

PLANNING COMMITTEE - WEDNESDAY 11TH SEPTEMBER 2002

Amendment Sheet

6 07/2002/013

As amended by applicant's drawing received 9th September, 2002.

Amended Recommendation:- Permission be GRANTED ... (as printed)

7 10/2002/015

LETTER OF OBJECTION received from Cllr Dawson:- Two similar applications, Nos. 10/2001/005 and 10/2002/015, have both previously been refused by the Planning Committee for exactly the same reasons: namely that the building is of insufficient quality to justify its retention and that substantial alterations would be needed to convert it to a dwelling. Mr Young appealed to The Planning Inspectorate in respect of his first application but this was dismissed after the Inspector concluded that the proposed conversion would have an adverse effect on the character and appearance of the rural area. I understand that this latest application is not significantly different to the two submitted during 2001. Consequently, as Ward Councillor, I ask the Planning Committee to be consistent and once again refuse to grant planning permission for the proposed development.

8 10/2002/016

SOUTH WEST WATER no objection to the proposal in principle.

9 14/2002/010

Additional Condition re construction details.

11 29/2001/013

As amplified by applicants letter dated 9th September, 2002.

Further letter from applicant that states that he has agreed with neighbours for a working hours condition to be put on of 0900 - 1800 Monday to Friday, with no weekend or bank holiday working of machinery.

ENVIRONMENTAL HEALTH OFFICER (further comments) conclusions of further noise tests:- although measurements were not taken at the boundary of neighbouring property due to problems of reflection off surfaces and access they were taken at an appropriate position. The results show that noise emanating from the workshop from the use of the noisiest machines complies with the recommended conditions which states that noise should not exceed background levels by more than 5 dB(A). This is within the recommended guidance levels as stated in BS 4142. This is providing all doors and windows are kept closed during operation of the machines. I would also recommend that operation hours for noisy work should be:- 0800 - 1800 weekdays, 0800 - 1300 Saturdays. No noisy working on Sundays or public holidays.

LETTER OF OBSERVATION received from nearby resident suggesting that problems no longer occurring. One of the previous objectors has indicated that he/she will no longer object if working hours Monday - Friday 9 .m. - 6 p.m. (5 p.m. in summer) only; any other time should be separately agreed.

Amended Recommendation:- change condition to read "permitted working hours of between 0900 - 1800 weekdays and no use of machinery on weekends and Christmas day or Bank Holiday.

4 38/2002/221

LETTER OF OBJECTION RECEIVED from Cllr Miss Phippen:- I wish to object to the recommendation for permission to be granted for this change of use. There is need for consistency in planning policy. Since there is a fully justified recommendation to refuse permission for another public house in the High Street this application should also be refused because similar circumstances apply. There is need for Planning Committee to consider the implications of Section 17 of the Crime and Disorder Act 1998 as well as the reason for the failure to set conditions relating to hours of business to ensure this does not become another night club.

A separate application has been received by a different applicant for a change of use to A1 (retail) with an ancillary coffee/tea shop.

12 38/2002/232

TWO FURTHER LETTERS FROM KNIGHTSTONE who manage St James Court:- concerned over potential gathering point outside Quadrant Court; noise nuisance; cramped development; lack of amenity space; security. TWO ADDITIONAL LETTERS OF OBJECTION on revised drawings (including 34 signature petition):- dividing wall will still be lost and concern if windows can open through public access; building abuts neighbours garage which could be damaged.

13 38/2002/272

1 FURTHER LETTER RECEIVED WITHDRAWING AN EARLIER OBJECTION stating:- I have followed up my original observations and wish to make the following statement. I have read the full report to be submitted to the Planning Committee and note that the County Highway Authority have stated that the proposal will have no impact on highway safety. My concerns centred around the prospect of the open plan aspect of the estate being eroded away. I have received reassurances that this will not happen and that all applications are given a fair hearing with the overall impact on the area taken into account. Finally I understand that the applicants are prepared to provide clematus plants to soften the final construction. Having carefully considered all relevant information I wish to withdraw my original statement . I request that the committee be made aware of the content of this letter.

14 38/2002/286

ONE FURTHER LETTER OF OBJECTION RECEIVED.

15 38/2002/287

1 FURTHER LETTER OF OBJECTION has been received on the following grounds:- permission should be refused due to the size of the proposal, and depth of 1 m is adequate and more in keeping; this would also be better for security.

Additional letter received from Agent:- Please note the following points in support of the A3 proposal:- 1. This site is at the very edge of the primary area and not central to it. 2. Your Council has already granted other larger A3 uses in the Primary and in the High Street and closer to the main shopping areas (namely Yates and Toad in the Warehouse). It is therefore inconsistent to reject these A3 proposals. 3. Warmsleys is trading at a loss and has been for some time. Footfall is low. 4. The proposed A3 use will generate massive footfall both in the day and also into the evening. We enclose copy survey evidence of the SFI Bar Med in Bournemouth (a sister brand to The Litten Tree). This demonstrates very high daytime numbers of customers and also that 83% of customers make linked shopping trips. Compared to the trading characteristics of Warmsleys furniture shop there is no doubt whatsoever that the A3 use will benefit the locality and provide trade and a lively future for the car park redevelopment. 5. Busy A3 uses are properly located in town centres. They add to the evening economy. They are supported by PPG6 (diversity of use, the evening economy) and PPG15 (because the amount of activity they generate). 6. Consultants appointed by your own Council to assess the retail function of Taunton, have reported that the principal weakness of the town centre was its under representation of restaurants and insufficient leisure opportunities to sustain a vibrant evening economy. The Litten Tree will go a good way to improve this situation. 7. The Litten Tree itself is a vibrant use. It serves meals all day and into the evening to residents, workers, visitors and families. In the evening it becomes more a young persons venue. It is a true chameleon and will inevitably generate trade and activity at the end of the High Street. 8. In recognition of the vibrancy of this particular A3 use, the company is quite prepared to accept the following condition:- "That the premises be first occupied by SFI Group Plc as a Litten Tree". This condition has precedents. We enclose a copy consent from Rugby where Rugby Borough Council was particularly keen to ensure a Bar Med use by SFI as opposed to any other A3 use, as it was recognised that that particular use would generate quality, activity and interest.

LETTER OF OBJECTION from Cllr Miss Phippen:- I fully support the recommendation for refusal on the grounds of our need to maintain the viability of this area for shopping requirements and also to support the Police in their fight against problems associated with the growth of pubs and clubs in this part of town.

Letter from lessee of adjoining property objecting on crime and disorder grounds outlining existing problems.

Amended Recommendation:- Also subject to the receipt of further observations of the Environment Agency removing their objection and 4th line to read "... to the Parish Council or a Management Company for use as ..."

COUNTY HIGHWAY AUTHORITY no objection in principle to the application, however there were issues raised with the previous application which may still need to be addressed. HIGHWAYS AGENCY it appears that the application is identical to that covered by planning application 46/2001/017, hence we consider that it will also have a negligible impact upon the trunk road network. Thus we do not intend to direct against the proposal.

NYNEHEAD PARISH COUNCIL the interests of Nynehead residents are unlikely to be significantly affected by the development and therefore have no comments to make.

TWO FURTHER LETTERS OF OBJECTION additional points - physically acts as a vital buffer zone to retain what is agricultural land in an attractive rural setting; may influence crime within the area as well as the quality of family life; at present homes in Chelston Terrace and Ham have an important rural aspect between them and industrial buildings will intrude between the communities in a visual and physical way; proposal is primarily a profit making venture; present industrial estate employs people who primarily commute from other areas.

Page 23 Section B - delete first two sentences and insert:- "The SW Regional Development Agency has recognised an unsatisfied demand for industrial and warehousing space across the district.

Appeal lodged against previous refusal of planning permission.

17 46/2002/024

As amended by letter dated 10th September, 2002 with accompanying drawing No. 2711/1A.

COUNTY HIGHWAY AUTHORITY recommends refusal of the application on highway grounds for the following reason:- "The site is located outside the confines of any major settlement in an area that is remote from adequate services, employment, education, public transport, etc. The development, if approved, will increase the reliance on the private motor car and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review." Should the benefit of retaining the building outweigh the transport sustainability issues, would recommend that conditions be applied re visibility splays of 2.0 m x 45 m in each direction; properly consolidated access over first 6 m; and entrance gates to be hung to open in wards and set back a minimum distance of 4.5 m from the carriageway edge.

Observations of the Chief Planning Officer:- I consider that securing the future of this redundant traditional agricultural building outweighs the sustainability argument of the County Highway Authority. The visibility splay requirements of the County Highway Authority would have a detrimental impact on the rural character of the rural lane at this point.

Additional Condition re obscure glazing in east elevation as indicated on amended plans.

Amended Recommendation:- Subject to the receipt of structural report the Chief Planning Officer ... (as printed).

18 51/2002/006

At its nearest point the proposal will be approximately 30 m away from the listed Baptist church.

ONE FURTHER LETTER OF OBJECTION has been received raising the following comments on the consultation process:- THE LANDSCAPE DEPT - This does not assist members all. This is a special landscape area where there is a duty to protect and improve the landscape and to protect and improve the quality and character of settlements. See para 2.4 local plan. The landscape report deals with none of these matters. Not one sectional plan has been submitted to the authority (or requested) showing the relationship of this huge building to the adjoining residential accommodation or the listed building. I regard this as an abrogation of any proper analysis by the landscape officer. This building will be visible from the 'Mump' and will be seen to be connecting the residential and listed building together such is the proximity. The relationship to the adjoining residential accommodation and listed building is such that it will dominate and be wholly overbearing. I note the landscaping report is wholly silent on this. In such it is so inadequate that members are being materially misled by its brevity and lack of analysis. THE HIGHWAYS DEPT It is now acknowledged (which was not the case before the previous application) that the existing access on the corner of the site is dangerous. It is now recommended that the existing frontage access on Riverside be used. It is not currently used for good reason. It is directly on a curve on the lane with no site lines to right existing. It is extremely dangerous. The report mentions nothing of this. This access could not remotely comply with any standard and it is significant that the Highways Officer does not maintain compliance. I regard this as a material deficiency. I, moreover note (a) There is no analysis on the nature of the lane and highways safety of pedestrians and equestrians I drew attention in my last letter to the fact that many questions (namely 16 - 22) had not been answered on the planning application form. In particular question 20 requires an assessment of traffic. This has not been done. Further, the cumulative impact has not been carried out, nor has a cumulative impact been carried out in conjunction with the haulage depot at the end of Riverside. I would expect any competent report to assess these pursuant to the applicant submitting details in accordance with the terms of the application. This is a single lane track, with no footpath in the village with the village

school at the end of the lane. The combination of a significantly substandard access, narrow lane, interim additional traffic make this site wholly inappropriate and dangerous. The lane is wholly unsuitable for HGV traffic. The applicant is still advertising 18000 sq ft of warehousing in existing premises. I have specifically raised (see past) that there should be an analysis of existing accommodation on the farm as a whole (not just this site). I am not aware that this has been done.

CONSERVATION AND LISTED BUILDINGS The Conservation Officer simply indicates that the current proposal is better related to the existing agricultural buildings. This is wrong. This building will be extremely close to both the adjoining residential accommodation and the listed building. There are no 'sections' to show the impact and proximity. There is no analysis of the significance to the listed building nor assessment on the setting. Members respectfully have not got any proper guidance either on the statutory tests to be applied or analysis based upon a proper examination. ADAS REPORT Pursuant to PPG7 the countryside must be protected for its own sake. This applies with greater force where the area is one which is 'extremely attractive' and part of the Somerset Levels and Moors Special Landscape Area. It follows that substantial additional buildings should not be permitted unless the Environment Protection objectives are met. They are:(i) Protect and improve landscape, quality and character of the countryside. (ii) Protect and improve the quality and character of settlements. There is no suggestion by anyone that this application meets these criteria. Moreover, the ADAS report only bases its assessment on this building on this site. There is no assessment on the buildings available on the farm as a whole. As mentioned above 18000 sq ft is currently being advertised. ADAS should have looked at the availability of the existing buildings. There is no suggestion that they did. Further additional buildings should not be permitted without this information being available. There is no policy support that buildings of this size can be justified where justification relates to land not owned by the applicant. Over 500 acres or thereabout of the 700 relied upon is owned by other farmers. If the contracts are not renewed this building will be massively surplus and way oversize for a farm of 200 acres. This is the second building of a similar size. I personally have seen the buildings being used for non-agricultural purpose. Members should please insist on a proper disclosure of the current buildings and their current use. Further no account has been taken of what buildings exist for storage in the circa 500 acres that are under contract. It is inconceivable that storage does not exist. It may be that other buildings/locations within the farm do not have these highway problems. SUMMARY In my view there are quite overwhelming reasons why this application should continue to be refused. Members should please read together my detailed analysis and objection dated 30th January, 2002 and supplementary letter dated 2nd July, 2002 and not rely on a Summary.

Copies to:
CHAIR/NTN/TB/JM/CDW/AG/DA/JH/KM/JLH/IC/TAB/CJW/HM/H&L/RWF/
Planning Reception/JJ/RB/17 Committee Members/15 Public