additional information submitted in April 08 (doc ref PPL/112) indicates that in addition to the current annual fee Civil Service member may (will?) have to pay a monthly fee as well. This is likely to cause

some existing members to resign, even if the new facilities cause others to join.

We therefore suggest that the possibility that the venture may fail must be considered. If so, what will happen to the site? Will Galmington be left with what will then appear to be an unsightly white elephant – and will the remaining sports field be lost because ‘development’ has occurred and the site can be considered brownfield?

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

Before the application was amended we were concerned that the external materials used for the building, and particularly those parts above the ground floor, did not blend in with the surroundings and had a very adverse impact when seen from College Way. We consider that in most respects the amended plans do slightly reduce the visual impact and will blend with some of the Queens College buildings to the east.

However, the proposed site is still very obtrusive, and a development much closer to the scarp (in other words, just below the existing club house) would be less obtrusive from College Way and from the east. Such a site would not have much visual impact on housing to the north because of the substantial screen of trees on that part of the northern edge of the field. We do not feel that this would necessarily conflict with access from College Way. Should the business fail this site might be more easily reused (e.g. by Queens College) without threat to the remaining sports field.

We object to the very tall ‘wing’ that is now proposed as an ‘announcement to entrance and added relief to elevation’. This appears to be a piece of architectural whimsy (materials unspecified) that is simply there to display duplicate signage. (Planning Officer comment – this element has now been omitted).

If the application is approved we would request that the following conditions are imposed: (1) the entrance wing be deleted (2) strict controls be imposed on signage, car parking lighting etc (3) if the field is to continue as a landing ground for air ambulances, that a clear access to the field be maintained at all times. We are concerned that parking may obstruct this – there is no access way through the car park to the pitch edge, and we see no evidence of gates in the ball-stop fence shown on the site plan.

REPRESENTATIONS

10 letters of OBJECTION have been received raising the following issues:- it would be sensible to look at using local buses or extending routes – please do not encourage further use of cars which encourages weight gain and causes pollution, Council should use their influence to extend public transport times; increase traffic congestion at the junction of College Way and Pitts Close which will be detrimental in terms of highway safety on what is a major route for cars, cyclists, delivery vehicles, bus route and emergency route to the hospital from helicopter landing in the Civil Service playing fields together with access to local facilities; it will exacerbate parking on College Way; traffic survey flawed as its counts are taken after the school run and do not reflect real life traffic conditions; parking – what measures will take place to prevent parking on the roadside?; no consideration given to building on the existing site and access gained via Hoveland Drive; being open until 11pm will be a nuisance and impact considerably

on the elderly residents of Blythe Court – this would interfere with a person's right to peaceful enjoyment of their property – legal action may be sought; concern that the development should not cause the loss of the protected Poplar trees bordering College Way which provides one of the most attractive visual aspects of the area; no reference made to the bungalows in Pitts Close which will be impacted upon and the proposed centre would be visually obtrusive; inappropriate for a commercial use in a predominantly residential area; there are other established sport and fitness facilities within Taunton Deane – given existing economic downturn may provide unviable and concern regarding the re-use of any redundant industrial type building; another established sports facility has recently closed in Taunton; Strategic Leisure Ltd indicates that the health and fitness market may be saturated; the site will not have adequate security; it will lead to people cutting through private land of adjacent flats; scheme should be referred back to the developer as the site next to the clubhouse (brownfield) is preferred and would not reduce the size of the sports field; the building is of an industrial type out of keeping with the residential location; it will cause noise and disturbance to residents; local residents not consulted or site notice posted; contrary to Local Plan Policy EN24 (Urban Open Space) and C3 (Recreational Open Space); current users of the outside sports facilities may be forced to pay higher commercial rates – reducing participation for those on low incomes; existing facilities have been underused due to lack of information; object to opening times; removal of screening which has previously been sited there for a reason; emergency helicopter service will suffer because of commercial demands to let the pitches at a much increased volumes, therefore reducing 'landing slots' and the waiting ambulances may be caught in the traffic chaos generated by the facility; no community involvement from the developer prior to submitting this major application; still no assurances about the plans for the existing Civil Service Sports Club site; concern regarding management of the site to ensure there is no trouble from young people in and around the vicinity of the site.

In response to the publicity and consultation process following amendments to the scheme an 7 letters of OBJECTION have been received reiterating that previous concerns remain valid and question whether the Council's concerns have been addressed; continued revisions until passed; proposal is a health/social club without benefit to general public; the land would be better used leasing it to Queens College so there be no ugly blot on the landscape; noise and disturbance; viability; plans appear to show fencing on the boundary with Hoveland Drive except for a large opening from the playing field onto the footpath from Hoveland Drive to College Way – this would given open access from this path to the field as well as the cyclepath – this would give concerns to security for both CSSC and Queens College; allow for dog exercising on the playing field; allow for increased parking in Hoveland Drive and Fulwood Close by people accessing the field, if the 2.0m fence was relocated to the playing field side of the cyclepath then no gap in the fence would be required.

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

In response to the publicity and consultation process following amendments to the scheme an additional 3 letters raising NO OBJECTION / SUPPORT to the proposal have been received subject to the football, cricket clubs using these facilities being allowed to do so under the new proposals. The existing entrance is unsuitable and

Hoveland Drive would not be a viable option as it already serves 150 dwellings; the proposed facilities will provide for the younger generation.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPG17 - Sport and Recreation,
RPG10 - Regional Planning Guidance for the South West,
STR1 - Sustainable Development,
M1 - TDBCLP - Non-residential Developments,
STR4 - Development in Towns,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
M3 - TDBCLP - Non-residential Development & Transport Provision,
M5 - TDBCLP - Cycling,
C3 - TDBCLP - Protection of Recreational Open Space,
C5 - TDBCLP - Sports Centres,
EN6 - TDBCLP - Protection of Trees, Woodlands, Orchards & Hedgerows,
EN23 - TDBCLP - Areas of High Archaeological Potential,
EN24 - TDBCLP - Urban Open Space,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP21 - S&ENP - Town Centre Uses,
TCS2 - RPG 10 TCS2 - Culture, Leisure and Sport,
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,
TRAN10 - RPG 10 TRAN 10 - Walking, Cycling & Public Transport,
S&ENPP37 - S&ENP - Facilities for Sport and Recreation,
S&ENPP44 - S&ENP - Cycling,

DETERMINING ISSUES AND CONSIDERATIONS

The application seeks a new sports centre for the Civil Service Sports Club which will also be available to non-members of the CSSC, i.e. members of the local community, through the sports club membership scheme. The proposed building is intended to be sited at the College Way end of the site, rather than replacing the existing clubhouse building, and includes provision of a new access from College Way, the local distributor road. Members previously indicated that in principle the proposal was acceptable subject to addressing the issues raised. The report will outline the main revisions to the proposal.

Design and Impact upon protected open space

In order to reduce the prominence of the building in the street scene, the siting of the building has been set further into the site, albeit marginally. Members raised concern to the appearance of the building, in particular the materials. In response, and following discussion with officers, the design has been amended to incorporate additional fenestration to break up the appearance of the building and the external surface is now proposed to be cedar clad to provide a softer appearance. In design terms it is difficult to design a building that is both modern and attractive given the nature of the internal uses involved. However, it is considered the revised design does represent a positive response. The landscape officer has reiterated concerns to the principle and impact of

development in this location, but accepts that should Members be minded to grant permission the landscaping scheme in itself is acceptable.

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

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

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

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

The playing field provides an area for archery, two football pitches and two cricket pitches. This recreational open space is also protected under policy C3 of the Local Plan. In this policy proposals should not be permitted unless there is an excess of good quality recreational facilities that would be lost, sufficient to meet local demand; or the development provides a recreational or community benefit greater than the long term recreational value of the facility that would be lost; or equivalent provision in a convenient location is made. The issue therefore is one of whether the community benefit of the indoor and retained outdoor facilities is sufficient to outweigh the loss of the playing field uses such as the second cricket square.

Leisure Services, following a series of meetings with the agent, are now satisfied that requirements of the S106 to retain and maintain the existing sports facilities and provide alternative provision through a 'Joint Use Agreement' are sufficient to compensate for the loss of the actual sports provision in this case. Sport England, subject to the imposition of conditions or S106, as set out within the consultation response, does not raise any objection to the proposal. It is therefore considered that the proposed development would enable the CSSC to provide purpose built sporting facilities to serve both their members and the local community whilst retaining, in large, the existing outdoor sporting facilities.

Sequential Test

The applicant has submitted a planning statement which looks at the sequential test necessary as the proposal is likely to be a major traffic generator and the site lies outside the central area. This is in line with both PPS6 and the requirements of the Local Plan policies C5 and EC10. The policy concern, raised during the previous

application, is that the test undertaken has not looked at all town centre sites and when these are looked at there are sites available which could house a sports centre use. The applicant argues that they have a specific business model which looks to incorporate the existing playing field facilities into a scheme to ensure their retention and that desegregation onto a smaller site to provide indoor facilities would ignore the requirements to provide for outdoor sports. Financial viability of quality outdoor sports it is claimed can only be provided by linking the facilities on the one site. Relocation of the entire facility would require 3 hectares which could not be found in a more sustainable location. The proposed site is adjacent to the existing local centre and benefits from good local transport links and is considered an acceptable alternative. It is a location that is well related to residential areas and does not have a similar facility nearby on this side of town other than at Castle School.

The issue of viability has also been raised during the consultation process, particularly given the current economic climate. In response the agent has reiterated that it is the current financial challenges facing the CSSC that has driven the proposed development, in order to remain a viable long term proposition. The proposed development will provide both indoor and outdoor sports facilities, available to the community through membership, in an area of Taunton that currently does not possess such facilities. Whilst the long term future of the site can never be guaranteed, the proposal is responding to the requirements of the CSSC and would serve the community, whilst the S106 would ensure the retention and continued provision of the sports pitches on the site.

Highway Implications

The Highway Authority has attended a number of meetings with the developer in order to address the highway concerns previously raised. The outcome being that in principle there would be no objection subject to suitably worded conditions requiring information to be submitted and works carried out in accordance with highway requirements. The revised formal consultation response is still awaited and Members will be updated at the Planning Committee.

Other matters

The agent has confirmed that Sustainable Drainage Systems (SUDS) will be utilised for this site in order to manage drainage at source, with the aim to detain run-off and release it slowly into the ground. The full drainage details have not yet been drawn but it is considered that it is reasonable to condition this element.

The continued use of the sports pitches for the air ambulance has been raised as a concern by local residents. The agent has confirmed that it remains the intention to allow the air ambulance to continue to use the playing field. The views of the Highway Authority are awaited which may or may not raise any implications of the proposed development on access arrangement to and from the site, in relation to such use.

There has been concern from local residents regarding noise, due to opening hours, and potential anti-social behaviour from the use of the car park at night. In terms of opening hours, there has been no comment from the Environmental Health department, and it is considered that the proposal would not have such a harmful impact upon amenity as to warrant a refusal. In terms of security to the building and its parking area this would be a matter for the owner of the site, however details of any fencing or

physical security measures can be imposed as a condition.

Conclusion

Since the application was last put before Members, considerable work has gone into bringing forward a comprehensive re-development of the existing CSSC site and the proposed CSSC sports centre which addresses the previous concerns to the application. As such a more balanced assessment can now be made taking into consideration the longer term future of the entire site. Whilst it is accepted that the proposal would have an impact on the street scene, nevertheless, it is considered the revision design and in particular the use of timber cladding would provide a softer appearance, which together with the existing tree screening and landscape mitigation would reduce its impact. Moreover, it is considered that the proposed building would enable the CSSC to provide purpose built indoor sports facilities, which would also benefit the local community, without adversely affecting the existing outdoor sports facilities on the site. As such it is recommended that subject to the completion of a S106 requirement and conditions set out below that permission be granted.

RECOMMENDATION AND REASON(S)

Subject to the views of the Highway Authority and completion of the S106 requiring the following or as amended by the Council's solicitor, (1) the external playing pitches, comprising 2 external winter sports pitches, 1 multi use all weather court and 1 cricket pitch, be maintained, available with changing facilities and only used for the purposes of outdoor sports (2) subject to the requirements of CSSC's for the use of the sports pitches and changing rooms, any surplus availability will be offered to local community groups to be agreed between the Council and CSSC at a rate comparable to the rate charged by the Council for similar facilities (3) CSSC not to occupy the development until a Joint Use Scheme has been submitted to and approved by the Local Planning Authority – this will provide a scheme to allow for the use of an alternative cricket pitch which would be lost as a result of the development, The DEVELOPMENT MANAGEMENT MANAGER & CHAIR be authorised to grant PERMISSION subject to the following conditions: - time limit, landscaping, highways, materials, archaeology, details of boundary fencing / security measures along site frontage, lighting and drainage (SUDS). Restriction to use as a Sports Centre and for no other purpose in Use Class D2. Submission of a management and maintenance scheme for the remaining sports pitches. Tree protection during construction works.

The proposed development would meet the requirements of PPG17 'Planning for open space, sport and recreation' in that the range and quality of facilities would be enhanced and there would be no significant loss of amenity to neighbouring properties or residential uses. The proposal would improve upon existing facilities and promote better use of open and recreational spaces and is therefore acceptable. The design, siting and materials of the sports centre building is considered acceptable. The proposal does not therefore conflict with Taunton Deane Local Plan Policies S1, S2, M1, M2, M3, M5 C3, C5, EN6, EN23 nor EN24 and material considerations do not indicate otherwise.

Recommended Decision: Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy [11] [12] [13] of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy [EN21] [EN22] [EN23] of the Taunton Deane Local Plan (delete which ever is not relevant) and advice contained in Planning Policy Guidance note 16.

5. Prior to the use hereby permitted commencing a security barrier to the car park shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimize the impact of the development on residential amenity and in the interests of security in accordance with Policy S1 and Policy S2 of the Taunton Deane Local Plan.

6. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimize the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

7. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

8. Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

9. The development hereby permitted shall not be commenced until a Management and Maintenance Scheme for the remaining sports pitches at the CSSC site has been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Management and Maintenance Scheme shall be for a period of at least 10 years, and shall include management responsibilities and a maintenance schedule. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the development, and shall include a mechanism for review.

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

10. The premises shall be used as a sports centre, with crèche, café and sports bar ancillary to the use of the building as a sports centre – to the extent as set out within the accompanying application, and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless agreed in writing by the Local Planning Authority.

Reason: To ensure the building remains as a sports facility in accordance with Taunton Deane Local Plan Policies C3 & EN24.

11. No development shall commence until details of the proposed means of surface water disposal have been submitted to, and approved by, the Local Planning Authority.

Reason: To ensure that the site is satisfactorily drained in accordance with PPS1 – Delivering Sustainable Development and Planning Policy 25 – Development and Flood Risk.

Notes for compliance

1. Condition 11 of this planning permission requires the submission of proposals for a scheme of surface water drainage. As detailed within the submission, the LPA would expect sustainable urban drainage system (SUDS) be utilised to deal with surface water drainage.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped

drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Further information on SUDS can be found in Planning Policy Statement PPS 25.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

QUEENS COLLEGE

CHANGE OF USE OF LAND AND BUILDINGS AT CIVIL SERVICE SPORTS CLUB, TRULL ROAD, TAUNTON, FROM ASSEMBLY AND LEISURE USE (CLASS D2) TO NON RESIDENTIAL INSTITUTION (CLASS D1) IN ORDER TO INCORPORATE IT INTO THE ADJACENT QUEENS COLLEGE CAMPUS

321546.123357

Full Planning Permission

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PROPOSAL

Permission is sought for the change of use of the Civil Service Sports Club buildings from Use Class D2 (Assembly and Leisure) to Use Class D1 (Non-residential Institution) to be incorporated into the adjacent Queen's College campus. The College have long term aspirations for the development of a swimming pool and/or a new sports hall within the wider campus but there are no new buildings or material alterations to the existing buildings as part of this application.

The existing Sport Club would be refurbished and utilised as a changing facility for sports teams and provide meeting/exam space for conference/social functions and educational purposes (for internal and external use). The Indoor Bowls Green, whilst the structure would be retained, would be utilised for meetings, storage or continuation of the bowls facility. The football pitch would be retained. The parking area would primarily be used by Queen's College staff thus freeing up parking spaces within the main site for use by visitors. The agent states that 20 of those spaces are already leased by Queen's College. The existing bar will be retained and a new license will be sought subject to planning permission.

The proposed change of use is inextricably linked with the proposal for a new CSSC facility on the adjacent site, reference 52/2008/019, which would replace the existing facility on the application site.

SITE DESCRIPTION AND HISTORY

The application site relates to an area of land (circa 0.77 ha) which is sited directly to the west of the Queens College campus. It consists of a sports club, an indoor bowls green, a five side or multi use all weather court, parking areas and open space between buildings.

The site is bounded by the CSSC to the west, Queens College playing fields to the south, the main Queen's College camps to the east and a residential area to the north.

The primary access to the site is from Trull Road via Civil Service Lane. There are three car parking areas on the site.

CONSULTATION AND REPRESENTATION RESPONSES

PARISH COUNCIL –

1. Further detailed information is required on the proposed footpath/cycleway link, including: -
 - how it merges with the access road from Trull Road into the car park and how it will deal with the interaction with cars/cyclists/pedestrians
 - whether or not there will be proper segregation for cyclists/pedestrians from the entrance to the car park and the present sports club building?
2. Would the main club building have a bar and, if so, will Queens College be applying for a new license?
3. The Council note that the hard court lit area has now come out of application 52/2008/019 and has been included in the Queens College application above. The Parish Council would wish to see this facility included in the legal agreement for shared use with Queens College and TDBC. This hard court is presently well used by outside groups and organisations and should still be available for the wider community use.
4. Will there be a time restriction in the evenings on the use of the facilities?

SPORT ENGLAND – We note from the planning statement accompanying this application that, as part of the proposals for a new sports facility on the CSSC site, an agreement has been reached whereby Queen's College would purchase the land and buildings, which comprise:

1. The existing CSSC building;
2. A building used for indoor bowls;
3. A floodlit multi-use games area.

Our comments are made in the context of the following policy documents:

1. Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation.

Paragraph 10 states:

'Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirement...In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them'.

2. Planning for Sport and Active Recreation: Objectives and Opportunities – Sport England (2005).

Planning Policy Objective 2: To prevent the loss of facilities or access to natural resources which are important in terms of sports development. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location.

We note that para 3.2 of the Planning Statement states that:

'The proposed change of use is inextricably linked with the proposal for a new CSSC facility on the adjacent site, which would replace the existing facility on the application site. The two proposals are entirely co-dependant, as one cannot go ahead without the other receiving planning approval as well'.

Sport England's view on this application is that, whilst we accept that the existing clubhouse building will be replaced once the new CSSC facility is built, this would not be case in relation to the indoor bowls and multi-use games area.

We note from the Planning Statement (para 4.1) that the indoor bowls building may or may not be retained in such use. The multi-use games area would be retained as existing. Sport England would oppose the change of use of these sports facilities, unless one of the following requirements is met:

1. In the case of the existing clubhouse building, a condition is attached to any approval that is granted ensuring that the change of use is not implemented until the new CSSC building is operational;
2. In the case of both the indoor bowls building and the multi-use games area, either an assessment has been undertaken which has clearly shown these facilities are surplus to requirement or an equivalent (or better) replacement facility is provided in a suitable location. Alternatively, it might be that a planning condition could be attached to any planning approval that is granted, requiring these facilities to continue to be made available to the community for sports use.

In light of the above comments, Sports England wishes to OBJECT to this planning application as it currently stands. We shall be pleased to comment further should any amendments be made which would address our concerns regarding the loss of these existing sports facilities.

Revised comments (15/12/08) I have spoken to the Council's leisure department and I have undertaken an analysis of indoor bowls provision in Taunton Deane using Sport England's national database of sports facilities (Active Places Power). The conclusion from this is:

- England has an overall supply of about 4 indoor bowls rinks per 100,000 population;
- The South West Region figure is about 6 rinks per 100,000;
 - Taunton Deane currently has approx 10 rinks per 100,000 population, without counting the facility at the CSSC.

In light of this, I can confirm that I would agree with the Council's leisure services officer that there should be sufficient capacity at the Blackbrook and Vivary indoor bowls facilities to provide for those players displaced as a result of the loss of this facility.

LEISURE SERVICES – No objection to the proposal but solely on the condition of the CSSC receiving permission for a new sports centre on the western part of the site adjacent to College Way. We would wish to see the existing multi use games area retained. Should the application for the new CSSC be rejected then we would wish to object to this application on the grounds that it will lead to the loss of facilities on the application site.

Updated comments (27/11/08) Given the fact that the existing facility is a single rink complex and is infrequently used, I am satisfied that sufficient capacity exists at the Blackbrook Way and Vivary facilities to provide for those players displaced as a result of the loss of this facility.

LANDSCAPE OFFICER – No anticipated landscape impact.

REPRESENTATIONS

2 letters of OBJECTION have been received. One letter is objecting as the proposed is linked to the new CSSC building, the second expresses concern to the loss of the poplar trees edging College Way – proposed they should be served with a TPO.

Planning Officer Comment - It should be noted that the trees are outside of the application site, but relate to the proposed CSSC building.

2 letters raising NO OBJECTION to the proposal as the proposal would not be any different to the use it is now; no objection subject to existing facilities are maintained for football, cricket etc for teams who have used those facilities for many years.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPG17 - Sport and Recreation,
RPG10 - Regional Planning Guidance for the South West,
TCS2 - RPG 10 TCS2 - Culture, Leisure and Sport,
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,
TRAN10 - RPG 10 TRAN 10 - Walking, Cycling & Public Transport,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP37 - S&ENP - Facilities for Sport and Recreation,
S&ENPP21 - S&ENP - Town Centre Uses,
S&ENPP44 - S&ENP - Cycling,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M1 - TDBCLP - Non-residential Developments,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
M3 - TDBCLP - Non-residential Development & Transport Provision,
M5 - TDBCLP - Cycling,
C3 - TDBCLP - Protection of Recreational Open Space,
C5 - TDBCLP - Sports Centres,
EN6 - TDBCLP - Protection of Trees, Woodlands, Orchards & Hedgerows,
EN23 - TDBCLP - Areas of High Archaeological Potential,
EN24 - TDBCLP - Urban Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The application site forms part of the wider re-development of the CSSC land. It is considered that subject to the granting of planning consent for the proposed CSSC

building, reference 52/08/0019, that the proposed change of use is acceptable. The Highway Authority has previously indicated, during meetings, that they would be supportive of the existing buildings being incorporated into the Queen College campus, as they have raised concerns to a separate use due to the poor access into the site. The proposed cycle route, also connected to the CSSC application, would help achieve an important link and it is expected would reduce vehicular traffic to the application site. However, the formal response of the Highway Authority is awaited.

It is considered that the proposed change of use would not have any adverse impact on open space or recreational opportunities. The loss of the indoor bowls facility is regrettable. However, both Sport England and the Council's leisure services officer are satisfied that Taunton Deane currently has surplus provision of this type of facility. The existing sports club building would still be utilised for recreational use, but it is noted that the proposed CSSC building would, subject to consent, provide enhanced and alternative sports facilities. The incorporation of the site into the wider Queen's College campus would allow for a more efficient utilisation of their existing facilities and would allow for the potential future development of additional educational and sports related facilities.

It is therefore considered the proposed change of use is acceptable subject to the imposition of conditions detailed below.

RECOMMENDATION AND REASON(S)

Subject to the views of the Highway Authority and those of the Council's solicitor, with regards to ensuring the existing sports facilities are retained for community use if the CSSC building is not commenced, PERMISSION be GRANTED subject to the following conditions: - time limit, highways, cycle track, change of use shall not be implemented until development has commenced on the CSSC building (unless covered within S106 agreement attached to the CSSC application 52/2008/019). Use restricted to non residential education and training centres and no other use within Class D2 (Assembly and Leisure).

The proposed development would meet the requirements of Taunton Deane Local Policies C3, C5 and EN24 in so far as the applicant has demonstrated that the loss of the bowling facility would not be detrimental - as sufficient capacity is available elsewhere within Taunton Deane Borough. The change of use forms part of a wider redevelopment of the CSSC site and the incorporation of the application site and change of use in connection with Queens College is considered acceptable and there would be no significant loss of amenity to neighbouring properties or residential uses.

Recommended Decision: Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The premises shall be used for non-residential education and training, except for the provision of sports facilities and changing rooms as set out within the accompanying application, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over the use of the site in accordance with Taunton Deane Local Plan Policies S1, S2, C3 and EN24.

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

Planning Committee - 7 January 2009

Report of the Head of Legal and Democratic Services

Enforcement Item

24 Silver Street Wivelsicombe

Background

At its meeting on the 5 September 2007 the Committee was advised that planning permission had previously been granted for conversion works at 24 Silver Street and the replacement of a shop front to form a residential unit.

Works had been carried out to the property which were in effect a demolition and rebuild, far exceeding the works permitted under the planning permission.

Members authorised enforcement action to require the re-instatement of 24 Silver Street.

A retrospective application was received which in effect sought the regularisation of the works that had been carried out. This was considered by the Committee on the 13 February 2008 when the Committee heard concerns from a local resident that an original rubble wall on the southern elevation had been “lost” and had been replaced by a rendered wall. The Committee therefore resolved to grant the permission subject to the receipt of a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation.

No such plan was received and the application was refused. At its meeting on the 16 April 2008 the Committee confirmed that its earlier resolution in respect of enforcement should be limited to the provision of a rubble wall in line with its resolution on the planning application.

An enforcement notice as subsequently served and appealed. It was however withdrawn following an indication from the Planning Inspectorate that the notice was insufficiently precise in its wording.

A further notice was served which sought to address that by stipulating in detail the works required to replace the wall.

The current grounds of appeal.

The second enforcement notice has also been appealed and the grounds can be summarised as follows;

1. It is argued that the Notice is defective in that it refers to extraneous material, ie plans submitted with the planning applications, and it is therefore not clear from the notice what works are required.
2. It is argued that planning permission ought to be granted in any event as the existing rubble wall replaced a wall in poor condition which would have had to be rendered in any event to make it waterproof. The wall in question is not visible to the general public and most buildings in the vicinity are rendered .
3. The requirements of the notice in requiring the provision of brick quoin and plinth detailing contradicts the views of the conservation officer as reported to the Planning Committee on 13 February 2008.
4. The notice requires the provision of features which did not form part of the original building eg red brick bull nose cills and red brick arched window and door heads.
5. The section of the wall under the archway was originally rendered as was a section at the eastern end of the elevation.
6. The appellants therefore believe the notice is excessive in its requirements. They also consider the time for compliance to be too short.
7. The notice is further challenged in that it does not require the demolition of the existing wall, which would be required prior to the re-building of the rubble wall. For technical reason that wall could not in any event be built on the line of the existing,

In the light of the above grounds of appeal Members therefore need to consider whether it is expedient to continue with enforcement action which involves the defence of the appeal, probably at a Public Inquiry.

In considering the question of expediency Members should consider both the provisions of the development plan and any other material considerations, including issues raised by the grounds of appeal.

Members are therefore requested to re-consider the proposed enforcement action in the light of the grounds of appeal.

CONTACT OFFICER Judith Jackson 01823 356409 or
j.Jackson@tauntndeane.gov.uk

Planning Committee – 7 January 2009

Report of the Development Manager

Enforcement Item

Parish:

- | | | |
|----|--------------------------------|---|
| 1. | File/Complaint Number | E247/38/2007 |
| 2. | Location of Site | Taunton School, Staplegrove Road, Taunton |
| 3. | Names of Owners | Unknown |
| 4. | Name of Occupiers | Taunton School |
| 5. | Nature of Contravention | |

Various unauthorised works at the Taunton school campus as listed below.

1. Wills West and East - Unauthorised windows, guttering and down pipes.
2. Services and events building – as 1 above
3. Southern Section of Loveday – as 1 above
4. Whittaker - The guttering and down pipes
5. Thone – as 4 above

6. **Planning History**

Following a complaint in 2003 regarding unauthorised windows to the rear of the main building, a follow up visit was made in April 2007 at which it was noted that further unauthorised works had been carried out. The issues were discussed with Mr Pitman (Estates Bursar) and agreed the best way forward which was to submit retrospective applications. By August 2007 no action had been undertaken and no assurances received as to when any action would be taken. A further visit was carried out in September 2007 with the Conservation Officer (Di Hartnell), The Bursar (Mr Taylor), Estates Bursar (Mr Pitman) and the Planning Enforcement Officer (Ann Dunford). A letter was sent in May 2008 outlining the issues raised at the meeting and what the Council felt was the best way forward. Contact was made by Mr Pitman to arrange a further site meeting in order to sign off some of the works that had been carried out. In September 2008 another letter was sent suggesting a reasonable time scale for the remainder of the outstanding works to be completed for their agreement. A reminder letter was sent in December 2008 requesting a response to my September letter but to date no response has been received.

7. Reasons for Taking Action

Unauthorised works detrimental to the character of the Listed Buildings contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG 15.

8. Recommendation

The Solicitor to the council be authorised to serve a Listed Building Enforcement notice and commence prosecution action in respect of the unauthorised works to this Listed Building.action

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

CONTACT OFFICER:

Mrs A Dunford Tel: 01823 356479

Planning Committee – 7 January 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E76/10/2008 & 10/08/0023
2. **Location of Site** Venncroft Farm, Churchstanton, Taunton, TA3 7QF
Names of Owners Mr E Slater
3. **Name of Occupiers** As above
4. **Nature of Contravention**

Retention of shed to be used for agricultural storage purposes

5. **Planning History**

An agricultural notification was submitted for a building at the above site earlier in the year. This application could not be processed as the structure was already on site therefore the notification procedure was not appropriate. The owner was advised to submit a planning application for the retention of the building. The application was submitted on 21st July 2008 and was subsequently refused on 12th December 2008 under delegated powers.

6. **Reasons for Taking Action**

The development by reason of its location is unrelated to other farm buildings and its prominence within the landscape of the Area of Outstanding Natural Beauty is considered detrimental to the character of the area and contrary to policies STR6 and Policy 3 of the Somerset and Exmoor National Park Joint Structure Plan Review (SENPJSPR) and Policies S7, S1(D) and EN10 of the Taunton Deane Local Plan (TDLP). The roof covering is considered inappropriate and detrimental to the landscape and contrary to Policy S2(A) of the TDLP. The location of the building in a flood plain could constitute an obstruction to flow and no sequential test has been undertaken. Therefore it is considered to be contrary to PPS25 and Policy 60 of the SENPJSPR and EN28 of TDLP.

7. Recommendation

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

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

CONTACT OFFICER: Mr John Hardy – Tel: 01823 356466

Appeal Decisions for December 2008

Appeal	Proposal	Reason/s for initial decision	Application Number	Decision
Mr & Mrs Thorne	ERECTION OF TEMPORARY AGRICULTURAL WORKERS DWELLING AT BOBSHAWS, WATERROW	TDLP S1, S2, S7, H12 and EN12 nor S&ENPJSR Policies STR1, STR6 or Policy 5.	09/07/0020	Dismissed 1 December 2008
Mr Sean Carr	RETENTION OF CAR PORT TO FRONT AT LANGLEY, 15 PARKFIELD ROAD, TAUNTON	TDLP Policies S1, S2 and H17.	38/08/0145	Dismissed 3 December 2008
Mr P Tomlin	ERECTION OF FIRST FLOOR EXTENSION TO NE ELEVATION AT TAPP COTTAGE, WEST BAGBOROUGH	TDLP Policies S1, S2 and H17	45/08/0002	Allowed 11 December 2008
Mr N Turby	SINGLE STOREY TIMBER FRAMED CONSERVATORY AT THE TOWER, COMBE FLOREY	TDLP Policies S1, S2, H17	11/07/0013 AND 11/07/0014LB	Both Allowed 19 December 2008
Mr and Mrs Bown	CONSTRUCTION OF DORMER WINDOW AT REAR, 50 HAMILTON ROAD, TAUNTON	TDLP Policies S1, S2, H17	38/08/0124	Withdrawn 17 December 2008

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park