



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON, TA1 1HE ON WEDNESDAY 10TH JUNE 2009 AT 17:00.

(RESERVE DATE : MONDAY 15TH JUNE 2009 AT 17:00)

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### AGENDA

1. Apologies
2. Minutes of the meetings of the Committee held on 11 May and 20 May 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. 07/09/0008 - Erection of one dwelling and garage and formation of new access to Rose Cottage, Bradford on Tone
6. 23/09/0010 - Conversion of barn to form dwelling and erection of double garage for The Vicarage, Parsonage Lane, Milverton
7. 38/09/0098 - Erection of 2 flats and 1 house to the rear of 51-53 Cheddon Road, Taunton, as amended by letter and plans received on 14 May 2009
8. 48/09/0018 - Erection of a two storey extension to replace single storey extension (re-submission of 48/08/0066) at side of Annandale, West Monkton
9. Display of advance sign for new housing development, Rosedale, Henlade, Taunton - 31/08/0032A Enforcement item
10. Massage parlour operated from 19 Trinity Street, Taunton - E/0112/38/09 Enforcement item
11. Planning Appeals - Appeals lodged and the latest appeal decisions received Appeals

Tonya Meers  
Legal and Democratic Services Manager  
02 June 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 Brooks

Councillor Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Ms Durdan

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahan

Councillor Mrs Smith

Councillor Watson

Councillor D Wedderkopp

Councillor Woolley



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



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



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

## **Planning Committee – 11 May 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Denington, Ms Durdan, C Hill, House, Miss James  
and D Wedderkopp

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Area Manager –  
West), Mrs J Jackson (Legal Services Manager), Miss M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic  
Services Officer)

Also present: Councillors Coles and Mrs Lewin-Harris.

(The meeting commenced at 5.00 pm)

### **52. Apologies/Substitution**

Apologies: Councillors Bowrah, Mrs Copley, Critchard, Mrs Floyd,  
McMahon, Mrs Smith, Watson, Ms Webber and Woolley.

Substitution: Councillor Ms Durdan for Councillor Ms Webber.

### **53. Minutes**

The minutes of the meeting held on 30 March 2009 were taken as read and  
were signed.

It was also agreed to amend Minute No 31, Change of use of site to private  
hire minibus business at 154 Bridgwater Road, Bathpool, Taunton  
(48/09/0003) of the minutes of the meeting held on 25 March 2009 to read:-

**Also resolved** that subject to being satisfied with the evidence, the Solicitor  
to the Council institute legal proceedings in respect of the unauthorised  
change of use of the site.

### **54. Declarations of Interest**

Mrs J Jackson declared an interest in application No 06/08/0057. Although  
she had left the meeting when the application was considered on 15 April  
2009, the position had been clarified by the Monitoring Officer and she  
remained in the meeting.

### **55. Change of use for mobile home for game bird rearing and pheasant rearing at Mill Field, Bishops Lydeard (06/08/0057)**

Reference Minute No 45/2009, concerns had been raised over the validity of  
the decision to grant conditional approval for the above application as the  
voting had been unclear. Counsel's Opinion had been sought and advice  
had now been received and the following had been concluded:-

- There had been a valid resolution to grant planning permission;
- The resolution had been made legitimately after hearing further information which had clearly changed the mind of one Councillor;
- Although there was much discussion around conditions, the conditions had not been put to the vote and a resolution had not been passed;
- There was a duty to give reasons when planning permission was granted; and
- The conditions and the reason for granting permission needed to be considered by the Committee to complete the resolution.

**Resolved** that the following conditions be imposed:-

- (a) The occupation of the caravan shall be limited to a person solely or mainly working, or last working on the application site in game bird rearing, or a widow or widower of such a person, and to any resident dependants;
- (b) The residential occupation of the caravan shall be for a limited period of three years from the date of this permission and all materials and equipment, including the caravan, brought on to the premises in connection with that use shall be removed by the aforementioned time. In the event that the game bird rearing operation ceases, all materials and equipment, including the caravan, brought on to the premises in connection with that use shall be removed within one month;
- (c) Within one month of the date of this permission full details of the access indicated on the plans hereby permitted shall be submitted to the Local Planning Authority for their agreement in writing. Such details shall indicate the works required to construct the visibility splays required by condition (d) below, the proposed surfacing materials, gradient of the access and method of disposal of surface water so that none is allowed to drain onto the highway. The agreed details shall be implemented within two months of the date of the written agreement of the Local Planning Authority and shall thereafter be maintained as such, being kept clear of obstructions at all times;
- (d) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines 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 60m to the north and 40m to the south of the access unless otherwise agreed in writing by the Local Planning Authority;
- (e) Notwithstanding any details indicated on the plans hereby permitted, within one month of the date of this permission plans showing a parking area and the proposed surfacing materials providing for both commercial and residential vehicles shall be submitted to the Local Planning Authority for their agreement in writing. The agreed details shall be implemented within two months of the date of agreement and shall thereafter be maintained as such, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

- (f) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge;
- (g) The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority in accordance with condition (h) below. Such works shall be completed within one month of the new vehicular access hereby permitted being first brought into use;
- (h) (i) Within one month of the date of this permission a landscaping scheme, which shall include details of the species, sizes, 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; and (iii) For a period of five years after the completion of the 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;
- (i) Within one month of the date of this permission full details of the proposed method of disposal of foul drainage of the caravan shall be submitted to the Local Planning Authority for their agreement. The agreed details shall be fully implemented within two months of the date of agreement unless otherwise agreed in writing by the Local Planning Authority;
- (j) There shall be no vehicular deliveries to, or collections from the site outside the hours of 08:00-18:00 Monday to Saturday;
- (k) All pens, huts, runs and any other structure for the housing of pheasants shall be removed between 31 August and 1 April in any year to be stored in a location to be agreed by the Local Planning Authority;
- (l) The details of paragraphs 3.2 - 3.6 of the Management Plan shall be strictly adhered to;
- (m) Entries in the pest control record and the record of areas used required by condition (l) shall be kept for a period of ten years and shall be made immediately available upon the written request of the Local Planning Authority;
- (n) Within two months of the date of this permission the gas bottle storage compound shall be completed and available for use;
- (o) Any gas bottles stored adjacent to pens shall be sited on a solid base, in accordance with paragraph 3.6 of the Management Plan, and shall be secured to prevent toppling and locked in place. Empty gas bottles shall be stored in the secure compound;
- (p) The development hereby permitted shall not be commenced until details of a strategy to protect otters, dormice, breeding birds and reptiles have been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Paul Channin and up to date surveys and include:- (i) The results of a survey for reptiles done at the optimal time of year in April or September; (ii) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; and (iii) Details of the timing of works to avoid periods of work when the species could be harmed by

disturbance. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority;

(q) No more than two batches of pheasants shall be raised within one year.

**Reason for granting planning permission:-**

The use was considered to be acceptable, not impacting unreasonably upon the character of the area, highway network or neighbouring property. It was considered that there was a functional need for the accommodation and the enterprise had been planned on a sound financial basis, in accordance with Policies S1, S7 and H13 of the Taunton Deane Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statement 7.

(The meeting ended at 5.55 pm)

## Planning Committee – 20 May 2009

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Critchard, Denington, Ms Durdan, Mrs Floyd, C Hill, Mrs Hill, House and Watson

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Area Manager – West), Mr B Kitching (Area Planning Manager – East), Mrs J Jackson (Legal Services Manager) and Mrs G Croucher (Democratic Services Officer)

(The meeting commenced at 5.00 pm)

### 56. Appointment of Chairman

**Resolved** that Councillor Mrs Hill be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### 57. Appointment of Vice-Chairman

**Resolved** that Councillor Mrs Allgrove be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

### 58. Apologies

Councillors Miss James, McMahon, Mrs Smith, D Wedderkopp and Woolley.

### 59. Minutes

The minutes of the meeting held on 15 April 2009 were taken as read and were signed.

### 60. 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:-

That **the detailed plans be granted** for the under-mentioned development:-

#### **02/09/0007**

**Reserved matters application for a proposed new dwelling on land adjacent to Brooklands, Ash Priors (Outline Application 02/08/0001)**

Notes to applicant:- (1) Applicant was advised to be aware of the need to comply with and discharge the conditions attached to the outline permission 02/2008/001; (2) Applicant was advised that the existing building may contain asbestos panels, which will need careful removal. If the asbestos was contained within something like cement (for example roof or wall sheeting) and was in good condition, it was not normally necessary to utilise a specialist contractor. If the sheeting was to be broken up for any reason a specialist contractor must be used. If the asbestos was in a more friable condition or



material (lagging or water tank insulation) then a licensed specialist contractor must be used. All materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip.

**Reason for granting planning permission:-**

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

**61. Taunton Deane Borough (Taunton No 2) Tree Preservation Order 2009**

Reported that an objection had been received in respect of a Tree Preservation Order served on a Birch Tree, Ash Tree and Apple Tree situated on land at 11 Denmark Terrace, Taunton.

Details of the reasons for the objection were reported. The comments of the Landscape Officer were also reported.

The Birch Tree was considered to be a good specimen with the potential to develop; the Apple Tree contributed to the amenity value of the area; and, after a further assessment of the Ash Tree, the Landscape Officer felt that it did not merit inclusion in the Tree Preservation Order.

**Resolved** the Taunton Deane Borough (Taunton No 2) Tree Preservation Order 2009 be modified to omit the Ash Tree and then confirmed.

**62. Change of use from B1 to B2 for repair and servicing of motor vehicles at Unit 1, Hatch Mews Business Park, Hatch Beauchamp**

Reported that an application had been submitted for the change of use from B1 to B2 at Unit 1, Hatch Mews Business Park, Hatch Beauchamp, Taunton.

Although the application had been refused under delegated powers on 24 April 2009 the B2 use of the premises had continued.

**Resolved** that:-

- 1) Enforcement action be taken to stop the unauthorised change of use from B1 to B2 at Unit 1, Hatch Mews Business Park, Hatch Beauchamp, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with within six months.

**63. Provision of an internally illuminated sign at Norton Stores, Norton Fitzwarren**

Reported that it had come to the Council's attention that an internally illuminated sign had been displayed at Norton Stores, Norton Fitzwarren without the necessary advertisement consent.

The owners of the property had been contacted and an application for advertisement consent had been made but this had been refused under delegated powers.

**Resolved** that:-

- 1) Enforcement action be taken to remove the internally illuminated sign at Norton Stores, Norton Fitzwarren; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

#### **64. Appeals**

Reported that four appeal decisions had recently been received, details of which were submitted. Two of the appeals had been dismissed.

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

**Resolved** that the report be noted.

(The meeting ended at 5.40 pm)

07/09/0008

MR & MRS ROBERTS/ROPNER

**ERECTION OF ONE DWELLING AND GARAGE AND FORMATION OF NEW ACCESS TO ROSE COTTAGE, BRADFORD ON TONE**

317275.122449

Full Planning Permission

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**PROPOSAL**

This application seeks full planning permission for the erection of a 5 bedroom dwelling on a site to the south of Rose Cottage.

The dwelling would gain access from the existing driveway to the south of Rose Cottage, which would be re-aligned, closer to the highway and in accordance with details approved under previous applications for the development of this southern section of garden. A parking area would be provided to the front of the dwelling at the end of the track, which would culminate at a new beech hedge boundary with Rose Cottage. A new access would be formed to the north of Rose Cottage to serve that, existing dwelling.

The proposed dwelling would be sited approximately 16 metres from the site frontage. The front elevation would be 15m wide, and the dwelling would be a maximum of 10 metres deep. It would be 4.6 metres high to eaves and 8.2 metres to the ridge, with two chimneys, one on each gable end. The front elevation would be symmetrical, with two ground and two first floor windows set either side of a front porch canopy and entrance doorway. Two small decorative gables would be provided above the first floor windows. Two rooflights would be provided in the roofslope, serving a landing and bathroom.

**SITE DESCRIPTION AND HISTORY**

The site comprises part of the garden to Rose Cottage. It is flat, with a tree/shrub-lined access track to the existing house running north-south through the centre of the site and culminating in a parking/turning area which partially sits on the site and partially within the retained curtilage.

To the north, the site is open to the existing grade II listed dwelling, which is constructed from stone with some roughcast render to the rear, slate roofs and brick chimneys. To the east, a post and rail fence and hedge separates the site from agricultural fields, commanding long views over the surrounding, flat countryside. To the south, the site is open to two adjoining building plots. To the west, a hedge separates the site from the main road and there are mature trees on this boundary, some of those protected by Tree Preservation Orders. A number of smaller trees exist within the site.

The site is on the southern edge of Bradford on Tone, but surrounded to the north and west by other dwellings, mainly detached, but built from a variety of materials (predominantly brick) and on various scales.

Outline planning permission was granted for two dwellings within the curtilage of Rose Cottage in 2005 (application number 07/05/0021). These plots lie to the south of the present proposal, set slightly further back from the highway. Reserved matters were approved under application 07/07/002 and subsequently amended for the plot adjoining the site by application 07/08/0018.

Planning permission 07/06/0024 permitted a new access to Rose Cottage in the same location as that currently proposed.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* – The proposal seeks to create a new access to serve Rose Cottage. Permission has previously been granted to erect two dwellings and these together with the current proposal will be served by the existing access. Permission has also been granted for the new access to serve the existing dwelling and it would appear that the proposal is practically identical. The parking and turning area for Rose Cottage remains adequate, and sufficient parking and turning is shown for the proposed dwelling. Recommends conditions relating to the new access and to secure a satisfactory access for the new dwelling.

*BRADFORD ON TONE PARISH COUNCIL* – Support the application. The Parish Council initially commented (29.04.2009) that they strongly emphasised that they would like to see the new property constructed to look like the existing Rose Cottage. They later clarified (15.05.2009) that feel that the new house should be constructed in keeping with Rose Cottage, i.e. the materials should be of a similar colour, i.e. the two properties should look alike.

*CONSERVATION OFFICER* – Considers that "...a dwelling, as proposed, set back from Rose cottage, can be accommodated on the site without detriment to its setting. Rose Cottage is a stand alone historic building, constructed of stone, set now amongst an array of modern buildings of various materials and design. I therefore consider a pseudo pastiche of Rose Cottage to be wholly inappropriate, which in itself, if allowed, would detract from the character of the Listed Building. Given the variety of buildings in the area, a contemporary design should be encouraged here".

*WESSEX WATER* – The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection to the system. No indication is given in terms of surface water disposal, and the Council must be satisfied with any arrangements proposed. Recommends notes to developer.

### **Representations**

FOUR letters of representation have been received in respect of this application. TWO raise NO OBJECTION and TWO offer SUPPORT to the proposal. The comments raised are:

- The need to allow housing growth where sensible and appropriate, i.e. infilling within the boundaries, is accepted;

- The proposal is complimentary to Rose Cottage, the style being sympathetic and the spacing proposed unlikely to impinge on the general appearance;
- There has been careful attention to the materials used in the proposed new house;
- A stone clad, slate roofed house on an adequate plot is in keeping with current housing necessities;
- Other recent properties are typical modern houses albeit of pleasant appearance. A further modern styled house would isolate Rose Cottage almost as an anachronism in its setting.
- The site appears to be of adequate size;
- The lack of direct access from the front of the property will preserve the TPO trees on the roadside boundary;
- The set-back proposed will limit the visual impact of the proposal.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

S&ENPP49 - S&ENP - Transport Requirements of New Development,

S&ENPP9 - S&ENP - The Built Historic Environment,

PPG15 - Planning and the Historic Environment,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site lies within the settlement limit for Bradford on Tone and the erection of a new dwelling is acceptable in principle. The main issues are the proposed layout and design, the impact on neighbouring property and highways. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special regard to the desirability of preserving the Listed Building (Rose Cottage), its setting and any features of special architectural or historic interest that the building possesses, when deciding whether to grant planning permission.

### **Layout and design**

The proposed site layout shows the new dwelling set back significantly behind Rose Cottage, approximately in line with the existing dwelling to the north of Rose Cottage and slightly forward of that already permitted to the south. As such, it is considered that a dwelling could sit comfortably amongst its neighbouring properties, with the listed building being allowed to stand forward, taking prominence in the street scene. The separation from the new dwelling to the south would be similar to that from the north, preventing the listed building from appearing cramped in its setting. Due to recent development and extant permissions, the setting of the listed building can now be seen in an edge-of-village location, albeit surrounded by other residential property.

However, despite the acceptance in principle, the detailed design of the proposed development is considered to be far from acceptable and wholly inappropriate. Whilst the agent has stated that it was not his intention to create a pastiche of Rose Cottage, the resultant design has such striking similarities to it that it would appear as an attempt to copy that existing dwelling. The main reasons for this are the use of stone, locations of windows, provision of gabled porch and gables over the first floor windows and the pair of brick chimneys. However, the detailing would be simplified in all respects, with different roof pitches, window proportions and ratio of solid wall to window openings.

The length of the front elevation (15 metres) would be identical to that of Rose Cottage. As such, and although it is not the agent's intention, it is the view of your officers that the proposal would appear as an attempt to copy the listed building.

The Conservation Officer considers that in the context of other, characteristically recent development, a pastiche approach would be inappropriate in principle. Due to the shortcomings noted above, the proposal suggested is neither a pastiche copy nor a significant departure from the design of the listed building. Consequently, the proposal would compete with the listed building, which is currently allowed to stand strikingly independent from the more recent development that surrounds it as a statement of the prevailing architectural trends of its time. The proposal would result in some loss of these obvious differences, diluting the features of historic and architectural interest of the listed building and failing to preserve its setting.

### **Impact on neighbouring property**

Due to the scale of the proposal, proposed boundary treatment and distance from neighbouring property, it is not considered that there would be any unacceptable impact upon the amenities of neighbouring dwellings.

### **Highways**

The proposal will gain access from the existing driveway to the south of the site and the access to the existing Rose Cottage from here would be severed. The previous grant of permission for two dwellings, with access retained to Rose Cottage means that the principle of accessing the three dwellings from here is already established. Likewise, there is an extant permission to create a new access to serve Rose Cottage alone to the north of the site, as indicated here. Both accesses are considered to be acceptable in highway safety terms and in respect of the setting of the listed building. Accordingly, the development is considered to be acceptable in this regard.

### **Other matters**

It is proposed to connect foul drainage to the main sewer, which would be acceptable. No details have been provided regarding surface water disposal, although the use of soakaways (as proposed for the adjoining plots) is likely to be acceptable and could be conditioned.

The proposed development would be sufficiently distanced from the Tree Preservation Orders to not impact upon them, and conditions could be imposed regarding the construction of the driveway over the root area, in accordance with previous permissions.

### **Conclusion**

The proposed construction of a dwelling is acceptable in principle and would not impact unreasonably upon the highway network or other neighbouring property. However, none of this can outweigh the harm that would be caused the Listed Building, its setting and the features of historic and architectural interest that it possesses as a consequence of the proposed design solution. For this reason, it is recommended that planning permission is refused.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

### **RECOMMENDED CONDITION(S) (if applicable)**

1. The proposed development by reason of its detailed design and choice of materials would dilute the presence of the Listed Building, Rose Cottage, in the street scene and detract from the features of special architectural and historic interest that it possesses. Consequently, the setting of the building and its features of special architectural interest are not preserved and therefore the proposal is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, advice contained in Planning Policy Guidance note 15 and the statutory duty outlined in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 M Bale Tel: 01823 356454**

23/09/0010

BATH & WELLS DIOCESAN BOARD OF FINANCE

**CONVERSION OF BARN TO FORM DWELLING AND ERECTION OF DOUBLE GARAGE FOR THE VICARAGE, PARSONAGE LANE, MILVERTON**

312225.125819

Full Planning Permission

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**PROPOSAL**

This application seeks full planning permission for the conversion of an existing building to a new dwelling.

The existing access would be realigned to provide a straight driveway into the site, widening to a turning area that would be shared with the existing dwelling. Two parking spaces would be provided for the proposed conversion and a further two for the existing, together with a double garage, which would sit alongside the existing dwelling, to the south. The existing stone wall would be realigned and extended to enclose the new parking area and a further new wall would be provided on the opposite side of the entrance to enclose a small garden for the converted building. 6 trees are proposed to be removed.

The conversion itself would use existing openings on the front (east) elevation, facing the existing dwelling. One of the large garage doors would be in-filled with a timber plank door and vertical boarded panel, whilst the other large opening would be part glazed, providing a door to the garden area. A new first floor window would be inserted in the north gable end and a new slit window provided in the west elevation, facing the highway. The south elevation would be unaltered, with the exception of an access point for bats, which would be provided within the gable end. This would give access to a bat roost area, provided within the loft space.

**SITE DESCRIPTION AND HISTORY**

The site, within the centre of Milverton, is part of the large garden of a detached dwelling, which has been used as the vicarage since its construction in the 1950s. On the western end, adjacent to the access from Parsonage Lane, is a two-storey stone building, probably a former coach house for The Old House, which stands to the north of the site. The building is adjacent to the access point, but Parsonage Lane descends steeply past the site (from north to south) such that it is significantly elevated from the highway, above a bank and stone wall.

The building itself is constructed from stone, with a slate roof. There are a number of openings, including two 'garage' doors on the front (east) elevation, with a single window existing on the road (west) side, albeit obscured by significant ivy growth. A small single storey lean-to (open to the east) is attached to the southern elevation.

Application 23/08/0047 sought permission for a new dwelling within the grounds of the vicarage. The application was withdrawn following concerns over highways and



archaeology.

Application 23/09/0005/T was a notification in terms of felling some trees on site. No objection was raised.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - The proposal is located within the development limit of Milverton and will utilise an existing access from/onto, Parsonage Lane, which is an unclassified highway subject to a 20mph speed restriction.

Parsonage Lane does not benefit from any footways therefore egress is directly onto the highway. Visibility is restricted for vehicles emerging to see and be seen by a high roadside boundary wall to the north of the access.

The existing access to be utilised is considered to be substandard using current guidelines and an additional residential use would result in an increase in traffic over and above that which currently occurs. The Agent has stated that there will be no significant increase in vehicle movements, but the Highway Authority take a view, that an additional residential use, will effectively result in a 100% increase over that which currently occurs. Therefore it is essential in the interests of highway safety for all road users, that the access to serve the proposed development is improved.

To enable ease of maneuvering and to avoid conflict on the adjoining highway, the access should measure 5m in width over the first 10m of its length.

Parsonage Lane is subject to a speed restriction of 20mph and not 30mph as stated in my previous consultation response. I am not convinced that the traffic will be necessarily within this speed limit, particularly for vehicles travelling downhill north to south along Parsonage Lane. Notwithstanding the above point, I would be willing to accept a reduction to the previously required splay to 2.4m x 25m either side of the access to the nearside carriageway edge. However I consider this may still be difficult to achieve given the constraints of the proposal being in a conservation area and the roadside boundary wall.

Visibility from the access for vehicles emerging is clearly substandard and whilst I am aware it is already being used this is an historical arrangement, and it is imperative, in the interests of highway safety, that adequate visibility is incorporated to serve an additional residential use in this location. The Agent in the Design and Access Statement has acknowledged that the access is restricted.

It has been stated in the Design and Access Statement and in the Planning Statement from Cluttons, that highway advice has been provided by a transportation consultant and that the access is capable of providing safe access to three dwellings. No information or evidence has been provided to justify this statement.

Irrespective of how lightly trafficked a stretch of highway is considered to be, it is essential that new development incorporates adequate visibility for vehicles emerging to see and be seen, and currently this access does not meet the required standards.

The fact that there has been no personal injury accidents recorded is not to say that it is safe in terms of technical detail.

I can confirm that the Highway Authority was contacted regarding the provision of traffic calming on Parsonage Lane. However, the scheme suggested raised serious concerns, and therefore was considered to be unacceptable from a legal and maintenance perspective.

There is sufficient space within the site for parking and turning to be provided for the proposed new dwelling which is not to the detriment of the existing Vicarage and is therefore acceptable”.

If the issue of visibility cannot be addressed, **recommend refusal** by reasons of the increased use of the existing access being prejudicial to road safety and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

*MILVERTON PARISH COUNCIL* – The Parish Council response first notes the relevant parts of the Development Plan insofar as they are perceived to apply to the proposal. It then states:

“The Parish Council **objects** to this application for the following reasons:  
The application has 3 main aspects.

### **1. The conversion of the existing barn**

The Parish Council has **no objection** to this conversion as such but wishes to see that the bat mitigation measures are addressed by a suitable condition.

### **2. The works to produce a parking area and access to the new garage**

The Parish Council **objects** to this part of the proposal on the following grounds:

- The proposal requires the removal of a large quantity of earth and a complete change to the existing topography. Currently there is 7.5m between the east elevation of the barn and the existing garden boundary south of the garden path up to the Vicarage. Under the proposals this will increase to 20m creating a tarmac covered ‘hole’ with the surface level being about 0.7m below the present garden level (on average). This effective doubling of the tarmac car parking area will be a major intrusion into the Conservation Area...
- The whole area is one of High Archaeological Interest and therefore any proposed excavations will need to be preceded by a comprehensive archaeological survey. In addition the Ice House for the Old House is reputed to be in this area and will also need surveying...
- The Parish Council is not convinced that the access turning and parking arrangements are safe or sensible. The two barn parking spaces are close to the southern boundary wall and would be partially hidden from vehicles exiting the Vicarage garage in reverse to turn around, increasing the risk of collisions. If both spaces are filled vehicles reversing from the garage would either have to reverse into the bin area or be forced to reverse left-handed and then carry out a complicated 3-point manoeuvre between stone walls in order to exit the site in a forward direction...

### **3. The erection of a 30sq m garage to serve the vicarage**

The Parish Council **objects** to this part of the proposal on the following grounds:

- The proposal is to build the garage in brick and slate to match the existing Vicarage. The Design and Access Statement acknowledges that the Vicarage is 'unprepossessing' and has no reference to its surroundings in the Conservation Area.
- The siting of the garage in relation to the existing Vicarage is perverse and dreadful. It will sit only 1.5m away from the south side of the building reaching up to first floor height thus blocking substantial amounts of light to the rooms on that side. The Parish Council does not understand the need to cramp the garage so close to the principal dwelling when the available plot is so large.
- Although not directly a planning matter there is no obvious need set out in the Design and Access Statement for a garage to serve the Vicarage. The Parish Council notes that the proposal does not include a double garage for the barn conversion and therefore questions the need for a large brick built one to serve the Vicarage.

Finally the Parish Council wishes to place on record its concern at the *ad hoc* nature of development proposals on this site. Although there are plainly plans for further development (Cluttons letter of 29<sup>th</sup> April refers) the applicant has failed to address the whole site and rather than adopting a holistic approach that is sympathetic to a Conservation Village, is delivering piecemeal proposals that fail to address its special needs. The resulting proposals are a 'hotch potch' and thoroughly out of keeping: the existing 'unprepossessing' vicarage is being retained but gaining an unnecessary and unsuitable matching garage, a large 'plot' is being left open by the entrance despite its known limitations and there are large unused areas at the east end of the grounds. There is an opportunity here for a suitable development which takes account of, and is sympathetic to the Conservation Area, which the applicant seems determined to miss! Perhaps an open meeting with the Parish Council to discuss might be advisable!!"

**WESSEX WATER** – The development is within a sewered area, with foul and surface water sewers. Recommends conditions.

**DRAINAGE ENGINEER** – Notes that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365.

**CONSERVATION OFFICER** –

1. The 'listed' status of the barn may be questioned. I have advised that if it can be determined that the 'barn' was in the same ownership as the Old House at the time of the latter's listing -20 January 1956 – then LBC for the current proposal is required.
2. Whilst a structural survey has not been submitted, I consider the extant building to be in sound condition.
3. I question the statement that the building has a 'semi domestic quality as a result of the style and number of windows'. The Design and Access statement is clearly lacking in this respect, as internal access reveals extant remnants of stalls (with associated flooring and drainage) and external openings, whilst

adapted for garaging in the past, strongly suggests that the building was formerly a coach house and stables, presumably associated with The Old House?

4. Existing arch headed windows of merit and their future 'treatment will need careful consideration. Clearly a condition can cover this aspect.
5. Proposed fenestration to east elevation and associated internal arrangement of accommodation of practical concern (i.e. future applications for amendment to extant plans can be anticipated vis a vis:
  - a. Entrance hall and staircase has no natural light.
  - b. Kitchen/dining room has minimal natural light.
  - c. Ground floor WC, bathroom and en suite have no natural light.
  - d. Proposed living room has minimal natural light (given orientation of building) and associated proposed east elevation fenestration considered inappropriate.
6. Given orientation of building and adjacent levels, proposed 'garden' is unlikely to be appealing i.e. in permanent shadow.
7. The existing vicarage is of no merit, being a structure dating from the 1960's/70's but thankfully well hidden from public viewpoints. This said, I do not consider it appropriate to compound its effect by sanctioning the proposed garage, which in itself would be very unfortunate but also detrimental to the setting of the subject 'barn', which clearly is of merit.
8. If permission is deemed acceptable, hard and soft landscaping will clearly be of importance.
9. If the 'barn' is subsequently determined as Listed by virtue of historical association, as noted at 1 above, clearly I would wish to advise on conditions not associate with planning permission.

*SOMERSET COUNTY COUNCIL - DEVELOPMENT CONTROL*  
*ARCHAEOLOGIST* – The site is in the heart of the late Anglo-Saxon and medieval town, immediately to the south-east of the medieval church and south of the late medieval parsonage house....there is the potential for the survival of buried medieval remains on this site.

As this application is for conversion and it appears to only involve limited groundwork. It would therefore, be appropriate to place a condition on planning permission requiring the applicant to ensure all ground works are monitored by an archaeologist.

*NATURE CONSERVATION AND RESERVES OFFICER* - Clarke Webb Ecology Limited carried out a survey of the building in November 2008.

### **Bats**

The surveyor found fresh to old droppings at the southern end of the building, mainly below the ridgeline, as well as droppings scattered elsewhere in the building. It is likely that long eared bats or lesser horseshoe bats left the droppings and that the building **is** used as a bat roost.

Because a bat roost has been identified a licence from Natural England will be necessary. Natural England will require a mitigation package possibly requiring a bat loft with a minimum height of 2m, not 1.8 m as proposed in the submitted Access and Design statement.

I agree that a summer bat survey will be necessary to gather a clearer picture of the use of barn by the bats.

### **Birds**

The survey did not find evidence of birds. However there is some relatively heavy ivy cover on the western face of the barn, which could house nests. There were no signs of barn owls using the building.

In accordance with PPS9 I would like to see birds accommodated in this development.

If permission is granted I suggest that condition is included seeking further details of a scheme to protect bats and other wildlife.

### **Representations**

FIFTEEN LETTERS OF OBJECTION have been received from EIGHT different people raising the following issues:

- The siting of the garage is poor – it will severely compromise the setting of surrounding listed buildings, will impact on the internal amenities of the existing house and the historic interest of the site;
- It is all being built for financial gain;
- Milverton will lose its historic core in the conservation area;
- There are archaeological implications for the proposed garage and areas of hardstanding - there was a former Tithe Barn on this site;
- The proposal would have a disastrous irretrievable impact on the conservation area, heritage village and Grade I listed church;
- The result would be an intrusive treeless urban blot;
- The loss of open space would undermine the openness of Milverton;
- The application runs counter to the principles expressed in the TDBC conservation area document that the surrounding area to the east of the church and Parsonage Lane as a haven of tranquillity and green space, Parsonage Lane has the feel of a country road, in spite of being at the centre of the village, and that in some parts of the area there is a sense that the threshold for infill has already been reached, if not passed;
- The area could be used for village enhancement;
- The site is a conservation area in sight of a Grade I listed church;
- The coach house is clearly visible from the church and yard;
- The proposed conversion is insensitive and there seem to have been no alternatives explored,
- The proposal is overdevelopment of the site;
- The dwelling would be dark with no outlook – future occupiers will wish to add new windows;
- The internal layout does not utilise the building creating a warren of pointless internal divisions;
- The proposed garden area is the current turning area, has no soil, and is the site

- of an icehouse or well which would be destroyed;
- The mix of trees and hedges is important;
- The barn would become another ugly modern building, totally out of sympathy with the conservation area of the Church, Churchyard, Cottages, Georgian Houses and narrow Parsonage Lane;
- The bat roost is irrelevant – the bats will die or find alternative roost during the course of development;
- There seem to have been no consideration of the public health issues of sharing living space with bats;
- The recommended re-survey for bats should be undertaken before the application is determined;
- The very limited access should rule out further development;
- The boundary wall should not be demolished;
- The previous highway response was correct when stating that the access and road were unsuitable;
- The recycling lorry is unable to navigate Parsonage Lane;
- The whole development will be seen from a wide area;
- The removal of the stone retaining wall will make the existing unattractive dwelling more visible from the street;
- The shared turning area is a recipe for conflict;
- The parking and turning area is inadequate, so vehicles will have to reverse onto Parsonage Lane;
- The previous application indicated 3 parking spaces for the proposed vicarage, now only two are proposed;
- It is not clear where visitors would park and manoeuvre;
- Parsonage Lane has no footways, yet is frequently used by pedestrians;
- The dwelling will not benefit from solar gain and will require internal lights in the daytime;
- No attempt has been made to market the building to find alternative uses;
- It is still unresolved whether the coach house is listed or not;
- The application must be considered in the context of application 23/08/0047 which the applicants still intend to go ahead with (the area is shown blank on the plan). Combined, very little garden would be left and parking/turning provision would be inadequate;
- The type of dwelling proposed is not required in Milverton - the Parish Council and District Council would have a better idea than the applicant or their agent.

## **PLANNING POLICIES**

EN23 - TDBCLP - Areas of High Archaeological Potential,  
 EN14 - TDBCLP - Conservation Areas,  
 EN15 - TDBCLP - Demolition Affecting Conservation Areas,  
 S1 - TDBCLP - General Requirements,  
 S2 - TDBCLP - Design,  
 M4 - TDBCLP - Residential Parking Provision,  
 S&ENPP9 - S&ENP - The Built Historic Environment,  
 S&ENPP49 - S&ENP - Transport Requirements of New Development,  
 PPG15 - Planning and the Historic Environment,  
 PPG16 - Archaeology and Planning,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within the settlement limit for Milverton. The provision of additional units of residential accommodation is, therefore, acceptable in principle. In areas such as this, where new build dwellings are acceptable in principle, there is no need to have first marketed the building to demonstrate that there are no suitable alternative uses. The main issues relate to the design and site layout, the impact on the character and appearance of the conservation area, the impact on nearby listed buildings, archaeology, parking provision and access to the site, the impact on neighbouring property, wildlife, and drainage.

It has been suggested that the building may be listed, by virtue of its historic association with The Old House. For this to be the case, it would have had to have been within the same curtilage at the time of listing in 1956. The Local Planning Authority does not believe this to be the case and no evidence has ever been provided from elsewhere. An informative note should be included on any grant of planning permission that the developer should satisfy themselves that the building is not listed prior to commencing works.

## **Design and Layout**

The external treatment of the proposed barn conversion is considered to be acceptable. Where existing openings are used the details shown respect these openings. New openings are very limited in size and do not significantly alter the character of the building. Some concern has been raised by local residents and the conservation officer that the proposal does not provide particularly good internal living space. This seems to be a valid point, but internal layouts are not subject to planning permission and this matter cannot justify refusal of the application. It is true that the poor layout and lack of daylight could lead to pressure for further windows in the future, however, the Local Planning Authority could retain control, to be exercised if required. Any grant of permission should seek to secure further details of the proposed windows, doors, flues, meter boxes and extractor units by condition.

The proposed site layout will result in a greater amount of visible hard surface, when viewing the site through its access. However, provided the surface treatment is well considered (details can be sought by condition) then the continued presence of the stone walls around the site is considered to preserve its character to an acceptable degree.

In terms of residential amenity, the existing dwelling will retain sufficient private garden space to the rear (east) of the dwelling. A reasonable, usable garden is indicated for the proposed conversion, measuring around 100 square metres. Unfortunately, this will not be completely private, having a close relationship with the shared turning space for the two dwellings and only separated by a 1.2 metre wall. However, it is not possible to provide garden space elsewhere on the site that is reasonably related to the dwelling and it would be inappropriate in terms of the character and appearance of the site, and usability of the garden, to surround it with higher walls. It is not considered that the above issues with the proposed amenity space are sufficient to warrant refusal of the application, and the space is acceptable.

The proposed garage is of greater concern. The existing vicarage is a mundane building that contributes little (if anything) to the character and appearance of the conservation area. It is considered that the presence of the garage draws further attention to this neutral feature, and does not preserve the overall character of the area

in general. However, the agent is prepared to make some alterations to the garage so that it sits in the site more appropriately. At the time of writing, discussions over the precise treatment are still in progress and members will be updated at the meeting.

## **Conservation Area**

The site sits at the heart of the conservation area. When deciding whether to grant planning permission, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

Although centrally located within the conservation area, it is not considered that the site can be regarded as making a significant positive contribution to the area, or seriously be considered as a significant and important 'historic core' as suggested by the representations. Its intensification, in principle, will not, therefore, significantly impact upon the area's character or appearance.

Parsonage Lane is a narrow twisting lane enclosed by high stone walls. This application does not propose to make any changes to the high stone walls which are so fundamental to the area's character at this point. As the Lane passes the application site, the enclosure is partly formed by the barn, subject to this application. The only change proposed to the elevation at this point is the insertion of a narrow slit window at ground floor level. It is not considered that this particular insertion would alter the character or appearance of the lane in particular or the conservation area in general. A further window would be inserted in the north gable end, which may be visible from outside the site, but again, it is not considered to be detrimental to the character or appearance of the lane.

The biggest change would be the removal of the curved stone wall just inside the site, to make way for a larger parking/turning area. The alteration would open up views into the site and reveal the existing vicarage building – currently obscured by trees – and the new parking area. The alteration of the wall aside, the loss of one of the trees, immediately in front of the entrance will be mainly responsible for the openness of the site that would result. However, regardless of the outcome of this application, application 23/09/0005/T has already sanctioned the removal of this tree, which is causing damage to the stone wall. It is not considered, therefore, that the loss of this tree and resulting change to the character of the site can warrant refusal of the application. The parking area would be surrounded by a new stone wall, which would return across the access closer to the existing vicarage. A new boundary wall would be built for the new dwelling on the right hand side of the access. Since stone walls will remain a feature of the site, subject to satisfactory surface treatment of the parking area – which could be controlled by condition – it is considered that the proposal would preserve the character and appearance of the conservation area.

Aside from Parsonage Lane, views to the site are extremely limited, with only glimpses of the coach house from Fore Street and only views of the top of the roof available from Creedwell Orchard on the opposite side of the valley. As such it is considered that there will be no discernible impact of the development on the wider conservation area and external views to it.

## **Listed Buildings**



The site is surrounded by listed buildings – to the South, there are a number of grade II listed buildings on Fore Street, to the north is the grade II\* listed 'The Old House', to the east the dwelling 'Homedale' on the opposite side of Parsonage Lane is listed grade II, beyond which is St. Michael's Church, listed grade I. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to consider the desirability of preserving listed buildings, their setting and any features of historic or architectural interest that they possess when deciding whether to grant planning permission.

Despite being in the former grounds of The Old House, the coach house subject to this application is now visually and functionally divorced from its original dwelling. The boundary between the two sites is a strong mix of trees and hedges and The Old House is at a significantly higher level, with no visual connection between the two. Therefore, it is not considered that the setting of The Old House is affected.

Turning to the east, Homedale has a close relationship with Parsonage Lane, being built directly adjoining the carriageway. Parsonage Lane, with the backdrop of the church and churchyard provide this dwelling with its setting. As noted above, there are only very minor elevation changes proposed on the Parsonage Lane side of the barn and, as such, it is not considered that the proposed changes will adversely impact upon the setting of this dwelling. Although the churchyard and access to it are directly opposite the application site, the church remains at some distance and a visually separate entity. The changes to the Parsonage Lane elevation are so minor and distant from it that the proposal will not affect the setting of the Grade I church.

A number of grade II listed buildings on Fore Street border the site to the south. Their curtilages, which adjoin the site could notice some small impact resulting from the changes, with the barn taking on a slightly more domestic appearance. The proposed garage may also be visible from within the rear gardens, but this will largely be seen against the backdrop of the existing vicarage. As noted above, the agent is considering changes to the garage and at the very least, this is expected to rotate the roof so that the gable end faces into the site and the ridge runs parallel to the south elevation of the dwelling. This would lessen the prominence of the garage roof when viewed from the adjoining properties to the south. In any case, the setting of the listed buildings to the south is essentially derived from their relationship with Fore Street, which is unaffected by the proposals. There may be some additional disturbance perceptible from the development, but this is unlikely to be significant and is certainly compatible with the building's setting within a tight-knit village location. With regard to these factors, it is considered that the settings of the listed buildings to the south would be preserved.

## **Archaeology**

The site is within an area of High Archaeological Potential, due to its location in the heart of the late Anglo-Saxon and medieval town. There is potential for the survival of buried medieval remains on the site. The works to convert the coach house will not result in any significant ground disturbance. The garage is proposed to be built on a slab, which will also only entail minimal ground disturbance. As such, a watching brief during the ground work would be sufficient to cover these elements and could be secured by condition.

The proposed new parking and turning area, however, appears to involve significantly greater ground works, with excavations of up to around 750mm, although the precise details are not clear. This matter has been discussed with the County Archaeologist who, despite the comments in his consultation response, has now suggested that this extent of ground works would be inappropriate to cover solely by condition. On the basis of the information available at present, the extent of ground works are sufficient to warrant refusal in the absence of further archaeological evidence – to be obtained from the digging of an initial exploratory trench. The agent is seeking to provide further information to clarify the extent of ground works or to amend the scheme such that there is less excavation required. Members will be updated at the meeting.

### **Parking and access**

Comment has been made that the vicarage ought to have a greater parking provision than other dwellings as the vicar may expect to receive a greater number of visitors. However, in planning terms, the vicarage has no different status to any other dwelling. It is, therefore, recommended to have the same parking provision as any other dwelling and the two spaces provided are acceptable. The turning area is similarly sufficient to allow for the turning of vehicles within the site from all of the 4 spaces shown.

Access to the site would be obtained via the existing access onto Parsonage Lane. The access is narrow and joins the carriageway on the inside of a bend and on a slope (downhill to the south). Immediately to the south of the access is the bank which sits between the coach house and the highway and this, together with the fall in level of the highway obscures visibility slightly to the south. However, it is possible to see vehicles travelling up the lane from the south. To the north, the visibility is almost completely obscured by the stone wall which borders the highway. Visibility in this direction is between 5-10 metres, depending on the location of the oncoming vehicle, or pedestrian in the carriageway.

Due to the lack of visibility in the northern direction, the Highway Authority considers that any additional loading on the access would be seriously detrimental to highway safety, unless visibility can be improved. However, as noted above, the stone walls enclosing Parsonage Lane are fundamental to the character and appearance of this central part of the conservation area. Accordingly, no alterations should be permitted to these walls to accommodate visibility splays. The agent has commented that 'Manual for Streets' encourages flexibility in the provision of visibility splays in sensitive areas such as the application site. However, in this instance, it is considered that the visibility at the access is so short that no matter how slowly one emerges from the access, they would not be sited within a safe stopping distance and the highway is not wide enough to enable safe evasive action to be taken by the driver on the highway. In light of these reasons, refusal of the application is recommended.

In addition, it is also clear from the planning history and documentation submitted with this application, that there is an intention to seek planning permission for a further, new build, dwelling on the site. Conceding to this proposal could make it difficult to resist further developments on highways grounds in the future.

### **Neighbouring property**

The only neighbours that would notice any significant impact from the development are those to the south, which back onto the site.

The conversion of the barn will result in new windows at first floor level facing into the application site. It may be possible for occupiers of this property to gain glimpses of the rear gardens, but these will be through fairly small, bedroom windows, set at a 90 degree angle. The garden areas are, to some extent, already overlooked by their neighbours. As such, it is not considered that any new overlooking would be sufficient to warrant refusal of the application. The use of the amenity space would also allow views over the wall to neighbouring gardens, however, the site is currently used as garden to the vicarage and it is not considered that there would be a material increase in overlooking.

There may be some increased disturbance from vehicles using the proposed parking/turning spaces. However, due to the boundary wall and presence of the existing dwelling, it is not considered that this would be significant and could not warrant refusal of the application.

The proposed garage, at a minimum of 5 metres from the southern site boundary, with an overall height of 5 metres is not considered to be overbearing on any neighbours to the south.

### **Wildlife**

The submitted wildlife survey indicates that bats use the site and the barn as a roost. Proposals have been indicated to accommodate bats within the development and precise details of the external treatment of the access point and future management of the accommodation could be secured by condition. The representations comment that the works would result in bats moving their roost elsewhere, so it would be pointless to accommodate them within the development. It is also commented that there could be public health risks to bats using the future dwelling for accommodation. However, it is known that bats can be successfully accommodated within new development without prejudice to their long-term survival, the integrity of their host building or the wellbeing of the future human occupants.

The ecologist recommended that a further survey was undertaken to establish precise bat-use of the barn prior to development and it has been suggested by local residents that this should be undertaken prior to determination of the application. However, for the purposes of considering the application it is sufficient to know that bats use the building and that they can be successfully accommodated. Conditions can be imposed to cover the precise details.

### **Drainage**

It is proposed to connect the foul drainage to the main sewer and surface water to soakaways. In principle, these methods of water disposal are the most desirable on any site and are acceptable. However, details should be sought of the precise locations and routes of pipes as there may be archaeological implications from these works. Conditions could be imposed to cover this aspect.

### **Other Matters**

Considerable comment has been made regarding the applicant and their relationship/consultation with the local community. Whilst pre-application consultation is

always desirable, it is certainly not mandatory for an application of this scale. The nature of the applicant, their position within the community and the motives for development are clearly not material planning considerations.

It has been suggested that other uses could be found for the site that have some benefit to the local community or village enhancement. However, despite its current use as a vicarage garden, the planning system cannot justifiably secure this occupation in the long term, nor can the planning authority require the church to provide space for community facilities. Therefore, the use of the site is currently as any other domestic garden and community uses would be inappropriate, even if they have occurred here in the past at the discretion of the resident. In any case, the application must be considered on its own merits.

## **Conclusion**

It is considered that the proposed barn conversion is acceptable in principle and the external treatment is well designed. The site layout is acceptable, providing adequate parking/turning and amenity spaces. The proposal will not impact unacceptably upon other nearby residents, the settings of the surrounding listed buildings or the character and appearance of the conservation area.

However, the visibility to the north of the access is extremely poor and any increased loading on this junction would be detrimental to highway safety. Although further information regarding the precise ground works is expected prior to consideration of the proposal, there is currently insufficient information to allow certainty that the proposal will not impact unreasonably upon archaeological interests on the site. For these reasons, it is considered that the proposal is unacceptable. It is, therefore, recommended that planning permission is refused.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The proposed access, by reason of the limited visibility to the north, does not provide sufficient visibility of or from vehicles emerging from the access directly onto the carriageway. Any increased use of this existing access, such as would result from the proposed development, would be prejudicial to highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.
- 2 Insufficient information has been submitted to satisfy the Local Planning Authority that the ground works required to provide the proposed parking and turning area would not prejudice the integrity of archaeological remains that may be present on the site. Accordingly, the proposal is considered to be contrary to Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Guidance note 16.

## **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 M Bale Tel: 01823 356454**

HARRIS PROPERTY DEVELOPMENT

**ERECTION OF 2 FLATS AND 1 HOUSE TO THE REAR OF 51-53 CHEDDON ROAD, TAUNTON, AS AMENDED BY LETTER AND PLANS RECEIVED ON 14 MAY 2009**

322787.125791

Full Planning Permission

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**PROPOSAL**

The originally submitted application was for a 3 storey building for 3 flats and 1 house to the rear of three storey residential properties fronting this part of Cheddon Road. Three garages front the service road, with 2x2 bed flats over, with a ground floor of a 3 bed dwelling, parking and pedestrian access in a 'carport' facing Portman Street. There is an area to the southeast for 8 cycles, drying area and bin storage area.

The application has now been amended to part 2 storey, part 3 storey building facing Portman Street; with one three bedroomed house facing Portman Street, having a parking space and pedestrian access adjoining the rear amenity area of no 53. There are three garages facing the service road, with two 2 bed flats over, with an area to the rear for bin storage, drying area and storage for 6 cycles. Bedroom windows face northwest, towards the blank flank wall of No 1 Portman Street, with living/dining and kitchen windows facing northeast. The elevations have also been amended, to introduce some visual interest at street level.

**SITE DESCRIPTION AND HISTORY**

The site is to the rear of nos 51 & 53 Cheddon Road, and fronts Portman Street and the service road which links Portman Street and Belgrave Place. The site comprises a pair of garages facing a parking area to the rear of no 53, with a double garage to the rear of no 51. The site measures approx. 11.5m in width by 17.8m fronting Portman Street, with an additional area r/o 53 of 5.9m by 2.3m. This part of Cheddon Road comprises three storey buildings; Portman Street and Belgrave Place comprise two storey terraces.

There is an extant permission for a two storey building for two semi detached dwellings on land to the rear of 55 Cheddon Road, opposite the application site. This was approved by Committee in November 2007.

History: One dwelling, 2 flats and three garages at land rear of 51 - 53 Cheddon Road, was approved in April 2005, subject to a five year time limit; this was three storey with garages on ground floor fronting the service road, and 2 storey rear of 51/53. This site was approx. 16m by 11m.

An application for a car free development of 8 x1 bed flats was refused by Planning Committee on the basis of exacerbating existing parking problems in the area due to the high density on this small site and lack of on site parking, thus being contrary to Policy M4. The subsequent appeal was allowed by the Planning Inspectorate, the decision was made in May 2006, and had a 3 year time limit. The Inspector concluded that the site was in a residential area within walking distance of a wide range of local

services, the railway station and the town centre. The Inspector did not consider that the parking conditions are substantially different from those in other many similar locations or that the proposal should have significant implications for highway safety in the area; there were strong policy presumptions in favour of a 'car-free' residential development. This building was three storey facing the service road, and part nearest 51/53 was 2 storey. This permission expired in May 2009 but the decision remains relevant.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - the proposal for 3 flats and 1 dwelling would require a minimum of 2 spaces per unit, however given the close proximity to the town centre, thus a 50% reduction is acceptable. The proposed development will not cause a significant increase in traffic movements onto Portman Street and the junction of Cheddon Road. Suggests conditions. *Comments on amended scheme* - note the amended proposal for 3 units; each unit having one garage, and assumes that the parking space will be for the existing dwelling. There would be an increase in traffic movements on the junction of Portman Street with Cheddon Road and Portman Street with Kingston Road. However it is felt that the proposal will not provide a significant increase in traffic over and above the existing. No objections subject to conditions on surface water disposal, garage being for domestic purposes, and drop kerbs.

### **Representations**

11 letters of objection:- do not consider a 3 storey building appropriate in a row of 2 storey houses; the density of dwellings increases in each application; loss of privacy to gardens rear of properties in Cheddon Road to the north of the site; there is no outside space; no mention of sustainability in construction; the area already has plenty of flats, HMOs; need to consider the needs of the area and to meet Government targets for mixed communities; loss of light; out of character; will be changed to bedsits or similar; parking problems in the area; overdevelopment; garages are often blocked by parked cars; consider the scheme should have consideration for the established family feel; queries about rights of access on service road (not a planning issue); greed of developers to maximise profits (not a planning matter); would be a precedent to building in other gardens; issues with foul drainage/sewerage in the area; garden will be in shade through the year; loss of light to garden; loss of privacy; overcrowding could lead to an increase in social problems which may already be in existence; the area does not need anymore low quality small scale housing; loss of privacy to gardens from Portman Street to Peter Street; unsure how the construction can be carried out without blocking the highway; the cycle storage will not be used, the residents will have cars; there is a high level of crime and vandalism in the area, the few private households area hoping to improve the look and quality of the area; considers that the area will resemble back to back houses of the 19<sup>th</sup> Century; the area should be retained as family housing, not bedsits and flats; site notice not prominent; concern that there has been no consideration of Portman Street being a one way street, and people will use Belgrave Place; there will be additional traffic hazards in the area; a decrease in winter sunlight; less open space for the residents in the area; the character of the area will be lost; the historic vista at the rear will be spoilt; it is a modern structure which will be out of character with the local style of buildings; there are lots of empty flats in the area; the Local Transport plan states that there should be 2 spaces for each two bed space unit;

the tradesmen in the area require transport for their livelihoods; there are some tenants in the area who have some difficulty in communication and their rights should be safeguarded.

*Comments on amended plans – 8 letters of objection.* Reiteration of previous comments, new concerns, the increase in density should be revisited; there should be a set ratio of HMOs to private dwellings.

Jeremy Browne MP – has a constituent with concerns about overlooking/loss of privacy, a larger building than had previously allowed, and lack of consultation.

Cllr S Lees – objects on grounds of over-development, which could lead to loss of privacy, noise issues and parking problems.

Cllr Horsley - consider that 2 storeys would be more appropriate for the area.

## **PLANNING POLICIES**

PPS3 - Housing,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Having regard to general planning policies and the history of the site, in principle a residential development is acceptable. Planning permission has been granted for a dwelling and 2 flats (approved in April 2005), and for 8 bedsits on appeal (May 2006), with the appeal based on a car-free development. Whilst the application site is now slightly larger, being approx 20m in length at the longest point, the previous site being approx 16.5m, with the building itself increasing from 13.85m by 10.35m facing the service road to the current proposal of 18.8m by 10.8m.

In respect of the local residents' objections, the previous approvals have to be taken into account. Both the application approved by Taunton Deane and the Planning Inspector at appeal had three storey development facing the service road. There are fewer windows in the service road elevation than the appeal scheme. Windows in the Portman Street elevation would face northeast towards the rear of Cheddon Road properties. The distance to the nearest dwelling other side of Cheddon Road, which no 55, is 13m, which is considered acceptable. Other properties to the north of no 55 are further away. The windows in the elevations facing southeast and southwest will be obscure glass. The Planning Inspector allowed obscure glazing in similar rooms and locations. The Planning Inspector also accepted the proposal for 8 x one bedroomed units, which gives a significant density.

The area is currently mainly garaging and parking area, it is not a 'green area' which can be used by other residents, there is an area 4m by 3m, shown as drying area, which could be used as outside sitting area. This is larger than the area agreed by the Inspector. Generally a mix of types of residential dwellings is to be encouraged; there are no specific policies which protect 'family housing' from being turned into flats. It is not considered that there would be any loss of light as a result of the proposal, and as stated previously a similar building has already been allowed on the site. The County Highways Authority considers that the site has 4 parking spaces/garages, sufficient for one per new unit, and is within close proximity to the town centre with the services and facilities, thus the 50% reduction is acceptable; and that the proposal should not result



in a significant increase in traffic over and above the existing. The planning site notice was positioned on the nearest lamp post which was adjacent to the service road. The existence of empty properties is not a reason to refuse such an application. In terms of general character, the previous permissions have established a density and scale of development, and this scheme is generally in line with that. The traffic associated with construction cannot be controlled by condition, and access to the private service road is a private matter. Plans for drainage are conditioned although detailed drainage issues are regulated by Building Control.

In conclusion, the proposal, whilst being slightly larger than the previously permitted residential developments on the site, is considered to be acceptable and meets the general strategy in PPS3 to make effective re-use of previously developed land. The scheme for one dwelling, 2 flats and three garages can still be constructed as that permission remains valid until April 2010. Given the previous approvals on the site and that there have been no material change in circumstances, in the meantime it is considered that there is no substantive case to refuse permission for this amended proposal.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

### **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 the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting

that order with or without modification) the first floor and second floor kitchen, landing, hall and bath windows to be installed in the southeast and southwest elevation of the building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The obscure glazing shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

4. The areas allocated for parking/garages on the submitted plan shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49, and Taunton Deane Local Plan Policy M4.

6. Full details of the bin storage facilities indicated on the submitted plan shall be submitted to and approved by the Local Planning Authority and be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

7. Full details of a covered cycle storage facility, in the location indicated on the submitted plan, shall be submitted to and approved by the Local Planning Authority and constructed and fully provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the

positions, design, materials and type of boundary treatment to be erected and hard/soft landscape to be provided. The agreed boundary treatment and surfacings shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

9. Details of the arrangements to be made for the disposal of foul and surface water drainage works from the proposed development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to occupation of the dwellings hereby permitted.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

#### Notes for compliance

1. 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.
2. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Tel No. 08453459155. Application for such a permit should be made at least four 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: Ms K Marlow Tel: 01823 356460**

48/09/0018

MR & MRS R PAUL

**ERECTION OF A TWO STOREY EXTENSION TO REPLACE SINGLE STOREY EXTENSION (RE-SUBMISSION OF 48/08/0066) AT SIDE OF ANNANDALE, WEST MONKTON**

326166.128411

Full Planning Permission

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**PROPOSAL**

Annandale is a cream render and tile bungalow, set in a large plot on a sloping site, amongst a mix of size and style properties. The property is accessed by a private drive, which also serves two other properties and lies within the West Monkton Conservation Area. The bungalow has been previously extended to appear as a single storey extension on the north elevation and two storeys on the south elevation, with the lower storey being dug down into the site. The first floor of that extension lies on a similar level to that of the main bungalow.

An application for a two storey extension to replace a single storey extension, incorporating a gabled dormer on the front and rear was refused in December 2008 as it was considered an incongruous addition, which dominated the bungalow, adversely impacting upon it's character and failing to preserve the character and appearance of the surrounding Conservation Area.

This application is now a revised scheme, which has removed the gabled dormer on the front (north) of the property and instead proposes a lower eaves level and two rooflights. On the rear (south) elevation, the eaves and ridge level have been lowered slightly and the first floor fenestration amended to be more in keeping with the rest of the property. The proposal seeks to enlarge two bedrooms at ground floor level and provide an en-suite bedroom above.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - No observations

*WEST MONKTON PARISH COUNCIL* - Strongly supports – The proposal positively impacts on the bungalow by balancing the design of the building. It is a suitable development for the Conservation Area and in keeping with the other properties.

*Conservation Officer* - No observations

*Somerset County Council - Development Control Archaeologist* - No objections

## **Representations**

Two letters stating no objection received from occupiers of Tresco and The Lodge:

- The extension it is proposed to demolish is made of poor materials and almost unskilled labour.
- To raise the ridge level will improve the skyline and cause no visual material change.
- The premises will remain an attractive bungalow.
- The property is not one of character, not visible from the road, not overlooked by others and will not affect the Conservation Area.

Three letters of support from the occupiers of Tanfield Cottage, 3 Monkton Heights and Oak End:

- The proposed extension barely extends beyond the perimeter of the existing building whilst adding an element of symmetry to the south elevation.
- Proposal dramatically improves outside appearance of property, adding balance to the east side. It would be pleasing to the eye and is not at all detrimental to the character of the Conservation Area.

One letter received from the occupier of The Stables making comment:

- Proposal will have minimal impact on surroundings, compared to adjacent development.
- Plans appear in keeping with existing style of property, giving it a more balanced appearance.
- Hidden behind high stone walls, this small enhancement to a family property will have little effect when viewed from my aspect across the road.

One letter of concern received from the occupier of Nigella due to the overlooking of a very private semi-walled garden, which is currently unaffected by that property.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

H17 - TDBCLP - Extensions to Dwellings,

EN14 - TDBCLP - Conservation Areas,

EN23 - TDBCLP - Areas of High Archaeological Potential,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Whilst the bungalow has been previously extended with a two storey element, the upper floor linked in well with the floor level of the main bungalow, with the lower floor being dug down into the ground below. The previous extension was designed with the eaves lying on a similar level to the eaves of the bungalow. The property therefore retained its traditional character as a bungalow, which contributed to the appearance of the surrounding Conservation Area.

The two-storey extension now proposed, is set on a higher ground level than the previous extension. Although the design has been revised, the proposed eaves on the rear elevation would still be 600mm above the eaves of the bungalow, which introduces a further eaves level and two more further window levels, that do not relate to any fenestration levels in the existing bungalow. As a result, the extension appears

awkward. Whilst the gabled dormer on the front elevation has been removed, as it is proposed to make the extension wider than the depth of the existing dwelling, this has resulted in the eaves level being lower, which does not relate well to the existing bungalow or appear subordinate.

The proposed extension by means of the protruding lower eaves level on the front elevation and large gable element with high eaves level and awkward window heights on the rear elevation would appear as an incongruous addition that would dominate and detract from the character of the existing bungalow and fail to preserve the character of the surrounding Conservation Area.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

The proposed extension, by virtue of its size, scale, positioning and design, appears as an incongruous addition, which dominates the bungalow, to the detriment of the form and character of the existing dwelling and fails to preserve the character and appearance of the surrounding Conservation Area. As such, the proposal is contrary to policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

## **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: Miss K Purchase Tel: 01823 356468**

## **Planning Committee –10 June 2009**

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

#### **Enforcement Item**

##### **Parish:**

1. **File/Complaint Number** 31/08/0032A
2. **Location of Site** Rosedale, Henlade, Taunton
3. **Names of Owners** Owner/Occupier, Rosedale, Henlade, Taunton
4. **Name of Occupiers** Midas Homes Ltd, Homeside House, Silverhills Road, Newton Abbot TQ12 5YZ
5. **Nature of Contravention**

Display of advance sign for new housing development at Curry Rival

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

The sign was displayed in the front garden of Rosedale. The owners were contacted informing them that the sign was unauthorised. As they allowed Midas Homes to display the sign they were equally liable for any action taken by the Authority. Midas Homes finally submitted an application on 18<sup>th</sup> November 2008 which was refused under delegated powers on 5<sup>th</sup> May 2009.

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

It is considered that the sign is an incongruous feature within a prominent location along a strategic route and approach into Taunton. The sign is an undesirable intrusion resulting in visual clutter, detrimental to the visual amenities of the area and therefore contrary to Policies EC26 and T34 of the Taunton Deane Local Plan and Policy PPG19

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

The Solicitor to the Council be authorised to commence Prosecution action to secure the removal of the sign.

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

**CONTACT OFFICER:**

**Mr JAW Hardy Tel: 01823 356466**

## Planning Committee – Wednesday 10 June 2009

### Report of the Development Manager

#### Enforcement Item

#### Parish:

1. **File/Complaint Number** E/0112/38/09
2. **Location of Site** 19 Trinity Street, Taunton, TA1 3JG
3. **Names of Owners** Mr Scurlock
4. **Name of Occupiers** Mr Scurlock
5. **Nature of Contravention**

Massage parlour being operated from 19 Trinity Street, Taunton

6. **Planning History**

A complaint was received in April 2009 that the premises was being used for non domestic purposes. The business trades under the name of 'Peaches' and has a web site which advertises a number of services available, including the letting of self contained rooms. The property is one third owned by Mr W Scurlock and two thirds by trustees administered by Foot Anstey, Solicitors. The owners were contacted and advised that Planning permission was required for the current use but would be unlikely to be viewed upon favourably. Peaches is operated by Mr Scurlock and the Trustees were not aware of the activity being conducted from the premises. Foot Anstey have contacted Mr Scurlock requesting that the use ceases but to date nothing has changed. The property is a Listed Building and various signs and cctv has been fixed to the building without the necessary consents being obtained.

7. **Reasons for Taking Action**

It is considered that the use of the property as a massage parlour has a detrimental effect on the neighbouring properties due to the number of late night visitors causing disturbance in an otherwise predominantly residential neighbourhood. The signs and CCTV units fixed to the building are detrimental to the character of the listed building. Therefore the development, contrary to Policy S1 (E) – Nuisance  
PPG15 – Listed Building off the Taunton Deane Local Plan



**8. Recommendation**

The Solicitor to the Council be authorised to serve both an Enforcement Notice and Listed Building Enforcement Notice and take prosecution action subject to satisfactory evidence being obtained in the event that the notices have 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 JAW HARDY 01823 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 10 June 2009**

<b>Appeal</b>	<b>Start Date</b>	<b>Application Number</b>
ERECTION OF A CONSERVATORY AND DETACHED DOUBLE GARAGE AT WREXON BARN, ANGERSLEIGH, PITMINSTER (RESUBMISSION OF APPLICATION 30/08/0048)	07 MAY 2009	30/09/0005
DISPLAY OF ONE INTERNALLY ILLUMINATED FREE STANDING SINGLE SIDED DISPLAY UNIT AT THE POST OFFICE, NORTON FITZWARREN	27 MAY 2009	25/09/0003A
CONSTRUCTION OF ACCESS TRACK AND FORMATION OF TURNING AREA TO SERVE DWELLING AND PROVIDE IMPROVED ACCESS TO AGRICULTURAL LAND AT LOWER FYFETT FARMHOUSE, OTTERFORD, AS SUPPLEMENTED BY LETTER DATED 23RD MARCH 2009 (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN)	28 MAY 2009	29/09/0004

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 10 JUNE 2009**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/08/2091582	Demolition of Existing Dwelling (The Croft) and Erection of Three Detached Dwellings with Associated Garaging at The Croft, Stonegallows, Taunton	The effect upon highway safety interests along the A38	05/08/0044	Inspector considered that proposals would not, on balance, pose a significant risk to highway safety interests on the A38 and ALLOWED the appeal
APP/D3315/A/08/2091583	Erection of 2 Dwellings within The Residential Curtilage of The Croft, Stonegallows, Taunton	The effect upon highway safety interests along the A38	05/08/0045	Inspector considered that proposals would not, on balance, pose a significant risk to highway safety interests on the A38 and ALLOWED the appeal
APP/D3315/A/09/2094743	Erection of 6 Detached Four Bedroom Houses and 2 Link Detached 4 Bedroom Houses on Part of Rear Gardens of 12-28 Stoke Road, Taunton Accessed off Harp Chase, Taunton as amended by Letter dated 5 November 2008 and Plans A2005 152 PL001A - 008A	The overbearing nature of Plot 1 in relation to the boundary with the Harp Chase properties (19 and 21), would be detrimental to residential amenity	38/08/0459	Inspector disagreed with the LPA decision and considered that the proposal would not unacceptably harm the living conditions of neighbouring residents. However, concluded that the loss of the protected trees from within the site would harm the character and appearance of the area and DISMISSED the appeal
APP/D3315/E/09/2096783	Display of Non-Illuminated Fascia and Projecting Signs at Nationwide, 7 High Street, Wellington	The proposed fascia and projecting signs were considered too deep, with the lettering and logos too large. Accordingly, the character and appearance of the listed building would be adversely affected.	43/08/0114LB	Inspector considered that the works proposed would not preserve the special architectural and historic interest of the listed building. Appeal DISMISSED.

**APPEAL DECISIONS FOR COMMITTEE AGENDA – 10 JUNE 2009**

APP/D3315/C/08/2077865	Erection of a number of structures and covered buildings at Blackdown Garden Centre, Piccadilly, Wellington, TA21 9JW	Unauthorised expansion of Garden Centre resulting in additional vehicle traffic accessing the site without the provision of a right-hand turn lane to provide safe access from the A38.	E7/46/2005	Inspector considered that the previous Inspector had unwittingly granted permission for a change of use of the whole planning unit rather than the 'red line'. On that basis a change of use had not occurred and therefore there could be no requirement for a right-hand turn lane to be constructed on the A38. Appeal ALLOWED
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