

Amendment Sheet

N/A 06/2004/025

PARISH COUNCIL - noted previous statements that Taunton Deane Borough Council prepared to remove the residential development allocation from Taunton Deane Local Plan. It was agreed not to support the application and reiterate previous observations upon the application.

There have been two inquiries, at Local Plan level and that of an appeal by the applicant, upon the refusal for planning consent by the Planning Authority.

This council is well aware of planning regulations and constraints within which both inspectors conducted their examination and assessment but analysis of detail together with conclusions attributed to the main issues, notwithstanding the aspect of flooding, together with the impact upon the environment and the well-being of the community of Bishops Lydeard and considers that the Appeal Inspector had a more pragmatic approach to the development proposals.

With two diverse expert opinions, by two examining inspectors, there is more than reasonable doubt upon the importance for residential development and this council continues to acknowledge that the Appeal Inspector had a more pragmatic approach to the potential of residential development on the site and was unambiguous within the appeal dismissal report upon planning consent refusal, citing by reason, inadequate flood prevention measures and erosion of the rural setting.

ADDITIONAL LETTER FROM AGENTS FOR APPLICATION. Reiterates the view that the Local Plan Inspector in para. 10.4.5.7 makes it absolutely clear that the site falls within category 3a, that the Local Plan Inquiry was far more thorough than the written appeal, that the Local Plan Inspector took very detailed evidence from the Environment Agency. The agent considers the report to Committee emphasises the views of the Planning Appeal Inspector.

AMEND RECOMMENDATION 1 to add "contrary to Policies S1(D), S8 and BL3, and contrary to Somerset and Exmoor National Park Joint Structure Plan Review to Policy STR1 and STR6".

AMEND RECOMMENDATION 3 to read "The site lies within an area shown on the proposals map...."

FORWARD PLAN - observations with regard to flooding issues:- Due regard must be given to PPG25 and the application of the sequential characterisation of flood risk. Each site must be assessed with respect to its risk from flooding. If the site is within the high risk category (which Lime Tree Farm certainly is) then further

assessment is carried out on the basis of the existing development on the site - this is then used to inform opinion as to whether development (in this case housing) can be accepted in principle. There is nothing within PPG25 that indicates that the presence of a planning approval for development/established use certificate etc, automatically qualifies the site as category 3a. The categorisation is based upon a functional/visual assessment.

To support this view, we have the decision of the Inspector to the Planning Application Appeal who, having regard to relevant policy and actual matters, came to the conclusion that the site should be classified as category 3b (undeveloped and sparsely developed land). Obviously, we then have the view of the Local Plan Inspector who came to a different opinion.

I note that legal advice has now been sought. I consider that policy matters have been appropriately considered by yourselves, and note that the report to Planning Committee clearly spells out the complexity of issues surrounding this proposal. I wholeheartedly support the recommendation. My own view is that the site, at best, should be classified as category 3b.

With regard to discussion at the Local Plan Inquiry, you are probably aware that evidence was presented on the basis of a smaller site allocation (basically comprising the areas covered by the Established Use Certificates issued in 1996) - discussion focused upon this area, not the larger area that is now subject to the planning application. The Local Plan Inspector's consideration of the larger area (incorporating the Certificate issued in 2000) was made following the submission of further representations following the actual hearing. Accordingly there was, in fact, no debate about this matter at the local plan inquiry hearing.

5 06/2004/039

WESSEX WATER - The development is served by Section 104 Sewers, details of which have not yet been added to the Public Sewer map. It will be necessary for the developer to agree points of connection on to Wessex systems for the satisfactory disposal of foul and surface water flows and provision of water supply.

Five further LETTERS OF OBJECTION.

12 38/2004/287

As amended by drawings attached to applicant's letter dated 24th August 2004 reducing the scale of buildings.

Transport Assessment submitted.

SOMERSET COUNTY COUNCIL (HIGHWAYS) maintain their objection, but suggest that they may consider a scheme showing reduced parking as part of a package of traffic measures. However, revised proposals would need to form basis of new submission. Applicant has been advised accordingly.

CONSERVATION OFFICER still has reservations concerning elevations to Bath Place.

ADDITIONAL REASON FOR REFUSAL. The proposed building by reason of its scale in relation to existing buildings in Bath Place will produce a dominant feature at variance with the established character of Bath Place contrary to Policy EN15 of the Taunton Dean Local Plan Revised Deposit and advice in PPG15

13 38/2004/328

To date a landscaping plan has not been received. As the Landscape Officer is concerned to obtain adequate replacements for the trees to be felled the recommendation is amended to add

AMENDED RECOMMENDATION:- Subject to the receipt of acceptable landscaping plans as printed.

14 38/2004/341

TWO FURTHER LETTERS on grounds of noise and disturbance.

15 43/2004/088

ADDITIONAL RECOMMENDATION - In the event that the Section 106 Agreement not be concluded by 24th September, 2004, permission be REFUSED for the reason that the proposal does not make adequate provision for the delivery of appropriate local recreation facilities. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy C4.

ADDITIONAL LETTER OF REPRESENTATION received 23rd August 2004 in response to the amended plan received raising the following objections. The amended location is more conspicuous, on higher ground and in a location more liable to flooding than previously located. The Parish Council also object and we support this official decision. If development of the land were possible the previous owners would have exploited this to the full. It would be prudent to check for residential covenants. A third letter dated 8th September 2004 from the same objector has been received raising the following issues. "We Consider that the Application contravenes Article 8 of the Human Rights Act of 1998 (3.74) Private Life and Family, and our letter of Representation, supported by an Analytic Scientific Report and photographs clearly shows that for the past 20 years, and currently, we already suffer grossly contaminated ground water (which denied us basic priorities grants), and flooding which issues from the proposed planning site.

We hold the view that the granting of this application falls foul of article 8.3.74/3.78 Prevention by Local Authorities of serious environmental pollution.

This might also contravene the Disable Discrimination Act a hearing person would be able to avail themselves of the Chairperson's discretionary 3 minutes, if permitted. Whereas a person who is profoundly deaf would be unable to communicate in this manner".

PARISH COUNCIL comments received in light of the amended location. The Parish Council would like to know if there has been a change of use from agriculture to equestrian and if not is this contrary to policy. The Parish Council do not like the relocation of the stable as per the amendment and recommend that the stables should be attached to the existing structure. The comments made previously are reiterated.

LANDSCAPE OFFICER - The stable block will be locally prominent from the surrounding houses along Sawyers Hill, glimpses from the M5 and from the church yard. However, subject to a suitable landscape scheme, it should be possible to integrate it into the local landscape.

ENVIRONMENTAL HEALTH OFFICER - no objections subject to conditions relating to surface water run off, foul drainage and manure/dung heaps

REVISED RECOMMENDATIONS: Subject to the receipt of no adverse comments from the Drainage Officer, the Development Control Manager in consultation with the Chairman/Vice Chairman be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, private use only,

landscaping, surface water run off, foul drainage, manure/dung heaps and any further conditions recommended by the Drainage Officer.

18 49/2004/033

And also amended by letter dated 2nd September, 2004 with accompanying drawing nos 207/05A, 06 and 09.

Amended letter indicates that it is considered that the revised elevation answer many queries previously raised and that it is not possible, given the client group, the proposed layout of the site and of the units, to substantially alter the plans. Long narrow plan forms, to suit a roofscape, would not be appropriate. This scheme is for social housing, for which funding is in place. If planning seriously delayed, it raises concerns for the viability of the funding package and applicants believe that they have attempted to accommodate the wishes of the Conservation Officer. The surface water retention scheme is now approved and discussions are taking place with the County Highways Authority with regard to a satisfactory traffic-calming scheme.

LANDSCAPE OFFICER - the boundary hedgerows adjacent to the road and lane would be classed as "important" under the Hedgerow regulations and would be lost along North Street due to visibility splay requirements. Visually the hedgerow maintains a strong rural character up to the edge of the school and its loss would detrimentally alter that character and would therefore be against Policies EN5, EN13, S2 and S8. Once lost, the above hedgerow would open up this steeply sloping site and make it difficult to integrate it into the local area.

COUNTY EDUCATION - on the understanding that the application has been amended to show a linked car park for the exclusive use of the adjacent school, the Local Education Authority would have no outstanding objections to the development of these grounds.

AMENDED RECOMMENDATION:- Delete refusal reason (i). Additional refusal reason - Visually the hedgerow along the frontage to North Street maintains a strong rural character up the edge of the school and its loss would detrimentally alter that character contrary to Taunton Deane Local Plan Revised Deposit Policy EN5, EN13, S2 and S8.

19 49/2004/037

As amended by letter dated 27th August, 2004 with accompanying drawing no. 2504/1

Copies to:
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