

Amendment Sheet

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**7**                    **20/2006/037**

**AMENDMENT TO WORDING OF CONDITION 05 OF PERMISSION  
20/2005/05 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST  
MARY**

Previous conditions to be restated on decision notice.

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**8**                    **20/2006/038**

**AMENDMENT TO WORDING OF CONDITION 06 OF PERMISSION  
20/2005/022 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST  
MARY**

COUNTY HIGHWAY AUTHORITY – has no objection to the application.

ONE ADDITIONAL LETTER OF OBJECTION - The period of occupation is vital to avoid the misuse of the accommodation by non-holiday makers; who is the register maintained by? The Council's policy on Tourism is ambiguous and non-committal; Does not encourage tourists as per the Council's aim; If each chalet is 'available for rent' who will monitor this information – the site manager or owner? Who will keep the record of occupancy – this is contradictory to the condition to keep a record by the developer manager of the site; Who is going to ensure the conditions are adhered to?

Previous conditions to be restated on decision notice.

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**9**                    **20/2006/039**

**AMENDMENT TO WORDING OF CONDITION 3 OF PERMISSION  
20/2006/026 AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST  
MARY, TAUNTON**

Previous conditions to be restated on decision notice.

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**5 24/2006/038**

**CHANGE OF USE OF LAND FOR THE RETENTION OF TWO GYPSY CARAVANS AND A DAY ROOM AT OXEN LANE, NORTH CURRY**

COUNTY HIGHWAY AUTHORITY response to the above-mentioned planning application received on 18th September 2006.

The proposal is partly on the site of a previous larger application. No 24/2004/042. This application was refused and a subsequent appeal was dismissed. The Secretary of State agreed with the Inspector that there are compelling objections to the proposed development on highway grounds.

The Secretary of State stated that he considers that the lack of footpaths are such that access to local community facilities cannot be described as "safe and convenient" as set out in LP policy H14(B). He considers that policy H14(B) has not been satisfied.

The inspector concluded that the highway issue focuses on conditions at the junction of Oxen Lane with Greenway (to left and right) and Windmill Hill (to the left only).

Whilst acknowledging that visibility to the left at Windmill Hill is restricted the inspector did not consider that additional traffic generated would be prejudicial to highway safety.

At the Greenway junction the available visibility depends upon the distance back along the side road (the "x" distance). Not in dispute were the quoted visibility splay distances of 12m left and ' right for an "x" distance of 2.4m; splay distances of 25m left and 27m right with an "x" distance of 2m and splay distances 88m left and 107m right with an "x" distance of 0.0m.

The inspector concluded that it would be wholly inappropriate to adopt an "x" distance of 0.0m. He agreed that an "x" distance of 2.0m is a requirement for single dwellings or groups up to half a dozen, but the appropriate distance for that application was 2.4m

It could be argued that an "x" distance of 2m could be considered appropriate for this current application (and subsequent applications provided the total number of units do not exceed 6). However the inspector concluded that splays of 60m were appropriate and that visibility available to drivers of vehicles emerging from Oxen Lane falls well short of this, even at 2.0m.

He further concluded that at the absence of an accident record, including any accidents since the commencement of the use in October 2004, is not good reason in these circumstances to grant express planning permission. However since the Inquiry, on 31st August 2005 an injury accident was recorded as a result of a motorcycle travelling along greenway swerving to avoid a car that pulled into its path at the Oxen Lane junction.

Therefore I recommend refusal for the following reasons:

1. Oxen Lane by reason of its sub standard junction with Greenway is considered unsuitable to serve as a means of access to the proposed development.
2. Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development.

#### HIGHWAY STATEMENT IN SUPPORT OF APPLICATIONS SUBMITTED BY SOUTH WEST LAW.

T Holland J Smith C Packman & M O'Neil Land at Greenacres Oxen Lane North Curry

Planning Application for the Change of Use of Land for 4 Pitches to Mobile Homes and Touring Caravans

#### SUPPORTING TRANSPORT STATEMENT

##### 1.0 INTRODUCTION

##### 1.1 Background

1.1.1. A previous planning application for the retrospective change of use of land at Greenacres, Oxen Lane, North Curry (reference 24/2004/042) for the siting of 16 pitches for mobile homes, and touring caravans was submitted to Taunton Deane Borough Council (the Council) on the 19<sup>th</sup> October 2004.

1.1.2 An enforcement notice was issued by the Council on the 29<sup>th</sup> October 2004.

1.1.3 A subsequent Appeal, reference APP/03315/C/04/1167161 and A/05/1182613, in June 2005 upheld the enforcement notice, and dismissed the Appeal. That Appeal decision is considered further in this Supporting Transport Statement as it is a material consideration.

##### 1.2 The Proposal

1.2.1 The current proposal is significantly reduced compared to the previous proposed determined at Appeal. It is for 4 pitches for mobile homes, and touring caravans. The Appeal proposal was for 16 pitches.

1.2.2 The applicants have constructed a simple priority junction access to the site from Oxen Lane. The site access is clearly visible from both directions, and is discernible as a junction from some distance away. The visibility splays from the site access are agreed to be acceptable, and the junctions of Oxen Lane with Windmill Hill to the left (west), and Greenway to the right (east) are visible from the access. Additional improvements to radii, and gradient as advocated at the previous Appeal can be appropriately conditioned.

1.2.3 Any traffic exiting the site is aware of other traffic on Oxen Lane, and can await departure if vehicles approaching from either the west or the east are in one of the narrower sections of Oxen Lane. Oxen Lane has an average road width of the order of 3.6m at the site access. Along its length from Windmill Hill through to Greenway it has passing places, and a significant part of its length has a width wide enough for free two way traffic.

1.2.6 This Statement has been produced to address the potential concerns of the County Council that may remain following the 2005 Appeal. These concerns are assessed to refute the previous Inspector's concerns.

### 1.3 Previous Appeal Decision

1.3.1 It is prudent to consider in detail the Inspector's conclusions on highway safety as set out at paragraphs 98 to 101 of the Inspector's report.

1.3.2 Paragraph 98 indicated with regard to the site access and sustainability that: "Modest improvements, namely, a reduction in the access gradient and the provision of a bell-mouth with 6m radii, are required at the site access and it is agreed by the parties that these could be the subject of a condition. The site access could be sufficiently improved to cater satisfactorily for these developments. Furthermore, visibility from the site access extends through to the respective junctions with Windmill Hill and Greenway such that a driver of a vehicle leaving the site knows in advance if there are other vehicles on Oxen Lane. With this in mind, and the potential for vehicles to pass in the informal passing places which exist and the likelihood in any event of limited vehicular movements, I do not consider its restricted width and lack of footways amount to a cogent objection in respect to either vehicular or pedestrian movement. In relation to H14(D), despite the absence of footpaths, I do not consider access to the school and other community facilities in the village to be inherently unsafe. Given the close proximity of these facilities the site is acceptable in terms of SP Policy 36."

The Inspector accepted that the site was sustainable, and as such there is no need in this Supporting Transport Statement to reconsider this issue.

1.3.3 Paragraph 99 considered conditions at the Oxen Lane / Greenway junction: "The highway issue, rather, focuses on conditions at the junctions of Oxen Lane with Greenway (to the left and right) and Windmill Hill (to the left only). Having regard to the indication set out on page 58 of PSM that 2.0m is a requirement for single dwellings or groups of up to half a dozen dwellings I share the view for the Council that the appropriate distance in this instance is 2.4m. At Greenway, where the junction is within the 30 mph limit I believe it to be reasonable to apply a splay of 60m despite the absence of details of actual speeds. Even then, however, visibility available to drivers of vehicles emerging from Oxen Lane falls well short of this, even at 2.0m."

1.3.4 Paragraph 100 continued: "With an "x" distance of 0.0m, visibility to the left would be some 88m and to the right some 107m. It would be wholly inappropriate, however, to adopt the 0.0m "x" distance as this is reliant on the oncoming vehicle stopping and such a vehicle could already be close to the junction when a vehicle from Oxen Lane starts to emerge. In terms of quantum, albeit that with the village centre / school likely to be approached in this direction, the additional movements at this junction would be very low even at peak times. The conditions at this junction, however, are so sub-standard that the objections of the highway authority on this account are well founded. The absence of an

accident record, including any accidents since the commencement of the use in October 2004, is not good reason in these circumstances to grant express planning permission." The impact at this junction is still to be considered.

1.3.5 Paragraph 101 concluded with regard to the Oxen Lane / Windmill Hill junction: "Visibility to the left at Windmill Hill, where vision is restricted by fencing, is also sub-standard. With good visibility to the right, however, I can accept that drivers of emerging vehicles would take additional time looking to the left when easing out. In these circumstances, and given the likelihood that drivers approaching the village on the main road would be slowing down given that the 30 mph limit commences just 15m or so north of the junction, I do not consider that the additional traffic generated would be prejudicial to highway safety."

With regard to the Oxen Lane / Windmill Hill junction, the Inspector was content.

#### 1.4 Structure of this Supporting Statement

##### 1.4.1 The Structure of this STS is:

i) Section 2 considers the traffic generated by the current proposal by reference

to aspects agreed at the previous Appeal, ii) Section 3 considers the Oxen Lane / Greenway junction, and iii) Section 4 presents a summary of this Supporting Transport Statement.

## 2.0 TRAFFIC CONDITIONS

### 2.1 Introduction

2.1.1 This section considers the issues relating to the traffic generated by the current

proposal by reference to aspects agreed at the previous Appeal.

### 2.2 Traffic Generation

2.2.1 The proposal comprises some 4 pitches, and it is assumed for the purposes of assessing the traffic impact that the pitches are equivalent to a house. This is the same assumption as made at the 2005 Appeal.

2.2.2 When the applicants are away from the site touring the traffic generation will be zero from that pitch. It is inevitable that at any one time that not all of the pitches will be occupied such that the values detailed below can be taken as maximum "worst case" values that will not be exceeded.

2.2.3 To avoid contention this Supporting Transport Statement uses for the assessment below the trip rates agreed with the County at the 2005 Appeal of 8 to 11 vehicles per hour (total two way) per pitch. These are from TRICS residential trip rates, and the range is the average to 85th percentile trip rates.

2.2.4 On that basis, the proposal could generate the following levels of traffic for various periods for all of the applicants on site i.e.: they are "worst case" or maximum values: Daily traffic 44

A.M. peak	Arrivals	1	
	Departures		2
	Two way		3
P.M. peak	Arrivals	2	
	Departures		1
	Two way	3	

2.2.5 The maximum traffic generation could be an additional vehicle on the whole highway network every twenty minutes in the peak hour. Any concerns previously related to a proposal with an impact of four times this value. The impact of this current proposal by any reasonable definition is de minimis.

## 2.3 Traffic Impact

2.3.1 The traffic generated by the proposal is likely to be split between the west and the east of the site i.e.: there will be traffic turning left out / right into the site, and right out / left into the site.

2.3.2 It was agreed previously that the predominant distribution will be left out / right into the access with a split of the order of 80% / 20% between the west, and the east. As such the peak impact of 3 vehicles per hour will be likely to result in 2 additional vehicles west of the site access and 1 additional vehicle east of the site access i.e.: one vehicle every half hour through the Windmill Hill / Oxen Lane junction, and an absolute maximum of one vehicle per hour through the Greenway / Oxen Lane junction.

2.3.2 With peak hour flows of the order of 173 vehicles per hour through the Windmill Hill / Oxen Lane junction, the impact of 2 vehicles per hour is de minimis at of the order of 1.2%

## 3.0 GREENWAY / OXEN LANE JUNCTION ISSUES

### 3.1 Introduction

3.1.1 This section considers the issues relating to the Greenway / Oxen Lane junction

namely to address the Inspector's concerns at paragraph 99 and 100 namely.

3.1.2 Paragraph 99 considered conditions at the Greenway / Oxen Lane junction: "The highway issue, rather, focuses on conditions at the junctions of Oxen Lane with Greenway (to the left and right) and Windmill Hill (to the left only). Having regard to the indication set out on page 58 of PSM that 2.0m is a requirement for single dwellings or groups of up to half a dozen dwellings I share the view for the Council that the appropriate distance in this instance is 2.4m. At Greenway, where the junction is within the 30 mph limit I believe it to be reasonable to apply a splay of 60m despite the absence of details of actual speeds. Even then, however, visibility available to drivers of vehicles emerging from Oxen Lane falls well short of this, even at 2.0m."

3.1.3 Paragraph 100 continued: "With an "x" distance of 0.0m, visibility to the left would be some 88m and to the right some 107m. It would be wholly inappropriate, however, to adopt the 0.0m "x" distance as this is reliant on the \ oncoming vehicle stopping and such a vehicle could already be close to the junction when a vehicle from Oxen Lane starts to emerge. In terms of quantum, albeit that with the village centre / school likely to be approached in this direction, the additional movements at this junction would be very low even at peak times. The conditions at this junction, however, are so sub-standard that the objections of the highway authority on this account are well founded. The absence of an accident record, including any accidents since the commencement of the use in October 2004, is not good reason in these circumstances to grant express planning permission. " The impact at this junction falls still to be considered.

3.1.4 There are three issues regarding visibility at the Oxen Lane / Greenway junction that need to be considered: i) Is there adequate visibility for vehicles departing from Oxen Lane both to the left, and to the right? ii) Is there adequate forward visibility of a vehicle turning right into Oxen Lane by following vehicles? And iii) Can vehicles turning right into the site see approaching vehicles?

### 3.2 Forward Visibility

3.2.1 The three measurements of visibility at 3.1.4 are interlinked. They all rely on the same speed function to determine the appropriate distance. The Greenway

/ Oxen , Lane junction is on a straight section of road where good forward visibility in this regard is achieved.

3.2.2 Forward visibility of turning vehicles at the junction is in fact in excess of that required by guidance. In so far as visibility for through traffic is concerned the applicant's proposals do not affect that existing forward visibility through either of the junctions in any way whatsoever. The visibilities at (ii) and (iii) can be achieved.

### 3.3 Visibility Splays

3.3.1 Visibility splays are measured by reference to an "x" distance and a "y" distance. The "x" distance is the distance along the minor road that a vehicle pulling out of the minor road is able to see major road traffic. The "y" distance is the distance along the major road that major road traffic has to stop in before reaching the minor road.

3.3.2 DETR's "Places, Streets and Movement" indicates that there is a choice between an "x" distance of 2.0m, 2.4m or 4.5m. The overriding advice is that: "Sightlines should never be reduced to a level where danger is likely to be caused."

3.3.3 Government advice essentially is that developers should not be expected to rectify existing problems, which are not made worse by the development proposals. This would be the case here.

3.3.4 The County Council have confirmed that over the past three years (the normal period for the assessment of accidents) that there have been no accidents at either the site access onto Oxen Lane, along Oxen Lane itself, or associated with the junction of Oxen Lane with Greenway. The accident data confirms that since October 2004 when the applicants first occupied the site that the accident record has not in fact worsened. The additional traffic movements associated with the site have not led to any increase in accidents over the past twenty five months. Any increased use of the "substandard" junction of Greenway / Oxen Lane has not manifested itself as increased accidents.

3.3.5 The only issue therefore is the visibility both to the left and right at the junction. 3.3.6 At the Greenway / Oxen Lane junction the agreed visibility splays are as follows:

	Left	"x"	Right
88m	0m	107m	
25m	2.0m	27m ~	

3.3.7 Any vehicles attempting to leave Oxen Lane is visible (the 0m measure) from well in excess of that required for vehicles to stop. In other words, any vehicle travelling along Greenway through the settlement is aware of a driver attempting to leave Oxen Lane from 88m to 107m away. At those distances vehicles travelling at 60 kph or 38 mph can stop. Coupled with this is the fact that the impact of the proposal at this location is very modest at an additional vehicle egressing in the a.m. peak hour. Accessing traffic into Oxen Lane does not have any visibility issue.

3.3.8 It is concluded therefore for this junction that the likely impact of the proposal would not by itself require this junction to be improved. Furthermore, the existing situation plus the impact of the proposal has not resulted in a poor accident record at this location. Although the Inspector had concerns at this location, the current proposal would have a maximum impact in the morning peak of an additional vehicle departing. The maximum daily traffic departing Oxen Lane at this location is one vehicle every six hours.

#### 4.0 SUMMARY AND CONCLUSIONS

4.1 The reduced visibility at Greenway does not constitute as such a significant risk to

highway safety for a modest 4 pitch development.

4.2 The constrictions in visibility for exiting traffic are existing, and the additional traffic generated by the applicants has not led to any adverse accident record. This is the only adverse comment raised by the Inspector.

4.3 There are in our opinion no sustainable highways or traffic objections to the proposal.

COUNTY HIGHWAY AUTHORITY RESPONSE – Having considered the report submitted by South West Law, the County Highway Authority maintains its previous comments and recommendations.

#### CORRECTIONS TO REPORT

P14 5<sup>th</sup> line of 4<sup>th</sup> paragraph should refer to Circular 1/94 and not 1/2006

P15 1<sup>st</sup> sentence 5<sup>th</sup> paragraph – delete ‘shortly’.

P33 1<sup>st</sup> sentence 2<sup>nd</sup> paragraph – replace ‘we’ with ‘were’.

P42 1<sup>st</sup> paragraph the occupant of the Hillfarrance site was not already unlawfully in Taunton Deane

P44 last para, 14<sup>th</sup> line – delete ‘this’.

ADDITIONAL REASON FOR REFUSAL – Oxen Lane by reason of its lack of footway provision is considered unsuitable to serve as a means of access to the proposed development contrary to the requirements of The Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(B).

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## 12 34/2006/046

### **ERECTION OF TWO-STOREY AND SINGLE-STOREY EXTENSION AT THE REAR, ERECTION OF DOUBLE GARAGE TO THE EAST, OF SLAPES, STAPLEGROVE, TAUNTON**

ONE OBJECTION received from neighbour. Smokey and Slapes are two medieval cottages in a unique, unspoilt situation with no near neighbours. When applicant purchased a piece of agricultural land in 2005 in front of their house and applied for retrospective permission for change of use to residential access and drive, neighbours did not object as they were assured that no buildings would be built on land. The proposed large, double garage, will be directly in front of the study and kitchen windows approximately 4m away and will obscure the view of the Quantock Hills. If a second double garage is required it could easily be sited alongside the existing double garage in the rear garden with access to the quieter lane leading to Edgeborough.



**CHANGE OF USE OF FOUR ALLS TO A2 OFFICE USE AND A3 FOOD AND DRINK, ERECTION OF 4 GROUND FLOOR RETAIL UNITS AND 50 FLATS WITH CYCLE STORAGE AT THE FOUR ALLS/CASTLE MOAT CHAMBERS, CORPORATION STREET, TAUNTON**

HIGHWAY AUTHORITY – has no objection to the principle of the development proposed being car free. The Highway Authority welcomes the improved pedestrian linkages being provided between Bath Place and Corporation Street, even though these will be closed outside of business hours. In order to improve facilities for pedestrians and vulnerable road users in the area and due to the number of flats being increased from fourteen to fifty an increased contribution of £70,000 should be made available.

CONSERVATION OFFICER – The Conservation Officer is satisfied with the scale/relationship of the two storey build onto Bath Place, and the adjacent cottages.

CIVIC SOCIETY – We have no objection to the proposed change of use as such. Given the very central location, and the problems presented by the vehicular access to Corporation Street in the previously approved proposal, it is not realistic to expect any parking provision. However, we would wish the Planning Committee to note that this proposal will inevitably increase the pressure on non-residential parking space as many of the (at least) 50 occupants will own a vehicle.

The Corporation St Façade is important to the overall impression made on entering the town centre from Park St. The building stands over against the undistinguished and weak Michael Paul House and the much stronger Art Deco “Mecca” building.

We therefore agree with the design statement that the building should provide *“high quality and well mannered infill between the Hunt’s Court and Four Alls public house buildings of an appropriately civic scale”*. Overall, the design seems to “pick up” on the neo-classical Hunts Court. We approve.

However, we do not believe that the design is strong and simple enough to be successful in this. Hunts Court has strong vertical elements at first floor upwards, but this design has spaces between its verticals that result in a predominantly horizontal emphasis. With rectangles between the main rendered verticals there is a confusing blend of horizontal timbers, square windows and narrow vertical windows. The overall impression is weakened by fussy detail and the use of too many materials.

The design statement also speaks of being *“reticent”*. Let it be *“well mannered”* by all means, but it would be good to have something a little more striking.

We realise that the use of timber panels is “fashionable” and accept that there may be advantages as regards maintenance, but object to the extensive scattering of timber cladding.

Our objection to timber cladding extends to the internal and southward (Bath Place side) facing walls, and in particular to two areas of extensive panelling on the southern block on the B-B line. This is over the southern Arcade entrance and the Arcade light well in the internal “courtyard”. Oddly, this only affects one floor on each side, the other storey having a window, which suggests that the absence of a window is not due to the relationship to the Arcade below. This disrupts the rhythm of the windows and incidentally results in poor natural light for the corridors concerned.

ONE ADDITIONAL LETTER of representation has been received - Objection to the inclusion of a 'bin store' on Bath Place elevation. Incongruous and at odds with the Bath Place Street Frontage – Conservation Area; suggest that the restaurant kitchen filtration is correctly considered in respect of external odours emitted.

AMENDED RECOMMENDATION – subject to negotiation of a suitable financial contribution relating to highway improvements.

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