



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 25TH FEBRUARY 2009 AT 17:00.

(RESERVE DATE : THURSDAY 26TH FEBRUARY 2009 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Planning Committee held on 21 January 2009 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. 26/08/0010 - Erection of 20 no. affordable dwellings and provision of recreation field and playground area on land opposite The Village Hall, Nynehead (amended description) as amplified by e-mail dated 15 January 2009
6. 26/08/0011 - Residential development comprising 19x no. 2 and 3 bedroomed affordable houses with parking, access road and associated works at Nynehead Road, Poole, Nynehead, as amended by letter dated 30 January 2009 with accompanying drawing No 08/114/02 Rev A
7. 32/09/0001 - Erection of extension to agricultural building at Sampford Farm, Sampford Arundell
8. 43/09/0004 - Erection of a pair of semi-detached dwellings (amended schme to previous permission 43/06/0159 and previous application 43/08/0090) on land adjoining 8 Burgage, Wellington
9. 45/08/0013 - Change of use of annexe to separate dwelling and associated parking (revised design of 45/07/0015) at Mayfield House, West Bagborough as amended by e-mail dated 12 January 2009
10. Amendment to delegated powers in respect of Planning Enforcement matters and arrangements for Ward Members to address the Planning Committee Miscellaneous item
11. Taunton Vale Hockey Club, Staplegrove, Taunton Miscellaneous item
12. 0038/43/08 and 43/08/0144 - Use of first floor as a recording studio, 14-18 North Street, Wellington Enforcement item

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| 13. | E242/44/2007 and 44/07/0027 - Retention of two steel containers for the storage of fireworks, The Stores, Wrancombe Road, Wrangway, Wellington | Enforcement item |
| 14. | E093/49/08 - Replacement UPVC windows to flat above shop, 4 Silver Street, Wiveliscombe | Enforcement item |
| 15. | Planning Appeals - Appeals lodged and the latest appeal decisions received | Appeals |

Tonya Meers
Legal and Democratic Services Manager
17 February 2009

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 McMahon

Councillor Mrs Smith

Councillor Watson

Councillor Ms Webber

Councillor D Wedderkopp

Councillor Miss Wood

Councillor Woolley

Councillor



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)

Planning Committee – 21 January 2009

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

Officers:- Mr T Burton (Development Manager), Mr G Clifford (Area Planning
Manager – South), Miss M Casey (Planning and Litigation Solicitor)
and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Prior-Sankey in relation to application No 38/08/0349 and
Councillor Coles

(The meeting commenced at 5.00 pm)

11. Apologies

Councillors Critchard, Mrs Smith and D Wedderkopp.

12. Minutes

The minutes of the meetings held on 10 December 2008 and 7 January 2009
were taken as read and were signed.

13. Public Question Time

Mr Ward of the Civic Society asked if the submission of sketch plans was
considered safe.

The Development Manager replied that each application was judged on its
merits and, if necessary, more detailed plans could be requested.

14. Applications for Planning Permission

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

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

31/08/0027

**Change of use to function facilities, together with formation of new
access and car park at Woodlands Castle, Ruishton, Taunton**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Details of the surfacing materials to the car park and drive hereby permitted shall be submitted to, and agreed in writing by, the Local Planning Authority prior to their installation and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development;
- (c) (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;
- (d) The existing access onto the A358 shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure of the existing access shall be submitted to, and approved in writing by, the Local Planning Authority before the new access commences and shall be implemented as agreed;
- (e) The visibility splays and access point illustrated on Peter Evans Partnership drawing No 2241.01 shall be provided prior to the access use commencing and, in any event, within three months of the date of the permission, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be maintained;
- (f) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before its installation. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (g) Details of the means of surface water drainage for the proposed car parking area shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented prior to the car park being brought into use;
- (h) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to the drive construction commencing and thereafter carried out as agreed;
- (i) The work and guidance set out in paragraphs 7.1 and 7.2 of the submitted Michael Woods Associates Survey Report shall be carried out during construction works.

(Note to applicant:- Applicant was advised that a revised scheme for the provision of disabled access should be considered instead of the unauthorised pergola deleted from the current proposal. A new planning and listed building application would need to be submitted to address this issue. Any new listed building submission should also address the treatment of the first floor toilets.)

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity. It had good transport links and did not adversely affect highway safety and did not adversely affect the character of the listed building. It was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EC6 (Conversion of Rural Buildings), M2 (Parking), EN6 (Protection of Trees and Hedgerows) and PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

38/08/0349

Construction of two floodlit, sand-filled, all weather sports pitches, warm-up area, third generation 5-a-side football pitch, tarmac tennis courts and cricket net surrounds (resubmission of 38/2007/621) at Kings College, 65-75 South Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) (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;
- (d) The floodlights shall not be illuminated other than between the hours of 9.00am and 9.30pm;
- (e) Following the commission of the floodlights but prior to operation, the lights shall be inspected by the Local Planning Authority to ensure that the luminaries are cowled such that the light source and lens are not visible from residential properties, such lights shall be maintained as such thereafter;
- (f) The development hereby permitted shall not be commenced until a Community Use Agreement for the outdoor sports facilities on the application site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development;

- (g) There shall be no storage of any excavated materials including soil or permanent land raising within the floodplain of the Black Brook as stated in the Aardvark Flood Risk Assessment;
- (h) A strip of land 5m wide adjacent to the top of the banks of all watercourses fronting the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land;
- (i) Prior to the commencement of development there shall be submitted to, and approved in writing by, the Local Planning Authority details of the proposed Sustainable Urban Drainage Scheme for the site. The development shall subsequently be implemented in accordance with the approved details before the development is completed;
- (j) The development hereby permitted shall not be commenced until details of an Environmental Management and Monitoring Strategy (EMMS) to protect badgers, breeding birds, reptiles, water voles and bats has been submitted to, and approved in writing, by the Local Planning Authority. The strategy shall be based on the advice of protected species reports submitted by Aardvark, dated July and November 2008, and shall include:-
 - (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - (iii) Details of the long term management of habitats on site to ensure the retention, replacement and enhancement of places of rest and foraging for the species;
 - (iv) Details of an annual badger monitoring programme, for a minimum of three years, to establish any effects of the development on the local badger population. The results must be submitted annually to the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details of the EMMS unless otherwise approved in writing by the Local Planning Authority and thereafter the site shall be permanently maintained according to the EMMS;
- (k) Details of the lighting columns and light levels for the floodlighting of the two tennis courts and five-a-side area to the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement;
- (l) Details of an area for parking on site for the community use shall be submitted to, and approved in writing by, the Local Planning Authority prior to works commencing and the parking shall be made available for future users.

(Notes to applicant:- (1) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of a designated 'main river'; (2) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (3) Applicant was advised that the Black Brook is an important wildlife corridor and should be appropriately protected in accordance with Planning Policy Statement 9. Following the RTP1 five point approach, the floodlit pitches

should be sited to avoid all adverse effects on wildlife species and habitats where possible; (4) Because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, applicant was recommended to provide undertakings to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes; (5) Applicant was advised that in interpreting the results and potential impact of the ecological survey it does not appear that the ecological report has taken account of the Conservation (Natural Habitats) (Amendment) Regulations 2007. It is recommended that the advice of Natural England on the findings of the ecological survey should be sought; (6) Applicant was advised that the outfall discharge rate to the Black Brook should be limited to 7.09 l/s for all weather pitches. With regard to condition (j), the Local Planning Authority will expect to see a detailed method statement clearly stating how the species named above will be protected through the development process and to be provided with a mitigation proposal that will support these species in the long term. Details of the long term management of the site shall include the maintenance and enhancement of the Black Brook corridor, hedgelines and shrubby areas and the management of grassland within Kings College ownership, to enhance habitats. The monitoring of the badger population should include the results of a bait marking survey to be undertaken in the February before the development is started on site. The results of the survey will form the base line for a monitoring programme which should be carried out for a minimum of three years to establish any effect on the badger population in the area (there is a main sett at 36 Holway Hill). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (7) Applicant was advised to ensure that the floodlighting is switched off when the sports pitches are not in use).

Reason for granting planning permission:-

The proposal would improve existing facilities and promote better use of open recreational spaces and was therefore acceptable. The proposed lighting would enable full and safe use of the school sports pitch. Mitigation and future management of the site would safeguard any protected species. The proposal was therefore in accordance with Taunton Deane Local Plan Policies S1, C3 and EN34 and National Policy guidance in PPS1, PPS9 and PPS25.

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

31/08/0023

Change of use and conversion of barn to residential accommodation in paddock opposite Westcroft, Churchstanton (re-submission of 10/08/0022)

Reason

- (a) The site is remote from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure and there is no public transport services in close proximity to the site. As a result, occupiers of the proposed dwelling are likely to be dependent on private vehicles for most of their daily needs, which would foster a growth in the need to travel and it is not considered that the planning merits of the proposal are sufficient to outweigh the highway sustainability issues raised. On this basis, the proposal is contrary to advice given in PPG13 and RPG10 and Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1(b) of the Taunton Deane Local Plan;
- (b) The barn is a single storey stone barn with a corrugated sheet roof and limited openings, within the Blackdown Hills Area of Outstanding Natural Beauty. Due to the nature of the roof and gable ends above eaves level not being of permanent and substantial construction, significant alterations would be required to convert the building to residential use and by virtue of the limited openings in the existing barn, the building is not deemed suitable for its intended use. As such it is not considered that the building is of a form suitable for conversion to this use and is therefore contrary to the guidance set out in the relevant sections of PPS7 (Sustainable Development in Rural Areas) and Policy H7 (Conversion of Rural Buildings) of the Taunton Deane Local Plan;
- (c) The site lies within a rural part of the Blackdown Hills Area of Outstanding Natural Beauty, where the natural beauty should be preserved and enhanced and development should not adversely affect the landscape character or appearance. The conversion of the barn, by virtue of the introduction of paraphernalia of domestic living, along with the installation of a driveway, would introduce a residential element, into a rural environment. The rustic nature of the site and the surrounding landscape would be eroded, which would fail to preserve and enhance the character of the landscape and the rural beauty of the Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies P3 (Areas of Outstanding Natural Beauty) and P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), H7 (Conversion of Rural Buildings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

- 15. Erection of three storey wing to replace 1960s south annex, demolition of metal deck roof to west annex and replacement with raised flat roof and addition of one storey with adjacent roof terrace, minor alterations to door and window openings of main warehouse for use as individual**

**office studios at Barnicotts Limited, 112 St Augustine Street, Taunton
(38/08/0492)**

Reported this application.

Resolved that subject to the receipt of satisfactory amended plans and the applicant entering into a Section 106 Agreement to secure contributions towards The Third Way and Northern Inner Distributor Road and Silk Mills Park and Ride extension, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Prior to the commencement of the development hereby approved details shall be submitted to, and be approved in writing by, the Local Planning Authority of a mechanism to secure the provision of contributions in respect of the Silk Mills Park and Ride Extension and the Third Way and Northern Inner Distributor Roads. The contributions shall then be provided fully in accordance with the approved mechanism prior to the use of any of the development approved, and maintained as such in accordance with the approved mechanism;
- (c) The development shall be carried out in accordance with the flood resilience measures as set out in the submitted Flood Risk Assessment prepared by Barnaby Gunning Architects, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The development hereby permitted shall not be occupied until a covered cycle rack facility has been provided within the site capable of accommodating ten bicycles in accordance with a design specification to be submitted to, and approved in writing by, the Local Planning Authority and to be constructed in accordance with those details that have been approved;
- (e) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall be submitted to, and approved in writing by, the Local Planning Authority prior to the construction commencing and thereafter carried out as agreed;
- (f) Before the access is first brought into use, a properly consolidated and surfaced turning space for vehicles shall be constructed in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (g) Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority;
- (h) No development, excluding site works, shall begin until a sample panel of the proposed render has been built on the site and the finished texture and colour used within the panel has been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless any variation thereto is first approved in writing by the Local Planning Authority;

- (i) There shall be no bell casts formed in the render over window or door heads;
- (j) Where the extension for which consent is hereby granted abuts/encompasses elements of the existing listed building, the surfaces of the latter shall be retained in their entirety, ie. not provided with plaster or any other surface treatment or cladding, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (k) Before any structural works or repairs are undertaken, precise details of the methods, materials to be employed and areas affected shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (l) All repairs shall be progressed on the basis of minimal intervention with all repair works being affected in appropriate traditional materials and with workmanship commensurate with the buildings age/character unless any variation thereto is first approved in writing by the Local Planning Authority;
- (m) Prior to commissioning specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works unless any variation thereto is first agreed in writing by the Local Planning Authority: venting of recovered roof and WCs (including terminals); patent glazing; balustrading; metal cladding; fire escapes; doors; architraves; windows; cills; junctions between extant buildings and extensions; ceilings; partitions and works in respect of Part L of the Building Regulations for the listed building only.

Reason for planning permission, if granted:-

It was considered that the proposal was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings and would provide a suitable re-use of a building that would benefit the local economy.

16. Erection of three storey wing to replace 1960s annex, demolition of metal deck roof to west annex and replacement with raised flat roof and addition of one storey with adjacent roof terrace, minor alterations to door and window openings of main warehouse for use as individual office studios, 112 St Augustine Street, Taunton (38/08/0494LB)

Reported this application.

Resolved that subject to the receipt of satisfactory amended plans, the Development Manager be authorised to determine the application and, if listed building consent was granted, the following conditions be imposed:-

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority;

- (c) No development, excluding site works, shall begin until a sample panel of the proposed render has been built on the site and the finished texture and colour used within the panel has been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (d) There shall be no bell casts formed in the render over window or door heads;
- (e) Where the extension for which consent is hereby granted abuts/ encompasses elements of the existing listed building, the surfaces of the latter shall be retained in their entirety and not provided with plaster or any other surface treatment or cladding, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (f) Before any structural works or repairs are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (g) All repairs shall be progressed on the basis of minimal intervention with all repair works being affected in appropriate traditional materials and with workmanship commensurate with the buildings age/character unless any variation thereto is first approved in writing by the Local Planning Authority;
- (h) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: venting of recovered roof and wcs (including terminals); patent glazing; balustrading; metal cladding; fire escapes; doors; architraves; windows; cills; junctions between extant buildings and extensions; ceilings; partitions and works in respect of Part L of the Building Regulations for the listed building only.

Reason for planning permission, if granted:-

It was considered that the proposal provided a suitable reuse for this listed building securing its future maintenance and thus was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

17. Appeals

Reported that three appeal decisions had been recently received, details of which were submitted. All three appeals had been dismissed.

Also reported that eight new appeals had been lodged, details of which were submitted.

(The meeting ended at 8.12 p.m.)

26/08/0010

MR S LING

ERECTION OF 20 NO. AFFORDABLE DWELLINGS AND PROVISION OF RECREATION FIELD AND PLAYGROUND AREA ON LAND OPPOSITE THE VILLAGE HALL, NYNEHEAD (AMENDED DESCRIPTION) AS AMPLIFIED BY E-MAIL DATED 15TH JANUARY 2009

314515.123011

Outline Planning Permission

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PROPOSAL

The application is in outline. The proposal provides for 15 social rented units (1 two bed flat, 8 two bed dwellings, 5 three bed dwellings and 1 four bedroom dwellings) and 5 low cost market units (1 two bed flat, 2 two bed dwellings and 2 three bed dwellings). Two of the dwelling units will be bungalows suitable for elderly residents. Each house will be provided with 2 allocated parking spaces and the flats and bungalows will have 1 allocated parking space. Visibility splays of 45m will be provided in each direction.

The application was accompanied by an Ecological Assessment.

The applicant has indicated that the proposals have come about following a threat to close the local primary school because of a shortage of young children to make up the numbers to the recommended standard. He has offered to make land available in the village to be developed for social and low cost housing for locals in order to keep young people with young children in the village.

SITE DESCRIPTION AND HISTORY

The site is part of a slightly undulating flat area of agricultural field with a boundary hedge fronting the road.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Nynehead Parish Council - Object.

Somerset County Council - Transport Development Group - The site lies outside any recognised development limits, where it is remote from services and facilities, and is considered unsustainable in terms of transport policy. The proposal is contrary to the aims of PPG13 and RPG10 and is contrary to Policies STR1 and STR6 of the Structure Plan.

I believe that the housing is proposed as affordable to meet an established local need. As such it must be a matter for the Local Planning Authority to determine if there is an overriding need that would outweigh the sustainability concerns raised.

If there is no overriding need established, the Highway Authority would recommend that this application be refused on sustainability grounds.

The following observations are made without prejudice to the sustainability issue, and deal only with technical detail of the proposal.

The highway approaches to the site are generally narrow, poorly aligned, and have sub-standard junctions. There is a single recorded Personal Injury Accident in the location of the site within the last five years, involving a collision between a taxi and an agricultural vehicle. Whilst this is a consideration in determining this application, it may be possible for the developer to offer improvements to the highway, given the length of the site frontage, to assist in avoiding the re-occurrence of such an incident in the future.

The proposed 20 dwellings will lead to an increase in the size of the settlement by approximately 30%. This will have an associated traffic generation, however I do not feel that there is a problem with capacity on the highway network, and vehicle movements will be split between the three main exits from the village.

I am aware that this is an issue for local residents, and it may therefore be prudent for the developer to address this in order to satisfy local concern.

The development suggests improvements locally to the highway in terms of visibility from the proposed access, and improvements to the alignment of the junction north of the site, close to Roundoak Gardens. This will be of benefit to all road users, although the Highway Authority recommends that forward visibility is also provided through the bend on the site frontage.

The site is accessed from the classified carriageway that runs through Nynehead. Whilst there is no restriction on the speed of traffic through the settlement, vehicle speeds are contained by the nature of the carriageway. It is my observation, that this speed is in the region of 30mph as it passes the site, and as such the appropriate guidance for the design of the access should be taken from Manual for Streets.

There is no detail of the residential layout provided with the application, and as such it is difficult to assess whether the proposed estate road, turning facility and parking provision would be acceptable.

Somerset County Council has embraced the principles of Manual for Streets, and as such it is inappropriate for the road to be laid out in isolation, and a comprehensive scheme should be considered. In addition, it is noted that there are very limited footways available within the wider settlement, and those proposed may therefore be out of place.

As such, I would recommend that this element of the scheme be removed from the application, to allow flexibility in the design and layout at reserved matters stage, should this application be successful.

With regard to the parking provision for the development, the Design and Access Statement is unclear. It specifies 2 spaces per house and one per flat/bungalow. For the proposal to be acceptable in terms of LTP2, and due to the unsustainable nature of the settlement, it will be necessary for there to be two spaces per dwelling across the

development.

The parking that is shown on the submitted plan for 20 cars, drawing number 12/08-01 does not appear to be related to the residential development, and is not mentioned within the D&A Statement. I believe through talking with the agent for the application that this is intended for use in association with the playground and recreation field, but there is no justification for any additional parking within the submission. The existing play facilities within the village do not benefit from parking provision, and it is unclear why this facility needs to provide any. In addition, the site is in close proximity to the village hall, which has its own parking and would appear to be available for public use.

Given all of the above, the Highway Authority recommends the refusal of this application for the following reasons:

- The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.
- Insufficient information has been submitted regarding parking for the development, to satisfy the Local Planning Authority that appropriate levels are proposed.

Heritage and Landscape Officer - The site lies on the edge of the village but in open countryside and would therefore be contrary to TDLP policy EN12. The visibility splay requirements will require the removal of a significant length of hedgerow. The hedgerow is not in good condition but may still be classed as important because of its location next to the roadside. There may be scope for landscape mitigation dependent on the requirements for housing, playground and recreation field.

Nature Conservation & Reserves Officers - The site consists of part of an improved agricultural field with a roadside hedge on a bank. The hedge is not continuous, has been significantly restricted by flail cutting and has a large gap in its centre. The site is surrounded by intensive farmland with no significant stands of woodland within 1 km of the site. There are no mature trees on the site. The survey concluded that the hedgerow and bramble offer some potential nest sites for birds but that the hedge is unsuitable for dormice and is unlikely to be productive for foraging bats. There are no signs of badger activity on the site. Consideration should be given to installing bird nesting and bat roosting boxes around the site. Any hedgerow removal should take place outside the nesting season. The hedgerow should be surveyed for protected species prior to removal. Recommends conditions re timing of clearance works and further survey if delay to start. Advisory notes re nesting birds and badgers.

Housing Enabling Manager - Supports the application on the basis of some need in both Nynehead and the adjoining parishes as identified on the Housing Waiting List. Support the scheme as a phased scheme bringing forward up to 10 now and phasing the remainder as and when the need is demonstrated.

Leisure Development Manager - This village already has a playing field and an equipped play area for children, with a likely application for a grant for providing for young people expected shortly. Cannot see how a community the size of Nynehead

(approx 450 people) could afford to maintain two recreation fields and two playgrounds. Indeed a recent planning application was granted, against the Leisure Department's advice, to allow a change of use of part of the existing playing field to residential use. This development should make off site contributions towards improving the existing facilities in the village, which are less than 300 metres away, in line with policy C4. These sums would amount to £35,700 for children's play and £20,460 for outdoor recreation.

Drainage Engineer - Note that surface water is to be discharged to an irrigation lake on adjacent land. A condition should be attached that a comprehensive surface water disposal system will be required and approved before any works commence on site. The applicant should investigate Sustainable Urban Drainage methods (SUDS).

Wessex Water - The development is located within a foul sewer area. Points of connection for this and water supply can be agreed at detailed design stage. There may be uncharted sewers or water mains within or very near to the site.

Forward Plan & Regeneration Unit –

Campaign to Protect Rural England - Supports the principle of building low cost housing in rural areas, where there is a clearly established need for local people. Question whether the need for 20 such dwellings has been established and whether this is the best possible available location. Understand that there is a need for 7 low cost dwellings in the parish. It is further understood that the applicant, in the event of planning permission being granted, would initially have 10 dwellings built, keeping the right to build a further 10 if and when the need arose. Question who would decide when that extra need existed. It would clearly be better for planning permission to be granted for a specific identified need and nothing more. There might otherwise be a presumption in favour of future development there, rather than at some more favourable site which might become available. On the question of location, the site is in open countryside, where there is a presumption against any building development. There is a policy of exception for low cost housing, but the land here is designated as 'best and most versatile' agricultural land and it is suggested that permission should not be countenanced if a more suitable site were available, which appears to be the case at Poole (26/08/0011). This is a brownfield site in Nynehead parish close to regular bus services to Wellington and Taunton, whereas all the village hall site seems to have is a once a week bus service to Wellington. Bearing in mind that the population in the UK and worldwide is predicted to continue rising, that land available for food production is declining and that costs of fuel and agricultural inputs will in the long term only increase, agricultural land must be conserved. This should be the overriding consideration in this case. Any planning permission granted should be subject to Level 4 of the Code for Sustainable Homes.

Representations

ONE LETTER OF SUPPORT

- Have family who have been brought up in the village and would like to continue living here.
- Would not be fighting to keep the school open if there was more affordable housing.
- Without young families the village will become another retirement village with

house prices too expensive for locals.

- Will provide a new park that will be suitable for all year use. Will allow the village football team to have a home.
- At the moment there is no parking at the village playing field and visiting people from the bottom of the village often have to park in dangerous spots.

38 LETTERS OF OBJECTION

- The proposal is contrary to Taunton Deane Local Plan policies, Regional Planning Guidance and National Planning Policy Statements, including affordable housing exception policies.
- The site is in an unsustainable location.
- The development would be immensely intrusive in the landscape.
- Would permanently destroy a substantial Greenfield area of best and most versatile agricultural land and render the immediately surrounding similar quality land unworkable due to the size and shape of the undeveloped areas.
- The development would not be served by any nearby services or essential amenities.
- With regard to access to the village, flooding from the River Tone on the lower ground and run off from agricultural land filling up the sunken lanes on the higher ground in all other directions.
- Would offer recreation and playground facilities that are completely unnecessary due to the more than adequate current provision in or very close to the village. Does not justify the loss of an extensive area of Greenfield and best open countryside land with consequent harm to the character of the area, landscape and agricultural land that in accordance with national and local planning policies should be preserved. The playing field Committee has not been consulted as to whether they would wish to take on any extra land for the use of children. The statement that the existing playing field is remote with a very difficult access is completely inaccurate.
- Would massively increase the carbon footprint of the village.
- Would very detrimentally affect the rural scale and character of the village by creating a serious imbalance in the numbers of houses related to the road network, amenities and essential services available to the community.
- Suggests a need and village desire for affordable housing that is absolutely disproportionate to reality.
- Fails to take account of the existing stock of council houses in the village.
- Ignores the existence of planning application 26/08/011, which alternatively offers a similar number of new homes on the site of previous local worker's cottages within reasonably easy walking distance of Wellington.
- Nynehead Parish Council are not and have never been "in full support" of the proposal, despite what is said in the applicant's submission.
- Wrong location. The alternative application at Poole (26/08/0011) is in a better location.
- Even if Nynehead school should get a reprieve from its planned closure, such a development would still not necessarily provide the requisite primary school children. Many of the children at the school live in Wellington and many children from the village go to other schools.
- Site reached by small, narrow, winding lanes from every direction, single track in most places, at least 3 narrow restrictive bridges, the narrow sandstone 'Hollow', an unmanned railway crossing and experiences flooding both in the Vale of the River Tone and on the higher ground from field run-off. The narrow roads are

also often used as commuter rat runs.

- Site is prominent in the landscape and is at the highest point in Higher Nynehead – if accepted, may lead to street lighting at this point.
- The infrastructure of the village of Nynehead can only occasionally absorb small infill dwellings, as has historically been the case.
- There are no facilities such as village shop, post office, etc within the village, therefore necessitating road travel and thereby increasing traffic. Proposed closure of the village school will also result in more cars on the road to access other educational establishments.
- Already enough building going on around the Wellington area.
- The applicant is a farmer and so-called custodian of the countryside. He should be ashamed of himself for attempting to blight the countryside by building all over it.
- The likelihood of a viable village shop is negligible.
- County Highways have said that a request for a 30 mph limit on the road is low priority.
- Applicant should keep the visibility splay clear where his land abuts the junction of the Milverton road.
- Full information is not being provided in the assessment of housing need.
- If need is only for 10, the application should be for 10 and, if and when the need is demonstrated, another application submitted.
- As it is very questionable that retired persons, or those requiring one bed accommodation, would wish to live in Nynehead, it would appear that there is more accommodation for couples and families proposed in application /0011.
- Question whether an additional 20 dwellings would warrant any increase in the bus service.
- The site is a winter feeding area for deer, close by are badger sets and owls are seen on a regular basis.
- Will be very stark without any attempt to help to blend it into the surrounding area tree and hedge planting.
- Question why 20 parking spaces have been provided for visitors to the recreation area.
- The road in the immediate area regularly floods.
- Inadequacy of parking.
- The proposal will result in the expansion of Higher Nynehead by 40%, which will have serious repercussions on the local infrastructure.
- A small housing estate such as that proposed would be out of character with the village as it stands.
- The site floods during heavy rain.
- Higher Nynehead is a completely unsuitable location for this very significant development.
- Would give a ribbon development effect.
- Much of the reasoning and assumption supporting the application is either incorrect or flawed.
- There have been numerous minor collisions on the roads leading to the site.
- The maintenance and repair of the lanes and their drains has declined markedly in recent years.
- The proposed development would be particularly detrimental to those living closest.
- The development would significantly increase the building density of the village and would create various safety and environmental issues.
- Would require the construction of very large visibility splays thus causing huge

destruction of hedgerows and trees that are currently teeming with wildlife.

- The central part of Nynehead currently has an appropriate combination of housing types and styles, which provides a stable social mix in the village. A development of affordable housing in the centre of the village would adversely change this, be out of keeping and contrary to planning guidelines.
- The proposal falls outside the planned development plans for the village, which should be restricted to infill.
- Concerns about the sewage system.
- The village of Nynehead has won a number of awards by being a special village, not a housing estate.
- In the last village survey, a couple of years ago, the residents said that extra housing within the village was not needed.
- What need is there for extra housing during an economic crisis, who can afford them.
- Previously the planning officer has objected to developments on brownfield sites in the village, how can he recommend such a development on a Greenfield site.
- The large concreted area for car parking could exacerbate the already difficult excess water situation in the area.
- Developments on this scale should be in a town.
- The proposal would damage the rural skyline when viewed from the Milverton direction.
- Increase in traffic on the adjacent road would be dangerous for walkers, cyclists (part of National Cycle Route No 3) and car users.
- The entrance/exit of the proposed development will be situated almost opposite the existing entrance/exit of the village hall and both are sited very near a blind bend in the road, which could potentially result in accidents occurring.
- Position of the proposed development suggests that further development will be sought in the future.
- Very few job prospects in the village.
- Do not believe that the inferred provision of additional services would ever take place.
- The development would overshadow and impinge upon existing properties.
- Construction traffic would damage roads, verges and banks.
- Housing need in adjoining parishes should be catered for in those parishes.
- Flaws in the Wildlife Survey.
- Nynehead already has reasonable council housing provision proportionate to its population.
- Relative to its small rural population, Nynehead has already seen over recent years a substantial number of new houses through infill development and the conversion of farm buildings into dwellings.
- If Nynehead School closes, the building will be converted into a dwelling, or dwellings, or the site might also be considered for a limited number of affordable houses, if their design is sensitively handled and in keeping with the status of the Conservation Area.
- The proposal is an entirely unwarranted intrusion into the countryside.
- The site is not in a sustainable location. To access local facilities the occupiers of the proposed housing would be entirely dependent on the use of private cars as there is no public transport.
- Understood that no Housing Needs Survey has been conducted by means of a Local Needs Assessment in accordance with current practice to inform and robustly test that the proposal can credibly meet the criteria set out in the definition of 'Local Need for Affordable Housing' in Policy H11(A). Understood

that the need for the development has been assessed solely on the basis of the Council's Housing waiting List, and that that perceived need is derived not just from the village of Nynehead, but also from adjoining parishes that are not directly related to Nynehead. In addition, no proper assessment has been made in relation to the type and make-up of the housing required in connection with any development in this location. The proposal includes 25% market housing, the supporting statement simply stating that these will be local low cost houses. However, no further detail is given as to how these houses will be made available or restricted for future use. Nor is there any supporting justification as to why this mix of tenure is essential or is needed.

- Policy H11 provides that the Rural Needs Policy Exemption will only apply to small affordable housing schemes. The proposed development cannot be justified as a small scale scheme. The applicant's supporting statement acknowledges that the proposal constitutes a 'significant development'.
- The proposal will harm the special character and landscape setting of Nynehead which cannot be justified by any proven housing need. The applicant has not submitted any detailed design proposals to demonstrate how it will be possible to sensitively integrate the proposal to protect the special local landscape character.
- The layout and design of the proposed scheme is not well related to Nynehead. It is on a large scale with an incoherent approach to the overall design, including an unexplained need for the car parking to be separated from the housing. It also introduces a large playground area and recreation field that encroach further into the landscape of the area without reasonable justification.
- The reasons for the school closure have almost nothing to do with the numbers of children resident in Nynehead attending the village school, now or in the future.
- Nothing in the application proposals or supporting submission suggests that the local highways can be or will be improved, nor will any contribution be made to improving the road in any way or mitigate the adverse impact of increased vehicle movements generated by occupiers of the proposed site.
- There are at least 10 children currently living in the village who will be learning to drive in the next few years, thereby increasing the number of vehicles on our roads.
- Question the logic of the ability of a nearby irrigation lake being able to take surface water drainage.
- There is no gas supply in the village, so heating will be restricted to oil and electricity.
- Question why in recent years most, if not all, that have become available been allocated to people from outside the village.
- Affordable housing should be integrated within the community and not concentrated in one area.
- Due to the current economic climate and the limited access to credit facilities, will the proposer of the initiative and his nominated builder be in a position to fund the project with limited credit. Do not want a half finished building site.
- The proposal is in no way green or ecofriendly.
- Such development would be better sited in Oake, where the school is being made bigger.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,

PPS7 - Sustainable Development in Rural Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP1 - S&ENP - Nature Conservation,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
H11 - TDBCLP - Rural Local Needs Housing,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
M4 - TDBCLP - Residential Parking Provision,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The site is located in open countryside, outside the designated settlement limits of Nynehead, and is therefore subject to the full weight of restrictive policy regarding development in the countryside. The Authority's Structure (STR6, 5) and Local Plan Policies (H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within the village, or adjoining if no suitable internal site is available. .

Policy H11 is paramount in the assessment of the application and requires an exceptions site to accord with the following criteria:

'As exceptions to H2, small affordable housing schemes which meet the local community's needs for affordable housing will be permitted on sites where housing would not otherwise be permitted, either within or adjoining the identified limits of villages and rural centres, provided that:

- (A) There is a local need for affordable housing, defined as the presence of households in need of affordable housing in the following categories:
 - 1) Households living or including someone working in the parish or adjoining parishes currently in overcrowded or otherwise unacceptable accommodation.
 - 2) Newly formed households living or including someone employed in the parish or adjoining parishes;
 - 3) Households including dependants of the households living in the parish or adjoining parishes; or
 - 4) Households including a retired or disabled member who has lived or worked in the parish or adjoining parishes for a total of five or more years;
- (B) The site proposed is the best available in planning terms and would not harm the character and landscape setting of the settlement more than is justified by the housing need to be met;
- (C) Satisfactory arrangements are made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of need as defined in criterion (A), or other genuine housing need only where this is necessary to secure full occupation of the scheme;

- (D) The proposal does not incorporate high value housing to offset a lower return on the affordable housing; and
- (E) The layout and design of the scheme conforms with policy H2.

Whilst the support of the Housing Enabling Officer is noted and the provision of 'affordable housing' is a Corporate priority, provision of exception housing must accord with the tests set out in Policy H11 and the aforementioned policy does not allow indiscriminate development of dwellings in the open countryside. The policy criteria of H11 also refers to proposals as being 'small', whilst this is of course relative to each settlement, it is considered 20 dwellings is excessive and disproportionate to the size of the village. The aim of the policy is also to normally seek to meet local needs for housing within the Parish in which they arise.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that it could not be considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11.
- 2 The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to PPS7, STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and S7 of the Taunton Deane Local Plan.
- 3 The village has an existing playing field and equipped area for children nearby and it has not been demonstrated that there is need for additional recreation facilities as part of this proposal, rather than off site contributions towards improving existing facilities in the village (Taunton Deane Local Plan Policy C4).
- 4 The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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: Mr J Hamer Tel: 01823 356461

26/08/0011

DEVONSHIRE HOMES

RESIDENTIAL DEVELOPMENT COMPRISING 19 X NO. 2 AND 3 BEDROOMED AFFORDABLE HOUSES WITH PARKING, ACCESS ROAD AND ASSOCIATED WORKS AT NYNEHEAD ROAD, POOLE, NYNEHEAD, AS AMENDED BY LETTER DATED 30TH JANUARY 2009 WITH ACCOMPANYING DRAWING NO 08/114/02 REV A

314621.121727

Full Planning Permission

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PROPOSAL

The proposal is for a mixture of 2 and 3 bedroom two storey houses, all of which are proposed to be for rent. Proposed materials are brick walls and tiled roofs. The applicants accept that the proposal would not comply with the exceptions policy, H11. However they contend that there is a shortfall in housing land, there only being a three year supply, falling short of the 5 year supply required by policy. They contend that sites such as the one proposed would assist in meeting this shortfall and should be considered favourably, as supported in PPS3. Access will be from the road leading to Poole. 34 parking spaces are proposed.

The application was accompanied by a Transport Assessment, Noise Survey, Assessment of Housing Land Availability, Environmental Study, Ecological Report and a draft Section 106 Agreement (securing the affordable housing). The Transport Assessment concludes that the proposed residential development is unlikely to have any demonstrable detrimental impact on the local highway network.

SITE DESCRIPTION AND HISTORY

The site measures 0.45 ha and was previously the site of 11 cottages, long since demolished. The site is currently open scrubland, having been largely cleared of the previous trees and shrubs. A previous application for the erection of 11 dwellings was refused in 1978.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Nynehead Parish Council - No objection, subject to the Poole road being widened, consideration being given to changing the traffic priority at the junction and the access being moved onto the Nynehead road. A lower number of houses would be acceptable.

Somerset County Council - Transport Development Group –

Drainage Engineer - Note that surface water is to be disposed of via a Sustainable Urban Drainage System (SUDS). However, no details of this proposal have been

included in this submission. A comprehensive surface water disposal system should be designed and agreed.

Leisure Development Manager - The application does not take Policy C4 into account in its design or in the proposed Section 106 Agreement. A contribution of £1,023 for each dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1,785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked.

Wessex Water - The development is located within a sewered area, with foul and surface water sewers. Points of connection for these and water supply can be agreed at detailed design stage. There may be uncharted sewers or water mains within or very near to the site.

Network Rail -

FENCING

This development will create a trespass and vandalism risk on to the railway. In the interests of promoting public safety, it is recommended that a 1.8 metre high trespass resistant fence be erected parallel to but separate from the railway fence.

DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Keith Buckland at Network Rail on opewestern@networkrail.co.uk before works begin.

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

LANDSCAPING

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Heritage and Landscape Officer - Although not used for agriculture at present, the site lies in open countryside and would be contrary to Policy EN12. The proposals offer little opportunity for landscape mitigation and would therefore be seen as stark in the landscape.

Wellington Town Council - (adjoining Parish) There is sufficient demand for this type of housing in the area. It would be close to the Cades Farm development and would be a suitable site for affordable housing.

West Buckland Parish Council - (adjoining Parish) Site in open countryside not adjacent to an existing settlement; unsustainable location; highway safety concerns such as lack of footways in area; and proximity to railway and the effect of noise.

Housing Enabling Manager - Does not support the application on the basis that there is insufficient need in the immediate location and surrounding parishes for this particular application. There have been two applications submitted for the area totalling 39 homes on both schemes, therefore unable to support this application.

Forward Plan & Regeneration Unit –

Principal Environmental Health Officer - Noise & Pollution - **Re Noise**

The applicant needs to consider noise issues as the site is adjacent to the railway line and the road to Poole industrial estates and civic amenity site.

The application included a noise assessment of the site:

Nynehead Road, Poole, Wellington PPG24 Noise Assessment. December 2008. WSP Acoustics.

Monitoring carried out as part of this assessment indicate that the site falls within Noise Exposure Categories B and part of it within NEC C (PPG24).

PPG24 states that for NEC C “Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”. And for NEC B “Noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise”.

Therefore, if the development is given permission I would recommend a condition re noise:

The information that has been submitted with the application could be used to meet parts of the condition.

The best way to minimise disturbance from noise on a development is to take the noise source into account in the layout and design of the site. It is best practice for a site to

be designed so that noise sensitive rooms face away from the sources of the noise where practical and the buildings themselves can be used to screen other parts of the site. This does not appear to have been done on this site, as a number of houses have bedrooms and living room windows facing the railway line and the gardens are adjacent to the railway embankment. Also, the houses are very close to the road at the south of the site. As the site is small and the railway raised several metres it is unlikely that an effective acoustic barrier can be used, therefore, it is more important to consider noise attenuation in the layout of the site.

Re the noise assessment

- information should be obtained from the rail operators to check whether the train movements at the time of the survey are representative.
- Some additional monitoring of noise from the railway and the road traffic would help provide a better picture of the noise climate on site.
- The report quotes research into sleep disturbance and uses this to justify ignoring the 12 noisiest episodes during the night-time period and to select the 13th highest level as “Highest night-time L_{Amax} “, and then use this as the basis for selecting the amount of noise attenuation that is needed to achieve an indoor noise level of 45dB L_{Amax} that is recommended in the WHO guidance. This approach would mean that the maximum noise levels experienced inside the properties at night would be considerably louder than 45dB as the 13th highest measured level is 17dB below the maximum level measured on site. The aim should be to provide glazing and ventilation with the attenuation necessary to meet the level of 45dB L_{Amax} given in the WHO guidance.
- Re outdoor living areas, the report suggests that a 4m high fence could be built along the boundary with the railway on top of the “existing bund”. However, the “bund” does not extend along the whole boundary; a noise barrier needs to extend beyond the boundary of the site to be effective; a solid wooden fence is not likely to have the mass needed to attenuate noise from the railway, also Network Rail should be consulted before structures are built close to their embankment. In practice it is unlikely that the garden areas could be protected to the level in the WHO guidance.

Re potential contamination.

The application is for a sensitive land use (residential use with gardens) and the site has been built on before and is close to industrial land, including the former brickworks and landfill site. PPS23 (Planning and Pollution Control) states that for sensitive land uses the LPA should require at least a desk study assessing the previous uses of the site and their potential for contamination in relation to the proposed development. Further studies may be required depending on the outcome of this assessment. Therefore, a condition is recommended.

Nature Conservation & Reserves Officers - The submitted report is based on a survey of the site after the site had been mainly cleared of scrub and trees. The report concludes that dormice and breeding birds may be affected by the proposals. There is strong evidence of dormice in the area and support the recommendation that a survey for dormice (nest tube survey) should be undertaken. This survey will have to be undertaken in the summer.

Somerset Wildlife Trust -

Representations

THREE LETTERS OF SUPPORT

- It is a brownfield site having once been the site of houses.
- As affordable housing, it is ideal given its proximity to the Wellington Road and its frequent bus services and being perfectly feasible to walk to Wellington where there are full facilities.
- Site is ideal to provide additional affordable housing to that which is also planned at Cades Farm.
- The site is far more suitable for affordable housing than a similar application (26/08/0010) within the Parish. This site is brownfield, whereas the other is Grade 1 agricultural land.
- Cannot understand how the Housing enabling Manager could initially support this application, yet at a later date withdraw that support.
- Really beggars belief that the Deane's Housing Enabling does not support this application (rather than supporting the one at Higher Nynehead), which is only 200 yards from the old A38 and a bus stop and approached by a 2 vehicle carriageway. It is also only half a mile from Wellington and a primary school. The application at Higher Nynehead is for a similar proposal, but lies a mile and a half up poorly maintained, narrow single vehicle wide lanes, including a steeply rising, narrow single vehicle wide 300 yard long sandstone cutting which is already a dangerous environment for pedestrians, with numerous blind bends and tight corners. It is accessed across a road across a flood plain, has no regular bus service, will have no school after 2010, will see a 40% increase in traffic.
- Not rocket science to ascertain that this is a much better location for this type of development than Higher Nynehead.

SIX LETTERS OF OBJECTION

- Density is rather too intense, the layout of the housing is cramped.
- Priority of the roads should be changed so that the Poole road has the priority rather than the Nynehead one.
- Consideration should be given to access to the site being from the Nynehead Road and the provision of a footpath up to the Wellington Road.
- The site is outside the Structure Plan and is not an exception site.
- Totally unsuitable for such a busy trading estate full of HGV vehicles and the amenity disposal site. Over 40 HGV vehicles move in and out of the estate, some 24 hours.
- The access to Poole industrial estate is narrow and 2 HGV vehicles are unable to pass for the first approx 400m. HGV vehicles regularly queue up on the very busy Nynehead road causing major disruptions at the T-junction. The Nynehead road has the very narrow bottleneck of the railway bridge.
- Forming another entrance in this location is another accident waiting to happen, which could involve children. There is a health and safety issue here.
- Totally out of keeping with the area when there are more suitable sites at the village of Nynehead and at Cades Farm.
- The railway line is just a wire fence away.
- The Noise Survey of the site was carried out during a 24 hour period when the railway line was closed for overnight maintenance.
- The copse was cleared, destroying the flora and wildlife(including foxes, badgers and nesting birds prior to the Nature Survey being carried out.

Question why the site was cleared before the Survey was done.

- Unacceptable increase in traffic.
- Can Nynehead really sustain an extra 19 houses, plus 20 proposed opposite the village hall and development at Cades Farm.
- No children's play area, inevitably forcing them to play onto the extremely busy and dangerous junction or on the dangerous industrial estate.
- It is an abandoned site – the historic use of the site for housing is of no relevance.
- The Noise Survey shows that the houses will need to keep their windows shut for most of the time due to noise generated by the trains and the traffic in the area.
- Inadequate parking, with limited visitor parking and no chance of being able to park off site due to the narrow roads surrounding the site.
- Not likely that the houses would fall within the bracket of affordable housing due to the high costs involved in providing sound insulation, the provision of a footpath and the building of a bund and 4 metre high fencing.
- No evidence of any proven need for housing on the site. Provision is being made on the Cades Farm site and this is a far better location.
- Detrimental effect on visibility of drivers travelling in the Wellington direction from Nynehead and at the junction from Poole.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPS7 - Sustainable Development in Rural Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP35 - S&ENP - Affordable Housing,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
H11 - TDBCLP - Rural Local Needs Housing,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in considering this proposal are the policy considerations, need for affordable housing, amenity impact, access and sustainability in terms of the location.

The site is outside any settlement and furthermore is not adjacent to any recognised settlement boundary. Consequently the site is subject to the full weight of restrictive policy regarding development in the countryside. It would not comply with the exceptions policy, H11, and the applicants accept this. National Planning Guidance endorses that new houses away from existing settlements should be strictly controlled. Policy H11 clearly states that exception housing should be located within or adjoining settlement limits. In this respect the proposal fails in that the application site is not immediately adjacent to an existing settlement, therefore does not form a logical extension to a defined limit of an existing settlement. They do however contend that there is only a 3

year supply of housing land available and therefore the proposal should be allowed in order to help towards establishing a 5 year supply. However, the lack of a 5 year supply of housing land only applies to the Taunton area and the proposal is therefore inappropriate on open countryside policy grounds.

Following the concerns expressed by the Nature Conservation Officer, a revised site layout plan has been submitted which now indicates a dormouse corridor to the north and east boundaries of the site.

The Noise Assessment submitted with the application concludes that in order to be suitable for residential development, mitigation measures will be required. Higher rated double glazing would be required on certain parts of the site and noise sensitive external areas, such as gardens, can be protected from road and rail traffic noise by the use of acoustically rated fencing (4m high along the northern boundary of the site). The applicant has confirmed with Network Rail that there is nothing to suggest that anything other than the normal timetabled service was operating on the two days of the survey.

The site is in open countryside divorced from any recognised settlement and its development is clearly unacceptable for the various reason set out below.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 Development in the countryside not adjoining a recognised settlement and harming the rural character of the area contrary to Taunton Deane Local Plan policies S1, S2, S7, H11 and EN12 and unsustainable location fostering the growth in the need to travel contrary to advice in PPG13, RPG10, Somerset & Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1.
- 2 The proposed development does not immediately adjoin any recognised settlement and as such would create a form of unacceptable sporadic development in the open countryside. The proposal would harm the rural character and appearance of the area and be contrary to the provisions of Taunton Deane Local Plan policies S1, S2, S7, H11 and EN12.
- 3 The occupiers of the development are likely to be reliant on private vehicles and such fostering the growth in the need to travel would be contrary to advice in PPG13, RPG10, Somerset and Exmoor National Park Joint Structure Plan Review policies STR1 and STR6 and Taunton Deane Local Plan policy S1.
- 4 It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have an adverse impact on the residential amenity of the future occupiers of the properties due to the incidence of noise from the adjacent railway line or that the measures proposed to alleviate such adverse impact would not have a detrimental impact on the visual amenity of the area. (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: Mr J Hamer Tel: 01823 356461

32/09/0001

MR & MRS L HILL

ERECTION OF EXTENSION TO AGRICULTURAL BUILDING AT SAMPFORD FARM, SAMPFORD ARUNDELL

310918.118756

Full Planning Permission

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PROPOSAL

The proposal is for a small extension to an existing livestock building to the southern yard area of Sampford Farm. The proposal forms part of an initiative being promoted and supported by DEFRA, to provide for improve animal husbandry conditions. The proposal will be constructed from a steel frame, with walls clad in uPVC green boarding and green corrugated roof sheets. The proposed development will measure 145 square metres, with a maximum roof height of 5.5 meters above ground level. It is sited within the existing complex of farm buildings and will be cut into the slope to the south.

The applicants are close relations of a member of the Planning Committee.

SITE DESCRIPTION AND HISTORY

Sampford Farm comprises a large number of agricultural buildings, ranging from traditional stone barns to modern buildings. The vast majority of these are to the north of the development site; however immediately to the south of the site are a number of former pig sty buildings, which are set upon an elevated position, above the proposed development site. The site slopes upwards from north to south and the farm yard is set down within the slope. To the east, the site is bound by a line of trees which are an estimated forty feet in height. The development site is located within the Source Protection Zone Three of the Pitt Farm Borehole as defined in the Agency's Policy and Practice for the Protection of Groundwater.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Sampford Arundel Parish Council - Support the proposal.

Environment Agency - No objection in principle but recommends informative notes to be attached to any approval

Somerset County Council - Transport Development Group - No comments to make

Representations

None received

PLANNING POLICIES

SPZ - Source Protection Zones,
S1 - TDBCLP - General Requirements,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues in determining the proposal are considered to be the impact of the extension upon visual and residential amenity.

The development will be set within the slope to the south, and will be screened to the north by the existing site buildings. The proposal will tie in with the existing complex and will only be partially visible from within the curtilage of the Old Vicarage to the east. The scale and design of the proposal is considered to be in keeping with existing site buildings. As such, it is considered that the proposal will have no material impact upon the surrounding visual amenity.

Planning permission is required for the building as it will be used for the housing of livestock and is within 400 meters of residential properties. The proposal will not result in any loss of light and will not affect privacy of adjoining properties. No objections have been received regarding the proposal. As such it is considered that the proposal will have no material impact upon the amenity of neighbouring residential properties.

Additional sewage arising from the proposed development will be disposed of via the existing slurry pit, whilst additional surface water will be disposed of via the existing drains and soakaways. It is considered that the proposal will not give rise to any significant increase in air or water pollution.

Given the above points, it is considered that the proposal is acceptable and planning permission should be granted.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional 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. 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.

Notes for compliance

1. The applicant is advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
2. The applicant should ensure that any manure/dung heaps within the site must be kept within an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.
3. All waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses. Available from the DEFRA website.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

43/09/0004

THE BURGAGE PARTNERSHIP

ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS (AMENDED SCHEME TO PREVIOUS PERMISSION 43/06/0159 AND PREVIOUS APPLICATION 43/08/0090) ON LAND ADJOINING 8 BURGAGE, WELLINGTON

313791.120741

Full Planning Permission

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PROPOSAL

This application seeks full planning permission for the erection of 2 semi-detached 2-bedroom dwellings. The dwellings would cover a ground area of 11 by 6 metres, collectively, and be set back from the road frontage by 2.5-3 metres. The dwellings would be two-storey measuring 5 metres to eaves and 8.75 metres to the ridge. First floor windows would be partly set in the roof in the front (southwest) elevation and the rear rooms would be lit by roof lights. A chimney would be provided for each dwelling at the gable ends. The dwellings would be constructed from brick with a slate roof and UPVC windows, with a porch across the pair of entrance doors.

SITE DESCRIPTION AND HISTORY

The site comprises the front garden of an existing detached house (8 Burgage), which is set some distance back from the front of the highway to the north east. The garden area itself is slightly higher than the highway, accessed via a small pedestrian gateway through the stone boundary wall.

The site is surrounded by existing residential development. The gable end wall of a two-storey dwelling adjoins the site to the southeast. To the north west is a car port within the ownership of 8 Burgage and partially excluded from the application site. Part of it is shown as being demolished and part remaining for the parking of vehicles. Beyond the car port, are two detached bungalows (one with rooms in the roof), set behind a private access drive and brick wall and hedge. To the south west is a parking area and block of garages, which serve a number of surrounding dwellings. There is also a barn, accommodating further parking spaces and a vehicular access to a further dwelling beyond.

Relevant planning history is application 43/2006/159 which granted planning permission for the erection of a single dwelling on the site, taking the form of a room-in-the-roof bungalow with two forward facing dormer windows.

Applications 43/2008/090 sought full planning permission for the erection of two semi-detached dwellings. The application was withdrawn following concerns from planning officers that the proposal would result in the overlooking of the existing dwelling, no. 8 Burgage and may cause significant loss of light to no.7, which has a gable end window facing the site.

Application 43/2008/119 sought to overcome the concerns expressed by moving the

proposed dwellings further away from no 7 and further forward on the site, whilst providing roof lights and obscure glazing for the rear first floor bedrooms to prevent overlooking of no. 8. However, planning officers were dissatisfied with the arrangement, considering that the combination of high level roof lights and obscure glass did not provide acceptable internal conditions for bedrooms. That application was also subsequently withdrawn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Wellington Town Council - Objects – the proposal is an overdevelopment of the site and out of keeping with the street scene.

Somerset County Council - Transport Development Group - Previous comments and recommended conditions apply and cycle storage should be provided, i.e.: “The proposed development is located within the town centre and is therefore in close proximity to services, facilities and public car parks. In detail the site derives access from The Burgage, which is classified as an urban footway. Whilst there are already a number of dwellings located in this area that derive vehicular access onto/from The Burgage, I would not want to see an increase in use over and above the existing traffic movements.

...the proposal does not make any provision for parking which given the footway status of The Burgage together with the substandard visibility at the point of access with North Street, I consider this is acceptable in this instance and would not wish to raise an objection to this proposal”.

Somerset County Council - Development Control Archaeologist - No objection.

Drainage Engineer - Notes that soakaways are intended for as the disposal method. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

Wessex Water - The development is within a sewered area, there are no separate surface water sewers in the vicinity of the site and alternative methods of disposal of surface water should be considered.

Representations

NINE LETTERS OF OBJECTION have been received. The issues raised are:

- Burgage is a narrow cul-de-sac serving 18 dwellings and 14 isolated garages;
- There are problems with parking and turning, ambulances, fire engines and refuse collection lorries – refuse can only be collected by hand;
- Any development must provide parking and or turning for delivery, service and emergency vehicles;
- Emergency services cannot access from White Hart Lane or North Street, as stated in the design and access statement;
- The first floor windows will overlook 10 Burgage.
- Car free development is a nonsense and will not be enforced;
- Visibility at the junction of Burgage and North Street is poor;

- Vehicles often have to reverse on to North Street to allow other vehicles out of Burgage;
- It must be made a condition of any permission that future occupiers may not bring any vehicle to the dwelling, for example to drop off people or shopping;;
- The previous permission was for 1 smaller building for disabled;
- The proposed dwellings do not fit into the local vernacular.
- The end of the road is private and construction vehicles will not be allowed to pass;
- There has been previous damage to the private roadway;
- The drains outside numbers 8A-10 are private and connection will not be possible;
- The proposed development site encroaches onto the parking area on White Hart Lane, which should be retained as existing;
- The developers are intending to demolish the wall facing White Hart Lane, presumably to give access to the site for construction. This breaches a number of covenants.

PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

The site is situated in the centre of Wellington and development is considered to be acceptable in principle. The main issues in the consideration of this application are access, impact on neighbouring property and design.

Access

It is clear from the numerous objections to this application that access to dwellings in Burgage currently leads to a number of problems, stemming from the lack of designated passing and turning facilities. Indeed, it would seem that all opportunities for passing and turning involve the use of private parking places and their availability cannot, as a consequence, be guaranteed.

Somerset County Council (Highways), however, consider that in town centre locations, such as this, there is no need to provide dedicated parking and vehicular access facilities for new developments, due to the existence of public car parks, basic services and public transport connections in close proximity. Several nearby residents have commented that it is unrealistic to expect future occupiers to own no car and not to wish to drive to the site to drop items off, if not to park permanently. From these comments, it could be argued that although a lack of parking facilities could be justified; there may still be additional loading on the junction with North Street that has substandard visibility. There are also no turning facilities, so vehicles occasionally are forced to reverse onto North Street.

However, the view of the Highway Authority is that the lack of parking facilities and difficulties with the access are likely to discourage such casual use of the access, such

that this practice would be the exception rather than the norm. Regard must also be given to the planning history and, in particular, application 43/2006/159, which permitted one additional dwelling. The implication of this is that this application is, in effect, for a net gain of one dwelling over the 2006 situation. Accordingly, there is unlikely to be a material increase in the amount of traffic using the access and as such, no objection could be justified on the grounds of the limited visibility at the junction with North Street. Indeed, 'car-free' development in town centre locations is in accordance with government policy in PPG13 and with structure plan policies STR1 and 49.

With regard to these matters and the clear lack of objection from the Local Highway Authority, it is considered that the development is acceptable in highway terms.

Impact on neighbouring property

The site is surrounded by other residential development. To the northeast, is the existing dwelling 8 Burgage, which has large windows facing towards the site. However, the amended design now under consideration provides only roof lights to the rear elevation, looking in this direction. These are at a height of 2 metres, with the internal room having a lowered ceiling on the northeast elevation. It is considered that they will not allow any direct overlooking, whilst providing an acceptable lighting within the second bedroom.

To the southeast is the neighbouring 7 Burgage. The gable end wall of this dwelling forms the site boundary and there is a bedroom window facing into the site. The proposed dwellings are proposed 2.8 metres from the end wall of this dwelling and are significantly further forward on the plot. It is considered that light to the gable end bedroom window of the existing dwelling will not be seriously compromised and the arrangement is acceptable. No windows are proposed facing this dwelling.

To the northwest are a pair of single and 1.5-storey dwellings, with some windows facing towards the site. However, there are no windows proposed directly facing these dwellings and as such there would be no overlooking. It is considered that the separation distances of around 14 metres are sufficient to prevent the proposed dwellings being overbearing on these existing properties.

Reference has been made in the representations to overlooking that would occur to 10 Burgage (almost due west from the site) if the existing hedge at that property were to be cut down. This dwelling is approximately 10 metres from the nearest corner of the proposed dwelling and it is considered that the angles involved would prevent any unacceptable overlooking whether or not the hedge existed.

To the southwest is a parking court and garages, behind which is a further dwelling. The first floor windows of the proposed dwellings face towards this property, however they are at a distance of 15 metres from the curtilage boundary and do not directly face any windows in this property. It is, therefore, considered that it would not be unreasonably overlooked.

Design and layout

The proposed design is a pair of simple dwellings, with first floor windows set partially in the roof. Burgage contains a wide variety of dwellings from two-storey houses to bungalows and room-in-the-roof bungalows. Given this context, the proposed design is

considered to be acceptable.

The site layout proposes the dwellings set a short distance back from the highway edge, but close enough to it to maintain a close visual relationship. This intimate relationship with the highway is typical of other dwellings in Burgage and is acceptable.

It is considered that there is sufficient amenity space proposed to the rear of each dwelling.

Other matters

Comments have been raised within the representations relating to restrictive covenants that may prevent future residents or and construction traffic from accessing the site and turning. However, these are not material planning considerations and cannot justify the refusal of planning permission.

Concern has also been raised that the site is served by a network of private drains and connection will not be permitted. The ownership of the sewerage network is not a material consideration, although Wessex Water records do indicate that a public sewer is available immediately outside the site, within the Burgage roadway. They have confirmed that this sewer is capable of accommodating the development. Surface water is proposed to discharge to soakaways and this will also be acceptable.

It has also been suggested that the developer is proposing to form an access to the site from White Hart Lane. This would involve crossing land within the applicants' ownership, so is a possibility. Given the difficulties of access via Burgage or White Hart Lane, it is considered that the permitted development rights that would allow this should be removed.

The site is within an area of high archaeological potential, however, the County Archaeologist does not consider that there is significant potential for deposits within the site and does not recommend any conditions.

Conclusions

It is considered that the proposed dwellings acceptably designed and would not impact unreasonably upon the amenities of neighbouring residents. However, given the constraints of the site and proximity of surrounding dwellings, it is considered that permitted development rights should be removed. The lack of on-site parking is considered to be acceptable, given the town centre location, although there would physically be space to accommodate a vehicle on site, so the right to create an access should be removed in the interests of highway safety.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

- 1 The proposed dwellings are considered to be acceptably designed, not impacting unreasonably upon the character of the area, the amenities of neighbouring residents or highway safety in accordance with policies S1, S2 and M4 of the Taunton Deane Local Plan and policy 49 of the Somerset and

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 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, additions or other alterations other than those expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the amenities of neighbouring residents, in accordance with policy S1 of the Taunton Deane Local Plan.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no means of pedestrian or vehicular access other than those expressly authorised by this permission shall be made to the development from Burgage or White Hart Lane without the further grant of planning permission.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Notes for compliance

1. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. The developer should be aware of the importance of checking with Wessex

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

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

45/08/0013

MR H DAVEY

CHANGE OF USE OF ANNEXE TO SEPARATE DWELLING AND ASSOCIATED PARKING (REVISED DESIGN OF 45/07/0015) AT MAYFIELD HOUSE, WEST BAGBOROUGH AS AMENDED BY E-MAIL DATED 12 JANUARY 2009.

317108.133341

Full Planning Permission

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OPOSAL

The proposal comprises the conversion of an existing residential annexe to Mayfield House to form a separate independent dwelling. The annexe is contained within a detached brick building.

SITE DESCRIPTION AND HISTORY

Planning permission was refused in August 2007, reference 45/2007/015, for the change of use of the annexe to a dwelling on the grounds that: the site is of insufficient size to accommodate an additional dwelling and residential amenity would be adversely affected; insufficient on-site parking space is available; visual amenity and the character of the conservation Area would be adversely affected; and the proposed access would prejudice road safety. The subsequent appeal was dismissed.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WEST BAGBOROUGH (BL) - The revised application does not change the view of the Parish Council in regard to this development. The Parish Council refers the planning Officer to the reasons originally given and also to the various individual objections for the detailed reasons for our objection. Vociferous opposition from near neighbours. Building is old village forge and should remain integral to Mayfield to protect character of location. Car parking proposal is inadequate and will only add to current parking issues in this part of the village.

SCC HIGHWAY AUTHORITY - The Planning Officer will no doubt be fully aware of the history in connection with this site and the view of both the Highway Authority and the view of the Inspector who disagreed with that view. For the purpose of this latest application consider it is important to reiterate the points that feel are relevant in reaching my decision. Whilst the Inspector in his decision stated:

“traffic speeds along this section of road are much lower than those suggested by the local highway authority, Therefore, while the visibility for drivers emerging from the bays would be restricted, I consider that with caution, as probably required when using many of the accesses in the locality, this deficiency would not be unduly harmful to highway safety. Furthermore the opportunity to park cars off the road would, in my

view, be preferable to the hazards created by unauthorised highway parking.”

It was stated in the Appellants grounds of appeal that at the present time there is a dwelling and an annex without any car parking. However, the Design and Access Statement that was submitted with the previous planning application stated the use as a garage with ancillary accommodation over, to Mayfield House. Any new application (irrespective of which unit the parking space will serve), will mean that there will be two dwellings and only 1 parking space, which is an insufficient provision and will still result in vehicles parking on the adjoining highway. The Inspector clearly stated that in his opinion that unauthorised parking on the highway causes a hazard to road users. Whilst the Highway Authority would welcome the removal of vehicles from the highway, in this particular case it could be view that this situation will not be improved and that the parking area is being created in order to enable new development, and this must be a matter for the Local Planning Authority. On the basis it can be demonstrated that the conversion would not result in a loss of parking to the main dwelling and this is supported by the LPA, it may be considered unreasonable to raise a highway objection on this aspect of the proposal. Maximum parking standards should also be applied for new development in this location as it is considered unsustainable in transport terms.

The following provision is set out the Somerset Parking Strategy, 1 bedroom unit, 1 car parking space and 2/3 bedroom units, 2 car parking spaces. However I am aware that the Highway Authority previously accepted one space for the existing dwelling and one for the proposed would be appropriate. If sufficient parking is not provided for new development the existing circumstances in respect of on street parking could be exacerbated. The Inspector has stated that the opportunity to park cars off the road in his view would be preferable to the hazards created by unauthorised highway parking. A perpendicular parking space would not only mean that visibility is restricted for vehicles emerging but reversing would occur from/onto the adjoining highway. It could be considered that a perpendicular parking space without turning provision could result in significant conflict as the highway would have to be used for turning to enable vehicles to manoeuvre from/into the proposed space. I do consider however that it maybe unreasonable to raise an objection given what was stated by the Inspector in respect of this particular site. It should be noted that any other proposals must be assessed on their own merits. In any event if the LPA are minded to grant consent, conditions should be imposed to ensure that the access incorporates appropriate measures to ensure that highway safety can be provided for all road users where available. In particular, the lowering of the boundary wall to a height not greater than 900mm would improve visibility for vehicles emerging to see.

CONSERVATION OFFICER - The building subject to this application is a poorly executed 1980s conversion of a former forge, which at best can be said to have a 'neutral' impact on the conservation area. It is unfortunate that this application has missed the opportunity to improve this past work. My principal concern with this application is the proposed boundary treatment to create the car space. The loss of part of the stone wall is regrettable, but this is exacerbated by the erection of the 1.8m high close boarded fence. Close boarded panel fencing is not a tradition boundary treatment and is more typical of the form of enclosure found in modern suburban rear gardens. Although there are other examples in the locality it falls below the quality expected of a boundary treatment in this conservation area. The fence is therefore an incongruous and inappropriate addition given the historic and rural context of the former forge building. Subject to details, a more suitable alternative boundary treatment for this location would be a stone wall to match the existing. In summary, I consider that by virtue

of its visibility, design and materials, the fence would have an adverse impact on the character of the conservation area. I therefore cannot support the approval of this application.

Representation

8 LETTERS OF OBJECTION have been received on the grounds that: the plot is of insufficient size to accommodate a dwelling; inadequate off-street parking and manoeuvring space, together with the increase in traffic, would prejudice road safety; a window in the south-western elevation would overlook a property; foul sewage is not connected to the mains sewage, but to a shared septic tank which is already at its limit; the replacement of the garage doors with a window would look odd; Mayfield house and the annexe will overlook each other; the foundations are inadequate; the former garage was used as such regularly; and the loss of a substantial part of the highway boundary wall would adversely affect the character and appearance of the Conservation Area.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN14 - TDBCLP - Conservation Areas,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

In his decision letter, the Inspector dismissed the appeal against refusal of the previous application on the grounds that loss of the highway boundary wall would fail to preserve the character of the Conservation Area, and that overlooking from the dormer windows would cause an unacceptable loss of privacy. The inspector did not see a conflict with highway safety, nor did he consider the plot too small, nor did he consider that there would be any material harm to any neighbours.

The current application therefore seeks to address the problems raised by the Inspector. With regard to the dormer windows, the proposal to obscure glaze them overcomes any potential overlooking, and in respect of the stone boundary wall, whilst acknowledging the Inspectors concern over its loss, it has since been established that Conservation Area Consent is not required for its demolition. Accordingly, the proposal cannot be resisted on this basis. Nevertheless the applicant has attempted to retain as much of the wall as possible whilst still providing an on-site parking space. Although previously proposing 2 no. on site spaces, only one is currently proposed, and whilst one is considered broadly acceptable by the CHA, the applicant is nevertheless prepared to provide two. In many situations such as this however, a balance has to be struck between parking provision and conservation, and in this particular case, it is considered that one space and retention of much of the stone boundary wall is the preferable option.

The Conservation Officer's concern over the boundary fence is understandable, but the fence does not actually require the benefit of planning permission.

Concern regarding the adequacy of the septic tank is a matter that should be resolved by the owner and either the Councils Drainage Officer or Building Control.

Finally, an issue has been raised relating to the provision of clear glazing to a first floor window to the rear, and the potential for overlooking properties to the rear. The agent has now agreed to obscure glaze the window. The application is considered acceptable.

RECOMMENDATION AND REASON(S)

That permission be granted.

Recommended Decision: Conditional Approval

The proposal would not detract from the character and appearance of the Conservation Area, would not harm neither visual nor residential amenity, and would not prejudice road safety. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential parking requirements), and EN14 (Conservation Areas).

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 dormer windows to the north-western elevation, and the first floor bedroom window to the south-western elevation shall be obscure glazed to the reasonable satisfaction of the Local Planning Authority.

Reason: To safeguard the residential amenity of the occupiers of neighbouring properties, in accordance with Taunton Deane Local Plan Policy S1.

3. The highway boundary stone wall shall be made good using matching materials and shall be built to the same height as existing.

Reason: To safeguard visual amenity and the character and appearance of the Conservation Area in accordance with Taunton Deane Local Plan Policies S1, S2, and EN14.

4. The proposed window to the north-eastern elevation shall be timber.

Reason: To safeguard the character of the building and the character and appearance of the designated Conservation Area in accordance with Taunton Deane Local Plan Policies S1, S2, and EN14.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be carried out without the further grant of planning permission.

Reason: To safeguard the character of the building and the character and

appearance of the designated Conservation Area in accordance with Taunton Deane Local Plan policies S1 and EN14.

6. The access and parking area shall be properly consolidated, surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

7. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 10m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard road safety in accordance with Taunton Deane Local Planning policy S1

Notes for compliance

1. The proposed change of use may result in the existing septic tank system drainage system becoming overloaded, thereby giving rise to possible drainage nuisance. Should such nuisance arise, action could be taken against the owner by the Council to ensure that the necessary works are undertaken to abate the nuisance.
You are therefore advised to contact the Drainage Officer of Taunton Deane Borough Council, to satisfy yourself that the present drainage system is adequate before any works are commenced.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Area Office, telephone number 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

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

CONTACT OFFICER: Mr J Grant Tel: 01823 356465

Amendment to delegated powers in respect of Planning Enforcement matters and arrangements for Ward Members to address the Planning Committee

REPORT OF THE DEVELOPMENT MANAGER

(Cllr Coles is the Executive Member responsible for these issues)

EXECUTIVE SUMMARY:

Previous changes to delegated powers in respect of planning applications have successfully reduced the length of Planning Committee agendas enabling Members to have more time to concentrate on the most significant proposals. It is now felt that a similar approach should be taken in respect of enforcement matters. In addition it is proposed that a time limit be placed upon Ward Members addressing the Committee.

1.0 DELEGATION AND PLANNING ENFORCEMENT

- 1.1 Changes to delegated powers have meant that householder and other minor applications are now generally dealt with at officer level, freeing up more Committee time for Members to concentrate on the most significant and strategic applications. This approach accords with latest government guidance on Development Management and the aim of meeting the target of 90% of applications being determined by officers.
- 1.2 However, there remains a discrepancy with enforcement matters where all enforcement notices have to be authorised by the Planning Committee.
- 1.3 It is therefore proposed that in future delegated powers be extended to include the taking of enforcement action in respect of all unauthorised development within the curtilage of a dwelling.
- 1.4 Whilst this should further reduce the number of comparatively minor issues being referred to Members, if an enforcement notice is not complied with Members would still be responsible for deciding whether prosecution action should be taken or not.

2.0 WARD MEMBERS SPEAKING AT PLANNING COMMITTEE

- 2.1 Concern has been expressed in terms of the lack of any restriction over the time that Ward Members are allowed to address the Planning Committee. This is in contrast with applicants, agents, Parish Councils

and the general public who are restricted to a maximum of three minutes each.

- 2.2 There clearly needs to be a balance here between the need to ensure that the business of the Planning Committee is carried out in an efficient manner, whilst at the same time allowing adequate time for Ward Members to express concerns that they consider to be of particular importance.
- 2.3 It is therefore proposed that Ward Members are allowed a longer period than others making representations, but that this is restricted to a maximum of five minutes per Ward Member per item in future.

3.0 RECOMMENDATION

- 3.1 Members are recommended to support the two changes to Planning Committee procedures.
 - 1) Delegation to officers of all enforcement matters relating to householder development other than prosecution in respect of non-compliance with an enforcement notice.
 - 2) Ward Members be restricted to a maximum of five minutes each when addressing the Planning Committee.

Contact: **Tim Burton**
Development Manager
t.burton@tauntondeane.gov.uk

Planning Committee – 25 February 2009

Report of the Head of Legal and Democratic Services

Enforcement Item

Taunton Vale Hockey Club, Staplegrove, Taunton

Background

When Taunton Vale Hockey Club was first built about eight years ago a condition was imposed with the intention of stopping lights from the hockey pitch shining into adjacent residential properties. The wording of the condition was however somewhat ambiguous and it was considered that as the lights had been tested and approved by the Council, no action could be taken when local residents complained that lights were shining direct into their properties.

However, following a change in case law and the receipt of Counsel's advice, it was considered that the Council could seek to enforce the condition despite having approved the initial lighting scheme. Attempts to resolve the problem by negotiation continued over a period of time with various discussions and further advice being sought from lighting engineers. The fundamental problem seemed to be that the Club considered it was not feasible to alter the angle of the lights to prevent the glare of light into adjacent properties, which the Council considered would solve the problem.

During the course of these negotiations it became apparent that the Club were wishing to expand and it was considered that the imposition of a condition on the new permission, but relating to the existing lights, would enable the Council to impose an unambiguous condition and afford the Club the opportunity to raise the necessary monies to fund the alterations to the lights as part of an overall funding package.

Members will recall a further permission was granted in 2007 (34/2007/057) for a new sports hall and further flood lit pitches. A condition was imposed requiring the existing lights, which were causing the problem, to be shielded.

The current position

The new building was erected and although works were undertaken to alter the angle of the existing lights, shields were not fitted as required by the

condition on the later permission. Local residents complained that the condition had not been complied with and that the problem of lights shining in their properties continued. The shields had not been fitted by early October 2008 even though the new facilities were in use and therefore a Breach of Condition Notice was served requiring shields to be fitted by late November.

A visit was made by two planning officers and the Council's solicitor in December 2008 when the officers view was that the lights no longer shone directly into the neighbouring properties and that it might be possible to adequately protect the amenity of those properties without the need to for the shields required by the condition.

The Club were advised that they were in breach of the condition and that the Council could take action for failure to comply with the Breach of Condition Notice. They were also advised that an application could be made to vary the condition to provide a scheme of lighting with lower technical requirements which would be considered by the Planning Committee. The Club also volunteered to alter car parking lights which were another source of complaint.

The residents continue to complain about the light intrusion and the Club has not submitted an application to vary the condition. Whilst the Club may be able to protect the level of amenity of the neighbours by providing a different scheme of lighting, the neighbours are entitled to have such proposals tested through the planning process so that full consultation takes place and Members of the Committee are able to make that judgment. Alternatively, the Club ought to comply with its existing condition.

RECOMMENDATION

It is therefore **RECOMMENDED** that the Solicitor to the Council be authorised to institute proceedings against the Taunton Vale Hockey Club in the Magistrates Court for failure to comply with the Breach of Condition Notice served on the 10 October 2008, subject to being satisfied as to the evidence.

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

Planning Committee – Wednesday 25 February 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** 0038/43/08 and 43/08/0144
2. **Location of Site** 14 - 18 North Street, WELLINGTON, Somerset
3. **Names of Owners** Mrs W Joseph
14 - 18 North Street
WELLINGTON
Somerset
TA21 8LT
4. **Name of Occupiers** Mama Stones Ltd
5. **Nature of Contravention**

Use of first floor as Recording Studio

6. **Planning History**

A planning application was submitted on 12th December 2008 for the change of use of part of first floor residential accommodation to recording studio. The application was submitted following complaints received from neighbouring properties that noise from the studio was causing disturbance. The application sought to regularise the situation. The application was subsequently refused under delegated powers on 2nd February 2009. During the processing of the application the premises were visited by the Council's Environmental Health team to establish the level of sound proofing measures undertaken. During that visit it was noticed that the 2nd floor was being used for music lessons. The use of the 2nd floor for this purpose is also unauthorised.

7. **Reasons for Taking Action**

It is considered that the development adversely impact on the amenities of the occupiers of the neighbouring properties, in terms of noise disturbance. Accordingly the use conflicts with Taunton Deane Local Plan Policy S1 (E)

8. Recommendation

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

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

CONTACT OFFICER: John A W Hardy 01823 356466

Planning Committee – 11 February 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E242/44/2007 & 44/07/0027
2. **Location of Site** The Stores, Wrancombe Road, Wrangway, Wellington
3. **Names of Owners** Mr John Symmonds, Warwick Farm, Wrangway, Wellington
4. **Name of Occupiers** Mr Richard Little, Angel fire, Pyrotechnics, The Old Stables, Barrack Road, Exeter
5. **Nature of Contravention**

Retention of two steel containers for the storage of Fireworks.

6. **Planning History**

The matter was brought to the Council's attention on 14th August 2007. The proprietor of the company was contacted and advised that as the use was not in connection with agriculture a planning application should be submitted. An application was finally submitted on 3rd December 2007 for the retention of the two containers and the provision of three additional containers. The application was subsequently refused under delegated powers on 26th February 2008. The applicant lodged an appeal against this decision but this was dismissed on 12th January 2009.

7. **Reasons for Taking Action**

It is considered that the development appears as an incongruous industrial feature representing an undesirable intrusion into an area of countryside, which has been designated an Area of Outstanding Natural Beauty and adversely affects its special landscape qualities. As such it is contrary to the provisions of the Taunton Deane Local Plan Policies S1,S2,S7 EN10 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies 3 and 5.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the removal of the containers 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 – 01823 356466

Planning Committee – 25 February 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E093/49/08
2. **Location of Site** 4 Silver Street
3. **Names of Owners** Mr C Vellacott
The Old Bakehouse
Halse
Somerset
TA4 3AF
4. **Name of Occupiers** Unknown

5. **Nature of Contravention**

Replacement UPVC windows to flat above shop

6. **Planning History**

The replacement windows were brought to the Council's attention and contact was made with the owner. The windows currently installed replaced traditional timber ones and therefore Planning permission is required as it is a material alteration to the appearance of a commercial premises. An application was requested to regularise the situation, but the owner declined to submit one.

7. **Reasons for Taking Action**

In the event an application were to be submitted both the Planning Officer and the Conservation Officer would have no objection to these windows.

8. **Recommendation**

No further action.

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

CONTACT OFFICER:

Ann Dunford 01823 356479

Appeals Received for Committee Agenda 25th February 2009

Appeal	Start Date	Application Number
Ms Sally Edwards	13 January 2009	49/08/0040
Kerian Developments Ltd	19 January 2009	30/08/0026
Gadd Homes Ltd	30 January 2009	38/08/0459
Nationwide Building Society	04 February 2009	43/08/0114LB

Appeal Decisions for Committee Agenda – 17 February 2009

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

Appeal	Proposal	Reason/s for initial decision	Application Number	Decision
Mr Mott	DEMOLITION OF FILLING STATION AND ERECTION OF ONE DWELLING AT HANDYCROSS FARM, LYDEARD ST LAWRENCE	TDLP Policies S1 and EN32	22/08/0006	Dismissed 26 January 2009
Mrs Hilda Williams	ERECTION OF FIRST FLOOR EXTENSION AT 46 JARMYNS, BISHOPS HULL	TDLP Policies S1, H17	05/08/0040	Dismissed 03 February 2009
L Keyte	DEMOLITION OF EXISTING REDUNDANT WORKSHOP/OUTBUILDINGS AND CONSTRUCTION OF NEW 1.5 STOREY DETACHED DWELLING AND ASSOCIATED WORKS ON LAND TO THE WEST OF EASTBROOK HOUSE, TRULL (RENWEWAL 42/2003/008)	TDLP EN28 and PPS25	42/07/0051	Dismissed 11 February 2009
Mr Robert Cocking	REMOVAL OF CONDITION 11 OF PERMISSION 49/2003/061, IN ORDER TO ALLOW RESIDENTIAL USAGE OF WIVEY VIEW, HIGHER WHITEFIELD, WIVELISCOMBE	TDLP H7	49/08/0016	Dismissed 13 February 2009

