

Amendment Sheet

7 23/2005/026

COUNTY HIGHWAY AUTHORITY; further to letter of objection, irrespective of ownership, there is sufficient space, (although slightly restricted), for a vehicle to park outside of No 8 and use the turning area outside of the proposed new dwelling to turn and exit site in a forward gear. The Highway Authority are aware of objectors concerns regarding the width of the parking and turning to the front of the existing and proposed dwelling. Irrespective of ownership, the Highway Authority are satisfied with the proposal.

ONE FURTHER LETTER OF OBJECTION; distance in front of dwelling for parking in the order of 3.5 m - 4 m, actual distance shown on my sketch is about 2.75 m; vehicle would be very close to access driveway and turning space; vehicles could not leave in forward gear; no reference to garage space being used for No 8 Fairfield Terrace; would appear that the Highway Authority have not been advised of discrepancy in plans and not considered reduced area.

FURTHER RECOMMENDATION; Amend condition so that garage numbered 1 to be available for No 8 Fairfield Terrace.

8 23/2005/043

ONE LETTER OF REPRESENTATION from the local vicar of St Michaels Church; believe that proposal will not significantly affect the vista from the church, or churchyard view point.

The windows proposed are approximately 20 m away from Fort Cottage, and are considered not to have any significant impact on the privacy of Fort Cottage.

FURTHER RECOMMENDATION; Additional condition, archaeological survey to be submitted.

12 38/2005/352

ONE LETTER RECEIVED from the applicant confirming the deletion of Ownership, Certificate A, the applicant also confirms that this is an outline application with the

details, design and external appearance remaining reserved matters. The proposed dwelling will be an infill site, visually relating to Dowell Close and will not appear to be a back lane development. I request the Planning Committee uphold the Officers recommendations and the committee decision of 2nd November 2005.

13 38/2005/422

COUNTY HIGHWAY AUTHORITY There is an objection in principle to development in this location, however my concerns relate to the number of additional traffic movements to and from the development. The previous proposal had 16 parking spaces and a configuration of the access onto Compass Hill at an acute angle. The present amended application has reduced the number of spaces by half to 8 with 2 operational spaces. The applicant has suggested a level of vehicular movements based on observed data gathered at other sites. They suggest 30 movements a day likely to be generated from the development. The likely agreed trip generation from two existing dwellings is 20 movements a day. Therefore, the likely increase in movements would be in the region of 10 trips a day, 5 in and 5 out. In behind does not cause a problem as a vehicle can slip off the highway without blocking traffic flow. The access onto Compass Hill is something which concerned me greatly previously. This has been amended to provide access at right angles which gives better inter visibility. I maintain I do not wish to see a significant increase in traffic movements but if the applicants figures are correct, and I have no evidence to disprove them, then I do not consider 5 additional movements off and onto the highway per day sufficient to warrant refusal on highway grounds. Refusal was also recommended on pedestrian safety. The applicant has proposed a guardrail on the central island to discourage pedestrian movements across the road at inappropriate locations. Whilst this does not prevent the determined from crossing I feel the measure would be worthwhile. In consequence subject to suitable conditions to secure access of revised drawing prior to commencement of building on site, provision of parking as shown provided prior to occupation, I raise no objection. Other conditions to secure surface water disposal preventing it reaching the highway should be attached plus note re Highway Permit and contacting the Highway Manager.

LANDSCAPE OFFICER subject to the scope to provide street tree planting and retaining the rear boundary conifers, my concerns should be largely overcome as reserved matters.

HOUSING OFFICER The Housing Officer has been in protracted discussions regarding affordable housing and has agreed a commuted sum of £350,000 to be paid 'up front'. It was felt a nearby site could provide similar accommodation for the elderly close to the town centre. Therefore this commuted sum will be transferred to the new site that will prove more beneficial to the elderly. However the Housing Officer firmly supports the scheme.

ADDITIONAL LETTER OF OBJECTION raising issues of tree retention, particularly T42, T43 and G44 which are protected by a restrictive covenant. Tree T23 will be

affected by drainage services and foundations and this is not shown on plan. There will be overlooking from 39 windows and doors to the rear and 10 to the front which will destroy privacy and cast a shadow. The corrected plan shows flats nearer to the house. Trees and shrubs are shown in neighbours drives meaning exit can't be constructed as shown. Surface water disposal should be resolved prior to consideration as there may be no satisfactory method of disposal. The neighbouring property is 200 mm to 500 mm lower than the proposed flats and with eaves correspondingly lower. Reduced visitor parking is totally unrealistic and could lead to illegal parking with blocking of footpath and drive entrance.

N/A 38/2005/439

ADDITIONAL LETTER OF OBJECTION from Reed Holland; we received yesterday, 6th December 2005, a copy of a letter from Mr Attree, Strategic Projects Officer (Taunton and Somerset NHS) dated 5th December 2005 addressed to Mr Dunningham, together with a set of revised drawings regarding the above application it is most unfortunate that revised drawings concerning such a complex proposal have been received from the Trust so close to your Planning Committee meeting, giving very little time to analyse and comment. Further, it is noted that the drawings provided by Mr Attree are not to scale and as such, it is very difficult to establish the true impact of the proposal on Ashley Road. Location relative to Ashley Road; Mr Attree has stated that the plans "reflect a shift of the proposed buildings a further three metres away from your property". This position has to be accepted, as it cannot be substantiated from the drawings. Notwithstanding, a 'shift' of three metres for a building of this size and mass, is totally meaningless. The impact of distance between structures is relative to their respective sizes, e.g. to move a small bungalow three metres away from Ashley Road would be significant; to move a building of 185,000m³ three metres from a dwelling of. 550m³ is a meaningless gesture. It would appear to us that the Architects are still considering their proposals in isolation, without regard or understanding of how their proposals will affect adjacent residential properties. To put it in perspective, the Trust are considering in order to meet the concerns of the residents of Ashley Road, moving possibly the largest building to be erected in Taunton, 3 metres or 10 feet. It is a gesture, which completely confirms that the applicant and their agent have either no understanding of the impact their proposals will have on residents of Ashley Road, or they appear to be unwilling to consider any meaningful modifications. At a recent meeting held between the NHS Trust and the residents of Ashley Road, Mr Attree explained that because the project was PFI funded, it was most likely that an alternative location/design will evolve. Therefore the Trust accepts that another form/location is totally feasible. This being the case, there is no need, we would respectfully suggest, for the Local Authority to accept the form as now presented, and any approval can be conditioned to protect the residents of Ashley Road. At the same meeting, Mr Attree was asked why had the Trust not considered a T shape building instead of a crescent, Mr Attree replied by saying that "they had tried, but it would not fit, a T shape would result in a higher building and greater costs, ... there was no other alternative." We have carefully measured the floor area of the crescent and have concluded a 3 storey T shape would fit on the site with no

problem. We enclose a drawing demonstrating this fact. Notwithstanding a T shape building would be far more economic to construct than a crescent shape. We can only conclude that the Trust do not wish to change the form, even though by their own admission, and can be proven, alternative forms are perfectly feasible and work. Height and form relative to properties in Ashley Road; we estimate that the nearest part of the amended three-storey element (over 12 metres high and equivalent to a 5 storey block of flats) is just 14 metres away from the boundary to No. 50, Ashley Road height is a significant factor, overlooking by NHS personnel is of equal concern. With windows directly overlooking the gardens of No 42-50 Ashley Road, there will be a situation where people will be able to view (at any time, from a height of 9.5m) directly down into the private gardens only 14 metres distance. Being observed by strangers from above is a very uncomfortable experience. We attach simple diagrammatic sections to illustrate the point. It is pertinent to mention that planning guidelines for 2 storey residential development are, for a minimum of 20 metres between properties where windows of habitable rooms face each other. Within this context, it is usual for bedroom to face bedroom and day room to face day rooms. Bedroom to bedroom can be accommodated due to similar function. Where day rooms are concerned, there is usually a 1.8 metre fence between the properties, preventing direct overlooking of one property to the other. The principle being that living accommodation and garden areas should have a degree of privacy. There is no reason why that same principle should not exist for the existing residents of Ashley Road. We refer to Application Drawing No. 234 and would say that the point A chosen to demonstrate the impact of the building on No. 50 Ashley Road, does not, again, reflect the true situation. The 3-storey element viewed from point A-does not demonstrate the full impact of the building on the residents of 50 Ashley Road. Whereas, move point A further to the north, e.g. to the centre and more used part of the garden, and the impact of the building will dramatically change. The same principle applies to the garden and windows of Nos 42, 44, 46 & 48 Ashley Road. If the Agent moved the cone of vision around to the centre of the garden and removed the tree (which does not exist) from their drawing, the full impact of the proposal would be acknowledged. We can only conclude that they have chosen point A in order to minimise the impact of the building in their presentation, knowing that the impact will be greater than they had envisaged. This conclusion is borne out further by placing a tree in the drawing (which does not exist) to try and reduce the impact further. The road; Mr Attree, in his letter dated 5th December 2005 to Mr Dunningham, stated that the road has been realigned and the levels reduced. The road has been realigned; it has been made straighter and hence faster and noisier, making the situation even worse than was originally proposed. Light pollution has been cited previously as being of concern. Now that detailed layout drawings are available, it is clear that due to the function of the rooms facing Ashley Road all will transmit light pollution. Even the offices (which have a day time function) will, during the winter months of the year, cause light pollution provision; the Agents have previously referred to the landscaping between the proposal and the properties along Ashley Road as being "dense landscaping to create a privacy screen to the neighbours". The only way such landscaping can work in this context, is to plant coniferous species. It will be many years before any coniferous tree will mask such a mass of building and by then, the residents will have the equivalent of the building in terms of loss of daylight, and an oppressive form, even closer, at the end of their gardens. Further, root damage for at least six metres into the gardens will take place and little or

nothing will grow over the area. Clearly landscaping is not a viable proposition. Conclusion; in our opinion, it is clear that the revised proposals do not adequately address the problem created by the original design. Rather the Applicant has, in the main, attempted to justify his apparent failure to build into his brief, or have any regard to the environmental damage his proposals will have on the Residents of Ashley Road. In attempting to justify the original design he has demonstrated further how ill conceived the proposal is. This lack of comprehension of the overwhelming impact the proposal will have on the Resident of Ashley Road has been demonstrated by moving 185,000m³ of building, just 10 feet to the West. The applicant has not, in our opinion, addressed the following outstanding issues: 1) The height, mass, and general scale of the proposal relative to the properties in Ashley Road. The application is for a building approximately 350 times larger than the average dwelling in Ashley Road. The conflict to scale is vertically impossible to comprehend. 2) The relative height mass and scale of the proposal is exaggerated by the closeness of the building to the boundaries of Ashley Road. The closest being approximately only 14 metres away. The proposal will totally dominate Ashley Road and is completely un-neighbourly. 3) A total loss of privacy for the Residents of Ashley Road, where NHS staff/visitors can look directly down into the private gardens of Ashley Road only 14 metres away. Further due to the function of the building, all living and bedroom accommodation to No's 42 - 50 Ashley Road will be directly overlooked from above. The 3 storey building shall be resited to prevent an overbearing impact and overlooking of the Ashley Road properties. 4) Moving the building 3 m addresses only partly the issue of daylight and will have little or no benefit to the Residents of No's 42 - 50 Ashley Road, again demonstrating the total lack of regard the applicant has for the local Residents. 5) Noise from the building; moving the building 3 metres will not address the question of noise, as it does not address the question of light pollution. 6) Road; Rather than redesigning the road to slow traffic down, which in turn will create a safer, quieter road the applicant has redesigned the road to increase the speed of traffic and thereby creating a more dangerous and noisier road. 7) The landscaping proposals will cause more problems than they will solve. From the above, we have demonstrated that the revised design has no merit and does not address the fundamental issues contained in our report dated 27 October 2005. As such our comment contained in that report remains applicable would respectfully ask that the Local Planning Authority either refuse the application or safeguard the Human Rights of the Residents of Ashley Road by conditioning any approval such that there is no-3 storey building within 50 m of the rear boundary to 50 Ashley Road.

ONE ADDITIONAL LETTER from the Residents Action group raising the following points; 1. I note that on Drawing number 2706-20-230 the IT building is stated as now being 'single storey'. I trust that this is not an error on the Hospital's part, you will recall that their original application did not even refer to the IT building. We do not object to a single building. However, we would make it clear that we would object most vehemently if the single storey building has any windows above the existing fence level of the adjoining boundary of 50 Ashley Road. 2. I cannot see that the revised Drawings make any reference to shadows that will be cast over the adjoining properties in Ashley Road. This was specifically requested at the Resident Action Group's meeting with the Hospital's Director of Planning and Strategic Project Managers on 17 November. The whole issue of shadows cast by the proposed new buildings appears to have been ignored by the Hospital - and one

has to wonder why. 3. Although the revised Drawings 2706-20-231-233 show a BRE line, I understand that this is taken from too high a point. 4. The fact that Drawing 2706-20-234 shows a large tree in the back garden of No.50 Ashley Road when in fact there is no such tree must be viewed as deliberately misleading. It also makes us question exactly how much of the detail in the revised drawings can be relied on.

ADDITIONAL LETTER FROM TURNER HOLDEN with following comments; It is fully recognised that this is an outline application with all matters except for access, reserved. However, the plans are in such detail that we wish to fully convey that tacit approval of the application, would be extremely damaging to the amenities of the nearby neighbours. The current plans do not form any part of the development but have been submitted to demonstrate that a 6 storey and a 3 storey building can be delivered, However, we feel that the applicants have currently failed to demonstrate that the scheme respects normal planning considerations such as scale, mass, overlooking and overbearing impact. In all of the objections submitted to date on the original plans and the amended plans received on the 5 December 2005, there has been no specific mention to the planning policy framework, which the application falls to be determined within. As you know, all planning applications have to be determined in accordance with the relevant Development Plan, unless material considerations indicate otherwise. The Development Plan documents have been summarised in your Committee report, which is due to be considered at Committee on 14 December 2005. Within that policy framework we would raise the following comments: 1. Height, Scale, Mass, Impact on Neighbours Substantial objections have been submitted to the proposal on the basis of the location of a three storey building in close proximity to a number of residential properties. Given the height of the building, this is more equivalent to a five storey residential property. The overbearing impact would be significant and will have a detrimental impact upon the amenities of the residents of 42,44,46.48 and 50 Ashley Road. The proposal is considered contrary to Policy S1(D), which states that, 'The appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development. In addition, the proposal considered to Policy S2 (Design) which states that, 'The scale, density, height, massing, form, layout, landscaping, materials and access arrangements will be assessed to ensure the proposal will, where reasonable and feasible (a) reinforce local character and distinctiveness of the area, including the landscape setting and site and any settlement street scene and building involved. (f) minimise adverse impact on the environment, and existing land uses, likely to be affected. (h) make full and effective use of the site'. I consider the proposal due to its scale, height, massing, form, layout, will not reinforce the character of the area; nor would it take into account the existing land uses. i.e. the neighbouring residential properties also consider the proposal contrary to Policy T33 (Taunton Skyline), which indicates that, 'Development which will affect the distinctive character and attractiveness of Taunton's skyline will not be permitted'. It is important to note the sub-section to the Local Plan which indicates that, 'Taunton has a distinctive, attractive skyline, characterised by dominant church towers and visible from several view points. Proposals which would impinge on and detract from the skyline will not be permitted'. The proposal will radically alter the Taunton skyline in this location, There are no buildings on this scale, height or massing. Whilst the hospital has a number of existing three storey buildings, these will be dwarfed by the proposed six

storey building, which when coupled with other objections set out below will radically alter Taunton's skyline forever. 2. Loss of privacy/overlooking/loss of light In view of the close proximity, a number of concerns have been raised with regard to the impact of the three storey and six storey buildings up on the adjacent private amenity areas and also inappropriate window to window relationships with the residents in Ashley Road. Again, a number of concerns are already highlighted in your Committee report. However, the objections need to be made in the context of the prevailing planning policy. Accordingly, it is considered that the proposal as it stands will be contrary to Local Plan Policy SI, sub-section E which indicates that, 'Potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance will arise as a result of the development, will not harm public health or safety. The amenity of individual dwellings or residential areas or other elements of the local or wider environment'. In addition Policy S2 (Design) subsection (F) requires proposals to 'minimise the adverse impact on the environment and the existing land uses likely to be affected' 3. Light pollution. A number of concerns have been raised in respect of the overall impact of the proposal on Taunton's skyline at night where it will be almost impossible to shield the skyline from light from the buildings. Accordingly, the proposal is considered contrary to Policy T33 (Taunton Skyline) and also Policy SI (General Requirements) sub-section E, which you have already indicated that proposals should not by reason of adverse glare cause harm to public health or safety and the amenity of individual dwellings or residential areas. Policy EN34 (External lighting) has not been referred to in the Planning Officer's report. This indicates that new light will be permitted, provided the impact on the night sky, road safety and residential amenity is minimised through the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas. The sub-text to the Local Plan is important as this indicates, 'The impact of lighting can be felt throughout towns and increasingly in the rural areas. One issue of concern is the way in which new lights unnecessarily cause light pollution of night sky. Similarly, excessive glare can lead to problems relating to road safety and residential amenity. These issues can be resolved by care and installation of new lighting'. 4. Access/Safety The objections have already stipulated that the existing access road to the site has led to a car crash where vehicles have unfortunately gone off the road into one of the rear gardens of Ashley Road. the current proposal for the internal access road appears to have taken out the existing bands. Concerns are therefore raised that this will increase the traffic speed within the site and lead to potential for further car crashes. Accordingly, the proposal is considered contrary to Policy SI (a), 'Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems, more environmental degradation by fumes, noise, vibration, or visual impact'. In addition, Policy M3(D) is relevant, 'The highway network will cater safely for the expected number of trips attracted'. Concern was also raised with regard to the suitability of providing car parking within one single area. The increase in the use of the access passing the adjacent residential properties and the corresponding impact of noise, fumes, dust, which are issues controlled by Policy S1(E). 5. Noise Objections have been raised to the potential impact of construction noise, noise from plant within the building and noise associated with a building in closer proximity to residential properties. The siting of the building within 11 metres of the back garden of properties within Ashley Road will significantly increase the level of disturbance and accordingly, the proposal is considered contrary to Policy S 1(E), 'the potential

noise, vibration and other forms of pollution or nuisance, which as a result will harm public health, safety and the amenity of individual dwellings or residential areas'. 6. Character A significant number of objections have been raised in respect of the impact of the building and the character, not only of the Taunton skyline, but the area surrounding the site. Indeed, the Landscape Officer of Taunton Deane Borough Council has raised concerns which are contained within the Officer's report, indicating that, 'the main concern is the impact of the proposals from Wellington Road. The surgical centre is tall and would be clearly visible above the wall of the historic cemetery. There is little opportunity for mitigation within the hospital grounds (there may be scope for tree planting within the cemetery, subject to the comments from the Crematorium Manager). Otherwise, subject to landscape details, the proposal looks 'interesting' (my emphasis)' To merely state that the proposal looks interesting, in no way addresses the concern about the impact of the proposal from Wellington Road. There is no room within the site for additional landscaping to mitigate the Impact. Indeed the Design Statement Indicates that there are opportunities for landscaping to address the concerns of nearby residents. However, in view of the limited space and the recognised comments of the Landscape Officer, the proposal is considered contrary to Policy S1(D), 'The appearance and character of the affected landscape would not be harmed as a result of the development'. 7. Impact on amenities In view of all of the concerns raised above, the overall proposal is considered to adversely affect the residential amenity of the residents in Ashley Road. 8. Inadequate arrangements for appropriate landscaping. As previously stated, the objections are not raised in respect of the principle, but the adverse impact the proposal will have if it proceeds on the basis of the plans submitted. The current landscaping arrangements are ill-conceived and any buffer planting will not 'mask' the impact of development to the satisfaction of the residents. Indeed, the landscaping would be closer and further block light and over shadow their property and would also take many years to firmly establish. Hence, an object on is made on this basis. Conclusion The Development Plan policies cannot be set aside lightly. All development proposals have to be considered in light of the prevailing planning policy context for the reasons set out above, it is requested that the application is deferred to enable a proper consideration of the scheme to demonstrate that the scheme can be delivered on site. The hospital's architects have not visited the objectors' properties and this is a major failure. There has been no constraints plan submitted with the applicant's design statement, in the event that this application is approved however, it is requested that a strong precautionary note is worded indicating that any subsequent Reserved Matters application must take fully into account the amenity of residential properties and the wider townscape of Taunton to ensure that it does not cause any harm. Without such a note, a Committee approval would give tacit approval to the current plans, which would be wholly misleading, ensuring potential time delays and costs in the event that any Reserved Matters application does not adequately address these issues. Accordingly, it is in everyone's interests to ensure that any proposed development on this site satisfactorily addresses the concerns raised above and this is not demonstrated in the current plans.

ADDITIONAL NOTES; 1, Any reserved matters submission should be designed in such a way as to minimise the impact of the proposal upon nearby properties. 2, No approval is hereby granted or implied in respect of the illustrative drawings

submitted. 3, Any reserved matters submission shall include a constraints analysis plan which shall have been subject to consultation with the local community.

15 38/2005/462

COUNTY HIGHWAY AUTHORITY raise no objection to amended plan.

LANDSCAPE OFFICER comments on amended plans - no additional Landscape comments.

1 ADDITIONAL LETTER OF OBJECTION raising the following comments; Chamberlains residents are currently responsible for a third cost of maintaining the road, this will be a lot of money if the road is damaged by construction traffic and increased use by new residents, will the road be adopted and who will be responsible for the adoption costs.

Taylor's own the road and it will be adopted when the site is developed.

AMENDED RECOMMENDATION; In the event that the S106 agreement for recreation/open space is not completed by 18th January 2006, permission be refused due to lack of recreation/open space and maintenance details for the wildlife corridor.

16 42/2005/047

As amended by letter dated 6th December 2005 and plans 1335/2C,3C,4C and 5C altering the window positions and porch design.

17 43/2005/127TEN

ADDITIONAL REPRESENTATIONS RECEIVED; Wellington Town Council - no objection; Rights of Way Team object as the site appears to be on the definitive line of a public footpath.

Amended Plans indicate red line to include all the landscape area shown around the site and clarifies that the installation will not be on the line of the public footpath.

Additional Representation; Still appears to be visible from the road when entering Wellington which is an area of outstanding beauty.

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