

**Planning Committee - WEDNESDAY 28th JANUARY 2004
Amendment Sheet**

7 31/2003/032

Reason(s) for Recommendation:- 2nd line should read "... limits of Henlade and it is considered that the scale and design of the dwellings are .."

9 38/2003/641

COUNTY HIGHWAY AUTHORITY no objection subject to conditions.

10 38/2003/650

As amended by agents letter dated 19th January, 2004 and attached plan No. 2003/62/1.

SOMERSET & AVON CONSTABULARY views awaited.

Chief Planning Officer's comment:- The fear of crime is a valid planning concern and the comments of the Police are awaited.

Delete the sentence under Assessment which reads:- "In terms of anti-social behaviour ... rather than its built form".

Subject to the views of the Somerset & Avon Constabulary raising no objection to the proposal the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED ... (as printed)

N/A 42/2003/047CA

As amended by drawings attached to BBA Architect's letter dated 23rd January, 2004.

These drawings amend the detail of the orangery. The Conservation Officer has studied these and raises no objection.

POLICY UNIT Further to your request for clarification on the relevance of the local plan figure of 20 units at Gatchell House and its relevance in relation to the current application (28 apartments), I have set out my comments below:- The revised deposit Local Plan (Nov 2000) refers to a residential allocation at Gatchell House under policy T25(M). Paragraph 3.7 of the revised deposit refers to this (and other) sites 'assumed densities' in contributing to the Structure Plan housing requirements. Assumed' is the critical word. It is based upon an assessment of an estimate of the number of dwellings that could be incorporated

within the allocation, having regard to existing constraints such as the allocations setting within the conservation area and protected tree groups etc. The supporting text at paragraph 8.172 refers to larger style houses'.

From a policy perspective it is largely irrelevant that the current application is for 28 apartments rather than 20 larger houses. What is important, as the previous Inspector noted, is that what is proposed is of a scale and character in keeping with the area. If additional units can be designed to complement the conservation area, an increased density would be consistent with the aims of PPG3.

ENGLISH NATURE Thank you for sending English Nature a report of the bat survey undertaken in December 2003 for the proposed development of Gatchell House. After consideration of the document, we should like to make the following comments. 1. English Nature notes that no evidence of bats was found in the roof voids/attics in the buildings, however, a winter survey is unlikely to reveal evidence of crevice dwelling bats such as the pipistrelle - a species found in the earlier emergence survey. 2. English Nature would advise that the work to remove the bargeboards and fascia boarding should be done in April or October in order not to disturb any bat during the breeding season, that may be roosting beneath the bargeboards; therefore, the builders must take extreme care. If bats are discovered then the builders must stop work, and English Nature must be contacted for advice on how to proceed. 3. As stated in our previous letters we fully support the suggestion to provide provisions for bats in the new development.

E-Mail received from CLLR EDWARDS I have considered my position with regard Gatchell and have concluded that I am still not in support of the application. Unfortunately I will not be available for the meeting as I am in London working however I would appreciate my comments been noted and circulated to the Councillors at the meeting through the update sheet. My objections are for the following reasons: The loss of a sporting facility PPG 17. The majority of residents of Trull and Staplehay have indicated their objection to this application and they want to see the sports facility returned. In essence no community support. The Parish Council clearly indicated their lack of support by rejecting the application at their recent meeting. Over development of the site. Lack of need especially since the development a Blagdon Lodge. The number of units exceeds the number indicated by the inspector of the Local Plan. Continued opposition from Sport England.

23 ADDITIONAL LETTERS OF OBJECTION

6 ADDITIONAL LETTERS OF OBJECTION including letter on behalf of Gatchell House Action Group suggesting that decline in interest in squash is due to lack of local provision, that only change from previous proposal is increase in contribution to alternative provision; that proposal exceeds number of dwellings envisaged by Local Plan Inspector; density will detract from setting and character of Conservation Area; question the validity of the permission in the walled garden; and suggesting that local opposition should be listened to.

N/A 42/2003/048

As amended by drawings attached to BBA Architect's letter dated 23rd January, 2004.

These drawings amend the detail of the orangery. The Conservation Officer has studied these and raises no objection.

Additional Condition requiring details of joinery to orangery to be submitted for approval.

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

N/A 42/2003/049

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42/2003/048 & 42/2003/049) - Additional Condition requiring details of joinery to orangery to be submitted for approval.

(42/2003/048) Amended Recommendation:- Permission be GRANTED ... (as printed)

(42/2003/049) - Amended Recommendation:- Subject to the applicants entering into a Section 106 ... (as printed)

11 43/2003/136

3 LETTERS OF SUPPORT fence is not detrimental to visual eye, or imposing; fence is neat and tidy; no objection to fence; not detrimental to visual amenities of area, does not impact on open plan layout; no reduction to my natural light; gates have never been left open or caused obstruction to footpath or shared area; instead of looking at a vehicle parked on tarmac next to garage, you are now greeted by a tidy, timber fence and gate.

Assessment:- Delete "The plans ... amenity of the area." i.e. the 4th and 5th sentences.

Amended Recommendation:- Delete and replace (ii) with new reason for refusal:- The wooden gates to the rear of the property open outwards onto a footway causing obstruction to the highway, detrimental to highway safety contrary to Somerset and Exmoor National Park Joint Structure Plan Review

12 48/2003/064

LETTER FROM APPLICANT 1. Visual impact of development on the landscape (western boundary of site):- A landscape statement will be submitted in the near future, following discussions with your Landscape Officer, Mr Clark. 2. Surfacing of Sidbrook Orchards road:- I believe there are two separate issues here - firstly the need for a planning condition requiring the surfacing of part or all of the existing access road, and secondly the requirements of the Highways Act with regard to provision of a road, adoptable or otherwise, to serve the development. (a) Regarding the first issue, I would clarify that rights of access to the development site (for new development) over the Sidbrook Orchards road are in place, having been retained when I sold the land to the developer of the barns. These include the right to use existing services in the lane and lay any new services that would be necessary, for the proposed development, subject of course to the satisfactory reinstatement of any trenches. The issue of resurfacing the road was, as you are aware, the subject of enforcement action by TDBC under the earlier permission for the barn conversions (Ref.48/97/078). I understand this could not be pursued because the owner of the road set up a management company (Lanewatch Ltd) passing the responsibility for the road surface onto the residents, whilst still retaining ownership. If a similar condition were to be imposed on the permission now applied for it would surely meet with the same problem with regard to enforceability - Circular 11/95 advises that a condition should not be imposed if it cannot be enforced. Furthermore, the owner of the road has stated that I do not have the right to surface the road and he is not in agreement with me carrying out the work - even though I am prepared to bear the full cost of work which is his responsibility. I will also undertake to provide the visibility splay which was also a condition of his permission but never implemented. In view of the above difficulties, the condition recommended by the Highway Authority requiring the first 15 m of the access road to be surfaced (or a condition requiring the whole length to be surfaced) is neither achievable nor enforceable. I also consider it is not essential. I understand the main concern of the Highway Authority is the impact of development traffic on the public highway eg. whether loose stone is likely to be run out onto the surface of the road creating a skid hazard, or whether vehicles will need to make an unsafe manoeuvre from the access, such as reversing out. I am prepared to address these issues as far as I am able to within my ownership and the limits of the public highway and would request that the surfacing of the first 5 m only of the access road should be conditioned - the length of a car. (This would be situated within highway limits). (b) With regard to the Highways Act, Section 219 requires the payment of the cost of making up the road 'if the building will have a frontage on a private street'. The proposed buildings will clearly have a frontage onto any 'new street' located within the

development site, although such a road could not be adopted as it would not connect directly to the public highway. The proposed buildings will not however have any frontage to the existing access road serving Sidbrook Orchards and payments cannot therefore be sought by the Highway Authority for the surfacing of the existing road. There is however under the Highways Act the opportunity for the residents of Sidbrook Orchards to request that the Highway Authority carries out 'urgent repairs' to the road, or makes up and adopts the road under the Private Street Works Code. Either way this is probably not material to the planning application.

3. North Lea concerns:- I understand objections have been received from my neighbours at North Lea, to the south of the access road, particularly regarding the adverse effect the proposed road narrowing may have on their ability to park by reversing into their driveway (I believe they have several cars but no turning area). This movement is not desirable even in the current circumstances and I have therefore offered to construct a turning area within their front garden so they will not need to reverse in. I haven't yet heard whether they are in agreement. Regarding their concerns over traffic speeds, the narrowing of the road at this point together with any other road markings and signage required by the Highway Authority should help to encourage drivers to conform to the 30 mph speed limit. It will also improve the visibility from North Lea's drive as well as the site access by bringing the stop position of vehicles slightly further out as the site access by bringing the stop position of vehicles slightly further out.

COUNTY HIGHWAY AUTHORITY there has been much correspondence received both from the Local Planning Authority and residents and neighbours of Monkton Heathfield both for and against the planning application. This correspondence has raised several issues regarding ownership of land, suitability of access and Advance Payments Code Legislation within the Highways Act which prompts me to write a further letter in respect of this application in order to clarify the position of the Highway Authority. In my view there are three main areas which need to be considered:-

1. The form of access onto the public highway to include adequate visibility splays and the treatment of Greenway with respect to additional road markings etc.
2. The form and function of the access drive which is shown within the red line on the application plan, and
3. The internal design and layout of the site notwithstanding the fact that this is a reserved matter.

1. The Access onto the Highway:- In order to create an acceptable access with appropriate visibility splays alterations to the edge of carriageway along the site frontage will be necessary. At the moment there is an extra wide area of tarmac in the vicinity of the access, the general width of the public highway is between 4.8 and 5.5 m along this length of road. It is proposed to bring the stop line for the site access road to a point 5.5 m from the opposite kerb, this will provide a through carriageway width of 5.5 m which is acceptable to the Highway Authority. The repositioning of this stop line will redefine the carriageway edge and will enable the following visibility splays to be provided. 4.5 m x 3.6 m to the south and 4.5 m x 3.9 m to the north. In addition visibility splays of 2.4 m x 6.0 m in each direction will be provided. There should be no obstructions within any of these visibility splays in excess of 300 mm above

adjoining carriageway level. Such visibility splays to be provided prior to the occupation of any dwelling granted permission. In addition the form of the access onto the public highway and the treatment of the highway edge will need to be the subject of approved detail and I would request a Grampian condition be attached requiring the Applicant to submit suitable plans and details of the proposed access so that they be approved by the Local Planning Authority in conjunction with the Highway Authority prior to the commencement of any work on site. The Applicant also proposed traffic management works to augment the existing 30 mph speed limit, these are likely to be in the form of additional road markings and signage. Exact details will need to be agreed with the Highway Authority and their provision will need to be secured by separate legal agreement with the Highway Authority. 2. At present the access road leading to the development site is in the form of an unsurfaced track apart from the first 15 m of the access which is hard surfaced. In my opinion it is unsuitable in its present form to serve as a means of access to the proposed development, in fact conditions were attached to the previous consent for the barn conversions to require the hard surfacing of this track, this condition has not been implemented and I understand the Planning Authority proposes to take no further action to secure the implementation of this condition. 3. The form of the proposed development means that charges under the Advance Payments Code will be applied to the new dwellings. Whilst this is not strictly a planning consideration this will mean that the Highway Authority will require all the roads to be laid out to an appropriate standard to ensure that they do not become in so unsatisfactory a state as to warrant action being undertaken under the Private Street Works Code. In order to secure these works I would recommend the following condition to be attached to any consent which may be granted. The proposed estate roads, footways, footpaths, cycleways, but stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving 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, gradients, materials and method of construction shall be submitted to the Local Planning Authority. I understand the Applicant is willing to make up all the roads to a suitable standard. I believe a further Grampian condition should be attached to secure the design and construction of an access road which is to the satisfaction of the Local Planning Authority. In summary the Highway Authority does not object to the proposed development subject to the appropriate conditions mentioned above being attached to any consent which may be granted. ENVIRONMENT AGENCY raise no objection subject to conditions for the submission and approval of surface and foul water drainage details. LANDSCAPE OFFICER the landscape assessment indicates the provision of a landscaping belt on the western boundary of the site which is acceptable in principal, details and future management must be secured by condition.

4 LETTERS OF OBJECTION have been received raising the following additional points of objection:- the alternative farm access from Gotton would have better visibility and would allow a refuge vehicle to go to the properties to collect weekly refuse, refuse is currently left at the top of Sidbrook Orchards and smells in hot weather, an additional 6 houses rubbish would be likely to cause a serious environmental health hazard; the new visibility arrangement, narrowing Greenway will make it dangerous for existing residents to reverse into their drive; the existing access track is too narrow to accommodate the additional volume of traffic likely to be generated by this proposal and such use will be dangerous for children and animals and will not provide adequate access for emergency vehicles; the overflow vehicles from the office often park where the access to the new development would be and servicing vehicles often block the lane completely; the access to Sidbrook Farm should be considered as an alternative as there is potential for a larger visibility splay and is further inside the 30 mph speed limit where traffic is generally going slower, this access currently serves less traffic and appears wider; vehicles park adjacent to the bollards to the south of the proposed access, creating a blind spot for the use of the junction and vehicles cross the opposite carriageway in order to turn into the lane; the increased use of the track will create additional noise for occupants living adjacent to the track; new residents should be equally responsible for the upkeep of the pumping station and are concerned that the existing pumps will be inadequate; the proposal for 5/6 dwellings should be a maximum for this 'quiet country' site; there should be no street lighting as this will have a detrimental impact on the amenity of existing properties.

Additional Conditions re removal PD Rights for fences/walls, grampian condition no development shall take place until the existing access track leading to the development site shall have been upgraded and resurfaced in accordance with details and specifications to be submitted to and approved in writing by the Local Planning Authority, such detail to include provision of an acceptable visibility splay and appropriate traffic management works to augment the existing 30 mph speed limit on Greenway, and estate roads,

Delete conditions on hard surfacing and access gradient.

Additional Note re sustainable drainage systems, landscape belt to be planted as soon as the development is commence.

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

13 48/2003/067

As amended by Trevor J Spurway (Architects) letter dated 23rd January, 2004 and drawing 0340/03A attached.

Additional Condition requiring provision of lay-by and parking spaces in accordance with submitted drawings.

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