

**Planning Committee - THURSDAY 22nd MAY 2008
Amendment Sheet**

4 14/2007/048

RESIDENTIAL DEVELOPMENT COMPRISING 76 DWELLINGS (INCLUDING 38 AFFORDABLE DWELLINGS) ON LAND OFF HYDE LANE, HYDE LANE, CREECH ST MICHAEL, TAUNTON AS AMENDED BY AGENT LETTER DATED 22 APRIL 2008 AND ACCOMPANYING PLAN DRG NO 3860/07 REV D RECEIVED 23 APRIL 2008

DRAINAGE OFFICER - It would appear that drainage proposals have not changed following the recent amendment. Therefore, my comments of 7 February 2008 still apply.

I note that the Environment Agency have not been consulted on the sizeable development, is this an oversight?

LEISURE AND DEVELOPMENT TEAM - No reduction of this amount should be permitted for the proposal to provide new car parking spaces on the northern edge of the site. Residents of the new development can easily walk to the Recreation Field which already has sufficient parking for the facilities provided. No reduction from this amount should be permitted for the proposed works to the existing road system.

FOOTPATHS OFFICER - The public footpath T10/26 will be affected by this proposal in as much as it may be assumed that all access by builders/delivery vehicles will be via the track carrying the public way. Adequate health and safety measures to be taken. Any request to create new public ways (eg. Dual purpose cycle/pedestrian) would be dealt with by the County Council.

HOUSING OFFICER - The requirement from the Housing Enabling Manager is in accordance with discussions with the developer and Development Control. The % tenure mix should be 50% social rent, 25% shared ownership and 25% low cost open market. Household mix as follows:

No properties should be below 45 sq mtrs.

4 x 2 bed 3P flats

Social Rent - 191 x 4 Bed 5P house

1 x 4 bed 6P house

6 x 3 bed 4P houses

5 x 2 bed houses

2 x 2 bed OP bungalows

Homebuy 2 x 3 bed SP houses

8 x 2 bed houses

Low cost 2 x 3 bed houses

7 x 2 bed houses

NATURE CONSERVATION AND RESERVES OFFICER - MWA's submitted ecological report, August 2007 identifies further survey work that needs to be done and includes a survey of the bungalow for bats - optimal time May to September, reptiles - a survey between May and September. 7.4 of the report

concludes that dormice are unlikely to use the site due to poor hedgerow connectivity.

I advise that the presence or otherwise of bats needs to be established before planning permission can be granted for this site (PPS9). The results of the bat survey must be submitted for consideration before determination. If bats are found in the bungalow the survey should assess the species and population level. A mitigation strategy should be submitted to ensure no detriment to the maintenance of the population at a favourable conservation status of the bats and delivery mechanisms to ensure that the mitigation is feasible.

The results of reptile surveys should also be submitted for consideration.

WEST MONKTON PARISH COUNCIL - Parish supports this application.

COUNTY HIGHWAYS - Little additional effect on highway network therefore previous comments apply.

CREECH ST MICHAEL PARISH COUNCIL - Following our recent Parish Council Meeting, the councillors voted to support this development unanimously, subject to the following conditions regarding traffic during the development::

Traffic during the development: we would like a condition attached to the permission that construction traffic should not use the village roads through Creech St Michael and Creech Heathfield in order to access the development. Hyde Lane is considered to be a 'safe route' to school, and many school children use it to get to Heathfield School, Monkton Heathfield and Creech St Michael Primary School. For this reason we would also like a condition that construction traffic cannot access Hyde Lane between the hours of 0.30am and 4.30pm during school days during the development. Creech St Michael has 6'6" width restriction in any event which we would expect to be strictly observed.

The Councillors trust this condition will be included when approving the final.

REPORT CORRECTION -

Page 2 Paragraph 2 - 'The application is in outline with all matter reserved for future approval. The proposal is accompanied by a plan showing a possible realignment of Hyde Lane with access into the site from this new road. The existing Hyde Lane would be closed to provide a cycle way and pedestrian footpath. The existing central hedge would be retained to assist the new road alignment and provide a mature boundary treatment. An improved new vehicular entrance to the recreational ground north of the site would be required. It is postulated that Hyde Lane should be retained as a link through to Monkton Heathfield.'

Paragraph 7 and 8 - 'A SUDS compliant storm water drainage and storage system will be subject to comprehensive assessment and design. This will utilise pervious surfaces, underground storage and above ground storage and percolation in swales and landscape features. The aim is to provide an attenuation standard equivalent to Greenfield run off levels.

Foul water will be taken to the nearest sewer in Hyde Lane but will need to be pumped from the site from gravity sewers within site.'

LETTER OF REPRESENTATIONS MAKING THE FOLLOWING POINTS:-

Act for the adjacent landowner to the south of the application site

A new road is being constructed over a "track" they have rights of way over this

track and so do others and is the only way into these fields.

Ownership of the track is uncertain and they believe they have some very long established claim that might mean they own at least half the track. Adoption of the road will undoubtedly require their agreement.

Outline road does not show any access to their land whereas it shows access to the other parcels to the north.

Curve in the road would be cause some difficulty for agricultural traffic having access to the track (particularly if coming from the north) and they believe this should be accommodated at this stage.

If granted likelihood that in due time further development will take place in this area that might include land to the south. LPA duty to look at this possibility and make sure the road system, and services can be provided on a comprehensive basis.

Do not object to the proposal in this application but on the condition that there is a recognition and an obligation on the developer to allow access form the new road into their land.

In the absence of this the current application is very likely to have the effect of isolating their land as they believe the developer could maintain a ransom along the road and so present a possible barrier to development and access.

Plan provided indicating where an access to serve the land to the south safely could be located.

Suggest the following condition:

"Submission of a road design that ensures access from the new system to land to the south and west for all purposes"

REASON: So as to ensure neighbouring land has a level of access that is no worse than currently exist and in the interest of comprehensive planning of this area.

COMMENTS FROM THE SPECIES OFFICER - Further to the submitted MWA addendum to the ecological survey I am satisfied that no evidence of bats or nesting birds was found in the bungalow. I suggest the following conditions to protect species that could be affected by the proposals:

Nesting birds:

C1111 between March 1st and August 15

Reptiles:

Development shall not commence until the results of a full survey for reptiles and a report, undertaken by a qualified ecologist, between May and September, is submitted, to and approved in writing by the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law J1113.

Reason: Adders, grass snakes and slow-worms are all protected under Section 9(1), 9(5)(a) and 9 5)(b) of the Wildlife and Countryside Act 1981 (as amended), in accordance with Taunton Deane Local Plan Policy EN4.

Badgers:

Development shall not commence on site until a method statement, detailing how badgers will be protected on site has been submitted to and approved in writing

by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard species which are specially protected by law. Badgers are known to forage on site and it is possible that a sett may be concealed by dense vegetation on site. Badgers and their setts are specially protected through the Protection of Badgers Act 1992.

Notes to applicants:

The developer and contractors must be aware that certain species are fully protected by law under the Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act and under European legislation. The protection afforded to species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. If a badger sett is discovered on site then it is likely that a badger licence, from Natural England will be a requirement to disturb the sett to allow the development of the site.

AMENDED RECOMMENDATION - Additional conditions for Bats, Reptiles and Badgers and note to applicant on protected species as detailed above.

S106 CONTRIBUTIONS - the developer has agreed to the principle of the Section 106 contributions for Affordable Housing, Leisure, Education and Highways and expects the details to be finalised during the S106 negotiations.

5 19/2007/017

ERECTION OF 22 AFFORDABLE HOUSES ON LAND WEST OF HOME ORCHARD (R/O 25 & 27) HATCH BEAUCHAMP

Applicants have responded as below with regard to contribution towards leisure and recreation:

"The applicants, Summerfield Developments had understood that in order to keep the cost of the affordable housing to a minimum there would be no requirement for additional contributions. However as this has been requested I can confirm on behalf of Summerfield Developments that they are prepared to make a contribution to leisure facilities on the basis of £1,785 for each 2 bed property and above towards children's play facilities (for existing village play area) and £1,023 towards borough wide outdoor recreation.

This is subject to Summerfield either obtaining a subsidy for the cost of the contribution or to the cost being incorporated in the discounted house values."

COUNTY EDUCATION - Normal pupil place estimates applied to 22 dwellings would suggest additional demand for about four more primary school places (22/150 dwellings x 30 children). The current Net Capacity of the local primary school is 60, with 42 on roll as of September last year. Forecast rolls are more or less stable, so we would expect some 20 places or so places to be available for the foreseeable future.

ENVIRONMENTAL HEALTH OFFICER- Views still awaited.

ADDITIONAL REASON FOR REFUSAL - The proposal does not provide any public open space or children's play area for the site and is therefore contrary to Taunton Deane Local Plan Policy C4.

ADDITIONAL NOTE - Your attention is drawn to the comments of Wessex Water and the need to ensure dwellings are 150m from the sewage works. This is considered a material consideration should you wish to pursue a scheme here.

6 24/2008/002

PROPOSED SITING OF TWO MOBILE HOMES, ONE TOURING CARAVAN AND THE ERECTION OF A DAYROOM AT PLOT 1 GREEN ACRE, OXEN LANE, NORTH CURRY (PART RETENTION)

ADDITIONAL LETTER FROM AGENT - we consider this site to be acceptable and we expect to go to an appeal where we will claim full costs. We consider the Local Planning Authority did not conform to the 1994 Government Guidelines for the provision of gypsy site and that Taunton Deane Borough Council are breaching Gypsy Human Rights and Race Acts.

The UK Romani Gypsy Council have a good record of success on appeal.

7 24/2008/005

CONVERSION AND EXTENSION WORKS TO GARAGE TO FORM A DWELLING HOUSE, LAND AT THE JUNCTION OF GREENWAY AND WINDMILL HILL, NORTH CURRY (AMENDED DESIGN) FURTHER AMENDED BY LETTER DATED 17TH MARCH AND ACCOMPANYING PLANS, EMAIL DATED 27TH APRIL, AND EMAIL DATED 9TH MAY WITH PLANS RCNCDH1 REV3 AND RCNCDH2 REV2.

CONSERVATION OFFICER'S VIEWS ON AMENDED PLANS - The only positive changes are the addition of the barge boards, details required for approval. The glazing bar proportions are totally wrong for the 'sash' windows. Still consider the overall height and massing too great for the location and no justification for the large roof area, considering that there will be subsequent pressure for a second floor, which would not be acceptable from Conservation point of view. For such a landmark position, details such as correct proportions in all aspects of the building should be paramount in its design - they are sadly lacking in the proposal.

PLANNING OFFICER - still considers the proposal to be acceptable subject to additional conditions.

REVISED RECOMMENDATION: Subject to the receipt of further acceptable amended plans, revising the window proportions and details, the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED (Conditions as printed).

8 38/2008/032

ERECTION OF 2.45M HIGH SECURITY FENCING WITH ACCESS GATES AT TAUNTON SCHOOL, TAUNTON AS AMENDED BY LETTERS DATED 27 MARCH 2008 AND 3RD APRIL 2008 AND ATTACHED PLANS

FURTHER LETTER OF OBJECTION making the following points as below:

This fence is designed to keep all intruders out of the school grounds (see Design Access Statement and Materials) and is therefore not going to be discrete or 'blending well' in a residential area.

I would ask the Committee to especially consider that the proposed location of this fence on the College Road side is also within 1m of Brigue's dining room, kitchen and sun room's windows which would condemn the occupiers to live in the shadow of high security premises.

If the Committee are minded to approve this application for an intrusive and uncompromising fence design, please consider the more logical option of erecting the fence along the boundaries of Red Cottage (which, not shown on submitted documents, has an existing access onto College Road), so as to at least keep the historically long standing group of houses in College Road out of the barricade and to avoid complete disregard for the visual amenities of this residential area.'

9 38/2008/056

ERECTION OF THREE-STOREY BUILDING OF 11 TWO BEDROOM APARTMENTS ON SITE OF DWELLING TO BE DEMOLISHED AT 49, WORDSWORTH DRIVE, TAUNTON AS AMENDED BY AGENT'S LETTER DATED 24APRIL 2008 AND REVISED PLANS, DRAWINGS NOS. A 2007 204 PL001 REV C, PL005 REV.A AND PL006

Letter from County Highway Authority correcting their previous comments and advising the access is safe and the traffic generated will not have a significant effect on the highway.

Parking is acceptable and no objection is raised subject to conditions.

10 38/2008/114

TEMPORARY CHANGE OF USE OF PART OF CIDER PRESS GARDEN FOR RESTAURANT SEATING BETWEEN APRIL AND END OF SEPTEMBER EACH YEAR ADJACENT TO HUNTS COURT, CORPORATION STREET, TAUNTON
NOTE OF EXECUTIVE decision to grant a licence and summary of responses to

informal consultation.

The Leader of the Council, Councillor Ross Henley, has decided to grant a licence for part of the Cider Press Garden to the Loch Fyne Restaurant Company, for use as an outdoor dining area for the period 1 April to 30 September each year. This decision is subject to agreement of terms for the licence, to be negotiated between the Council and Loch Fyne.

Background

At its meeting of 14 November 2007, the Executive decided to support the use of part of the Cider Press Garden by the Loch Fyne Restaurant Company, subject to formal advertisement and consideration of objections, as well as separate licensing and planning consents. A period of informal consultation took place prior to the Executive meeting, generating 18 responses which informed the discussion.

The deadline for responses to the formal advertisement ended on 14 February 2008, with three responses received. These responses did not raise issues of any significant difference to those raised in the previous informal consultation. Loch Fyne now intends to submit planning applications for use of this space and the adjacent Hunts Court building as a restaurant/dining area. These applications will be determined separately by the Council in its role as planning authority.

Table 1: Summary of responses to informal consultation

Views for the proposal

Views against the proposal

Fits well with 'Project Taunton' plans for a 'cultural quarter' in this part of Taunton. The proposal would widen range, quality and choice of eating establishments in Taunton.

The loss of this space for six months a year will be replaced many times over when Castle Green becomes public open space within the next five years.

Would enhance Corporation Street as a main route into the Town Centre and encourage a more cosmopolitan feel to the area. The addition of a dining area will provide a focal point for the link between Bath Place and Corporation Street, encouraging people to explore further.

Supportive, provided appropriate use and sympathetic design are ensured by licensing and planning conditions.

Hunts Court has been vacant for many years - the proposed use would be good for the building and Taunton as a whole. An external area would give the outlet a 'street presence' that the building itself does not lend itself to.

The current space is well balanced, and a paved dining area to one side would be detrimental.

The central stone cider press is sculptural in form and benefits from the space around it.

Scepticism that the restaurant's business would actually depend on use of this space.

The area is an indirect asset to neighbouring Bath Place, enhancing its attractiveness as a shopping venue.

This is one of the few public open spaces in the Town Centre. Tranquillity would

be lost.

Potential encouragement to customers of the neighbouring establishment (Pitcher and Piano) to use the other side of the garden.

Concern about changes to Hunts Court building which may be required to access the area.

The garden would become an outside smoking area for the restaurant and a 'rubbish tip' for cigarette butts and food spillage from plates and tables.

11 38/2008/182

ERECTION OF CONSERVATORY, 46 TRINITY ROAD, TAUNTON
CLARIFICATION OF RECOMMENDATION - Permission be GRANTED subject to conditions of time limit and materials

12 42/2007/060

OUTLINE APPLICATION FOR ERECTION OF 58 AFFORDABLE HOMES AND ASSOCIATED PARKING ON LAND WEST OF COMEY TROWE ROAD, TAUNTON

CORRECTION - to Education comments in that the secondary catchment school is 'Castle School' not 'Bishop Fox's School'.

AMENDED TITLE - As amended by letter dated 29 April 2008

13 42/2008/002

OUTLINE FOR ERECTION OF 8 AFFORDABLE HOUSES ON LAND OPPOSITE DIPFORD COTTAGE, DIPFORD ROAD, TRULL

The agent has submitted further information. With reference to the second refusal reason, a photograph has been submitted of some cottages at North Curry, which have recently been completed for Falcon Rural Housing. The dwellings proposed at Dipford Road are of similar standard and appearance.

ONE FURTHER LETTER OF OBJECTION - Raising concern over the following; overlooking between the site and the opposite property has not been included in the refusal reasons; poor layout of report.

ONE LETTER OF SUPPORT - Has been received raising the following issues: the 'Needs led' application is to provide affordable housing to satisfy the local needs identified in the survey carried out by Community Council for Somerset; the housing proposed will not bring in any applicants who are not already reliant on the car and there will be no extra growth in private vehicles in Trull; while the site falls outside development limits, it is exactly the sort of mixed development

and cross subsidised project that is recommended by the Affordable Housing Commission; the site is an exception to the rule.
