

Amendment Sheet

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**4 14/2005/039**

COUNTY HIGHWAY AUTHORITY comments that the site is within the settlement limit with access from a private road. The visibility at the junction with Charlton Road is satisfactory. Recommend conditions re visibility, provision 2 parking spaces, any garage at least 6 m from highway, any gates to open inwards and disposal of surface water.

Add conditions re parking spaces and gates.

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**5 17/2005/006**

SUPPORTING LETTER received 17th November 2005 from applicants as follows:- I would ask that you submit this letter along with the photographs that I have e mailed to you in support of my application and that these be passed to the Planning Committee members so that they can include it with the other material in their deliberations to cover the possibility that I may not be able to attend the Committee meeting itself due to my absence at the Fire Service College. The photographs that are supplied give an appreciation of the planned site for the conservatory at my own address( 002 - 004) and of two barns that are located within 2 miles of my own property. One barn (photos 006 & 007) is located on the B3224 alongside the Milverton roundabout. The conservatory is clearly visible from this main road and is positioned on the front elevation of the barn. The design and material of this conservatory are very similar to the one that I propose but has a polycarbonate roof giving it a more solid appearance, rather than the glass roof that I propose. TDBC granted full planning permission on this conservatory as it stands. The second example (010 & 011) is of a lean-to design and the conservatory has been located on the side elevation of this barn. This particular barn is a listed building and TDBC have granted the conservatory full planning permission as well as Listed Building Consent. It is my opinion that my proposal is as suitable in both design and in the way that the materials have been chosen to provide an accurate match with the existing timberwork on the property and that your recommendation to the planning committee to refuse planning permission based on your opinion that this general design does not suit barn conversions, in this instance, has been shown to be unreasonable and clearly inconsistent with previous approvals. You indicated in a conversation that we had, that the design was more likely to be found on a modern housing estate. On that fact you are on safe ground since in comparison there are some tens of thousands of households in Taunton Deane many of which have conservatories and only a few hundred barn conversions. However, in researching

TDBC planning website, I have found two barn conversions extremely nearby that do have conservatories and in percentage terms this is a significant fact that counters your argument. You also appear to add little or no weighting to reflect the proposed positioning of this conservatory, in that it is to be on a rear elevation, it is not visible from any highway, since the ground level of the site is some 2.5 metres below the surrounding field and garden levels (as can be seen in photo 004) and to all intents and purposes, it is a temporary structure. Additionally, the sighting of the conservatory is such that it would cover an area of damaged stonework that has been covered in cement render (as can be seen in the photographs 002 & 003) and the solid stone dwarf walls that are to be erected in random sandstone to match the existing barn, will have the effect of enhancing this damaged elevation. My proposal also utilises a glass roof rather than a polycarbonate one. This decision has been taken for two reasons. Firstly, over time the polycarbonate material used in conservatories tends to fade and turn opaque and this would not be in keeping with the existing barn. Secondly, although we will be the only persons able to see the conservatory because of its positioning on a rear elevation, the glazing in the roof will enable the existing stone wall and structure to remain visible and will have the effect of softening any impact that the conservatory may have. I note that you have written to my immediate neighbours informing them of my proposals and that none have replied back indicating any objection to the scheme. More importantly, the Parish Council in their consultation with your department has actually replied in a manner that fully supports the scheme. This must be significant in that they are best placed to indicate what the measure of local opinion is and being at grass roots level within the local community, I would suggest that their support should have a significant influence on this decision.

DEVELOPMENT CONTROL MANAGER'S response to the applicants letter dated 17th November 2005:- The conservatory shown in the submitted photos 002-004 appears to be that granted by application 27/2000/023, dated 20th January 2001. This proposal was recommended for refusal, however the decision was overturned under the Parish Delegation scheme. The conservatory shown in the submitted photos 006-007 appears to be that granted by consent 27/2000/024LB, dated 29th November 2000. Members may recall that this application was heard at committee on 13th December 2000. The latter proposal was originally submitted as a similar design to that proposed by this application however committee resolved to allow an amended timber, lean-to design. Contrary to the applicants letter, the Local Planning Authority would consider an appropriately designed conservatory but consider that the form proposed to be unacceptable.

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**6      20/2005/022**

PARISH COUNCIL objects. Through their increased height, the buildings now proposed would provide more accommodation than those previously granted

planning permission. It is therefore reasonable to assume that their likely occupation is also likely to be more intensive. Assuming that people will resist using their cars to access services in the village, it is likely that more people will walk into the village to use, for example, the public house. It would therefore appear necessary to the Parish Council for financial contributions to be obtained towards traffic calming and highway works to improve pedestrian safety along the main road through the village, in a similar way to those secured through a planning agreement in respect of the development of Hill Farm. In addition, improvements to the public realm, such as additional tree planting, would be appropriate. The design of the previously approved structures was relatively simple compared to those now proposed. The buildings the subject of the current application appear to have a Swiss-chalet, 'holiday camp' appearance entirely out of character with this rural village setting and rural vernacular style of architecture on the fringe of an Area of Outstanding Natural Beauty; they would be more appropriate in Centre Parcs. On a general note, the Parish Council have expressed concern over the way in which, for many planning applications in the village, item 17(a) of the planning application form is completed (relating to anticipated expansion of schemes) does not appear to accurately reflect what has actually subsequently occurred. The continuing intensification of development sought at Millfield Nurseries is a particular case in point. Members are concerned that the history of applications at this site seem to indicate that the grant of planning permission for a particular development simply leads to a following application for a yet more intensive scheme, resulting in an impression that this continuing cycle is designed to incrementally secure a development which, if applied for in isolation, would clearly not have been considered acceptable in the first instance.

FOUR ADDITIONAL LETTERS OF OBJECTION received raising the following issues:- Raising the roofs of these cabins brings them into a similar bracket as that of ordinary two-storey houses and the visibility from our property will be significantly affected. The original application was for log cabins and I consider that this is how they should remain. Presumably committee would have considered the original application in a different light had permission been applied for 13 houses thus increasing their size; 90% of the Residents of Kingston St Mary did not want the above development on this site. The Developer is now trying to make them full size houses to sell as holiday homes and he is advertising the fact. As Taunton Deane Borough Council Planners brought this ill conceived development to our village I hope you are strong enough to resist this clever developer, he is way ahead of the game and will get what he wants unless Taunton Deane Borough Council protect our Village. We note that the applicant is marketing the site as 'holiday homes' as identified on a sign on Kingston Road - the application is for holiday lets and not homes.

THE AGENT has confirmed that an alternative access, from school land, will be offered to Western Power.

WESTERN POWER DISTRIBUTION RAISE OBJECTION to the proposal for the following reasons; there is a substation adjacent to the proposed dwelling and could cause occupiers nuisance from noise emission. The dwelling would also block the legal right of access to the substation.

Neither ENVIRONMENTAL HEALTH nor Building Control have any restrictions that would prohibit development in close proximity to an electric substation.

Additional note; the reserved matters should take account of the proximity of the substation to the site.

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**9 38/2005/404**

COUNTY ARCHAEOLOGIST no objections on archaeological grounds.

1 ADDITIONAL LETTER OF OBJECTION re rights of way onto Staplegrove Road and not appropriate to have parking onto front of flats.

Remove archaeology condition.

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**10 38/2005/407**

As amended by Landscape Plan 588/1156/IF.

COUNTY HIGHWAY AUTHORITY no objection in principle. The access design is acceptable and visibility splays of 4.5 m x 60 in each direction shall be provided with no obstruction to visibility above 300 mm. The second access is an emergency access to Blackbrook Way. I have no objection provided in all other times than the flood emergency the access is kept gated and locked so that vehicles cannot access via Blackbrook Way. The parking and turning on the drawing shall be hard surfaced and appropriately laid out.

Add condition re visibility.

Amend condition 10 to refer to no discharge of foul or contaminated drainage to ground water or surface waters.

**11 38/2005/417**

COUNTY HIGHWAY AUTHORITY comment that revised plans address issues raised and no further comments subject to conditions requested.

LANDSCAPE OFFICER subject to some minor changes it should be possible to soften the impact of parking from the motorway slip road and provide a landscape framework for the office building.

Amended Recommendation:- Subject to no further representations raising new issues by 28th November 2005 details be approved.

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**13 38/2005/448**

AMENDED DESCRIPTION 7 bedrooms not 6 bedrooms.

COUNTY HIGHWAY AUTHORITY raise no objection to the car parking layout 05/577/03a indicating 7 parking spaces for use by Orchard House plus 1 garage and parking space for use by the neighbouring property.

21 ADDITIONAL LETTERS OF OBJECTION reiterating existing concerns and raising the following new points: the owners have no previous experience of running this type of use and if it goes wrong local residents will suffer the consequences; the use may attract alienated partners or family trying to gain access and causing disturbance; deliveries to the site will block access/parking areas; the applicant may not be able to recruit staff from the area resulting in more traffic to the site with insufficient parking; in poor weather, people who walk to work may drive; there are some discrepancies between a previous withdrawn application at where The Old Smithy, Milverton 15 staff were to be employed for 24 residents but now it is 15 - 20 staff for 6/7 persons why is there such a difference? In addition there is a similar discrepancy for numbers of staff and parking? The proposal states the kind of person likely to be resident on site, what steps are being taken to protect the community from these backgrounds and potential crime and disorder in the area outside of Orchard House, additional information is required to clarify these points; I have a nine year old son and do not want him to be confronted by hangers on outside the property with drink and drugs which I believe will be attracted to this hostel use; the proposal will have a detrimental impact on the peaceful Character of the Conservation Area with more noise and disturbance and increased traffic movements to and from the site; the change of use will result in an intensification of the occupation of the property (the Guesthouse is not full all year) resulting in increased parking and competition for parking within the area; the increased use of the existing access will cause a highway danger; visitors/occupants are unlikely to pay to park at Vivary when there is 'free' space around the area and existing residents will not be able to park in front of their own houses; the proposal to use local staff is unrealistic, is there any evidence of 15 - 20 staff being available in walking distance? The information in this respect is mis-leading, would parking

permits be issued to Orchard House? If so how many as this could exacerbate existing on street parking problems; staff working in shifts may lead to increased noise at night that may disturb local residents; Orchard House is on three floors with an associated stairwell which would be hazardous to babies and young children as would the close proximity to the road and associated traffic issues.

1 LETTER RECEIVED WITHDRAWING PREVIOUS OBJECTION from the neighbour who shares the parking area with Orchard House.

LETTER FROM G BERRY ASSOCIATES DATED 18TH November 2005: Thank you for forwarding the above letter. In response to your request I detail below my client's comments regarding both the comparison and differentiation referred to between the current application relating to Orchard House (Ref. 38/2005/4483 and the previous, withdrawn application for The Old Smithy, Preston Bowyer, Milverton (Ref.23/2005/0243). Withdrawal of the Old Smithy Application The reason for withdrawal was a commercial one as my clients decided not to proceed with the purchase of the property. This did not arise from any planning issues. Indeed, during the seven weeks when the application was being considered by the Council I am given to understand that no objections whatsoever had been received from the local community. During my client's own local enquiries the villagers appeared to take an open-minded, understanding and educated view of the proposals, they also welcomed the local employment opportunity. Staff Numbers The Old Smithy was a large house, similar in size to Orchard House, but it also benefited from two independent annexes with totally separate entrances. These annexes were being used as separate domestic dwellings and, at the time, were both let to occupiers. If the Old Smithy project had proceeded it was planned to initially use the main house as a Residential Family Centre with the two annexes still being let-out as independent dwellings. As the Centre's use expanded the use of these annexes would have, in time, been changed to provide additional accommodation for the Residential Family Centre, therefore allowing for an eventual total of 24 guests. The reference to the 24 guests within my letter dated the 19<sup>th</sup> July 2005 referred to 'the maximum number of guests', not the starting number. The use of the main house at The Old Smithy would have initially provided for just one less bedroom than the case with Orchard House. The employment figure of 15, as stated for The Old Smithy, was the initial employment number that would have increased when the use of the two annexes changed. The final number of staff to be employed here was never asked or stated. At Orchard House there is no plans or facilities to expand bedroom numbers, therefore the 15 to 30 staff indicated will be the total number employed. There is no disparity between these two, separate applications regarding the staff to guest ratio. The apparent, attempted differentiation has occurred because the author did not understand the differences between the two properties. On-Site Parking Numbers The Old Smithy benefited from an existing, large on-site car parking area. As this property was planned to eventually accommodate a greater number of guests it is not surprising that, in response to the planning officers request regarding the maximum number of cars to be parked on the site, the number stated was greater than for that indicated for Orchard House. Also, The Old Smithy was situated in a small rural hamlet where public transport facilities are limited. If you compare this transportation situation with that of Orchard House in Taunton, where there are good bus services, local taxis are available round-the-clock and many more people live within easy walking and cycling distance, it is not

surprising than less on-site parking is required for Orchard House. There is no disparity between these two, separate applications regarding parking numbers. Again, the apparent, attempted differentiation has occurred because the author did not understand the differences between the two properties and had not taken account of their situations regarding transport options. Guests' Issues. Pre-Assessment Process S. Code of Conduct The applicants have nothing to hide regarding the vulnerable disposition of their guests. Their coping problems may well be, in part, due to 'mild mental health issues, disabilities, educational inadequacies, social problems, ..... etc.'. However, a stay at the Orchard House Family Centre is not designed to address these underlying issues, but to help with the on-going everyday life skills that form a necessary part of looking after a young child. Later within the Community Association's letter it is asked 'what steps are being taken to protect the community from these backgrounds.....'. As part of the pro-arrival screening process, the potential guests will first be visited in their own homes by their local social services representative who will make an initial assessment of suitability based on a combination of this visit, discussions with the potential guest or guests and their known history. If this proves positive, a further home visit and assessment will be made by a suitably skilled and experienced representative from Restcare Services. Only if Restcare are happy that the guest(s) will be suitable and non-disruptive to the Centre and the surrounding area will they then be invited to come and stay at Orchard House. A strict conduct policy will be applicable in relation to all guest's behaviour during their stay. Prior to admission this will be explained in detail and all guests will be required to sign a copy of the rules of conduct. Any serious breach of this code will result in the guest being removed from the Centre forthwith. Such summary removal will be within the powers of Restcare alone without recourse to any third party for approval. Restcare have been totally open with the nature of this planning application and their proposals for the property. If the author had chosen to telephone Mr. Nigel O'Brien, as suggested within Restcare's letter to residents dated the 25th October 2005, these questions could have easily been addressed directly without the need to write to the Council. Restcare Services' Second Letter to Residents I also enclose a copy of the second letter from Restcare Services, which is being posted today to all persons who have so far written to the Council regarding the planning application.

RESTCARE SERVICES: We wrote to the nearest residents on the 25th October to give quite detailed information regarding our plans for Orchard House. Just in case you have not had sight of this earlier letter a copy is now enclosed. Some issues have arisen in the past few weeks and, in response, we felt we should now write a second letter to all of the residents who have contacted the Council. Firstly, concern about the car parking. The number of vehicles that will visit the Family Centre will, undoubtedly, be reduced in comparison with the guesthouse, where people come and go many times during their stay. A plan has been submitted to the Planning Officer demonstrating that the car parking requirements can be suitably accommodated within the site. In relation to off-site parking, if it proves necessary Restcare will pay for their staff's cars to be parked in nearby car parks. Also, no objections have been raised by Somerset County Council's Highways Department to this aspect of the application. In our letter to residents of the 25<sup>th</sup> October we hoped we had made it clear that the children of parents to be accommodated would be young children. We now understand that a third-party's circular was distributed locally speaking of 'troubled-teens' and listing misdemeanours they might commit. It

is very regretful that this circular has frightened neighbours as it was not based on any factual information whatsoever. To alleviate the fears raised by this circular Restcare has voluntarily suggested to the Council that two planning conditions be imposed on any approval granted. The first requires Restcare to apply to the Council again if any further changes in the nature or use of the premises are proposed. The second limits the children to be accommodated to those being no more than 12 years old. We chose this age in direct response to the 'troubled-teens' rumour spread by the circular and to allow, very occasionally, for a slightly older sibling to accompany their younger brother or sister and their parent or parents. This would avoid a young child being separated unnecessarily from the rest of their family for, maybe, up to three months. If the family does contain a teenager, a separation for three-months would not be as traumatic as, at this age, the youngster would tend to be old enough to cope with the situation. It has also been suggested that Restcare do not have the necessary skills and experience to satisfactorily operate the Centre; nothing could be further from the truth. The principals associated with this planning application include: Gardner - is a Consultant Clinical Psychologist with 25 years NHS and academic experience. She specialises in parent child psychology, child protection and psychological disturbances associated with physical illness. She currently provides a clinical and assessment service for the NHS, Social Services and privately funded patients. We wrote to the nearest residents on the 25<sup>th</sup> October to give quite detailed information regarding our plans for Orchard House. Just in case you have not had sight of this earlier letter a copy is now enclosed. Some issues have arisen in the past few weeks and, in response, we felt we should now write a second letter to all of the residents who have contacted the Council. Firstly, concern about the car parking. The number of vehicles that will visit the Family Centre will, undoubtedly, be reduced in comparison with the guesthouse, where people come and go many times during their stay. A plan has been submitted to the Planning Officer demonstrating that the car parking requirements can be suitably accommodated within the site. In relation to off site parking, if it proves necessary Restcare will pay for their staff's cars to be parked in nearby car parks. Also, no objections have been raised by Somerset County Council's Highways Department to this aspect of the application. In our letter to residents of the 25<sup>th</sup> October we hoped we had made it clear that the children of parents to be accommodated would be young children. We now understand that a third-party's circular was distributed locally speaking of 'troubled-teens' and listing misdemeanours they might commit! It is very regretful that this circular has frightened neighbours as it was not based on any factual information whatsoever. I (Nigel O'Brien) am a Social Worker and have a Diploma In Social Work and a BA (hons) in Family and Child Care Studies. I have worked for nearly ten years in a range of Family Centres and Fieldwork teams for a number of Authorities. Until recently I worked for four years in Taunton for Somerset Social Services undertaking a wide range of responsibilities providing both advice and support to families and also conducting when necessary child protection enquiries. Sam O'Brien is a Registered Nurse who holds a BSc (hons) in Psychology as is a NVQ Assessor. She has worked and managed her own business with her husband Scan, caring for the elderly for over ten years. Sam's business; Restcare has a proven track record with CSCI, Social Services and most recently the Somerset Coast Primary Care Team. Her knowledge and experience in successfully managing this type of business includes being one of the first health care companies to achieve Investors in People status in the country. We consider it would be hard to imagine a



more beneficial blend of qualified and experienced professionals. At the end of our previous letter we gave a contact name and number for people to call if they had any questions or concerns regarding our plans. So far, we have only received one call, and that was from a local resident applying for a Job. It is very regretful that the author of the irresponsible and misleading circular did not use this facility to check their facts before so unnecessarily scaring many local elderly residents in the way they have. We now reiterate what was said in our earlier letter, in that 'We are sure that even the most immediate neighbours of Orchard House will notice no change in circumstances'.

ADDITIONAL NOTE any works required to convert the building to the use hereby permitted may require Listed Building consent.

ALTERED CONDITION Prior to the commencement of the use a plan showing parking spaces for 7 cars in association with Orchard House shall be submitted and approved in writing by the Local Planning Authority.

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Copies to:  
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