



## PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON WEDNESDAY 13TH OCTOBER 2004 AT 17:00.

(RESERVE DATE : THURSDAY 14TH OCTOBER 2004 AT 17:00)

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### **AGENDA**

1. Apologies
2. Minutes (TO FOLLOW).
3. Public Question Time
4. COMBE FLOREY - 11/2004/014  
INCREASE IN HEIGHT OF BOUNDARY WALL TO 2 METRES,  
FAIRVIEW, SEVEN ASH.
5. CREECH ST MICHAEL - 14/2004/028  
ERECTION OF TWO STOREY SIDE EXTENSION AT 26 WEST  
VIEW, CREECH ST MICHAEL.
6. CREECH ST MICHAEL - 14/2004/033  
ERECTION OF TWO DWELLINGS WITH GARAGES AND ACCESS  
DRIVES ON PLOTS 3 AND 4 THE FORMER CROWN INN CAR  
PARK, CREECH HEATHFIELD.
7. NORTON FITZWARREN - 25/2004/015  
ERECTION OF DWELLING ON LAND ADJACENT 23 MANOR  
PARK, NORTON FITZWARREN AS AMENDED BY DRAWING NOS.  
1604/2A, 3A, 4A RECEIVED 9TH AUGUST, 2004
8. NORTON FITZWARREN - 25/2004/020  
ERECTION OF DETACHED DOUBLE GARAGE AT WILLOW BARN,  
HARNHAM COURT, NORTON FITZWARREN.
9. WELLINGTON - 43/2004/107  
CHANGE OF USE OF DWELLING WITH BED AND BREAKFAST  
AND ANCILLARY HOLIDAY LET TO ADULT CARE HOME,  
EXTENSIONS TO DWELLING AND USE OF OUTBUILDINGS AS  
ANCILLARY TO CARE HOME, THE WHEELHOUSE, LINDEN,  
WESTFORD, WELLINGTON.
10. TEL/04/2004 - NOTIFICATION OF TELECOMMUNICATIONS  
APPARATUS - PROPOSED VODAFONE INSTALLATION AT  
ROOFING SUPPLIES OF TAUNTON, CORNISHWAY NORTH,  
GALMINGTON TRADING ESTATE, TAUNTON. Miscellaneous item

- |     |  |                    |
|-----|--|--------------------|
| 11. | PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 - CHURCH OF ST. LUKE, COTFORD ST.LUKE, BISHOPS LYDEARD CIVIL PARISH - PROPOSED URGENT WORKS NOTICE   | Miscellaneous item |
| 12. | 25/2002/018 - REDEVELOPMENT COMPRISING EMPLOYMENT AND RESIDENTIAL DEVELOPMENT, PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD, PROVISION OF OTHER INFRASTRUCTURE AND SERVICES, STRUCTURAL LANDSCAPING AND OPEN SPACE PROVISION, TAUNTON TRADING ESTATE, NORTON FITZWARREN. | Miscellaneous item |
| 13. | E230/01/2004 - ERECTION OF SUMMERHOUSE AT COURT PLACE BARN, ASHBITTLE, NR. WELLINGTON.   | Enforcement item   |
| 14. | E251/30/2004 - CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC USE AT MINSTERS EDGE, PITMINSTER.  | Enforcement item   |
| 15. | E134/38/2004 - DISPLAY OF SIGN ON EAST ELEVATION OF CASH CONVERTERS, 5 EASTGATE, TAUNTON.  | Enforcement item   |
| 16. | E271/38/2004 - NEW VEHICULAR ACCESS FORMED AT 90 SOUTH ROAD, TAUNTON.  | Enforcement item   |
| 17. | E334/38/2004; 38/2004/281LB AND 282A - ERECTION OF INDIVIDUAL ILLUMINATED LETTERS AT AURA, 2 CHURCH SQUARE, TAUNTON  | Enforcement item   |

G P DYKE  
Member Services Manager

The Deane House  
Belvedere Road  
TAUNTON  
Somerset

TA1 1HE

05 October 2004

TEA FOR COUNCILLORS WILL BE AVAILABLE FROM 16.45 ONWARDS IN COMMITTEE ROOM NO.2

Planning Committee Members:-

Councillor Miss Peppard (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillor Beaven  
Councillor Bowrah  
Councillor Miss Cavill  
Councillor Croad  
Councillor Denington  
Councillor Floyd  
Councillor Guerrier  
Councillor Henley  
Councillor Hindley  
Councillor House  
Councillor Phillips  
Councillor Mrs Smith  
Councillor Stuart-Thorn  
Councillor Vail  
Councillor Wedderkopp  
Councillor Weston



## **Planning Committee – 29 September 2004**

Present: Councillor Miss Peppard (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Govier,  
Henley, Hindley, House, Phillips, Mrs Smith, Vail and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area Planning Officer (West)), Mrs J Moore (Principal Planning Officer (East)),  
Ms K Marlow (Principal Planning Officer (West)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillors Govier, Bowrah and Miss Cavill arrived at the meeting at 5.12 pm, 5.28 pm and 5.59 pm respectively)

### 107. Apologies

Councillors Guerrier and Stuart-Thorn.

### 108. Minutes

The minutes of the meeting held on the 8 September 2004 were taken as read and were signed.

### 109. Applications for Planning Permission

The Committee received the report of the Development Control Manager on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

#### **10/2004/020**

Change of use and conversion of barn to dwelling (revised proposal to include erection of attached garage) at Trents View, Trents Farm, Churchinford.

#### Conditions

- (a) C001 – time limit;
- (b) C106 – second-hand materials;
- (c) C110 – materials – for hardsurfacing;
- (d) C112 – details of guttering, down-pipes and disposal of rainwater;
- (e) C201 – landscaping;

- (f) Before any part of the permitted development is commenced, details of all boundary walls or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (g) C917 – services – underground;
- (h) P001A – no extensions;
- (i) P003 – no ancillary buildings;
- (j) P006 – no fencing;
- (k) P010 – no further windows;
- (l) Before the commencement of any works hereby permitted, details of all external windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority;
- (m) All windows and doors hereby permitted shall be timber only;
- (n) Before the commencement of any works hereby permitted, details of the means of venting the roofs shall be submitted to, and approved in writing by, the Local Planning Authority;
- (o) C601 – schedule of works to ensure safety and stability of structure;
- (p) C677 – repairs – approach – workmanship;
- (q) C902 – alternate permissions on same site;
- (r) The garage hereby permitted shall be constructed only in accordance with the approved plans, and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;  
(Notes to applicant:- (1) N025 – conversion; (2) N112 – energy conservation; (3) Applicant was advised that only foul flows will be permitted to connect to the public sewer; (4) Applicant was advised that soakaways should be installed in accordance with the Building Research Establishment Digest 365 (September 1991); (5) N124 – sound proofing; (6) Applicant was advised that a culvert passes through the site from Ford House. You should ensure that works do not affect this culvert in any way).

Reason for granting planning permission:-

The proposed building was located on the edge of the village where the conversion scheme was considered appropriate in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

**14/2004/027**

Closure of existing access and formation of new agricultural access, North End, Creech St Michael

Conditions

- (a) The development shall be completed within three months of the date of this permission;
- (b) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) within three months of the date of this permission in accordance with details which shall have been

- submitted to, and approved in writing by, the Local Planning Authority;
- (c) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10m from the carriageway edge;
  - (d) The gradient of the proposed access shall not be steeper than 1 in 10 and shall be completed within three months of the date of this permission;
  - (e) Provision shall be made within the site, within three months of the date of this permission, for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (f) The access hereby permitted shall be used for agricultural purposes only;
  - (g) The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within three months of the date of this permission;
  - (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 60m to the east of the access and the full extent of the frontage to the west of the access which is within the applicant's ownership;
  - (i) In order to achieve the above condition (h), a section of bank and hedgerow will have to be removed and, as such, a new section of hedgerow shall be planted along the entire frontage and along the access/driveway in accordance with details, which shall first be submitted to, and approved in writing by, the Local Planning Authority. Such details shall also include the grading/construction of a new bank. The new hedgerow shall be 40% hawthorne, 40% blackthorne and 20% field maple and this shall be completely carried out within the first planting season from the date of this permission. The hedging plants shall be protected and maintained to the satisfaction of the Local Planning Authority and any hedging plants that cease to grow shall be replaced by hedging plants of similar size and species.
  - (j) A post and rail fence shall be constructed in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority and such scheme shall be implemented within three months of the date of this permission.

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity nor road safety and therefore did not conflict with Taunton Deane Local Plan Revised Deposit Policy S1.

**22/2004/012**

Installation of seven windows/skylights and one door at Westowe Orchard, Lydeard St Lawrence.

### Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) Prior to the commencement of the works hereby approved, working details of new windows and doors (which shall be constructed using timber only) including sections, mouldings, profiles and finish colour/treatment shall be submitted to, and approved in writing by, the Local Planning Authority and shall be maintained as such thereafter unless the express written consent of the Local Planning Authority is given for any variation thereto.

### Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and accordingly did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2, H9 and H19.

### **22/2004/015**

Change of use of piggery, office and warehouse to food distribution office and warehouse at piggery building, Tower Farms, Deans Cross, Lydeard St Lawrence.

### Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) C324 – parking.

### Reason for granting planning permission:-

The proposal was considered to be compatible with national and local planning policies which encouraged suitable development and re-use of rural buildings for commercial purposes, and would not adversely affect residential or visual amenity and, accordingly, did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2, S8, EC1a, EC3, EC5 and M1.

### **43/2004/101T**

Application to fell two cupressus macrocarpa trees the subject of a Tree Preservation Order at 20 Elms Road, Wellington (TD532).

### Conditions

- (a) C019 – time limit – trees;
- (b) A replacement tree shall be planted within two months of felling, unless otherwise agreed with the Local Planning Authority in accordance with British Standard BS4428:1989. The tree shall be of a species to be agreed with the Local Planning Authority, bare root, 90-120cm in height. The tree shall be planted in the same location unless otherwise agreed with the Local Planning Authority.



**43/2004/109**

Retention of two-storey extension, 93 Springfield Road, Wellington (amended scheme).

Condition

- (a) The proposed alterations to the roof must be undertaken within three months of the date of this certificate.

Reason for granting planning permission:-

The proposal was considered not to harm the visual or residential amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies H19, S1, and S2.

**47/2004/008**

Erection of two-storey extension to Ivy Cottage, West Hatch.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

- (2) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

**38/2004/324**

Erection of 8 houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton.

Reasons

- (a) The development proposed would result in loss of privacy to existing adjacent properties exacerbated by the increase in site levels necessary for the purposes of flood prevention. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy H1(I);
- (b) The proposed development provides inadequate off-street parking which, together with the loss of existing garaging on the site, will exacerbate parking problems in the area contrary to Taunton Deane Local Plan Revised Deposit Policy M3a.

Reason for refusing planning permission contrary to recommendation of the Development Control Manager:-

The Committee was of the view that the proposal would lead to unacceptable overlooking of existing residential properties and further on-street parking problems in the area.

(Councillor Phillips declared a personal interest in the following application and left the meeting during its consideration).

**52/2004/037**

Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton.

Reason

(a) The site is located in an area that is characterised by larger dwellings within commensurately larger plots. The erection of an additional dwelling on the application site would result in an over-development of the site that would be likely to result in a relatively cramped appearance, out of keeping with and detrimental to the existing character of the street scene and surrounding area. Furthermore, it is considered that a dwelling on the site would be likely to have a detrimental impact on the privacy and amenity of the existing adjacent residents. This would be contrary to the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and the Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A), H1(G) and H1(I) which requires development to respect the local distinctiveness and character of the street scene and area.

(3) That the following **application be withdrawn:-**

**42/2004/032**

Conversion of barn to a dwelling and conversion of barn to residential annex and office, Great Herswell Farm, West Buckland.

(Councillor Floyd declared a personal interest in the application covered by Minute No 110 below).

110. Erection of part 2 and part 3-storey building accommodating 22 flats and separate building comprising 2 flats and provision of garaging at 2 Priory Avenue, Taunton (38/2004/361)

Reported this application.

RESOLVED that subject to:-

- (1) The resolution of issues relating to archaeology and access to the St John Ambulance premises; and
- (2) The applicants entering into a Section 106 Agreement in respect of a financial contribution towards off-site local sport and recreation facilities, the Development Control Manager be authorised to determine the application in

consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) C110 – materials – for hardsurfacing;
- (e) C113 – details of structure and colour of mortar;
- (f) C201 – landscaping;
- (g) C215 – walls and fences;
- (h) C304 – access point;
- (i) C307 – access – gates set back;
- (j) C326 – garages – domestic use only;
- (k) C325 – parking;
- (l) C331 – provision of cycle parking;
- (m) C408 – flats – completion of development;
- (n) C414 – no increase in site level;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) C906 – removal of all other buildings from the site;
- (q) No development hereby approved will take place until the applicants, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority;
- (r) C911 – aerials – combined system;
- (s) C926B – remediation investigation/certificate.  
(Notes to applicant:- (1) N037 – drainage/water; (2) N024 – development in accordance with approved plans; (3) N059 – footway crossing; (4) N075 – Section 106 Agreement; (5) N118A – disabled access.)

Reason for planning permission, if granted:-

The proposed building was appropriate to the locality in terms of massing, form and general design. The proposal would not cause demonstrable harm to the amenities of existing residents nearby. The proposal therefore accorded with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

Also RESOLVED that should the outstanding matters and the Section 106 Agreement not be resolved by the 20 October 2004, then planning permission be refused accordingly.

111. Erection of public toilet block to replace existing, adjoining North Street Car Park, Wellington (43/2004/116)

Reported this application.

RESOLVED that subject to:-

- (1) The views of the Police Architectural Liaison Officer, and
- (2) the receipt of no further representations raising new issues by the 12 October 2004, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
  - (a) C001 – time limit;
  - (b) C101 – materials;
  - (c) C201 – landscaping;
  - (d) Details and samples of the materials to be used for the surfaces of the paving shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (e) Before any works commence on site, the Parks Tree Officer shall undertake a health check of the trees and propose any remedial works deemed necessary, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (f) Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.  
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure).

Reason for planning permission, if granted:-

The proposal was considered not to harm the visual amenity of the area and was in accordance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

112. Partial demolition, partial new build, conversion and restoration of the former Hancock Brewery to form 14 No residential units with associated garaging and parking at the old Hancock Brewery, Golden Hill, Wiveliscombe (resubmission of scheme with some amendments) (49/2004/042)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement in respect of an agreed sum of money to be provided for affordable housing and an agreed amount towards the provision of off-site recreational facilities, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

## Conditions

- (a) C001 – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for rendered areas and roofs shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the prior written consent of the Local Planning Authority;
- (c) C102A – materials;
- (d) C106 – second-hand materials;
- (e) C201 – landscaping;
- (f) C219 – screening during demolition;
- (g) C215 – walls and fences;
- (h) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes;
- (i) The proposed parking areas and spaces, manoeuvring areas, unloading areas and footpaths shall be properly consolidated, drained, surfaced in a material to be submitted to, and approved in writing by, the Local Planning Authority and thereafter maintained, and marked out before the occupation of the units hereby approved or, at such time as agreed by the Local Planning Authority and shall not be used for any other purpose than the parking/manoeuvring or unloading of vehicles in association with the development hereby permitted;
- (j) The garages shown on the approved plans shall be constructed and available for use as garages at the time of occupation of the associated residential units and retained for the parking of vehicles only for so long as the development remains;
- (k) C917 – services – underground;
- (l) Prior to the commencement of development works on the northern building of the proposed development, the applicant shall at his own expense, appoint a suitably qualified consultant with a remit to examine the premises and identify what measures, if any, may be necessary to ensure that odours from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Local Planning Authority, together with any odour reduction scheme recommended and the reasoning upon which any such scheme is based. Such report shall be agreed, in writing by, the Local Planning Authority prior to the commencement of development works. The agreed works shall be carried out prior to the northern parts of the building being occupied;
- (m) C926B – remediation investigation/certificate;
- (n) The developer shall advise all prospective purchasers of the dwellings hereby permitted that the site is adjacent to existing industrial occupiers and that a degree of noise, disturbance and odour is likely to occur;
- (o) Full details of all surface water, foul water, fresh water and any other sewerage systems both for the proposed development and for any other premises served by such systems in the application site shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. The details shall provide for the commissioning of any replacement sewers or supplies prior to the decommissioning of the existing systems. The details shall include evidence that there is sufficient

capacity in the existing adopted sewer system for any new or diverted foul sewage waste. Any proposed changes to the approved scheme shall be agreed in writing by the Local Planning Authority prior to implementation. The approved scheme shall be fully implemented prior to occupation of the first dwelling unit;

- (p) Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully developed;
- (q) All windows on the north elevation shall be permanently fixed shut and glazed as specified on the approved plans. If any ventilation is included in the north elevation, it shall be only in the form of outlets associated with a positive internal pressure ventilation system, and inlets for such systems shall not be in the north elevation;
- (r) Before any works are carried out for the removal of any fill, the developer shall submit to the Local Planning Authority for approval full details of the proposals for the stabilisation of the adjoining land, including the results of a geo-technical survey and structural calculations for any retaining structures;
- (s) P001A – no extensions;
- (t) P003 – no ancillary buildings;
- (u) P010 – no further windows;
- (v) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources and, in particular, noise from Exmoor Ales and Quantock Engineering premises will not cause nuisance to the occupants of premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. The agreed works shall be carried out prior to the occupation of any parts of the building to which these works relate.

(Notes to applicant:- (1) N048A – remediation strategy; (2) Applicant was advised that noise emissions from the site during the demolition and construction phases should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 hours. At all other times, including public holidays, no noisy working; (3) Applicant was advised that any surface water discharges to watercourses or sewage systems should be limited to that which occurs naturally from the catchment and as calculated from a 1 in 1 year storm using 10% impermeability. Any excess flows should be dealt with by on-site attenuation; (4) Applicant was advised that the design storm for any attenuation system should be for a 1 in 25 year return period storm; (5) Applicant was advised that the Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors and

head wall design; (6) Applicant was advised that details were required of the proposed point of discharge to the watercourse or sewage system together with details of the head wall; (7) Applicant was advised that the poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of Sustainable Urban Drainage Systems (SUDs) for dealing with urban run-off. It is strongly recommended that some form of SUDs be used at this proposed development; (8) Applicant was advised to note that whilst conditions (l) and (v) should mitigate the impact of the existing working practices from the adjacent premises, there may be occasions when noise and/or smell may be detectable to the residential properties; therefore condition (n) has been added; (9) Applicant was advised of the following from the Fire and Rescue Service:- (i) Means of Escape – means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (ii) Access for Appliances – access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (iii) Water Supplies – all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (10) Applicant was advised, that before any works are commenced, to discuss and agree any disconnections and reconnection of any services, such that all services are protected and maintained during any demolition, construction and any other works; (11) Applicant was advised of the following from Wessex Water:- (i) The development is located within a sewered area, with foul and surface water sewers available; (ii) It is noted that the developer has proposed to dispose of surface water to existing arrangements; (iii) It will be necessary, if required, for the developer to agree points of connection onto Wessex Water systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage; (iv) With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (v) It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex Water systems.)

113. The Taunton Deane Borough (Taunton No 1 Tree Preservation Order 2004

Reported that a Tree Preservation Order had been made in relation to a poplar tree and an ash tree in the garden of 29 Calway Road, Taunton.

The owner of the property had objected to the poplar tree being included in the Order for the reasons set out in the report.

In the view of the Development Control Manager, although the tree had high amenity value, it was of a size and species that meant that it was likely to cause damage to surrounding properties in the future. There was currently no evidence to suggest that the tree was a danger, however the tree was towards the end of its life and the chances that decay would enter the tree and lead to its collapse were high.

RESOLVED that the Tree Preservation Order be re-served omitting the poplar tree.

114. Enforcement action in respect of Foxmoor Nurseries, Haywards Lane, Wellington

Reference Minute No 19/2004, reported that mediation between the Council and the owners of Foxmoor Nurseries had now taken place. Although some progress had been made, there were a number of other issues that remained unresolved. Also reported that a full inspection of the site had been undertaken as well.

Under the terms of the Section 106 Agreement, there were four main requirements as follows:-

- (1) The permitted use not to occupy more than 50% of the total glasshouse area;
- (2) No retail sales from the property;
- (3) The permitted use to be carried out by Foxmoor Nurseries or an associated company or person; and
- (4) If Foxmoor Nurseries ceased to trade, the glasshouses to revert to horticulture.

The mediation had been conducted by a barrister who had concentrated on trying to resolve the issue of the definition of an associated company or person. This was successful and a formal agreement was reached that an associated company or person would be one with a 10% shareholding or a Director with 5% voting rights.

The parties were however unable to reach agreement on the definition of the permitted use of the site with the owners of the nursery still believing they had an unrestricted B1 (light industrial) use.

A further issue raised was the differing interpretation of B1 and B8 (distribution and storage) uses. The Council still maintained that many of the uses at the site were B8 and were therefore not, in any event, permitted by the existing Section 106 Agreement and the planning permission.

The following were other issues that needed to be addressed:-

- (a) There was a prohibition against retailing in the Section 106 Agreement but at least one of the units, and possibly more were retailing from the site;
- (b) As late as July, Foxmoor Nurseries were advertising space at the site for workshop and storage use;
- (c) The permission covered a different area from that currently in use; and
- (d) At the time of the inspection, the Flower Tower business, run by Foxmoor Nurseries, did not appear to be functioning.



Reported that it was unlikely that any further agreement would be reached between the parties. The Committee was therefore likely to have to consider taking enforcement action against the individual tenants as well as the owners, mindful of the effect of any proposed action on the individual business and the impact on the local economy.

It was intended to serve Planning Contravention Notices on all of the tenants at Foxmoor Nurseries to ascertain the nature of their enterprises. This was essential before a recommendation could be made to the Committee as to which businesses were to be considered B1 or B8 and the terms of any enforcement action.

At the same time, the tenants would be invited to make any representations to the Committee and would be reminded that retailing from the site was prohibited.

Further reported that specialist legal advice was also needed to interpret whether the Section 106 Agreement limited the planning permission to light industrial uses of a horticultural nature or whether the site enjoyed an unrestricted B1 use.

Once this information and advice was received, a full report would be submitted to the Committee.

RESOLVED that the report be noted and that the action currently being taken be endorsed.

115. Display of signs on the rear and side of the New Inn, Halse

Reference Minute No 68/2004, reported that prior to this issue being discussed at the June 2004 Committee, there appeared to have been a misunderstanding with the Halse Parish Council which led to them not attending the meeting to state their concerns.

Although the Committee had previously resolved to take no further action in respect of the signs at the New Inn, Halse it had been considered appropriate to report the matter again.

RESOLVED that the decision made by the Committee at the meeting on the 16 June 2004 be reaffirmed.

116. Appeals

(1) Reported that the following appeals had been lodged:-

- (a) Erection of village hall, formation of access, driveway and car parking for hall, church and school at land to north-east of St Peters Church, Langford Budville (21/2004/011);
- (b) Removal of condition 02 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford (10/2004/008);

- (c) Insertion of three rooflights at St Marys House, Magdalene Street, Taunton **(38/2004/228)**.

(2) Reported that the following appeal decisions had been received:-

- (a) Erection of 2-storey extension at 9 Rosebery Street, Taunton (38/2003/447)

Decision

The Inspector felt that the proposed development would be visually dominant and have an overpowering appearance significantly reducing the amount of daylight to the garden and living accommodation of 10 Rosebery Street. He concluded that the development would have a detrimental effect on the living conditions of adjoining occupiers. The appeal was dismissed.

- (b) Erection of 2-storey rear extension at 8 Rosebery Street, Taunton (38/2003/446)

Decision

The Inspector felt the proposed development would be visually dominant and would have an overpowering appearance particularly when viewed from the bungalow to the north-west of the appeal site. He also felt that the development would have a materially adverse effect on the amount of sunlight and daylight enjoyed by occupiers of the bungalow. He concluded that the development would have a detrimental effect on the living conditions of adjoining occupiers. The appeal was dismissed.

- (c) Retention of bay window at ground floor level, 3 Park Street, Taunton (38/2003/215LB)

Decision

The Inspector considered that the replacement bay window, when compared with the original, was substantially different. He concluded that the replacement bay window, because of its detailing and use of double-glazing, caused unacceptable harm to the character of the listed building and did not preserve its special architectural and historic interest. The appeal was dismissed.

- (d) Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton (38/2003/525A)

Decision

The Inspector considered that the appeal signs, when sited between the two main name signs, would not only dominate the upper part of the

building but would also give a cluttered appearance. He concluded that the display of the appeal signs would be detrimental to the interests of amenity. The appeal was dismissed.

- (e) Proposed new vehicular access to 37 Holford Road, Taunton (38/2003/390)

Decision

The Inspector noted that the normal visibility standards could not be achieved within the frontage owned or controlled by the appellant. Although there were existing accesses to Kingston Road with visibility below the normal standard, she did not consider that their presence justified the addition of a further such access which would have the potential to create additional hazards to traffic using Kingston Road. The appeal was dismissed.

- (f) Change of use of part of ground floor living accommodation to hairdressing salon at 15 Greenway Crescent, Taunton (38/2003/176)

Decision

The Inspector noted that the site had only one off-street parking place and the business was therefore likely to lead to additional on-street parking. This was likely to cause difficulties for vehicles manoeuvring into and out of private drives and, if this led to parking partly on the footway, would cause a hazard to pedestrians. Although the Inspector felt that the proposed business would not be significantly out-of-character within the area, this did not outweigh the significant harm to highway safety and the free-flow of traffic that would be caused by car parking. The appeal was dismissed.

- (g) Demolition of outbuilding and construction of new link and extension, The Old Bakery, Cheddon Fitzpaine (48/2003/011LB and 012)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. Both appeals were allowed and planning permission and listed building consent was granted subject to conditions.

- (h) Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton (38/2003/515)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed.

- (i) Application of paint to the exterior render of east and west wings at North Lodge, Sandhill, Bishops Lydeard (06/2003/046LB)

Decision

The Inspector felt that the 1930s wings were of some architectural and historic interest in their own right and considered a modern masonry paint would contrast very unfavourably with the more weathered and mellow characteristics of the stonework. This would be to the detriment of the character and appearance of the building as a whole. He also considered that lime-based washes or other special treatment would inevitably detract from the contribution the rendered surfaces made to the building. He felt the best course of action would be to retain the existing self-coloured render. After due consideration, the First Secretary of State accepted the Inspector's recommendation and dismissed the appeal.

(Councillors Govier, Miss Cavill and Bowrah left the meeting at 7.17 pm, 7.26 pm and 8.11 pm respectively).

(The meeting ended at 9.03 pm).

11/2004/014

V HARPER

**INCREASE IN HEIGHT OF BOUNDARY WALL TO 2 METRES, FAIRVIEW, SEVEN ASH.**

15187/33389

FULL PERMISSION

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**PROPOSAL**

Increase height of stone boundary wall to 2 m. Existing height of wall varies from approximately 90 cm to 1.5 m in height. The wall is required to provide shelter from the wind and traffic, and replaces a previous high leyandii hedge.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY objection to application:- road at present has a speed limit of 30 mph, this will increase to 50 mph in the near future; visibility required for 50 mph is 2 m back from carriageway measured 160 m along nearside edge of carriageway in both directions; proposal will virtually eliminate visibility to South; application should be refused as proposed splays are inadequate to secure visibility necessary to safety and convenience of traffic associated with proposed development.

COMBE FLOREY PARISH COUNCIL no objection to wall, trust planners will check its safety (construction).

WEST BAGBOROUGH PARISH COUNCIL no objection.

**POLICY CONTEXT**

Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 - 2011 is relevant to this application. The policy seeks to ensure that development should provide safe access to roads of adequate standard.

**ASSESSMENT**

Proposed wall is sited alongside A358 County Route, with an access at an angle to the road. High gates are situated to the front of the access. The proposed increase in height is considered to harm highway safety due to the lack of visibility. As such the proposal is considered to be contrary to Local Policies.

**RECOMMENDATION**

Permission be REFUSED as proposed splays would be inadequate to secure visibility necessary for the safety and convenience of the traffic associated with the development.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:

14/2004/028

MR & MRS G SMITH

**ERECTION OF TWO STOREY SIDE EXTENSION AT 26 WEST VIEW, CREECH ST  
MICHAEL.**

27110/26011

FULL PERMISSION

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**PROPOSAL**

The site comprises a semi-detached two-storey house with existing detached garage. The proposal involves an extension to the side of the house, measuring 4 m x 8.1 m, to provide an integral garage with additional accommodation above. There will be first floor windows to the front, side and rear. The extension will be a continuation of the front building line and the ridge will match the existing ridge.

**CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL support application.

ONE LETTER OF OBJECTION received from the occupants of the adjoining property to the north on the grounds of the height of the extension being overpowering; the window in the side elevation and resulting loss of privacy; vehicular access to the rear; lack of boundary wall.

**POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit - Policy H19 supports extensions to dwellings provided they do not harm; the residential amenities of surrounding properties or the amenities of the site; the form and character of the dwelling and are subservient to it in scale and design. Policy S1 sets out general requirements for development. Policy S2 seeks good design.

Taunton Deane Design Guide - 9.3 Design of Extensions; "... it is better to set an extension back from the main wall of the house, so that the design integrity of the main elevation is retained."

**ASSESSMENT**

The main considerations in respect to this proposal are the impact upon the amenities of the adjoining property and the visual impact upon the character and appearance of the street scene. Although there is an existing first floor side window the proposals will result in the side window being significantly closer to the adjoining property and will result in a loss of privacy to this property. If the window was to be obscure glazed and

non-opening it would resolve these issues. However the applicants have indicated that they would not agree to such a condition.

It is felt that the extension would be more appropriate if it was designed to be subservient to the main house, set back from the main wall with the roof subordinate. The impact of the extension being built along the same lines as the existing house is magnified due to the adjoining property being a bungalow. The street is a mixture of two storey and single storey dwellings, which appear in harmony because of the large gaps between them. By reducing the gap between the properties and enlarging the two storey property there is a danger of swamping the bungalow. The proposal will result in adverse impact on the amenities of the adjoining property and will detract from the visual amenities of the area

### **RECOMMENDATION**

Permission be REFUSED for the reason that the proposed extension is of unsatisfactory standard of design and would result in adverse impacts upon the amenities of the neighbouring property, in terms of loss of privacy and overbearing impact, and is therefore considered contrary to Taunton Deane Local Plan Revised Deposit Policies S1 and H19 and the advice given in the Taunton Deane Design Guide.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356313 MRS F WADSLEY**

NOTES:



14/2004/033

G L & M A PHIPPEN

**ERECTION OF TWO DWELLINGS WITH GARAGES AND ACCESS DRIVES ON PLOTS 3 AND 4 THE FORMER CROWN INN CAR PARK, CREECH HEATHFIELD.**

27879/27183

FULL PERMISSION

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**PROPOSAL**

Planning permission was granted in May 2004 for the erection of two dwellings with attached garages on the car park of the former Crown Inn, Creech Heathfield. The current application is an amended design that incorporates a lean to single storey element along the rear wall of the dwellings with a conservatory located to the south of that rear element. The dwellings are located in approximately the same position as the previous permission with the front elevation approximately 16 m from the side of 12 Crown Lane and 28 m to the rear of 5, Heathfield Close. The revised design indicates the proposed dwellings would be approximately 0.2 m higher than the existing permission. The floor layout of the first floor, facing the existing residential properties, has been designed with one bathroom, stairwell and w.c. window that will be obscure glazed. There is only one bedroom window to the far south of each dwelling that will face the existing bungalows. The access is via Crown Lane, a private access road, the lane to the front of the dwellings having been recently tarmaced in association with the next door development that is now complete. The dwellings would have the same design and materials as the new dwellings to the south of the site.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY views awaited.

CONSERVATION OFFICER views awaited. ENVIRONMENTAL HEALTH OFFICER no objection subject to a working hours restriction and note on contaminated land.  
DRAINAGE OFFICER views awaited.

PARISH COUNCIL views awaited.

2 LETTERS OF OBJECTION have been received raising the following points:- two storey dwellings are out of keeping with the surrounding bungalows; one bungalow on the site would fit in and complement the Crown Inn listed building provide adequate parking; the developer has agreed to erect a fence along the boundary with 6 Heathfield Close at no cost thereby recognising that there was a degree of overlooking from the new dwelling on the bungalow contrary to the councils assertion that there was not; the surface water drainage system should be fully completed prior to the occupation of any new dwellings; since construction of the adjacent dwellings vehicles have been using a portion of unmade footpath as a drive through to access the site, as all the tracks (lanes) are private the developer should have to formalise access arrangements and contribute to the cost of their upkeep (costs that have increased since the new dwellings

have been built); there should be no formal vehicular access along the unmade footpath.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy STR5 requires development in rural centres and villages to sustain and enhance their role and be commensurate with their size and accessibility, and appropriate to their character and physical identity. Policy 9 requires the setting, local distinctiveness and variety of buildings and structures of architectural or historic interest to be maintained and where possible be enhanced. Policy 11 states that development proposals should take account of identified Areas of High Archaeological Potential or, elsewhere where there is reason to believe that important remains exist, so that appropriate assessment and necessary protection can be afforded to any archaeological remains identified. Policy 49 indicates that proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed.

Taunton Deane Local Plan Revised Deposit Policy S1 Proposals for development will be required to meet the following criteria, (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could 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; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use. S2 Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; H1 allows housing development within this area of Creech Heathfield provided (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted. EN24 Where a proposal affects a site of archaeological interest or Area of High Archaeological Potential, or it is suspected the development could affect archaeological remains, developers must provide for satisfactory evaluation of the archaeological value of the site, and the likely effects on it, before planning applications are determined.

## **ASSESSMENT**

The principle of this development, including the access, was established in May 2004 and it is only the revised design that is an issue. The proposed design and materials replicates the same front and side elevations as those adjacent (recently completed) and as such is acceptable. The amended design also extends the rear of the proposed dwellings at ground floor level. These extensions follow a traditional approach to additional accommodation and will retain 6-9 m rear gardens overlooking open fields to the east. The proposed dwellings would be 0.2 m higher than those previously permitted. This matter will need to be carefully considered in its relationship with the Crown Inn to ensure the finished buildings are not higher than the listed building, at this stage I am of the opinion that the dwellings should be reduced in height by 0.2 m but I await the comments from the Conservation Officer before requesting amendments. Subject to the height issue being resolved the proposed scheme is considered to be acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, surface water and foul drainage; archaeological investigation/programme of works; new hedge along the western Boundary to the rear of the visibility splays; retention and protection of existing eastern boundary hedge; walls and fences; bathroom and stairwell windows obscure glazed; parking; garaging; level access; contaminated land; working hours and visibility splays. Notes on public right of way; footpath; private drainage channel; energy conservation; meter boxes lifetime homes disabled persons; secure by design; level access contact County Archaeologist; public sewer crosses the site.

REASON(S) FOR THE DECISION:- The proposal is for two new dwellings within the settlement limits of Creech Heathfield where new development is permitted in accordance with Taunton Deane Local Plan Policy S7. The proposals are considered to have an acceptable impact on the adjacent listed building; highway and neighbouring amenity in accordance with Taunton Deane Local Plan Policies S1, S2, H1 and Somerset and Exmoor National Park Joint Structure Plan Review Policies 9, 11 and 49.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356467 MRS J MOORE**

NOTES:



25/2004/015

PARKGATE HOUSE LTD

**ERECTION OF DWELLING ON LAND ADJACENT 23 MANOR PARK, NORTON FITZWARREN AS AMENDED BY DRAWING NOS. 1604/2A, 3A, 4A RECEIVED 9TH AUGUST, 2004**

19245/26009

FULL PERMISSION

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**PROPOSAL**

The proposal is for the erection of a new dwelling on land adjacent to 23 Manor Park. The site was previously used as curtilage to 23 Manor Park; outbuildings are on the site, some of which will be demolished. The dwelling measures approximately 6.5 m x 9 m, the rear of the property increases from 6.5 m to 9 m as the building angles to follow the line of the boundary; the height to the ridge is 8 m. Materials to be approved.

Amended plans have been received removing the large dormer from the front of the dwelling.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection.

DRAINAGE OFFICER no objection.

PARISH COUNCIL have two concerns:- appears to be over development of the site; dwelling may be out of character for the area.

ONE LETTER OF OBJECTION raising the following:- proposal will squeeze house into unsuitable garden area and will not be aligned with existing properties; will overlap our house, being overbearing and intrusive, obliterating much of our natural daylight and affecting privacy to our garden; parking implications due to two properties in the space originally designed for one; out of keeping with existing housing and will affect well planned and popular estate.

**POLICY CONTEXT**

The site lies within the defined settlement limits where there is a presumption in favour of new residential development subject to meeting the criteria set out in Policy H1 of the Taunton Deane Local Plan Revised Deposit, which includes that:- small-scale schemes will not erode the character or residential amenity of the area. The criteria of Policy S1 of the Taunton Deane Local Plan Revised Deposit also apply in respect of traffic,

accessibility, wildlife protection, character of area, pollution, health and safety. Policy S2 requires good design appropriate to the area.

## **ASSESSMENT**

The new dwelling is set back approximately 4 m from the front of 25 Manor Park, and 1.5 m from 23 Manor Park. The building has been set back to allow for the size and shape of the dwelling, and to allow for two car parking spaces to the front of the dwelling. Some landscaping has been proposed to soften the set back of the building. The dwelling will protrude beyond the rear of 25 Manor Park by 3 m, and is approximately 2 m away from the dwelling. This is considered to be acceptable, and accords with the Taunton Deane Design Guide for extensions. Given the size of the site and its location within the settlement limits, the proposal is considered not to have an adverse impact on the neighbouring property, and is therefore considered acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, boundary treatment, parking spaces surfaced, no first floor windows. Notes compliance, contact Wessex water, energy and water conservation, meter boxes.

REASON FOR RECOMMENDATION:- The proposal accords with the requirements of Policy H1 of the Taunton Deane Local Plan Revise Deposit, in that a dwelling can be accommodated without material adverse impact upon adjoining properties.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:

25/2004/020

MR M GODWIN

**ERECTION OF DETACHED DOUBLE GARAGE AT WILLOW BARN, HARNHAM COURT, NORTON FITZWARREN.**

17170/26020

FULL PERMISSION

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**PROPOSAL**

The proposal provides for the erection of a double garage within the orchard area adjacent to a complex of barn conversions. The walls are to be clad in tanalised waney edge boarding and the roof to be covered in reclaimed clay pantiles, all to match the barn conversions.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection from a highway point of view.

CONSERVATION OFFICER remote location, divorced from the complex of approved conversion of barns. Concern also re precedent if approved. RIGHTS OF WAY OFFICER development is not on the public footpath.

PARISH COUNCIL object because there is insufficient justification for the erection of a garage on land not directly adjacent to or within the curtilage of the property it will serve. The property already has a garage. Concerns are expressed that such a development on a Greenfield site would establish a precedent for such development elsewhere.

**POLICY CONTEXT**

Policy STR6 states that development outside towns, rural centres and villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

WD/SP/2 of the West Deane Local Plan states that outside defined settlement limits, development will not be permitted unless it is for the purposes of agriculture or forestry or accords with a specific development plan policy or proposal.

Policy S1 of the Taunton Deane Local Plan Revised Deposit includes general requirements for new developments. Policy S2 of the same plan provides guidelines for the design of new developments. Policy S8 of the emerging Taunton Deane Local Plan states that outside defined settlement limits new building will not be permitted unless it maintains or enhances the environmental quality and landscape character of the area and meets certain criteria.

## **ASSESSMENT**

The site for the proposal is within the orchard area to the north of the barn conversions at Harnham Farm. The latter scheme is providing for the conversion of the barns to 7 dwellings. The conversion works for Willow Barn include provision of a double garage within the conversion works. The proposed garage is located approximately 33 metres from the barn conversion and I do not consider that the proposed garage will adversely impact on the surroundings of the barn conversion. Although it would be located in a relatively isolated position, it is within an area with orchard trees which will soften its impact. The materials are to be in keeping with the materials on the barn conversions. A previous application for a stable block and garage for one of the other barn conversions, also within the orchard area, was granted under delegated powers earlier this year. I consider the current proposal to be acceptable.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit and materials.

REASON(S) FOR RECOMMENDATION:- The proposal accords with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and S8 and is not considered to cause harm to the local character or surroundings of the adjacent barn conversions or any residential amenity.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES:



43/2004/107

MR B GILLESPIE

**CHANGE OF USE OF DWELLING WITH BED AND BREAKFAST AND ANCILLARY HOLIDAY LET TO ADULT CARE HOME, EXTENSIONS TO DWELLING AND USE OF OUTBUILDINGS AS ANCILLARY TO CARE HOME, THE WHEELHOUSE, LINDEN, WESTFORD, WELLINGTON.**

12559/20924

FULL PERMISSION

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**PROPOSAL**

Change of use of dwelling and outbuildings to adult care home. The dwelling will accommodate 10 autistic adults between the ages of 18 - 65. The single storey extension measures 3.7 m x 6.5 m x 4 m to the ridge of the existing building. A conservatory will be added to this extension. The site contains a number of outbuildings; an old chicken shed, a shed/garage, and a mobile home. The old chicken shed will be demolished to allow for additional car parking; the shed/garage will be used as a workshop; and the mobile home will be used as a staff office/ accommodation to the main house.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY no objection. SOCIAL SERVICES views awaited. WESSEX WATER no objection, proposal not located within a Wessex Water sewered area; Council should be satisfied with any arrangement for the disposal of foul and surface water flows; recommended that the developer should agree with Wessex Water prior to the commencement of any works on site.

LANDSCAPE OFFICER Sycamore tree next to old chicken shed has some amenity value, not sufficient to warrant protection; car parking area should be at least 5m from trunk of tree to avoid significant root damage; trees along Northern boundary wall would soften impact of any existing housing. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of approval.

TOWN COUNCIL in favour providing there are no adverse comments/objections from neighbours.

FOUR LETTERS OF OBJECTION raising the following:- dwelling though used at times as small scale bed and breakfast, has not altered character as a rural family house; proposal would make area primarily a business district not a quiet rural residential area; unaware that site had ever been used for bed and breakfast; current figures for car traffic do not represent existing use; not aware of any regular deliveries; not clear whether extra provision for refuse collection is required; no details of use of workshop; frequent accidents in lane leading to access of the site, as access and access road are narrow, have no pavements, no street lighting; proposal will exacerbate issues due to increased traffic; access from Linden Drive near to Wellington basins popular for people

walking, where conservation work has taken place, for environmental and safety reasons encouragement should not be given to increased traffic; water and sewerage structure already overstretched, heavy demand means low water pressure; sewerage is problematic with blockages due to excessive overload, concern that system will not cope with increased demand; dispute that applicants does not have right of way to corams lane, where it is indicated that staff may use this route.

## **POLICY CONTEXT**

Policy S1 (general requirements) and S2 (design) of the Taunton Deane Local Plan Revised Deposit are relevant to this application. Policy S1 seeks to ensure that the proposal will not harm: wildlife habitats; appearance and character of a building, settlement or landscape; additional road traffic will not lead to road safety. Policy S2 seeks to reinforce the character of a building, settlement, and landscape.

## **ASSESSMENT**

The site is situated next to a residential property within a rural setting. The small extensions proposed, with the demolition of the old chicken shed, are considered not to impact on this setting. Due to the dependance of care required, the location for this home is considered acceptable.

Concerns raised regarding water and sewerage will be made a condition of this proposal, though no concerns have been raised from Wessex Water or the Local Authority drainage officer. The applicant has indicated that the site has a right of way from a different access; this will reduce the amount traffic entering from Linden Hill. The County Highway Authority has raised no objection to the proposed use of the site, and is aware that the traffic generation figures provided are hypothetical, based on the existing use. The use of the site may not have required planning permission for use as bed and breakfast, as this is dependent on the degree of use. The proposal is considered not to harm the character and appearance of the area; nor harm the residential amenity of the area, and is therefore considered acceptable.

## **RECOMMENDATION**

Subject to the views of the Social Services the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to time limit, materials, landscaping, sewerage and water details, car parking details, protection of tree, mobile home to be restricted to care workers. Notes re compliance, building over sewer, details of soakaways.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to adversely harm the visual or residential amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356463 MR D ADDICOTT**

NOTES:

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **MISCELLENEOUS ITEM**

#### **NOTIFICATION OF TELECOMMUNICATIONS APPARATUS TEL/04/2004 PROPOSED VODAFONE INSTALLATION AT ROOFING SUPPLIES OF TAUNTON, CORNISHWAY NORTH, GALMINGTON TRADING ESTATE, TAUNTON**

#### **PROPOSAL**

The proposal comprises the installation of a 15 m high monopole mast with 6 No. aerials, 2 No. dish antenna up to 600 mm in diameter, radio equipment housing and ancillary development. The latter are proposed to be located between the west elevation of the Roofing Supplies of Taunton building and the adjacent highway, Cornishway East.

#### **CONSULTATIONS AND REPRESENTATIONS**

PARISH COUNCIL no comments received at time of writing.

6 LETTERS OF OBJECTION have been received objecting on the following grounds:- health grounds; interference with TV, radio and phone reception; detrimental visual impact; difficulties in selling properties in the future due to the close proximity of a mast; loss of views.

#### **POLICY CONTEXT**

##### **Somerset and Exmoor National Park Joint Structure Plan Review 1991 – 2011**

##### **Policy 62 Telecommunications**

Provision should be made for the establishment of telecommunications facilities in new development and the development of existing and new systems. Priority should be given to the protection of nationally designated areas.

##### **Taunton Deane Local Plan Revised Deposit Policy**

##### **S1 (General Requirements)**

Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case:

- (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact;

- (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car;
- (C) the proposal will not lead to harm to protected wildlife species or their habitats;
- (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development;
- (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could 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;
- (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use;
- (G) the safety of any occupants or users will not be at risk from ground instability; and
- (H) the site will be served by utility services necessary for the development proposed.

### C13 Telecommunications

Applications for the installation of telecommunications masts will be permitted provided that:

- (A) their siting and appearance would minimise harm to the landscape;
- (B) there are no alternative sites or solutions with less environmental impact, which could be used.
- (C) there is satisfactory evidence that existing masts or other structures cannot be used.

## **ASSESSMENT**

Government advice contained within Planning Policy Guidance Note 8 states that it is Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Furthermore Local Planning Authorities are encouraged to respond positively to telecommunications development (whilst taking account of the rural and urban policy framework). This notification, contains evidence that there is a requirement to provide additional coverage in the area of the application site. Vodafone have an existing permission for a mast on the estate at the British Benzol building. However whilst the proposed lease agreement between British Benzol and Vodafone was in negotiation, the freeholder of the site refused British Benzol consent to underlet to Vodafone and therefore this permission may no longer be utilised or developed. Other alternative sites at Unit 13E, Cornishway South, Musgrove Park Hospital Chimney, Berrys Coaches have been discounted for various reasons (i.e. legal surrenders of car parking areas, outside required coverage area and associated maintenance difficulties, on the outskirts of the industrial estate and nearer residential accommodation respectively). A mast share with the existing 02 monopole mast was also ruled out as it would require a lattice tower, an

increased height of the existing structure by 5 m and the land to locate equipment cabins is too small. The current site is considered the next best possible position to site an installation since it is still near the centre of the industrial estate at the junction of Cornishway North and Cornishway East with some available screening by units and trees. The nearest dwelling is located 66 m to the east that forms part of a row of properties running north to south along the eastern side of Galmington Road. Although the mast will be visible from that curtilage I do not consider this to warrant the refusal of the notification. The mast would conform to the International Commission for Non-Ionising Radiation Protection (ICNIRP) and in such circumstances there would be no objection based on concerns for health. The associated equipment and cabin at base level are considered modest in size and would have little visual impact, as they would be well screened by existing vegetation.

## **RECOMMENDATION**

Notification be APPROVED.

REASON(S) FOR RECOMMENDATION:- The proposed mast is required to facilitate the growth of new and existing telecommunications systems and the impact on the visual amenity of the surrounding area is not considered to be detrimental, in accordance with Policy 62 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991 – 2011 and Policies S1 and C13 of the Taunton Deane Local Plan Revised Deposit.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Ms K Marlow Tel: 356460**

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **Planning (Listed Buildings and Conservation Areas) Act 1990** **Church of St Luke, Cotford St Luke, Bishops Lydeard Civil Parish (CP)**

##### **1.0 Purpose of Report**

- 1.1 To seek Committee approval for officers to issue an Urgent Works Notice in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP.

##### **2.0 Background**

- 2.1 Following a request for a Certificate of Immunity from Listing (on the former Tone Vale Hospital site and its environs) in 1994, the Church of St Luke and Burge Farmhouse, were added to the Statutory List of Buildings of Special Architectural or Historic Interest on 20 February, 1995, Grade II.

- 2.2 Since listing the future use of the Church has been the subject of discussion, which has resulted in the following applications being positively determined:-

- (a) 06/2001/059 and 06/2001/006LB Conversion of Chapel to two dwellings.
- (b) 06/2002/035 and 06/2002/036LB Conversion of Chapel to public house, function room, shop and two flats.

- 2.3 Despite the above schemes being approved, no attempt has been made to implement them. As such, the condition of the building has and is, giving rise for concern, due to water penetration, as a result of invasive plant growth and blocked gutters.

- 2.4 The owner and his solicitor have been informally approached with a view to securing the works necessary to arrest deterioration of the building but without success.

##### **3.0 Legislation**

- 3.1 Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, enables Local Planning Authorities to execute works which appear to them to be urgently necessary for the preservation of a listed building in their area.

- 3.2 Before a Local Planning Authority can execute the works, it must serve a notice (Urgent Works Notice), on the owner, specifying the works deemed necessary to preserve the building and giving at least 7 days notice of its intention to carry out the said works.

3.3 Section 55 of the Act, enables the expenses incurred by a Local Planning Authority, in carrying out the specified works, to be recovered and if this is not forthcoming, a charge on the land to be registered. In addition, the owner can challenge the required works and the costs involved.

#### 4.0 **Conclusions**

4.1 The Church of St Luke is a Statutory Listed Building, whose future use, is as yet to be assured. In the meantime, lack of routine maintenance and essential ventilation, is clearly imposing damage to the fabric of the building and adding inherent cost to any viable future use.

4.2 Whilst efforts have been made to effect required repairs by way of informal approaches to the owner, such has not resulted in any action to resolve the problems.

4.3 With the on-coming anticipated persistent inclement weather, further delay in securing urgent repairs, to arrest further deterioration of this Grade II Listed Building, is deemed unacceptable.

#### 5.0 **Recommendations**

5.1 Officers be given authority to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard CP

5.2 In the event that the works specified by the Urgent Works Notice have to be carried out by the Council, officers are given authority to recover the costs involved.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Diane Hartnell, Tel: 356492**



## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **MISCELLANEOUS ITEM**

#### **25/2002/018 REDEVELOPMENT COMPRISING EMPLOYMENT AND RESIDENTIAL DEVELOPMENT, PART CONSTRUCTION OF NORTON FITZWARREN RELIEF ROAD, PROVISION OF OTHER INFRASTRUCTURE AND SERVICES, STRUCTURAL LANDSCAPING AND OPEN SPACE PROVISION, TAUNTON TRADING ESTATE, NORTON FITZWARREN**

Members will recall that the above planning application was considered by Committee at its meeting on 28 July, 2004. The resolution was that subject to the conclusion of a Section 106 Agreement by 28 October, 2004, permission be granted subject to conditions. There was a further resolution that in the event of the Agreement not being concluded by 28 October, 2004, permission be refused for reason that the proposal does not make adequate provision for the delivery of the key elements set out in the Taunton Deane Local Plan Revised Deposit Policy T10, which in the opinion of the Local Planning Authority are necessary to ensure the provision of a satisfactory overall development.

Discussions are ongoing with the applicants and their representatives with regard to the detailed wording of the Agreement. A draft agreement has been prepared which needs to be agreed with the applicants and the County Council, who are also a party to the agreement. In order for the outstanding items and wording to be agreed, I would request an extension of the time period.

#### **RECOMMENDATION**

To extend the period for the conclusion of the Section 106 Agreement to 28 January, 2005, following which the application be REFUSED for the reasons stated earlier.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J Hamer Tel: 356461**

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT**

**Parish:** Ashbrittle

1. **File/Complainant Number** E230/01/2004
2. **Location of Site** Court Place Barn, Ashbrittle, Wellington.
3. **Names of Owners** Elizabeth Taylor
4. **Names of Occupiers** Elizabeth Taylor
5. **Nature of Contravention**

Erection of summerhouse

6. **Planning History**

A complaint was received on 14 July, 2004 that a summerhouse had been erected at the above address. The development requires planning permission due to the 'permitted development rights' having been removed in respect of ancillary structures. An application was submitted on 20 August, 2004 and was subsequently refused on 30 September, 2004 under delegated powers.

7. **Reasons for Taking Action**

It is considered that the development is detrimental to the traditional character and setting of the adjacent converted listed barns and represents an incongruous and alien feature in this prominent position within the street scene. Furthermore, it detracts from the visual amenity and open character of this area that is part of an area designated to remain undeveloped and is considered detrimental to the character and appearance of the Conservation area. As such the development is considered contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S2, H19, EN15, EN17 and EN25.

8. **Recommendation**

The Solicitor to the Council be authorised to take enforcement action to secure the removal of the structure and prosecution proceedings subject to satisfactory evidence should the notice not be complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT**

**Parish:** Pitminster

1. **File/Complainant Number** E251/30/2004
2. **Location of Site** Minsters Edge, Pitminster, Taunton.
3. **Names of Owners** Mr P Adams
4. **Names of Occupiers** Mr Adams
5. **Nature of Contravention**

Change of use of agricultural land to domestic use

6. **Planning History**

Complaints have been received regarding the change of use of this land from time to time since 2002. Various uses have taken place for short periods including quad bike racing and bouncy castles but latterly the land has been used by Mr Adam's children to play football and other games. Also the grass has been closely mown giving a domestic type appearance. The owner has been informed that the use requires planning permission and that any application may not be viewed favourably. The owner has recently instructed a Planning Consultant to act on his behalf and to submit a change of use planning application.

7. **Reasons for Taking Action**

In the opinion of the Local Planning Authority the use of this land for domestic use is to the detriment of the environmental quality and landscape character of the area. Also, the site lies beyond the recognised limits of the designated settlement in open countryside where it is the policy of the local Planning Authority to resist residential development. Accordingly the change of use is contrary to Policy S8 of the Taunton Deane Local Plan Revised Deposit and Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. **Recommendation**

The Solicitor to the Council be authorised to take enforcement action and prosecution proceedings, subject to satisfactory evidence should the notice not be complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT**

**Parish:** Taunton

- 1. File/Complainant Number** E134/38/2004
- 2. Location of Site** Cash Converters, 5 Eastgate, Taunton.
- 3. Names of Owners** Mr B Bland, Meadow View, Winterbourne Houghton, Blandford Forum, Dorset.
- 4. Names of Occupiers** Cash Converters

**5. Nature of Contravention**

Display of sign on east elevation

**6. Planning History**

An advertisement application was submitted for a number of externally illuminated and non-illuminated signs on the property. The application was approved for the fascia signs and one projecting sign but the projecting sign on the western edge was refused. Whilst the signs were being erected it was noticed that a large non-illuminated sign was displayed on the eastern side of the building facing East Reach. This sign has never been indicated on any application and as there is no shop window on this flank wall the sign requires consent. The agent was contacted who confirmed that he would take instructions from his client. Further letters were sent to both the owner and the store manager requesting either an application or the removal of the sign. To date no reply or contact has been received from the above.

**7. Reasons for Taking Action**

The excessive size and siting of the sign constitutes an intrusive element in the street scene, which is detrimental to the visual amenities of the area. It is also considered that in addition to the other signs already permitted this sign creates a cluttered appearance, which further detracts from the visual amenities of the area. The sign is therefore contrary to Policy EC21 of the Taunton Deane Local Plan Revised Deposit and the advice contained within the Authority's adopted supplementary planning guidance on advertisements

**8. Recommendation**

The Solicitor to the Council be authorised to commence prosecution action in order to secure the removal of the sign.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy 356479**

## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT**

**Parish:** Taunton

- 1. File/Complainant Number** E271/38/2004
- 2. Location of Site** 90 South Road, Taunton.
- 3. Names of Owners** Owner/Occupier
- 4. Names of Occupiers** Unknown
- 5. Nature of Contravention**

New vehicular access formed.

- 6. Planning History**

A complaint was first received regarding this access on 11 August, 2004. Site visits were made and photographs taken but no one was at home. A letter was sent to the Owner/Occupier on 3 September, 2004 informing them that the provision of this access was unauthorised and that if an application were to be received it was unlikely to be viewed favourably. To date there has been no response to this letter and the access appears to still be in use.

- 7. Reasons for Taking Action**

It is considered that the access onto this classified road would cause a significant highway hazard mainly due to the lack of visibility that can be provided on the site. There would also appear to be no provision within the site to enable vehicles to exit the site in a forward gear. It is considered that the development is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

- 8. Recommendation**

The Solicitor to the Council be authorised to commence enforcement action to secure the stopping up of the unauthorised access and take prosecution action subject to satisfactory evidence should the notice not be complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**



## **PLANNING COMMITTEE – 13 OCTOBER, 2004**

### **Report of the Development Control Manager**

#### **ENFORCEMENT**

**Parish:** Taunton

- 1. File/Complainant Number** E334/38/2004  
38/2004/282A & 38/2004/281LB
- 2. Location of Site** Aura, 2 Church Square, Taunton.
- 3. Names of Owners** Scotsgrove Holdings Ltd, PO Box 6282,  
Henley-In-Arden, Warwickshire, B95 5AB
- 4. Names of Occupiers** Mr M Bere

**5. Nature of Contravention**

Erection of individual illuminated letters AURA

**6. Planning History**

Applications for Listed Building and Advertisement consent were received in June 2004 for individual halo lit letters. Both of these applications were refused in July 2004. An illuminated sign was placed on the building before permission was determined comprising individual illuminated letters on a solid bar.

**7. Reasons for taking Action**

The size, letter font, method of fixing and method of illumination is detrimental to the character of this Grade 11\* Listed Building. Accordingly, it is considered contrary to Taunton Deane Local Plan Revised Deposit Policy EC21

**8. Recommendation**

The Solicitor to the Council be authorised to commence listed building enforcement action to secure removal of the unauthorised illuminated sign and prosecution proceedings subject to satisfactory evidence should the notice not be complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs A Dunford Tel: 356479**