

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 21 April 2010 at 17:00.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 March 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 5 34/10/0010 - Amended proposal to previous application 34/09/0037 for the erection of a sun room at 3 Hillhead Cottages, Staplegrove, Taunton.
- 6 38/09/0168 - Erection of office building with associated parking and works at site adjacent to Woodfield House, Tangier, Taunton.
- 7 38/10/0030 - Erection of 12 two storey dwelling houses, with parking spaces at land to north of Poplar Road, Taunton.
- 8 38/10/0050 - Demolition of 37 dwellings and redevelopment with erection of 46 dwellings and provision of parking, landscaping and associated infrastructure including alterations to parking and boundary treatment at Nos 5-8 Burns Road, at Ruskin Close, Taunton.
- 9 38/10/0064 - Change of use from 2 flats to single dwelling and 2 flats at 2A Salisbury Street, Taunton.
- 10 48/10/0001 - Demolition of bungalow and construction of new dwelling at 21 Greenway, Monkton Heathfield.
- 11 Enforcement action at Taunton Vale Sports Club, Gipsy Lane, Taunton. Report of the Legal and Democratic Services Manager (attached).  
Miscellaneous item.

Reporting Officer: Judith Jackson

- 12 E/0083/08/10 - Erection of fence on land to rear of Maidenbrook Farmhouse, Tudor Park, Taunton.  
Enforcement item.
- 13 E/0296/06/09 - Large Shed erected at 139 Darby Way, Bishops Lydeard, Taunton.  
Enforcement item.
- 14 Planning Appeals - The latest appeals lodged and appeal decision received (details attached).

Tonya Meers  
Legal and Democratic Services Manager

13 April 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor K Durdan  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor J Allgrove  
Councillor C Hill  
Councillor S Brooks  
Councillor L James  
Councillor T McMahon  
Councillor N Court

## **Planning Committee – 24 March 2010**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Brooks, Mrs Copley, Ms Court, Critchard,  
Denington, Ms Durdan, Mrs Floyd, Hayward, House, Miss James,  
McMahon, Watson and Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr J Hamer  
(Development Control Area Manager, West), Mr B Kitching (Area  
Planning Manager), Mr M Bale (Principal Planning Officer),  
Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and  
Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Govier in connection with application No 21/09/0019;  
Councillor Henley in connection with application No 43/10/0013; and  
Councillor Coles

(The meeting commenced at 5.00 pm)

### **30. Apology/Substitution**

Apology: Councillor C Hill  
Substitution: Councillor Hayward

### **31. Minutes**

The minutes of the meeting of the Planning Committee held on 24 February 2010 were taken as read and were signed.

### **32. Declarations of Interest**

Councillor Brooks declared a personal interest as a Member of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Bishop declared that he had attended a parish council meeting where application No 21/09/0019 had been discussed. However, he did not consider that he had fettered his discretion. Councillor Critchard declared that application No 21/09/0019 had been discussed at Wellington Town Council but he did not consider he had fettered his discretion. Councillor McMahon declared that, although he had discussed application No 21/09/0019, he had not fettered his discretion. Councillor Ms Court declared an interest in application No 38/10/0048 as one of the Ward Councillors.

### **33. Applications for Planning Permission**

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

That **planning permission be granted** for the under-mentioned developments:-

**38/10/0048**

**Erection of ground floor and first floor extension at 192 Eaton Crescent, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping and planting identified in the letter submitted shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme, the shrubs shall be protected and maintained in a healthy, weed free condition and any shrubs that cease to grow shall be replaced by shrubs of similar size and species or other appropriate shrubs as may be approved in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**43/10/0013**

**Demolition of bungalow and erection of three detached 1.5 storey dwellings with adjoining single garages at 37 Buckwell, Wellington**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the approved plans;
- (b) Prior to the commencement of the development hereby permitted, full details, including plans and sections, of the proposed access shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show (i) The proposed surfacing material of the access, which for the avoidance of doubt shall not be loose stone or gravel; (ii) That the gradient shall not exceed 1 in 10; (iii) That the width of the access shall be 5m over the first 10m of its length; (iv) That visibility splays shall be provided on both sides of all parking spaces to the nearside of the private drive based upon co-ordinates measuring 3m along the access drive by 3m along the edge of the parking space, except that this shall not

- apply to the northern side of the parking space for plot C; (v) Provision for surface water drainage so that none is allowed to drain onto the highway;
- (c) No development shall commence, including any ground works or site clearance, until reptile and badger monitoring surveys have been carried out and have been submitted to, and approved in writing by, the Local Planning Authority;
  - (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report dated September 2009 and the surveys required by condition (c) and include: (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the enhancement of places of rest for protected species. 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 and thereafter the approved scheme shall be permanently maintained thereafter;
  - (e) No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (f) Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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;
  - (g) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of 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;
  - (h) The first floor windows to be installed in the rear (west) elevations of the building shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, in accordance with details that shall first have been agreed in writing with the Local Planning Authority prior to

their installation and shall not be modified thereafter without the prior written approval of the Local Planning Authority;

- (i) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 43m to the west of the access, and to the edge of the junction to the east, as shown on the submitted plan. Such visibility shall be fully provided prior to occupation of any of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (j) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted at all times;
- (k) The garages hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or any other purpose whatsoever;

(Notes to applicant:- (1) Applicant was recommended to contact Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists, applicant should plot the exact position on the design site layout to assess the implications. Applicant should note that the grant of planning permission does not, where apparatus will be affected, change the ability of Wessex Water to seek agreement as to the carrying out of diversionary and conditioned protection works at the expense of the applicant. It is recommended that the point of connection to Wessex Water systems is agreed with them prior to the commencement of development; (2) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority; (4) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to any works commencing on site and thereafter maintained until the use of the site discontinues; (5) Applicant was advised that the landscaping scheme required by condition (g) should include provision of at least one semi-mature tree in order to mitigate the loss of tree amenity caused by the felling of the mature tree currently on site; (6) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by the development proposal; (7) Applicant was advised that if the badger sett on site was found to be active, a licence was required. Natural England will only issue a licence with confirmation of planning permission and would restrict the works to the months of July to November inclusive; (8) Applicant was advised to note that the protection



afforded to species under UK and EU legislation is irrespective of the planning system and should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

**Reason for granting planning permission:-**

The proposal was considered to be acceptably designed, not impacting unreasonably upon the character or appearance of the area, neighbouring property, the highway network, or wildlife. It, therefore, accorded with policies S1, S2, M4 and EN3 of the Taunton Deane Local Plan.

**34. Development of site to provide garden centre including sales building, display area, access and landscaping on land east of Milverton Road and north of River Tone, Wellington (Langford Budville Parish) (21/09/0019)**

Reported this application.

**Resolved** that subject to:-

1. The applicants entering into a Section 106 Agreement with Taunton Deane Borough Council and Somerset County Council to secure:-

- a) The design, construction and funding of a right turning lane and associated works generally in accordance with a revised and agreed version of Drawing No 21985/011/001A; and
- b) The implementation and monitoring of a travel plan for which a fee will be payable to Somerset County Council;

2. The receipt of amended plans indicating:-

- a) A right turning land with visibility splay provision in accordance with the requirements of the Highway Authority; and
- b) Revised landscaping proposals in line with the requirements of the Landscape Officer; and

3. The further views of the Highways Authority and the Landscape Officer on the above amended plans,

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the scale and appearance of the site, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this

permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) Details of any floodlighting shall be submitted to, and approved in writing by, the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (c) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high placed at a minimum distance of 2m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (d) 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;
- (e) (i) Before any part of the permitted development is commenced a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (g) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;

- (h) No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority;
- (i) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (j) The use of the building shall be restricted to the sale of plants, gardening tools and other horticultural requisites and sundries and other ancillary uses such as café, or the display of conservatory furniture, ornaments, clothing, cds and books, other than garden or horticultural related, shall be limited in total to no more than 10% of net internal floorspace. The building shall be used for no other purpose within Class A1 of the Use Classes Order;
- (k) The development hereby permitted shall not be commenced until the additional dormice, bat and badger surveys have been submitted and then details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on advice and up to date surveys and shall include: (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; (iii) Measures for the enhancement of the site for wildlife. 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;
- (l) No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details. The surface water drainage scheme details shall include a full engineering cross section through the car park area, soakaway cell, retaining structure, bank slope and the River Tone. All drawings shall include dimensions and levels to Ordnance Datum;
- (m) No development whatsoever, including temporary or permanent stockpiling of spoil or planting, shall be carried out below the 48m contour until such time as a detailed layout plan for this area has been submitted to, and approved in writing by, the Local Planning Authority;
- (n) Finished Floor Levels of the Garden Centre Building should be set at no lower than 51.5m AOD. The car park and access road should be set to a level no lower than 50m AOD;
- (o) No development shall commence until a scheme has been agreed with the Local Planning Authority and the Environment Agency for the planting and subsequent management of a 20m buffer zone against the River Tone;
- (p) During construction, no development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme shall include details of the following: (i) Site Security; (ii) Fuel oil storage, bunding, delivery and use; (iii) How both minor and major

spillages will be dealt with; (iv) Containment of silt and soil contaminated run off; (v) Disposal of contaminated drainage, including water pumped from excavations; (vi) Discharge of silty or discoloured water from excavations shall be irrigated over grassland or a settlement lagoon be provided to remove solids. The Local Planning Authority must be advised if a discharge to a watercourse is proposed; (vii) Construction vehicles shall not cross or work directly in a watercourse. Temporary bridges shall be constructed for vehicles to cross and excavations done from the bank. Any work in or near a watercourse shall be done in a dry area, eg river water should be diverted away from the working area using coffer dams; (viii) Site induction for workforce highlighting pollution prevention and awareness;

- (q) The development hereby permitted shall be carried out in accordance with the approved plans;
- (r) The proposed delivery area shall be kept clear of obstructions such as storage of goods and parking of cars in order to allow for heavy goods vehicles to enter and leave the area in forward gear.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (2) Applicant was advised that it is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include: (a) Interception and reuse; (b) Porous paving and surfaces; (c) Infiltration techniques; (d) Detention/attenuation; and (e) Wetlands; (3) Applicant was advised that the following informatives have been requested by the Environment Agency: (a) A flood defence consent from the Environment Agency will be necessary for planting within 7m of the top of the bank of the River Tone; (b) Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented; (c) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 80m of the top of the bank of a designated 'main river' River Tone. The outfall to the River Tone will require Flood Defence Consent; (d) Any impediment to flow in an 'ordinary' watercourse will also require consent under Section 23 of the Land Drainage Act 1991; (e) There must be no interruption to the surface water and land drainage system of the surrounding land as a result of the operations on the site; (f) Provisions must be made to ensure that all existing drainage systems continue to operate effectively; (g) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourse, ponds or lakes, or via soakaways or ditches; (h) Prior to being discharged into any watercourse,

surface water sewer or soakaway system, all surface water drainage from the parking area and delivery areas and hard standings shall be passed through an oil interceptor; (i) Any waste stored on site should be covered by an appropriate exemption or licence. All waste moved off site should be carried by a licensed person and taken to an appropriately licensed waste management facility; (j) No development approved by this permission shall be commenced until Wessex Water is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings, or uses, hereby permitted shall be occupied or commenced until such infrastructure is in place; (k) Exemptions from the Waste Management Licensing Regulations for moving waste and spoil or subsoil off-site will also be required and developers will need to contact the Environment Agency to apply for such activities; (4) Applicant was advised that the development is located within a foul sewered area. It will be necessary to agree at the detailed design stage with Wessex Water a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. The site is situated approximately 437m away from the Wellington Sewage Treatment Works. Whilst Wessex Water do not believe the proposal will be unduly affected, it should be noted that the proposal could be subject to odours from the normal operation of the works. There are water mains within the vicinity of the proposal and connection can be agreed at the design stage. According to Wessex Water records, there is a public water main within the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. The integrity of Wessex Water systems will need to be protected and it will be necessary to agree prior to the commencement of works on site any arrangements for the site. This should be agreed as early as possible and before any Building Regulations application is made. Any arrangements for the protection of Wessex Water infrastructure crossing the site must be agreed in writing prior to the commencement of works on site. It is recommended that a connection onto Wessex Water infrastructure should be agreed prior to the commencement of any works on site. There is a need to check with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists the exact position should be plotted on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus).

**Reason for planning permission, if granted:-**

The site was adjacent to the town of Wellington and therefore the principle of a garden centre was considered to be acceptable in accordance with Taunton Deane Local Plan Policy EC20. It was furthermore not considered that the proposed development would have any significant impact on highway safety in the area and that the proposed development could be assimilated into the landscape of the area in line with Taunton Deane Local Plan Policies S7 and W14.

**35. Application for public realm works to the River Tone corridor at land adjacent to Priory Bridge Road, Firepool, Taunton (38/09/0400)**

Reported this application.

**Resolved** that subject to the receipt of further information regarding flood risk and the Environment Agency withdrawing their objection, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The applicant should follow recommendations made in Cotswold Wildlife Surveys report dated September 2009. No site clearance or development shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority;

(Notes to applicant:- (1) Applicant was advised to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works Affecting British Waterways"; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed. All site operatives must be briefed to ensure that they are aware of the possible presence of wildlife on site. All trenches and pits dug on site must be covered at night or must have a means of escape to prevent animals being trapped. If any protected species are encountered they should be left undisturbed whilst expert advice is sought. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

**Reason for planning permission, if granted:-**

The proposal was considered to result in an improvement to the public realm while providing improved access along the riverside for pedestrians and cyclists with an integrated flood defence solution. The proposals would benefit biodiversity along an important wildlife corridor and accorded with the provision of Policies S1 (General Requirements) and S2 (Design) Taunton Deane Local Plan and Policy FP1 of the Taunton Town Centre Area Action Plan.

**36. Erection of front extension, increase in height of ridge over dwelling and erection of dormer windows to allow for attic rooms at Petra Cottage, Taunton (38/10/0055)**

Reported this application.

**Resolved** that subject to no further objections being received by 30 March 2010, the the Growth and Development Manager be authorised to determine

the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) (i) The landscaping and planting scheme shown on the submitted plan received 12 March 2010 shall be completely carried out within the first available planting season from the date of commencement of the development, unless otherwise agreed in writing with the Local Planning Authority; (ii) 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.

**Reason for planning permission, if granted:-**

The proposed extensions would alter the character of the property but were not considered to result in material harm to its appearance or to that of the surrounding area. There would be no significant adverse impact on the residential amenities of the occupiers of neighbouring properties and the extensions were a sufficient distance from the protected Wellingtonia Tree to avoid harm to its long term health. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**37. Continued occupation of an agricultural mobile home at Westcombe Deer Park, Westcombe Estate, Culmhead**

Reported that a mobile home for an agricultural worker continued was currently being occupied at Westcombe Deer Park, Westcombe Estate, Culmhead without the necessary planning consent being granted.

An application for planning permission was made in July 2009. However, this had not been registered as required information had not been submitted.

The occupier had been contacted and requested to submit the information required but, to date, no further information had been received.

**Resolved that:-**

1. Enforcement action be taken to stop the unauthorised occupancy of the mobile home at Westcombe Deer Park, Westcombe Estate, Culmhead;

2. Any enforcement notice served should have a 14 month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

**38. Firepool, Taunton**

Reported that an agreement had been entered into to develop the site at Firepool, Taunton for mixed use development including large scale office development, complementary riverside homes, leisure facilities and shopping. A planning application for the public realm works at the Priory Bridge Road site had been submitted.

A Masterplan had been agreed and would form part of any future planning applications.

**Resolved** that the report be noted.

**39. Appeals**

Reported that three new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.35 pm.)





## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

34/10/0010

MR R ANDERSON

**AMENDED PROPOSAL TO PREVIOUS APPLICATION 34/09/0037 FOR THE ERECTION OF A SUN ROOM AT 3 HILLHEAD COTTAGES, STAPLEGROVE, TAUNTON**

321193.12673

Full Planning Permission

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**PROPOSAL**

Planning permission (ref.no.34/09/0037) was granted in January 2010 for extensions to the property which included a 2-storey side extension, rear conservatory, porch and replacement garage. The works have commenced, and the applicant wishes to have a garden room rather than a conservatory on the rear of the property. This application therefore relates solely to a proposed garden room. The room will have the same depth (3.1m), the same width (6m) and will be single storey, but with a slightly higher roof. The roof is monopitch rising to 3.1m. Materials for the garden room will be brick and tile to match the existing house.

The application is before Committee as the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The site lies on the northern edge of Staplegrove, where there are 3 pairs of 2-storey, semi-detached dwellings fronting the road. No.3 is the northern half of the middle pair. The site is within the settlement limits.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*STAPLEGROVE PARISH COUNCIL* - No further comments on the application

**Representations**

none received

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

Permission has recently been granted for extensions to this property and work is

under way. The proposed garden room will respect the character of the house and is a sufficient distance away from neighbouring properties so as not to have any affect on residential amenity

As the extension is single storey and on the rear of the 2-storey dwelling, there is no impact on the street scene.

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

Recommended Decision: Conditional Approval for the following reason:

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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

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

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

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

Notes for compliance

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

**CONTACT OFFICER: Mrs H Pulsford Tel: 01823 356328**

38/09/0168

WESSEX FUND

**ERECTION OF OFFICE BUILDING WITH ASSOCIATED PARKING AND WORKS AT SITE ADJACENT TO WOODFIELD HOUSE, TANGIER, TAUNTON AS AMENDED BY LETTER DATED 15 FEBRUARY 2010 AND FLOOD RISK ASSESSMENT ADDENDUM DATED FEBRUARY 2010**

322181.124678

Full Planning Permission

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**PROPOSAL**

The proposal is to erect a 5 storey office building to provide an additional 3426 square metres of floor space above the existing basement car park on this existing office site at the end of Tangier. The submission includes a contamination report, a wildlife survey and a flood risk assessment.

**SITE DESCRIPTION AND HISTORY**

The site is located between the office buildings at the end of Tangier and the Hickley Valtone site and currently provides 3 levels of car parking to serve the existing office buildings to the north west of the site. The current office buildings are 3 and 4 storey structures with pitched roofs and provide over 5000 square metres of floor space constructed in the early nineties.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP* - There is no objection in principle but in terms of detail I have the following comments. Firstly in terms of the parking provision the proposal will provide an additional 16 parking spaces. This is not considered to be a significant increase as the site is currently served by approximately 200 spaces which will be retained under the new proposal. There is no issue relating to the total of 216 spaces within the site as these spaces will serve both the new and existing office block. There are concerns over the management of the site both during and after construction. As yet no information has been provided in relation to how the site will be managed once construction has been completed. In terms of site management during the construction phase the applicant has stated it will encourage staff to utilise the east of Taunton Park and Ride and as such the Highway Authority would require a contribution of £50,000 towards the Park and Ride development. Part of the proposal saw the submission of a Travel Plan. This has been assessed and is considered weak and poorly conceptualised. The plan needs to be a tight action plan and set clear modal share targets before the Plan can be approved.

Once these details are formulised the Highway Authority would request the improved Travel plan forms part of the S106 Agreement. Subject to suitable amendments to the Travel Plan I raise no objection and if permission is granted, request the following conditions concerning disposal of surface water from the

highway, allocated parking kept clear of obstruction, provision of 10 covered cycle parking facilities and implementation of the approved Travel Plan.

*CIVIL CONTINGENCIES MANAGER* - The Flood Evacuation Plan as is good as it could be for the interim period. There isn't anything else that could be done. The routes shown on the drawing are the only ones available. Which one you would take would depend on where the water is. I've nothing adverse to say.

*FORWARD PLAN & REGENERATION UNIT* - No comment received.

*CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE* - The means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions of either Approved Document B or some other suitable accepted standard. Detailed recommendations pertaining to these matters will be made later at Building Regulations stage. Access and facilities should include, where necessary, the provision of private fire hydrants for Fire and Rescue Service appliances and should comply with the provisions of Approved Document B, Part B5 of the Building Regulations 2000.

*ENVIRONMENT AGENCY* - Original objection subsequently withdrawn (details below)

I refer to your email dated 24 June 2009 stating that you do not consider there to be any more central sites available for office development outside of Flood Zone 2 in Flood Zone 1 and consider the Sequential Test satisfied. The Environment Agency supports this statement.

However, we OBJECT to the application as the Flood Risk Assessment (FRA) does not meet the requirements of Planning Policy Statement (PPS) 25. At this stage there is insufficient information for the Environment Agency to agree that the development and access/egress to the development will remain safe during a flood event. The site lies within Flood Zone 2, a medium risk flood zone. However the application site area is surrounded by Flood Zone 3, a high risk flood zone area, therefore making access and egress to and from the site a significant problem. The FRA does not satisfactorily mitigate the flood risks associated with this development in accordance with PPS25.

The FRA indicates the flood levels at the site as follows:

1 in 100 year flood level: 16.50 metres Above Ordnance Datum

1 in 100 year flood level plus Climate Change: 16.70 metres Above Ordnance Datum

1 in 1000 year flood level: 17.47 metres Above Ordnance Datum

As the site levels vary between 16.4 and 16.8 metres Above Ordnance Datum it is clear that the site will fall within the high risk zone over its lifetime and therefore it is necessary for the development to be protected in line with PPS 25.

The proposal of a basement car park should be carefully considered in this area. Considering the flood levels, the car park will flood to a significant depth and therefore should be specifically examined. We would strongly recommend that the car park is designed not to flood as the depth of flood water within this area causes a significant threat to life should any person attempt to enter the car park during times of flood. Design features such as raised entrances, exit routes and floating

barriers should be considered along with any compensatory storage which would be required for flood water in the 100 plus climate change scenario. The Environment Agency do not see the flooding of the basement car park as a sustainable approach when considering the regeneration aims and objectives of Project Taunton. There are a number of hazards associated with this proposal:

- People could be trapped in the basement during a flood event.
- Even with identified emergency safe access routes, these could become impassible for people when considering depths of 1.4 metres. It would be very difficult to make these access points flood resilient when considering these depths.
- Cars could become mobile.
- There is no guarantee that the storage volume will be retained for the lifetime of the development.
- The storage of flood water could have structural implications to the building.
- A flood event will deposit a high volume of silt and debris within the basement which will be a high maintenance liability for the landowner.

The Environment Agency will not support a scheme involving the flooding of a basement car park to compensate for the loss of floodplain storage. We would advise that you discuss this issue with Project Taunton on finding alternative sites for floodplain compensation such as Longrun Farm.

The FRA suggests that as means to protect the building, the floor levels will be raised 300mm above the existing ground levels. Project Taunton flood risk studies state that all new development finished floor levels should be raised 600mm above the 1 in 100 year flood level. Considering the figures above, this would be 17.1 metres Above Ordnance Datum.

The access to the site falls within Flood Zone 3 and would currently flood to a depth of around 150mm. When incorporating an allowance for Climate Change this figure rises to 350mm. The flood risk studies carried out by Project Taunton's consultants strongly advise that road and ground levels are protected to a 1 in 100 year level plus an allowance for climate change. This will ensure that access and egress is maintained in the 1 in 100 year event over the lifetime of the development.

As noted in the FRA, there are other development sites proposed around the site which may lead to the upgrade in the existing flood defence. This would offer protection to this development over its lifetime and to the site's access. The proposals are to create new raised defences to protect Castle Street. The Third Way highway scheme will raise Castle Street to a safe level above the 1 in 100 year with climate change. Developments linking into this road are required to raise their connecting access roads to that height thus following the guidance derived from Project Taunton's flood modelling. This approach is applicable to this development and the FRA should confirm that this can be achieved at this site and that adequate compensatory storage can be provided for the raising of ground levels.

Unfortunately the above projects may be under threat due to the current economic market (assumed not confirmed). These two developments are crucial for this office development as they will uprate the current defences and provide a safe access. The FRA needs to take the current defence scenario into account from a flood risk perspective. It may be possible for this development to advance without the

guarantee of the flood wall upgrade if the FRA can show that the building and its occupants would be safe throughout the developments lifetime. We will maintain an objection if safe access to and from the development cannot be achieved.

PPS25 highlights the management of surface water as a key element of Flood Risk reduction. The FRA provides limited information on the surface water drainage scheme. It states that the existing drainage regime on site will not be altered, but attenuation will be provided to reduce run off by 20%. Further calculations are required to understand what level of attenuation is required, where on site it will be located, where Sustainable Drainage Systems (SuDS) can be used and how the scheme will be maintained. Further information is required on the existing system and if there have been any flood events from surface water.

If you are minded to approve this application prior to the submission of further information to address the flood risk issues raised above, I would ask that we are reconsulted in order that further representations can be made. This is in line with paragraph 26, 27 and 28 of PPS25.

30/3/10 - The agent has provided additional information in respect of the above application in a letter received on 15 March 2010. We now withdraw our previous objection subject to conditions being imposed upon any permission granted:

*SOMERSET COUNTY COUNCIL - DEVELOPMENT CONTROL ARCHAEOLOGIST* - No comment received.

*SOMERSET COUNTY COUNCIL - RIGHTS OF WAY* - Cycle track T33/30 abuts the site of the proposed development to the south. From the information provided it appears that the path would not be affected by the proposal.

*SOMERSET ENVIRONMENTAL RECORDS CENTRE (SERC)* - No comment received.

*WESSEX WATER* - The development is located in a sewered area with foul and surface water sewers. The developer has proposed to dispose of surface water to mains sewer. Surface water should not be discharged to the foul sewer. Your Council should be satisfied with the arrangement for the disposal of surface water. It will be necessary for the developer to agree points of connection to our systems for the satisfactory disposal of foul and surface water flows generated by the proposal. There are adequate water mains within the vicinity. It is recommended the developer agree a point of connection prior to commencement of works. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there are uncharted sewers or mains within the site. Please note the grant of permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement to carry out diversionary and/or conditioned protection works at the applicant's expense or the right to prevent carrying out any development as may affect its apparatus.

*BRITISH WATERWAYS* - No comment received.

*NATURAL ENGLAND* - No comment received.

*DRAINAGE ENGINEER* - Subject to receiving the Environment Agency's agreement



to the statements made in the FRA (February 2010) I have only the following observation that requires answering before approval is given, who will maintain the flood gate and be responsible for its operation.

*DIVERSIONS ORDER OFFICER* - Parts of Public Ways T33/28, T33/30 are immediately adjacent to the proposed work site but will not be affected by the proposals if they are accepted.

*HERITAGE AND LANDSCAPE OFFICER* - The large poplar tree just off site is of high amenity value but there may be scope for it to be reduced slightly to accommodate the new building.

*NATURE CONSERVATION & RESERVES OFFICERS* - I agree with the surveyor's assessment that Tangier is an urbanised site, which within itself has low ecological value. However the adjoining black polar and River Tone and tributaries present opportunities for wildlife. I also agree with the surveyor's recommendations that adjoining watercourses should be protected from development works and that there should be no increase in lighting on the western boundary of the site [condition and informative note suggested]

*PRINCIPAL ENVIRONMENTAL HEALTH OFFICER - NOISE & POLLUTION* - recommend conditions regarding land contamination investigation and possible remediation.

## **Representations**

### **2 LETTERS OF OBJECTION:**

- lack of parking given lease arrangements for current occupiers to 2016,
- 16 spaces fall short of the 69 maxima and would be inadequate,
- there is no visitor parking,
- no transport assessment or green travel plan,
- overbearing impact of new building,
- cramped overdevelopment and loss of light.
- Scale contrary to the Taunton Town Centre Area Action Plan (TCAAP).

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS4 - Planning for Sustainable Economic Development (Consultation),  
PPS9 - Biodiversity and Geological Conservation,  
PPG13 - Transport,  
PPS23 - Planning and Pollution Control,  
PPS25 - Development and Flood Risk,  
RPG10 - Regional Planning Guidance for the South West,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP21 - S&ENP - Town Centre Uses,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP60 - S&ENP - Floodplain Protection,

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
EN25 - TDBCLP - The Water Environment,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,  
M1 - TDBCLP - Non-residential Developments,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the current submission are the impact on flood risk for the site and elsewhere, the provision of adequate parking during and after construction, necessary contributions, wildlife and design and amenity issues.

### Flood Risk

The main consideration is the flood risk issues associated with the site and the means of overcoming the initial Environment Agency objection to the scheme. The site is in Flood Zone 2 and is therefore one that is considered acceptable for office use, a 'less vulnerable development' in flood risk terms. The site is a brownfield one within the town centre and there are currently no identified sites within a lesser risk area that could be utilised. The site is surrounded by an area in Zone 3 and adequate flood protection to the site is required, as is necessary alleviation. It is considered that adequate compensatory flood storage capacity could be provided at Longrun Farm, however a contribution towards that provision would be necessary and this would need to be secured through a Section 106 legal agreement. Protection for the existing and new offices to address flooding incorporating climate change is necessary and protection of the road access to the site is also suggested. The flood protection of this site from the river is largely governed by the flood defences to be incorporated within the residential scheme on the adjacent site. Until such time as this is provided the applicant proposes the site has its own warning system as well as being linked to the Environment Agency's warning system and allow for an evacuation route to the south. The Environment Agency advise that they are satisfied with the revised information and withdraw their previous objection subject to conditions to secure adequate floor levels and building protection, safe evacuation procedure, access for maintenance and sustainable surface water drainage.

### Parking Provision

The proposal includes building over the existing car park and subsequently providing 216 parking spaces to serve the existing and proposed offices on the site. The total office space on the site after the development was built would be 9276 square metres. Under the parking policy of the Taunton Town Centre Area Action Plan (TTCAAP) provision of a maximum of 1 space per 100 square metres would be required. However the site technically is not identified as one for redevelopment in the Area Action Plan and so it can be argued that the existing Local Plan policy M2 is the relevant one. This requires 60% of the PPG13 maxima for employment sites in the Taunton Central Area. This equates to 186 spaces and 216 spaces are proposed. This is considered more than adequate to address parking needs for workers and visitors to the site.

It has been pointed out that the existing office tenants have a lease on parking to 2016 and adequate parking during construction needs to be provided. The applicant is proposing to make a contribution to allow for use of the Park & Ride scheme for parking, although other temporary options during construction are also being looked into. It is considered a S106 contribution will be required to help secure Park & Ride provision while a grampian condition in respect of securing off site parking during construction can be applied to cover the scenario of alternative provision being provided. The applicant has confirmed acceptance of this approach.

The provision of adequate cycle parking can be covered by condition and the proposed Green Travel plan can also be addressed by the S106 Agreement. The County Council are also requesting a contribution to the Third Way road in line with previous development schemes in the area and a contribution of £22,500 has been agreed with the developer which will need to be secured through the S106 Agreement.

### Wildlife

The applicant has submitted a habitat survey with the scheme, although there is only limited vegetation on site. The site lies adjacent to the footway running along the Mill Stream which is a County Wildlife site. The recommendations include protection of the stream during construction from accidental pollution incidents and survey of the black poplar beyond the site to address necessary mitigation such as limiting lighting levels. The Nature Conservation Officer has suggested a condition to address the impact on bats and nesting birds and this is considered appropriate as is a condition in respect of controlling light levels along the southern site boundary.

### Design

The proposed development here should be designed to be appropriate and sensitive to its context with decisions informed by the Town Centre Design Code. While this currently only applies to sites identified in the TTCAAP, it is still of relevance as this site abuts an identified site. The architect has designed the building to fit in between the existing four storey office development to the west and the building height has been managed to remain subservient to the existing offices but stepping down to the proposed development fronting the Millstream to the east which is defined as up to 3 storey development under the Design Code. The access and levels between the existing and new building will remain unchanged and whilst the distance of 4m between buildings is small and will have an impact on the existing office building it is considered that this is appropriate in an office environment given the need to increase densities and provide new office space on brownfield sites. The building is intended to meet at least the BREEAM 'Very Good' rating and materials consist of brick, metal clad panels and glazing.

### Other Issues and Conclusion

In light of the ground investigation report submitted with the proposal the Environmental Health Officer is recommending a condition to cover potential contamination on site and this is considered necessary and appropriate.

In summary the design of the office building is considered an appropriate one given the location and constraints of the site. The flood alleviation measures and parking provision is considered satisfactory and the development is therefore considered to

be an acceptable one that will provide employment provision in a sustainable location.

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

Recommended Decision: Conditional Approval subject to a Section 106 Agreement to secure a contribution to the Third Way, Park and Ride provision, implementation of a Travel Plan and a contribution for off site flood storage alleviation for the following reason

It is considered that the proposal complies with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) in that the site has good transport links and neither residential nor visual amenity would be adversely affected and it provides adequate parking complying with policy M3 and flood protection and alleviation in accordance with policy EN28 of the Taunton Deane Local Plan and PPS25.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: no. 100, 103 RevA, 104 RevB, 105 RevA, 201 RevA, 202 RevA, 301 RevB and flood plan no.10014-SKC002.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

4. A flood management strategy shall be submitted to and approved in writing by the Local Planning Authority and shall include maintenance of the vehicular access and pedestrian gate and the strategy shall be adopted prior to the occupation of the building and thereafter be maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the site against flooding in accordance with Government guidance in PPS25.

5. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of silt/contaminated water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness

Reason: To prevent pollution of the environment in accordance with PPS25.

6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2010 and letter dated 12th March 2010 from Hydrock to the Environment Agency and the following mitigation measures detailed within the FRA:

Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

Finished floor levels are set no lower than 16.7 m above Ordnance Datum (AOD).

The building is totally protected and will stay watertight up to a level of 16.7m A.O.D.

Access to the river corridor for maintenance purposes is maintained.

Reason: To ensure safe access and egress from and to the site and to reduce the impact of flooding on the proposed development and future occupants. To ensure the Environment Agency can fulfil their flood risk management responsibilities.

7. Development shall not begin until full details of the water exclusion strategy for the car park must be submitted to and approved by the Local Planning Authority. This must demonstrate that the car park is protected to a level of 17.2m AOD.

Reason: To ensure that there is no risk to property or people during a flood event.

8. Development shall not begin until details of the flood defence walls and flood gates shown on drawing 10014-SKC002 Rev A are submitted to and approved by the Local Planning Authority and thereafter implemented as agreed.

Reason: To ensure they are fit for purpose as a flood defence and they do not restrict emergency access to the river corridor.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been

submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

Details of how the scheme shall be maintained and managed after completion;

Management of the 1 in 100 year flood event with allowance for climate change; and

Management of the 1 in 30 year event during a tide lock scenario.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with PPS25.

11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with PPS25.

12. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

#### a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwater and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

#### b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

#### c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works

#### d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and

risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PP523 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above). The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR ii" and other authoritative guidance.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies Si and EN32 of the Taunton Deane Local Plan.

13. The development hereby shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of AMA's submitted report dated March 2008 and up to date surveys and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development.
  2. Details of timing of works to avoid periods when nesting birds could be harmed by disturbance.
  3. Measures for the enhancement of places for rest for bats and nesting birds.
- Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.



Reason: To protect bats and nesting birds and their habitats from damage bearing in mind the law protects these species in accordance with PPS9.

14. The parking layout shown on the submitted plans shall be provided prior to occupation of the new offices and thereafter be maintained as such.

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

15. A means of providing a temporary parking provision, during construction works on site, shall be provided and maintained and shall be submitted to and agreed in writing by the Local Planning Authority prior to work commencing and shall be maintained during the construction.

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

16. Covered cycle parking for a minimum of 10 bicycles shall be provided on site in a manner to be agreed and shall thereafter be maintained.

Reason: In accordance to comply with Taunton Deane Local Plan policy M3.

#### Notes for compliance

1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU law is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
2. Invitation for tenders for sub-contracted works must include a requirement for details of how the prevention of pollution requirements of condition 5 above will be implemented.

Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001").

3. All waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption must be applied for.

Exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities.

4. Flood defence consent must be gained for an application 8 meters from the top of bank from the River Tone and the Mill Stream.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

38/10/0030

SAPPHIRE DEVELOPMENTS LTD

## **ERECTION OF 12 TWO STOREY DWELLING HOUSES, WITH PARKING SPACES AT LAND TO NORTH POPLAR ROAD, TAUNTON**

324706.123846

Full Planning Permission

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### **PROPOSAL**

The proposal comprises the erection of 12 two-storey dwellings each of the dwellings having 3 bedroom accommodation. The development is a mixture of terraced and semi detached layouts with 18 parking spaces provided within the site for the dwellings. Private gardens are provided to the rear of each dwelling with pedestrian access, additional landscaping is proposed surrounding the parking area. A boundary fence is proposed to the rear of the dwellings, set inside a hedgerow. Areas for bin storage have been identified on the submitted layout plan.

Works will also include realigning the existing cycle path where it meets Poplar Road and the new access into the site.

### **SITE DESCRIPTION AND HISTORY**

The site is located to the south west of Blackbrook Pavilion on land at the head of the cul-de-sac Poplar Road. Between the site and Chestnut Drive lies modern residential development.

The site is somewhat overgrown, but does include a number of trees which are subject to a Tree Preservation Order. The eastern part of the site comprises a small incomplete earth bank, which was constructed for the whole of the Holway Estate and forms one of the noise protection barriers.

A footpath/cycleway is located to the edge of the site, linking Chestnut Drive and Poplar Road.

#### Planning History:

38/07/0563 – Erection of 13 dwellings to north end of Poplar Road, Taunton. This application was submitted in 2007 for 13 dwellings, 1 more dwelling than currently proposed, on the same site as the submitted application with a different layout. The application was withdrawn in January 2008.

38/04/0384 – Residential development to the north end of Poplar Road, Taunton. This was an outline application for residential development on the same site, granted conditional approval in November 2004 by the Planning Committee. The submitted application included an indicative plan for two detached dwellings.

### **CONSULTATION AND REPRESENTATION RESPONSES**

## **Consultees**

LANDSCAPE OFFICER – subject to final landscape details and tree protection during construction, proposals are acceptable.

WESSEX WATER – Located in foul sewered area, developer to agree points of connection. Proposed surface water to soakaways, Council should be satisfied with arrangements. Water supply within the vicinity. Points of connection to be agreed. Developer should be aware of checking with Wessex Water for uncharted sewers or water mains.

LEISURE DEVELOPMENT TEAM – In accordance with Local Plan Policy C4, provision for play and active recreation should be made.

SCC RIGHTS OF WAY – no public rights of way recorded on definitive map, as crossing or abutting the proposed works.

DRAINAGE OFFICER – Surface to be discharged to soakaways. Porosity tests should be carried out to ascertain that ground conditions are suitable (Building Research Digest 365) and a full drainage disposal plan should be submitted and agreed before development commences, and made a condition of approval.

NATURE CONSERVATION – Survey states no badger activity or suitable trees for potential bat roosts, however, site holds potential for wildlife species such as nesting birds and amphibians along the western boundary ditch. Dormice known to be present in Blackbrook area, however, hedgerow on site is considered sub-optimal for Dormice and there is lack of connectivity to other potential habitat. Condition landscape/habitat management plan, recommendations of wildlife survey and no site clearance between 1<sup>st</sup> March and 31<sup>st</sup> August without prior written approval.

POLICE – None received.

ENVIRONMENTAL HEALTH – No observations.

COUNTY HIGHWAY AUTHORITY – Comment:

Site has been subject to assessment by Estate Roads team: majority of site would be private with Highway Authority looking to adopt access up to edge of first property, encompassing realigned cycleway access; visibility splay required at junction of proposed cycleway with internal access road, similar splay also required out into Chestnut Drive; private drainage required to prevent surface water from private internal access road discharging onto proposed public highway; not permitted to connect into existing highway maintainable system as internal arrangements will remain in private ownership; all works set out would be undertaken as part of a formal legal agreement with Somerset County Council and should be commenced as soon as practicably possible.

Development provides 18 vehicles spaces, although below maximum set out in the Local Transport Plan, it is in accordance with Taunton Deane Local Plan Policy M4, which indicates an average of 1.5 parking spaces per dwelling.

Transport Statement submitted was passed to our Traffic Analysts for comment. It

was concluded that proposal would not produce a significant increase in vehicle movements above existing vehicles associated with Poplar Road.

No objection subject to conditions for consolidated surface/access; surface water disposal; 18 parking spaces provided and thereafter kept clear of obstruction and used solely for parking/access; visibility splays (amended to reduce required splay, email dated 22/03).

## **Representations**

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

- increase in traffic;
- loss of parking;
- more parking on already congested road;
- narrow road to site; hazard for children;
- hazard using lane/footpath that will cross access to site;
- removal of TPO trees;
- impact on flora and fauna;
- impact on drainage; flooding;
- impact of construction traffic on pedestrian traffic;
- no place for children to play;
- outline permission for 2, how can 12 be acceptable;
- loss of privacy;
- overdevelopment of site;
- impact on quality of life by noise, pollution and increased traffic;
- not enhancing environment;
- developer only interested in money.

LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- access to site through a narrow estate road which at weekends and evenings is solidly parked along one side, making safe access to site difficult;
- only 18 parking spaces, there will be overflow parking from development onto street, which already has congestion;
- site has a history of flooding and concerns that drainage ditches are to be filled in, which may impact on site and adjacent properties;
- safety concerns about realignment of cycle way;
- sewer pipes for existing development just below surface in area where no.8 is planned.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

STR2 - Towns,

STR4 - Development in Towns,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN8 - TDBCLP - Trees in and around Settlements,

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS9 - Biodiversity and Geological Conservation,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Layout and design

The proposed layout provides a mixture of terraced and semi-detached dwellings, an improvement over the previous withdrawn application that provided a continuous terraced of 13 dwellings. Each dwelling has a private rear garden with pedestrian access and is bound by a 2m high fence, a hedgerow is provided beyond the fence along the public footpath/cycleway, protecting visual amenity. Bin storage has been provided in different areas within the site.

The dwellings are proposed to be constructed in brick and render with concrete tiles. Each dwelling has a small canopy above the front door.

The dwellings are located away from the existing properties of Poplar Road, with the closest dwellings (Plot 4 and 39 Poplar Road) approx 21m apart. Plot 1 is approx 22m from the property 'Poplars' at the closest point. Given these distances, the proposed dwellings are not considered to cause any undue loss of privacy to the existing occupiers.

### Highway

The development would provide 18 parking spaces for the 12 dwellings, and average of 1.5 spaces per dwelling, the maximum number permitted by Policy M4 of the Taunton Deane Local Plan. The Transport Assessment submitted with the application has been assessed by the County Highway Authority Traffic Analyst how concluded that the proposal would not produce a significant increase in vehicle movements above the existing number of vehicle numbers associated with Poplar Road.

Realignment of the existing cycleway and access onto Poplar Road are also proposed. These works have not raised any objection from the Highway Authority and would be subject to conditions (visibility, surface treatment, surface water)

Sufficient space has been provided for a turning area for refuse and fire vehicles.

### Noise

There is an existing earth bank surrounding part of the site, constructed to act as a noise barrier. It is proposed to remove the bank and replace with a 2m high fence to act as an acoustic barrier, as recommended within the submitted noise assessment. It is not considered that removing the bank would have a detrimental impact on the amenity of the neighbouring properties. Though Environmental Health have no observations to make, comments taken from a previous committee report (38/04/0384) are considered relevant: *The earth bund would have little noise mitigating effect on the residential property to the north and west of the site. For a bund to be effective it should be either close to the noise source or the noise receiver, this bund is neither. Furthermore, in this case the noise arises from a line source i.e.. the motorway. For a bund to be effective it would have be a continuous bund between the entire length of the noise source and noise receiver. 2. Impact of*

*its removal - Should the bund be removed it would have little or no impact on the noise levels received by properties to the north and west of the bund.*

The proposal is therefore not considered to cause any detrimental harm to nearby properties regarding noise.

### Drainage

The site does not lie within a Flood Plain and as such does not require comment from the Environment Agency or a Flood Risk Assessment to be submitted with the application. Objectors have provided photos showing localised flooding of the site and these details were sent to the Environment Agency. The Environment Agency have suggested that the flooding may have originated from sewerage pipes or as a result of the channel / land drain located immediately to the east of the site. A condition is proposed for details of a surface water scheme to be submitted, a condition also suggested by Local Authority Drainage Officer. It is considered that a detailed scheme could be provided that would not exacerbate the existing problem.

### Landscape

Along the west boundary of the site there is a group of trees (willow, hawthorn and ash) protected by a Tree Preservation Order (TPO), with other smaller trees within the site. An arboricultural survey has been submitted with the application, identifying any constraints and root protection zones. Furthermore, the layout of the development has been designed to site the majority of all development away from the western boundary. The layout plan has also indicated retaining an elder tree and three hawthorn trees, providing a hedgerow around the site and other landscaping within the site. Given the detailed report, proposed landscaping and retaining of some trees, the proposal is not considered to harm the existing trees (protected by a TPO) nor the visual amenity of the area.

### Wildlife

A Wildlife Survey has been submitted with the application. No badger setts or activity were found on site. Trees were not considered to provide potential roosts for bats and no indication of use found. Common bird species were observed and the trees, hedges and vegetation could provide nesting opportunities. No reptiles or amphibians were found though the ditch along the western boundary does provide suitable habitat.

Dormice on the site have been raised by objectors to the application. The survey acknowledges known dormice records to the east of the site, but concludes that there is no indication of any activity on the site. There is no connectivity to other potential dormouse habitats and the remnant hedgerow around the eastern and western boundaries is considered unsuitable to support dormice.

The development will be subject to the conditions recommended by the Nature Conservation Officer and is not considered to cause any detrimental harm to wildlife nor wildlife habitat.

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

Recommended Decision: Conditional Approval subject to the receipt of a completed

Section 106 Agreement requiring contributions towards the provision for active outdoor recreation and children's play provision for the following reason

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, nor will the development harm wildlife and existing trees, and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision) and EN8 (Trees in Settlements). PPS1, PPS3 and PPS9.

If no Section 106 Agreement is completed by 29th April 2010, authorisation be agreed to REFUSE for reason of being contrary to Policy C4 (Standards of Provision of Recreational Open Space) of the Taunton Deane Local Plan.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) Drg No 1556-12 Indicative sections  
(A3) Drg No 1556-2 Site plan  
(A3) Drg No 1556-3 Layout plan  
(A3) Drg No 1556-4 Units 1 to 5 Floor Plans  
(A3) Drg No 1556-11 Units 9-13 End Elevations  
(A3) Drg No 1556-10 Units 9-13 Front and Rear Elevations  
(A3) Drg No 1556-9 Units 9-13 Floor Plans  
(A3) Drg No 1556-8 Units 6 and 7 elevations  
(A3) Drg No 1556-6 Units 1-5 End Elevations  
(A3) Drg No 1556-7 Units 6&7 Floor plans  
(A3) Drg No 1556-5 Units 1-5 Front and Rear elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To protect the character and appearance of the existing building



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

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

5. Before development commences (including site clearance and any other preparatory works) trees to be retained shall be protected in accordance with details contained within the submitted Tree Survey by Heartwood Arboricultural Consultants dated 19th July 2007. Any protective works shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

6. The proposed hedgerow adjacent to the public footpath/cycleway once planted shall thereafter be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the public using the footpath/cycleway and to ensure the development makes a satisfactory contribution to the visual amenity of the area in accordance with policies S1 (D) and S2 of the Taunton Deane Local Plan.

7. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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

8. No building hereby permitted shall be occupied until surface water drainage

works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority.

Reason: To prevent discharge of water that may lead to localised flooding and to prevent discharge onto Highway Authority land in accordance with PPS25.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

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

10. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

11. The development hereby approved shall be carried out in accordance with the recommendations made in Country Contract's Up-Date Ecological Assessment report dated November 2009.

Reason: To protect wildlife and their habitat from the damage and disturbance which are specifically protected by law under the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

12. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out 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.

13. There shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to pints on the nearside carriageway edge 15m to the southeast of the access. Such

visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

14. No dwelling shall be occupied until the realigned cycleway is complete in accordance with details that must be submitted to and approved in writing by the Local Planning Authority.

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

15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no addition or extension to the dwelling, nor any further building, structure or outbuilding shall be erected without the further grant of planning permission.

Reason: To prevent over development in an area of housing at high density with a limited amount of private amenity space in accordance with Policy S1(D) of the Taunton Deane Local Plan.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no gates, fences, walls, or other means of enclosure shall be erected on the site beyond the forwardmost part of front of the dwelling without the further grant of planning permission.

Reason: To protect the character of the open plan area to the front of the dwellings in accordance with Policy S1(D) of the Taunton Deane Local Plan.

#### Notes for compliance

1. Works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information on 0845 3459155.
2. With regard to condition 08, any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991). Details of porosity tests should also be submitted.
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water

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

4. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
6. All site operatives must be briefed to ensure that they are aware of the possible presence of wildlife on site. All trenches and pits dug on site must be covered at night or must have a means of escape to prevent animals being trapped. If any protected species are encountered they should be left undisturbed whilst expert advice is sought.

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

38/10/0050

KNIGHTSTONE HOUSING ASSOCIATION LTD

**DEMOLITION OF 37 DWELLINGS AND REDEVELOPMENT WITH ERECTION OF 46 DWELLINGS AND PROVISION OF PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE INCLUDING ALTERATIONS TO PARKING AND BOUNDARY TREATMENT AT NOS 5-8 BURNS ROAD, AT RUSKIN CLOSE, TAUNTON AS AMENDED BY PLANS 2889/PL01/E, PL08/A, PL04/A, PL11/A AND PL21 RECEIVED 7 APRIL 2010.**

323998.124502

Full Planning Permission

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## **PROPOSAL**

The proposal involves the demolition of the existing two storey flats and replacement with a mix of 46 flats and housing, including:

2 x 1-bed units,  
2 x disabled units,  
22 x 2-bed flats,  
3 x 2-bed houses,  
15 x 3-bed houses and  
2 x 4-bed houses.

All dwellings except one will be affordable. The dwellings will be 2 and 2.5 storey and the apartment blocks 3 storey. The design approach reflects that of the phase 1 flats off Wordsworth Drive. The application is accompanied by a Design and Access Statement, a Flood Risk Assessment, a Planning Statement, a Tree Report and an Ecological Survey.

## **SITE DESCRIPTION AND HISTORY**

The site consists of 36 one-bed flats and one two-bed house set within 5 two storey buildings arranged around a cul-de-sac with parking. All units bar one are social rented within the ownership of the Council. Access to the site is off Burns Road and the site is therefore set away from the main road of Wordsworth Drive serving the area. The buildings are a mix of brick and render and are of little architectural merit, are expensive to maintain and are considered at the end of their useful life. The site is located on the eastern fringe of the town centre where traditional Victorian designs cease and later suburban built forms begin to dominate.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comment:

- The proposed development would see extensive works carried out on Burns Road to satisfy the Highway Authority.

- Burns Road itself shall be constructed to a minimum width of 5.0m throughout its length with a 2m wide footway.
- The works associated with the widening of Burns Road would need to be secured under a Section 278 legal agreement with the Highway Authority
- In regards to parking the site provides spaces on a ratio of 1:20 spaces per dwelling. This is below the standards of 2 spaces per unit set by the Highway Authority's Local Transport Plan and the average of 1.5 spaces set in policy M4 of the Local Plan.
- In terms of vehicle movements the site has the potential to generate an additional 11 vehicle movements over and above the existing. However the proposed improvement works to the junction of Burns Road and Wordsworth Drive will help improve its capacity to accommodate these additional vehicles.

Therefore the County highways Authority raise no objection to this proposal and if planning permission were to be granted would require conditions to be attached

*WESSEX WATER* - Foul Drainage - Connection to mains is acceptable. Existing sewers within the site are private and may need to be replaced to suit any new housing layout. Flows from the adjacent estate need to be maintained. Storm Water - No connection to mains drainage and the provision of some form of sustainable drainage arrangement is proposed which is acceptable and we would ask that the site is conditioned accordingly to prevent a subsequent switch to connection to the foul sewer if ground conditions prove unsuitable. In this case storage and attenuated connection to watercourse should be required. Water Supply - Acceptable although existing wwater mains into and through the existing development will need to be re-laid and size increased to cater for the additional load.

*HOUSING ENABLING MANAGER* - The Housing Enabling Manager supports this application for all affordable homes. The scheme represents phase 1 of several regeneration schemes in the area. These new homes will provide a pleasant mixed community with housing provision across the board. The family homes and 2 bed apartments will replace a development of small one bed flats. This development will achieve Code 4 for sustainable homes and provide a safe warm home for the new tenants. These new homes will go some way towards satisfying the housing need in Taunton.

*HERITAGE AND LANDSCAPE OFFICER* - My main concerns are there are a significant number of trees that will be lost due to the development but limited space provided for new tree planting. Boundary treatment is poor given the extent of the development. The retained tree, T1, between spaces 37 & 40 has not been given enough space for its RPA of 2.52. I recommend those spaces be found elsewhere on site. No landscape details and I recommend appointing a landscape architect, given the size of the development.

*DRAINAGE ENGINEER* - I refer to the submitted FRA by Aardvark accompanying this application. I note that in Section 6.2 Drainage Strategy there is a note that " no soakaway tests have been undertaken as the geology is assumed to be 100% impermeable". A requirement of a development of this size is that use of SuDS systems are investigated and this includes the use of soakaways. Therefore percolation tests should be carried out to prove impermeability before any works commence on site. If porosity tests fail then the proposals outlined in the FRA are acceptable, which include 1) maximum outfall run off rate of 6.2l/s 2) minimum on

site storage of 150m<sup>3</sup> 3) Design store to be 1 in 100year + 30% for climate change. The following information should also be provided and agreed before any works commence on site and are to be made conditions of any approval given

1) Details of flow path(exceedance) should be shown for when the capacity of the drainage system is exceeded.

2) A full operation and maintenance strategy should be submitted and agreed and this should include a) details of how financial provision is to be made for the attenuation works, ensuring that this is provided for the lifetime of the development, b) identify who will be responsible for maintenance etc.

*LEISURE DEVELOPMENT MANAGER* - In accordance with Policy C4 provision for play and active recreation must be made. A contribution of £1100 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £2200 for each 2+bed dwelling should be made towards children's play provision. The contributions should be index linked. Any additional phase 2 development will require an on-site kindergarten to which play contributions from this development may be added.

## **Representations**

None received

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPS25 - Development and Flood Risk,  
RPG10 - Regional Planning Guidance for the South West,  
RPG10 EN1 - RPG10 Policy EN 1: Landscape and Biodiversity,  
RPG10 EN4 - RPG10 Policy EN 4: Quality in the Built Environment,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP60 - S&ENP - Floodplain Protection,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M1 - TDBCLP - Non-residential Developments,  
M3 - TDBCLP - Non-residential Development & Transport Provision,  
EN1 - Landscape and Biodiversity,  
EN25 - TDBCLP - The Water Environment,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations of the proposal are the design and impact on the character of the area, the parking provision, play and recreation provision and drainage.

The submission has been amended in layout terms to meet the comments of the Landscape Officer and Highway Authority. The properties facing Burns Road have been provided with a front boundary wall to give defensible space and the parking has been amended to allow for adequate protection to the retained plane tree, T1, as well as additional tree planting through the site and shrub planting in front of the blocks of flats. The design of the buildings are contemporary and reflect the character of the proposed new flats off Wordsworth Drive. The materials intended to be used include a mix of brick, render and cladding. The layout is designed to link with the flats and so ensure a successful comprehensive development. This is considered to give a distinctive character to the area and comply with advice in PPS1 and policy S2 of the Taunton Deane Local Plan. The flats and dwellings have roof space for renewable solar technology to enable the units to meet Code 4 for Sustainable Homes.

The amended site layout provides for 53 spaces, in excess of one per dwelling and allows for limited visitor parking. This is considered to comply with the requirements of policy M4 of the Taunton Deane Local Plan with its 1.5 space per dwelling maximum. The layout also accommodates the Highway Authority request that Burns Road be widened to 5m and appropriate radii on the corner with Ruskin Close. The Highway Authority raise concern over preventing surface water draining to the highway and recommend a condition to address this issue. The number of units on the site is 9 more than the existing situation, however in terms of vehicle movements it is considered the improvements to Burns Road will help improve capacity and the Highway Authority raise no objection to the proposal and suggest conditions to also address the provision of the access and contractors parking/compound, estate road details, provision of a road and footway to base course level before occupation, 1.8m footway to Burns Road before occupation and re-surfacing of Burns Road.

The Leisure Manager requires contribution for play and active recreation to comply with policy C4 of the Local Plan. This would provide for 9 additional units. In addition the layout incorporates part of a disused play area and compensation for the loss of this area is requested to the sum of £45,000 for the provision of replacement facilities in the local area as this was not provided for in the current layout or the previous scheme on the adjacent site for flats. This requirement will need to part of a S106 Agreement.

The site lies outside a flood risk area and the submitted FRA includes means of surface water drainage and attenuation. The Drainage Officer is satisfied with principle of the submission and requires further details to be agreed through condition prior to commencement.

In summary the development is an appropriate redevelopment of an existing residential site in a sustainable location that is a high standard of design that addresses residential amenity and parking provision and complies with the development plan and government guidance and is recommended for approval.

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

Recommended Decision: Conditional Approval subject to no representations raising new issues and a Section 106 Agreement/Unilateral undertaking in respect of play and recreation contributions for the following reason:

The proposal, for residential development, is located within defined



settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

should the S106/unilateral undertaking not be completed by 12 May 2010 then the application be refused contrary to policy C4

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Drg No 2889-PL-100 Location Plan  
(A3) Drg No 2889/PL/13 Bin and cycle store  
(A3) Drg No 2889/PL/02 Proposed House types Type A - 2b 4p  
(A3) Drg No 2889/PL/03 Proposed house types Type B 3b 5p  
(A3) Drg No 2889/PL/04 Proposed house types Type D1 - 3b 5p  
(A3) Drg NO 2889 PL 05 Proposed house types Type D2 3b 5p  
(A3) Drg No 2889 PL 06 Proposed house types Type E 3b 5p  
(A3) Drg No 2889/PL/08 Proposed flats over garages Type H 1b 2p  
(A3) Drg No 2889 PL 07 Proposed house types Type F 4b 6p  
(A3) Drg No 2889 PL 09 Proposed flats Plots 7 - 18  
(A1) Drg No 2889 PL 01 Proposed site layout plan  
(A1) Drg No 2889 PL 10 Proposed flats plots 19 - 30  
(A1) Drg No 2889 pl 11 Proposed flats street scenes  
(A1) Drg No 2889 PL 01 Proposed site layout

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

4. The door design shall be as indicated on the submitted drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

5.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

6. No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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

7. The front boundary walls to the dwelling units shall be retained as indicated on the submitted drawing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the development in accordance with Taunton Deane Local Plan policy S2.

8. None of the dwellings shall be occupied until a drainage strategy for the site has been submitted to and approved by the Local Planning Authority and the agreed works have been completed in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority. The strategy should include

- 1) Details of flow path (exceedance) should be shown for when the capacity of the drainage system is exceeded.

- 2) A full operation and maintenance strategy should be submitted and agreed and this should include:

- a) details of how financial provision is to be made for the attenuation works,

ensuring that this is provided for the lifetime of the development,  
b) identify who will be responsible for maintenance etc.

Reason: To prevent risk of future surface water flooding in accordance PPS25.

9. No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the submitted plan unless otherwise agreed in writing by the Local Planning Authority. The cycle and bin storage areas shall thereafter be retained as agreed.

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

10. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.

Reason: To provide an adequate contractor's area on site in the interest of highway safety.

11. 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 and thereafter provided prior to occupation of any dwelling.

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

12. The proposed estate roads, footways, footpaths, tactile paving, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, visibility splays, accesses and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

13. The proposed roads, including footpaths and turning spaces where applicable, shall be construction in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

relevant guidance in PPG13.

14. Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the entire Burns Road frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority

Reason: In the interests of highway safety.

15. Prior to occupation of the proposed dwellings hereby permitted details shall be submitted of the realignment and resurfacing works of Burns Road shown on drawing no 2889/PL 01 C and approved in writing by the Local Planning Authority. Such works shall be fully constructed in accordance with the approved plans, to an agreed specification before the development is first brought into use.

Reason: To ensure that the proposed estate road access is laid out in a proper manner in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

#### Notes for compliance

1. The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information 0845 3459155. The applicant should be advised that at least seven days before access works commence the Highway Service Manager at the Taunton Deane Area Officer must be consulted.
2. Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

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

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

38/10/0064

MR H DHILLON

**CHANGE OF USE FROM 2 FLATS TO SINGLE DWELLING AND 2 FLATS AT 2A SALISBURY STREET, TAUNTON**

322517.126011

Full Planning Permission

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**PROPOSAL**

The existing building comprises two terraced properties that have been converted into two 2-bed flats. The proposal is to convert these flats to a 2-bed dwelling and two 1-bed flats.

The new dwelling will have access to a rear garden for bin/cycle storage etc and a small front garden. The new flats will only have access to a small front garden for bin storage, cycle storage is proposed within the building.

Externally the building will retain the appearance of two terraced properties. Two new first floor windows are proposed to the rear and it is proposed to brick up a first floor side window.

The application is presented to the Planning Committee as the agent is related to a member of staff.

**SITE DESCRIPTION AND HISTORY**

The existing properties form the an end terrace and adjoining dwelling within Salisbury Street, which is located close to the town centre. A take-away is next to the end terrace.

The area is predominately terrace properties with new flats/dwellings built on the site of the former Cottage Inn at Kingston Road. Motor vehicles are parked on the road.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Objects to proposal.

Flats are considered acceptable and are likely to remain car free in close proximity to town centre services and facilities. Concerns over dwelling and it is likely occupiers will be car owners. Salisbury Street is not a parking permit area. Salisbury Street is already at capacity with vehicles on highway, proposed dwelling would exacerbate situation.

*COMMUNITY ARTS OFFICER* - None received.

**Representations**

## ONE LETTER OF REPRESENTATION: -

- flats previously let to students in 2009;
- noise and music until 2-3am;
- police called due to noise;
- if same quality of tenants I would quickly report Environmental Dept.

## PLANNING POLICIES

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
STR2 - Towns,  
STR4 - Development in Towns,  
PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
M4 - TDBCLP - Residential Parking Provision,

## DETERMINING ISSUES AND CONSIDERATIONS

The main determining issues are considered to be the impact on the amenity of the area and car parking.

The new dwelling would reinstate a dwelling that was once there and continue the existing row of two bed terraced properties in Salisbury Street. A new first floor window is not considered to cause any undue loss of privacy to the new flats built in Kingston Road. A rear garden has been provided for the dwelling.

There is no rear garden/amenity space for the new flats, though there is a small front garden for bin storage, no different than the existing properties within the street. A new first floor window will serve a bathroom and a new ground floor window will serve a bedroom, an area that is currently a living room. The new ground floor window will look onto a service/access area to the rear of the new flats recently built. As such, there is not considered to be any harm to the amenity of neighbouring properties.

Though it is recognised that car parking may be under pressure within the area it is not considered reasonable to recommend refusal given the existing flats could be converted back to a single dwelling without planning permission. Cycle storage has been provided within the building for the two flats.

## 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 0110 03 Proposed elevations  
(A1) DrNo 0110-01 Rev A Existing and proposed floor plans  
A4 site plan  
A4 location plan  
(A1) DrNo 0110 02 Existing elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

Notes for compliance

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

**CONTACT OFFICER: Mr D Addicott Tel: 01823 356463**

**DEMOLITION OF BUNGALOW AND CONSTRUCTION OF NEW DWELLING AT 21 GREENWAY, MONKTON HEATHFIELD, AS AMENDED BY DRWGS. 1A, 2A, 5, 6 AND 8 SENT WITH LETTER DATED 11 FEBRUARY 2010, AND PROTECTED SPECIES SURVEY RECEIVED ON 12 FEBRUARY 2010, AND ADDITIONAL AMENDED PLANS NOS 9, 10 AND 11 RECEIVED ON 08 MARCH 2010.**

325346.126962

Full Planning Permission

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**PROPOSAL**

The proposal is to demolish a 3 bed 'Woolaway' bungalow, and construct a new 4 bed dwelling, with integral garage and car parking area to the front. Two bedrooms would be sited on the ground floor with a large master bedroom and second bedroom within the roof space, with two dormers to the front, and two dormers and a gable with partially enclosed balcony facing the rear/west. The proposed materials would be mainly render with brick detail and double roman tile roofing. The ridge would be in line with adjacent bungalow No 23; boundaries are shown to be 1500mm high fences. The original distance to No 23 to the north was shown to be approx 1.7m and to No 19 as 1m.

The plans have been amended to reduce the width, bring the proposal forward of the originally proposed siting, retain the existing hedge to the southern side and part eastern side, retain an element of green space with provision for tree planting. The revised plans also dimension the plans, and show the extent of a rear dormer extension which could be constructed under permitted development and revise the street elevation. The amended dwelling would be 13.33m wide by approx. 10m deep (beside No 19) and 11.5m deep (beside No 23), with the central part being 12.5m. There would be a gap of 1m to No 19 and a gap of 2.5m to No 23. The front of the garage would be approx 12.4m from the highway. The front of the main dwelling is in line with the original position of the existing bungalow. There would be space for car parking (2 spaces) in the front forecourt as well as in the integral garage. There is also a lay-by parallel to Greenway.

No 23 has 2 side windows, one to the living room and one to the kitchen/diner, both rooms have main windows facing front and rear respectively. There are no windows in the northern elevation of No 19. The revised siting of the dwelling to bring it forward is to increase light to the side window to the kitchen diner of No 23. A wildlife survey has indicated no evidence of nesting or roosting barn owls, no signs of roosting bats nor bird nests in or on the existing building. The last amendments confirms the position of the existing bungalow in relation to the new dwelling (the front is in the same position, the garage and porch project approx. 1.5m), and confirms the relative position of No 23, the distances to the edge of the highway and deletes one rear facing dormer.

**SITE DESCRIPTION AND HISTORY**

The site is on the western side of Greenway, with open countryside to the rear. The



dwellings on this side are mainly bungalows, although there are some two storey dwellings; there are chalet type bungalows on the opposite, side of the road. The site currently has a 3 bed Woolaway bungalow, measuring approx 11.5m in width, by 6.5m in depth on a site measuring approx. 16.83m in width by 46.4m. There is a garage/outbuilding to the rear, adjacent to the boundary with No 23. The ground level at No 23 is above No 21; No 19 and 21 have approximately the same ground level.

Residents have referred to previous applications in the area. Proposals for first floor, single and two storey extensions at 35 Greenway were refused in November 2002, the ridge being approx 7.8m high. A subsequent proposal for a first floor, single storey extension with 3 dormer windows was approved in April 2003, the ridge being approx 6.5m high.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - This would be a replacement dwelling thus the vehicle movements would remain unchanged; the proposal uses the existing access to the highway which provides good visibility in either direction. In terms of parking, the proposed dwelling will provide an integral garage which meets the minimum internal dimensions set out the Local Transport Plan, the site will provide sufficient room for the parking of two vehicles and allow them to turn and leave in a forward gear.

*WEST MONKTON PARISH COUNCIL* - The Parish Council believes this proposal is out of character; the neighbouring properties are bungalows, some of which have dormers, but this proposal is over large and over width in comparison with its neighbours.

*DRAINAGE ENGINEER* - surface water shown to be discharged to soakaways, these to be BRD 365.

*NATURE CONSERVATION & RESERVES OFFICERS* - Bats may be present given the existing bungalow has tile hanging; need a wildlife survey. Comments following receipt of survey - The surveyor noted that there were opportunities for biodiversity gain in this development in the form of bird and bat boxes. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development.

*HERITAGE AND LANDSCAPE OFFICER* - subject to retention of existing roadside boundary hedgerow and establishment of a hedgerow on the western boundary the proposals are acceptable.

*WESSEX WATER* - the site is within a foul sewered and water main area, points of connection required, developer to agree with WW, need for developer to check if there are any uncharted sewers or water mains close to or in the site.

### **Representations**

A petition with 10 local residents signatures objecting on grounds that the building is too high; the dormer windows to the front are out of character with the original bungalows; the new dwelling would be out of character with the other bungalows

which are the older type; Greenway of a sort after area for the type of bungalows that are already there, something more in keeping would be acceptable.

8 letters of objection from 6 residents.

Object to demolition of bungalow and replacement by a 2 storey house; out of character with the area; roof height too high; would not be in line with other bungalows; loss of light to rooms; loss of outlook; loss of views; removal of garage will not result in more light to side windows; overlooking; it is not possible to scale from the plans; there are 2 sewer pipes between no 19 and 21, there is no indication that these will be protected; the balcony will result in loss of privacy to rear garden; unhappy that the Highways officer considers this a replacement, when it is nothing like the existing, and may have more cars; whilst the plans show the height to be the same as no 23, this has a floor level higher than the site; should be the same height as no 19; the gable end dormers are out of character with the properties in the area; loss of privacy from dormers, extending the property sideways will reduce the amount of parking available; there will be an increase in car parking given the number of bedrooms; additional parking will go on street which will be a hazard on street; children use this road to walk to/cycle to school; detract from look of road and adverse affect on people using the road; any replacement should be more in character with the area; the existing garage is predominantly asbestos construction, and its demolition presents Public Health issues; Greenway is a sought after area, this will not be in keeping with that character; overdevelopment; 'a mini-mansion' in an area of bungalows; loss of privacy to dwellings opposite; there have been 3 cars parked at the property already; previous applications in the area, which have proposed increases in roof heights and dormers, have been refused as these were out of character; precedent of other proposals being refused as these were out of character due to design, height and size.

4 letters on revised plans

The new proposals will bring the building within 2.5m of the boundary, will still result in loss of light, loss of views and privacy; plans do not look professional; bringing the house forward will result in less room for parking; the rear of the proposal looks like a factory with its different roof heights; the new house will be forward of the established line of bungalows and be even more out of character; overlooking to residents opposite will be worse now building has been moved forward; the street scene plans omit some details and thus misrepresent the scale of the proposal; the previous comments still apply, but these are made worse by the bringing forward of the proposal; the roof/dormers will be more prominent as the building is brought forward.

Previous objector still objects to amended plans; dormer window will still overlook the rear garden of No 23; still objects to loss of light; loss of outlook and loss of views; wishes to see a replacement bungalow, not the current scheme.

## **PLANNING POLICIES**

PPS3 - Housing,  
T1 - TDBCLP - Extent of Taunton,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,

## **DETERMINING ISSUES AND CONSIDERATIONS**

In Planning Policy terms there is no presumption to keep bungalows in the area, and street scenes often have a staggered building line. The main front line of the new building is in the same position as the original bungalow, the porch and garage will project 1.5m. Some variety in dwelling sizes already exists in the road, there are some two storey dwellings further north and south in Greenway. Any proposal should ensure that there is no material detriment to the occupiers of the immediately adjoining residents. The amended plans which move the proposal slightly towards the highway and away from No 23 should result in some increase in the amount of light and less of a loss of outlook to the side window of the kitchen/diner, when compared with the originally proposed dwelling. This is considered to be an improvement from the original submission for these residents. There is sufficient parking on site for at least 3 cars on site, the Local Plan requires 2 spaces for a four or more bed property. Whilst the originally submitted plans showed a larger area in the front of the dwelling, it was all hard surfacing, which was considered inappropriate to the area. The amended plans result in the retention of the front and side hedge, some grassed area and with provision of a new tree. In respect of the comment about the Highways Officer viewing the proposal as a replacement when it is in fact larger; the Highways Authority considers use of the land, thus this is a replacement of one dwelling by another dwelling. In terms of distances between buildings, there is no minimum distance required; the dwellings opposite the site, on the other side of the road, are set approximately 35m from the proposed dwelling. This is considered acceptable.

As regards overlooking from the proposed balcony, the side and parts of the rear facing west walls of this are shown to be solid brickwork, this it would be similar to an upper floor window. The latest amendment deletes one of the rear facing dormers, but retains one dormer nearer No 23. At present the adjoining properties are not overlooked by upper floor windows, but the side facing windows of No 23 currently overlook the application site, there is a relatively low fence and No 23 is sited on a slightly higher ground level. Thus there will be some overlooking of the gardens by the upper windows in the new dwelling, but this is not considered to be sufficient reason to refuse the proposal. Whilst the design is different to the existing building and the other dwellings in the area, this is considered to be acceptable. The Council's Environmental Health Department has been advised about the possible asbestos in the garage. In respect of previous applications in the area for dwellings or dormer extensions or other enlargements in the roof area, each application is treated on its merits, and in particular the revised proposal at No 35 was approved as a 4 bed dwelling with 3 flat roofed dormers as a part roof extension part rear extension.

In summary, the new dwelling will have rooms within the roof, and the adjoining dwellings are bungalows with no upper floors, the dwellings opposite are two storey, albeit that the rooms are within the roof space, and there are two storey dwellings on the western side of the road away from the site. The dwelling is considered to be appropriate in this area.

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

Recommended Decision: Conditional Approval

The proposal for this replacement dwelling is considered not to have a detrimental impact upon visual or residential amenity of the locality or the

immediate neighbours and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The variety in dwelling type is considered acceptable and brings character into this area in accordance with PPS3.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Site Location Plan  
(A3) DrNo. 1 Floor Plan  
(A3) Dr No. 2 Elevation  
(A4) DrNo. 3 Street Elevation  
(A4) DrNo 4 Site Layout Plan  
(A3) DrNo 9 Floor plan- Revised scheme  
(A3) DrNo 10 Elevations- Revised scheme  
(A4) DrNo 11 Site layout plan revised

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: To avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policy EN6.

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

5. Any drive and/or turning areas hereby permitted shall be constructed so as

to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development. For the purposes of this condition permeable means either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with guidance contained in Planning Policy Statement 25.

6. The bathroom window, side dining room windows, toilet windows and utility room door to be installed in the southern and northern elevations of the building shall be obscure glazed and the windows shall be 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) to the satisfaction of the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

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

7. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.  
  
(ii) 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

8. The dwelling, hereby approved shall not be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

9. 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 modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

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

10. 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 the garage hereby permitted shall be limited to domestic and private needs of the occupier and shall not be used for any business or other purposes whatsoever.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy M4 of Taunton Deane Local Plan and relevant guidance in PPG13.

11. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife consultant's submitted report, dated February 2010 and include:

1. Details of protective measures to avoid impacts on protected species during all stages of development;
2. Measures for the enhancement of places of rest for protected species.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To enhance the development for protected species in accordance with PPS 9 Biodiversity and Geological Conservation.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A, B and/or C of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In order to protect the character of the area and consider any potential impact on neighbouring in accordance with Policy S1(D) of the

Taunton Deane Local Plan.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in any elevation of the development hereby permitted without the further grant of planning permission.

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

Notes for compliance

1. You are advised to contact the Council's Environmental Health Department in respect of the garage and dwelling prior to any demolition, in case there are any hazardous materials present.
2. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, connection(s) onto Wessex Water infrastructure.
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications (Wessex Water, Claverton Down, Bath, BA2 7WW, 01225 526000).
4. The soakaways should be constructed to BRD 365 (September 1991).
5. You are advised to have regard to the position of any drains or other underground services which may cross the site or be close to the boundaries of the site.
6. Provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
7. The alteration of the access will involve construction works within the existing highway limits. These must be agreed in advance with the Highway Service Manager at Taunton Deane Area Highway Office, Burton Place, (0845 345 9155). He will be able to advise upon and issue the relevant licenses necessary under the Highways Act 1980.
8. The condition (11) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal.
9. It should be noted that the protection afforded to species under UK and EU

legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Bat and bird boxes can be obtained from Alana Ecology, The Old Primary School, Church Street, Bishop's Castle, Shropshire SY9 5AE Tel 01588 630173 [www.alanaecology.com](http://www.alanaecology.com)

**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**



# **Taunton Deane Borough Council**

## **Planning Committee – 21 April 2010**

### **Miscellaneous Item relating to enforcement action at Taunton Vale Sports Club, Gipsy Lane, Taunton**

#### **Report of the Head of Legal and Democratic Services**

##### **Background**

Members may recall that there has been a long standing issue at the Taunton Vale Sports Club with complaints, since the facilities were first erected, that the condition intended to prevent floodlights shining into nearby residential properties was not being complied with.

Various attempts have been made over the years to resolve the issue between the Club and the local residents but without success. When the second phase of development took place in 2008 a further condition was imposed requiring the original floodlights to be shielded to afford the intended protection to the local residents.

The shielding was not carried out although the angle of the lights was altered to improve the situation. The local residents still complained of lights shining into the rear of their properties. As a consequence in October 2008 a Breach of Condition Notice was served requiring compliance with the condition requiring shielding. This led to further discussions and some further alterations to the floodlights.

The alterations did further improve the position and the Club applied for a variation of the condition which would require the lights to be maintained as they were at that stage. However, when the application was reported to Committee, Members heard that the local residents were still suffering light intrusion and deferred the application for further technical advice.

##### **The present position**

The Club subsequently agreed to fix the shields as required by the original condition and this was done in December 2009. A recent visit to the Club and the adjacent properties has confirmed that the shields have been fitted and, although the local residents still have some reservations, the view of the officers is that the condition has now been complied with.

In addition, the residents also have concerns about the lighting of the car park at the Club, which they also find intrusive. This lighting is not conditioned and is similar to orange street lighting. The Club have agreed to look at altering the angles of these lights on a voluntary basis.

## **Recommendation**

Members are asked to note the contents of the Report and agree that no further action be taken against the Taunton Vale Sports Club in respect of the earlier breach of condition.

Tonya Meers  
Head of Legal and Democratic Services

Contact Officer : Judith Jackson 01823356409or [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)

# **Taunton Deane Borough Council**

## **Planning Committee – 21 April 2010**

### **Enforcement item**

#### **1. File/Complainant Number E/0083/08/10**

#### **2. Location of Site**

MAIDENBROOK FARMHOUSE, TUDOR PARK, TAUNTON

#### **3. Names of Owners**

MR M MEIN  
MAIDENBROOK FARMHOUSE  
TUDOR PARK  
PRIORSWOOD  
TAUNTON  
TA2 8TD

#### **4. Names of Occupiers**

MR M MEIN

#### **5. Nature of Contravention**

**ERECTION OF FENCE ON LAND TO REAR OF MAIDENBROOK FARMHOUSE,  
TUDOR PARK, TAUNTON**

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

Planning permission and Listed Building Consent were granted in 2002 for the conversion of Maidenbrook Farmhouse into two dwellings - Maidenbrook Farmhouse (northern dwelling) and Mill Leat (southern dwelling). The permission allowed the domestic curtilage of the farmhouse to be split between the two new units. When the conversion works were completed the site owner sold the units with a significantly reduced domestic curtilage to that associated with the planning and listed building permissions. In 2005 a planning application was submitted for the erection of a dwelling on the former garden land to the rear of the new units. Planning permission was subsequently refused by committee at which time enforcement action was authorised to secure the removal of the fencing around the reduced garden area.

The applicant lodged an Appeal against both the refusal of Planning permission for the new dwelling and against the Enforcement Notice for the removal of the unauthorised fence. During the Appeal process for the new dwelling, the Enforcement Appeal in respect of the unauthorised fence was held in abeyance, at the request of the appellant. When the Appeal for the new dwelling was dismissed, the appellant withdrew the appeal in respect of the unauthorised fence.

The owner of Mill Leat has since purchased the rear area of garden to extend the domestic curtilage to that shown on the original planning permission. The owner of Maidenbrook Farmhouse has however declined to purchase the area of land to the rear of his existing curtilage. As such the site developer now proposes to sell the aforementioned portion of garden land to the occupier of one of the new houses to the west.

In March 2010 it was brought to the attention of the Council that the fencing around Maidenbrook Farmhouse had been altered. The unauthorised western boundary fence, (close boarded fencing) had been re sited approximately 2mtrs. In addition, a new fence, (comprising posts and black plastic netting) had been erected along the northern boundary. The owner of Maidenbrook Farmhouse has been advised that both of the aforementioned fences require Planning permission and advised that they are considered to be a) too close to the Listed Building and as such have a detrimental impact on the setting of the Listed Building and b) consists of inappropriate materials and design which further compound the detrimental affect on the character and setting of the Listed Building.

The owner has declined to submit retrospective applications.

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

The fencing by reason of location, materials and design is considered detrimental to the character and setting of the Listed Farmhouse, contrary to Taunton Deane Local Plan Policies S1(D), S2(A) and H2(F), Policy 9 of the Somerset & Exmoor National Park Joint Structure Plan Review and guidance as contained in PPS5.

## **8. Recommendation**

The Solicitor to the Council be authorised to serve an Enforcement Notice to secure the removal of the fencing and to take Prosecution action subject to satisfactory evidence being obtained that the Notice has not been complied with.

**Contact Officer Mr John A W Hardy Tel 356466**

# **Taunton Deane Borough Council**

## **Planning Committee – 21 April 2010**

### **Enforcement item**

#### **1. File/Complainant Number E/0296/06/09**

#### **2. Location of Site**

139 DARBY WAY, BISHOPS LYDEARD, TAUNTON, TA4 3BE

#### **3. Names of Owners**

MR GIORGI  
139 DARBY WAY  
BISHOPS LYDEARD  
TAUNTON  
TA4 3BE

#### **4. Names of Occupiers**

MR GIORGI

#### **5. Nature of Contravention**

**LARGE SHED ERECTED AT 139 DARBY WAY, BISHOPS LYDEARD**

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

Members may recall that this item came before them on 10 February 2010. Authorisation was given in respect of the large unauthorised shed. During the process of preparing the notice a letter was received from the tenant stating that the shed or a very dilapidated structure was already there when he took over the tenancy some six years ago. In view of this new information the authorised enforcement action has not been progressed. Further investigations have shown that the neighbours also confirm that the structure was there prior to Mr Giorgi taking over the tenancy. Under current Town and Country Planning legislation the structure would be immune from action by the Local Planning Authority as the building has been in place in excess of 4 years. This does not prevent the Housing Department taking action under a relevant section of legislation within their control.

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

Due to the above reasons it would not be expedient to take any further action.

## **8. Recommendation**

Members are asked to withdraw their previous recommendation for enforcement action and resolve to take no further action.

**Contact Officer Mr John A W Hardy Tel 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 21 APRIL 2010**

<b>Appeal Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
CONVERSION AND EXTENSION TO BARN TO CREATE HOLIDAY LET AT ORCHARD CROFT, BLACKMOOR, WEST BUCKLAND	17 MARCH 2010	E034/46/08 46/08/0027
INSERTION OF DOUBLE GLAZED WINDOWS AT 3 PARK STREET, TAUNTON, TA1 4DF	26 MARCH 2010	E87/38/2003(3)

**APPEAL DECISION FOR COMMITTEE AGENDA – 21 APRIL 2010**

<b>APPEAL</b>	<b>PROPOSAL</b>	<b>REASON(S) FOR INITIAL DECISION</b>	<b>APPLICATION NUMBER</b>	<b>DECISION</b>
APP/D3315/A/10/2123265/NWF	ERECTION OF 11KW WIND TURBINE (18.3 METRES HIGH TO HUB WITH ROTORS AT 13 METRES DIAMETER) AT BRIDGETS FARM, TOLLAND	The application site is located in an attractive area of countryside where it is considered that the proposed development, due to its size, form and siting, will have a significant adverse impact on the local landscape character by reason of its visual intrusion which will adversely affect the setting of this landscape. As such the proposal is considered contrary to advice given in PPS1, PPS7 and PPS22, and Taunton Deane Local Plan Policies C13(A) and EN12.	41/09/0026	The Secretary of State decided that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. Accordingly he directs that the development for which permission is sought is not EIA development.

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