

PLANNING COMMITTEE - 15 FEBRUARY 2006

Report of the Chief Solicitor

Application No 38/2005/422 – Redevelopment to provide 48 sheltered housing apartments for the elderly with community amenity space, car parking and access at 2 and 4 Compass Hill, Taunton

Members will recall that at the meeting of the Committee on the 14 December 2005, they considered an application for the redevelopment of 2 and 4 Compass Hill, Taunton, to provide 48 sheltered housing apartments with community amenity space, car parking and access. Members refused the application for two reasons:-

1. The Council is not satisfied on the basis of the evidence submitted that the limited level of parking proposed will not give rise to highway danger on the adjacent Class 1 Road. The proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49; and
2. The proposed development represents an overdevelopment of the site out of keeping with the character and general scale of development in the area. Furthermore, the proposal is considered to result in a loss of privacy for neighbouring occupiers to the north-west and south-east of the site, contrary to the requirements of Taunton Deane Local Plan Policies S1, S2 and H2.

An appeal against the refusal has now been lodged, and several issues arise.

Firstly, as the application was recommended for approval the Planning Officer would be placed in an unacceptable professional position in seeking to defend the refusal. Further, as the Somerset County Council did not oppose the application they are not in a position to provide a witness to defend the highway reason for refusal. Accordingly, an external consultant or consultants will be needed to defend the decision at the appeal.

Secondly, the second reason for refusal identifies a loss of privacy for neighbouring occupiers to the north-west and south-east of the site. However, in making this decision it appears that Members were unaware that there was a recommended condition requiring the windows of Units 27, 28, 42 and 43 on the south-east elevation to be obscure glazed, to overcome the problem of loss of privacy.

Members may therefore wish to clarify for the purposes of the appeal that the reason for refusal does not relate to the south-eastern elevation containing those units, nor the element of the elevation which is further from the

boundary. The refusal reason should therefore relate only to the north-west elevation.

Finally, Members will recall that the recommendation of approval was to be subject to a Section 106 Agreement to secure an off site contribution to affordable housing of £350,000. If the applicants are successful on appeal, that agreement will still be required.

RECOMMENDATION

It is therefore RECOMMENDED that:-

- (1) Members agree to the appointment of an outside consultant or Consultants to defend the appeal on behalf of the Council;
- (2) Members clarify that the second refusal reason does not include that section of the south-east elevation including Units 27, 28, 42 and 43 subject to an appropriate condition being imposed as to obscure glazing, nor to the further element of the south-east elevation at a greater distance from the boundary; and
- (3) The Solicitor to the Council be authorised to enter into a Section 106 Agreement with the appellant to secure the payment of an off site affordable housing contribution in the event that the appeal is successful.

Chief Solicitor

Contact Officer: Judith Jackson Telephone 01823 356409 or e-mail j.jackson@tauntondeane.gov.uk