



PLANNING COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE PLANNING COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON, TA1 1HE ON WEDNESDAY 1ST JULY 2009 AT 17:00.

(RESERVE DATE : MONDAY 6TH JULY 2009 AT 17:00)

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 10 June 2009 (attached)
3. Public Question Time
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
5. 22/09/0008 - Erection of ground and first floor extensions at Coate Cottage, Lydeard St Lawrence
6. 38/09/0152 - Erection of nine dwellings following demolition of the Denmark Inn at Denmark Terrace, Cheddon Road, Taunton as amended by letter dated 4 June 2009 and plans 2837 - 108A and 109 and letter dated 9 June 2009 and plans 2837- 102B, 103B, 104B, 105B, 106B & 107B.
7. Retention of fence and structures at Forde Barn, Dairy House Lane, Bickenhall, Taunton - E/0042/04/09 Enforcement item
8. Building not built in accordance with approved plans at Heatherton Park Farmhouse, Bradford Road, Bradford on Tone - E/0132/07/09 Enforcement item
9. Planning Appeals - Appeals lodges and the latest appeal decisions received Appeals

Tonya Meers
Legal and Democratic Services Manager
23 June 2009

Tea for Councillors will be available from 16.45 onwards in Committee Room 1

Planning Committee Members

Councillor Mrs Hill (Chairman)

Councillor Mrs Allgrove (Vice-Chairman)

Councillor Bishop

Councillor Bowrah

Councillor Brooks

Councillor Mrs Copley

Councillor Critchard

Councillor Denington

Councillor Ms Durdan

Councillor Mrs Floyd

Councillor C Hill

Councillor House

Councillor Miss James

Councillor McMahon

Councillor Mrs Smith

Councillor Watson

Councillor D Wedderkopp

Councillor Woolley



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



Tel: 01823 356410
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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Planning Committee – 10 June 2009

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Brooks, Mrs Copley, Critchard, Denington,
Ms Durdan, C Hill, House, Miss James, Watson and Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager – East), Mrs J Jackson (Legal Services Manager), Mr M Bale (Principal Planning Officer),
Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also Present: Councillor Cavill in relation to application No. 48/09/0018.

(The meeting commenced at 5.00 pm)

65. Apologies/Substitution

Apologies: Councillors Bowrah and McMahon
Substitution: Councillor Stuart-Thorn for Councillor Bowrah.

66. Minutes

The minutes of the meetings held on 11 May and 20 May 2009 were taken as read and were signed.

67. Applications for Planning Permission

The Committee received the report of the Development 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:-

38/09/0098

Erection of two flats and one house to the rear of 51-53 Cheddon Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and

re-enacting that Order with or without modification), the first floor and second floor kitchen, landing, hall and bath windows to be installed in the southeast and southwest elevation of the building shall be obscured glazed, details of which shall be submitted to, and approved in writing by, the Local Planning Authority, and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The obscure glazing shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission;

- (d) The areas allocated for parking and garages on the submitted plan shall be properly consolidated, surfaced and drained before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever;
- (f) Full details of the bin storage facilities indicated on the submitted plan shall be submitted to, and approved in writing by, the Local Planning Authority and be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Full details of a covered cycle storage facility in the location indicated on the submitted plan shall be submitted to, and approved in writing by, the Local Planning Authority and constructed and fully provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (h) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and hard/soft landscape to be provided. The agreed boundary treatment and surfacings shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (i) Details of the arrangements to be made for the disposal of foul and surface water drainage works from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented prior to occupation of the dwellings hereby permitted;
- (j) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, roof alterations, dormer windows, outbuildings or development of the types described in Schedule 2 Part 1 Classes A through to E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that provision shall be made within the site 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; (2) Applicant was advised that the access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (3) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

48/09/0018

Erection of a two storey extension to replace a single storey extension (re-submission of application No 48/08/0066)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (c) The two bedroom windows to be installed in the west elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) to the satisfaction of the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

Reason for granting planning permission:-

The proposed extension would preserve the character of the bungalow and appearance of the Conservation Area and is therefore in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

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

The Committee was of the opinion that the proposed extension would preserve the character of the bungalow and appearance of the Conservation Area.

(2) That **planning permission be refused** for the under-mentioned developments:-

07/09/0008

Erection of one dwelling and formation of new access to Rose Cottage, Bradford-on-Tone

Reason

The proposed development, by reason of its detailed design and choice of materials, would dilute the presence of the Listed Building, Rose Cottage, in the street scene and detract from the features of special architectural and historic interest that it possesses. Consequently, the setting of the building and its features of special architectural interest would not be preserved and therefore the proposal is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, advice contained in Planning Policy Guidance note 15 and the statutory duty outlined in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

23/09/0010

Conversion of barn to form dwelling and erection of double garage for The Vicarage, Parsonage Lane, Milverton

Reasons

- (a) The proposed access, by reason of the limited visibility to the north, does not provide sufficient visibility of or from vehicles emerging from the access directly onto the carriageway. Any increased use of this existing access that would result from the proposed development, would be prejudicial to highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;
- (b) The proposed alterations to the surfacing of the access and the public highway would be unsympathetic and visually incongruous in the street scene, detracting from the character and appearance of this part of Parsonage Lane. It would fail to preserve the character and appearance of the conservation area, contrary to Policy EN14 of the Taunton Deane Local Plan, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and the statutory duty outlined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

68. Display of advance sign for new housing development, Rosedale, Henlade, Taunton

Reported that it had come to the Council's attention that an advance sign for a new housing development had been displayed in the front garden of

Rosedale, Henlade, Taunton without the necessary advertisement consent being obtained.

The owner of the sign had been contacted and an application for advertisement consent had been made but this had been refused under delegated powers.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised advance sign at Rosedale, Henlade, Taunton; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

69. Massage parlour operated from 19 Trinity Street, Taunton

Reported that it had come to the Council's attention that 19 Trinity Street, Taunton was being used for non domestic purposes without the necessary planning permission being obtained. A number of signs and CCTV units had also been fixed to the property without listed building consent being obtained.

The owners of the property had been contacted about the unauthorised use of the premises but, to date, no application to regularise the situation had been submitted and the use had continued.

Resolved that:-

1. Enforcement action be taken to stop the use of the 19 Trinity Street, Taunton for non domestic purposes;
2. Listed Building enforcement action be taken to remove the signs and CCTV units fixed to 19 Trinity Street, Taunton; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice and Listed Building enforcement notice not be complied with.

70. Appeals

Reported that five appeal decisions had recently been received, details of which were submitted. Three of the appeals had been allowed and two dismissed.

Also reported that three new appeals had been lodged, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.30 pm)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

22/09/0008

MR C JOHNSON

ERECTION OF GROUND AND FIRST FLOOR EXTENSIONS AT COATE COTTAGE, LYDEARD ST LAWRENCE

31977.130518

Full Planning Permission

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PROPOSAL

The proposal comprises the erection of a single-storey garden room, and the replacement of a flat roofed first-floor extension to the rear with a pitched roof first-floor extension to the rear and side. The agent is the partner of a member of staff.

SITE DESCRIPTION AND HISTORY

Coate Cottage is a detached sandstone and thatched dwelling.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - No observations.

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - Objects. 1: Extensions would be too large and out of character with a small cottage. 2. The two-storey section would be better with thatch to match existing (not tiles). 3. The loss of another small property in the area.

Representations

None received.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

I do not consider that the extensions are too large, as only two small bedrooms and a garden room are being added. Neither can the proposal justifiably or reasonably be resisted on the basis that this would result in "the loss of another small property...". Whilst I do understand the Parish Council's concern about use of appropriate materials. Although the thatch is being continued in respect of the first floor extension to the side, materials for the first floor extension to the rear incorporate unstained natural oak cladding and double roman tiles to match the existing porch. However, I do not consider that such harm will be caused to justifiably recommend that the proposal be resisted on this basis. The building is not listed, the extensions would barely be visible from public

view, a flat roofed first floor extension would be replaced with a pitched-roof, and neither the character of the building nor visual amenity would be adversely affected.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application and indicated on the submitted drawings shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr J Grant Tel: 01823 356465

38/09/0152

BROOKVALE HOMES (SW) LTD

ERECTION OF NINE DWELLINGS FOLLOWING DEMOLITION OF THE DENMARK INN AT DENMARK TERRACE, CHEDDON ROAD, TAUNTON AS AMENDED BY LETTER DATED 4 JUNE 2009 AND PLANS 2837 - 108A AND 109 AND LETTER DATED 9 JUNE 2009 AND PLANS 2837- 102B, 103B, 104B, 105B, 106B & 107B.

322830.126133

Full Planning Permission

PROPOSAL

The proposal is to provide 9 dwellings on the site of the Denmark Inn and is a revised scheme from the previous approval as it now involves demolition of the pub building and replacement with new units rather than conversion. The revised design provides gables, porches and pitch roof dormers to the front of the Cheddon Road terrace, improves the access visibility onto Cheddon Road and maintains the buttresses to the end of the Denmark Terrace property.

SITE DESCRIPTION AND HISTORY

The site consists of the two storey public house on the roadside with garden to the side and a hard surfaced gap between the pub and the Victorian terrace of Denmark Terrace. Permission was refused for 9 units in 2006 on the grounds of loss of light, overlooking and inappropriate turning. Planning permission was subsequently granted in 2007 for a scheme which converted the public house to two units, added 3 units between the public house and terrace and 4 units facing Cheddon Road. The dwellings were two and a half storey with one parking space per unit.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CONSERVATION OFFICERS - Denmark Inn appears to have originally been part of Denmark Terrace with the properties connecting it to the surviving part of the terrace demolished some time ago. Its current guise is as a detached public house at the corner of Cheddon Road and Denmark Terrace. It's an historic building of traditional form and construction, probably built in the 1860s-70s. A long term feature along this road, it makes a positive contribution to the street scene. From an external inspection I would not regard this building as a candidate for listing however. It is regrettable that the application involves the demolition of such a prominent and re-usable historic building and I cannot support its demolition, especially as it has been retained in previous schemes. Should the application be successful I would recommend that it is properly recorded prior to demolition by means of a planning condition.

WESSEX WATER - The development is located within a sewered area with foul and surface water sewers. There is a public foul sewer crossing the site and diversion or protection works may need to be agreed. The developer proposes to dispose of surface water to the mains sewer. Surface water should not be discharged to the foul

sewer. You should be satisfied with the arrangement for the disposal of surface water. There are water mains in the vicinity. It will be necessary to agree points of connection to Wessex infrastructure at detailed design stage. This should be agreed prior to commencement of works.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1023 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1785 for each additional 2 bed+ dwelling should be made towards children's play provision. The contributions should be indexed linked and would be spent in locations accessible to the occupants of the dwellings.

DRAINAGE ENGINEER - I note that surface water is to be discharged to the mains. All flows should pass through some form of SUDS treatment and details forwarded for approval before works commence on site and this should be made a condition of any approval.

Representations

5 letters of objection on the grounds of overlooking, concern over privacy and loss of privacy with footpath, the new part of Denmark Terrace is staggered with access via the lane and does not align with the existing and is out of character, some of the properties are 4 bedrooled, the Denmark Inn landmark would be lost, overshadowing the properties opposite on Cheddon Road, lack of parking, loss of turning space (which has become a right of use) for existing residents, increase in parking and access to Cheddon Road at a dangerous spot for pedestrians and cars, visitors and deliveries and access onto Cheddon Road would be an accident waiting to happen. Loss of turning will lead to an increase in accidents as will the increase in traffic. Concern over emergency vehicle access and turning for disabled, water supply and positioning of waste/recycling. Loss of trees and wildlife. Plans include neighbouring land.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues are the impact on residential amenity, design and highway safety. The principle of 9 No. dwellings is clearly acceptable in this town location and the revisions to the design are considered to be in keeping with the character of the area. The public house is not a listed building or worthy of such and the submission is made on the basis that the scheme is more viable as a total new build than retaining the pub building.

The new buildings will result in a staggered terrace of 4 to replace the Denmark Inn. A

gap is maintained between the new and old terrace due to the need to maintain the buttresses to the gable wall. A further terrace of 5 fronting Cheddon Road is also proposed. The properties are two storey with bedroom(s) in the roof space and 9m to the ridge level. This reflects the previously approved scheme. The proposed Cheddon Road properties are designed with projecting gables, pitch roof dormers and porches to the front. The properties are to be constructed in brick and render with slate roofs. The impact of the proposal on the amenity of the adjacent properties is considered acceptable with no adverse overshadowing or overlooking. The new Cheddon Road properties are 17-20m away from the terrace opposite but given the road is in between, this distance is considered an acceptable one at the front of properties. To the rear the properties have 10.5m long gardens. The new Denmark Terrace properties are of a similar design but have shorter rear gardens to allow for parking for each unit off the terrace.

Parking for each unit is provided with a new parking area to the south off Cheddon Road serving four of the five terraced properties while Unit 5 and the Denmark Terrace units have parking off the terrace. The parking is similar to the scheme previously approved. Whilst a turning area for existing residents in the current gap is lost, there is not considered to be a right to do this as it is over third party land. The previously approved scheme provided no additional turning for existing properties and the current proposal provides adequate parking and is considered acceptable in light of the approved scheme and the view of the Highway Authority. An improved visibility at the junction with Cheddon Road is also designed into the new scheme. The development will need to comply with Building Regulations in terms of access for fire tenders and the design layout is not considered to prevent this.

The proposed dwellings comprise the redevelopment of a brownfield site within the settlement limits. The number of units will require a Section 106 agreement to ensure adequate leisure and recreation provision. The properties are intended to be provided by a housing association and as such Code 3 for sustainable homes is proposed to be met. Given the nature of the site and number of units it is not considered necessary to control the affordability of the units. Conditions regarding the materials, landscaping and boundary treatment are considered necessary as are the highway safety considerations.

The proposal involves the demolition of the public house. The building is not listed and is not considered listable. While it is disappointing that the building is to be demolished the provision of sustainably built affordable homes is considered to be more important in this central location. However, it is considered appropriate to ensure a recording condition is imposed as well as a condition to secure the preservation of the traditional hand painted pub sign.

RECOMMENDATION AND REASON(S)

Subject to a Section 106 Agreement to secure leisure and recreation contributions permission be GRANTED subject to conditions of time limit, materials, landscaping, boundary treatments, surface water details, recessed windows, highway safety, recording prior to demolition, donation of public house sign, removal of pd rights for extensions, temporary car park, access surfacing, dropped kerbs, no gates, provision of footway and protection of nesting birds. Note re Wessex Water, encroachment, water butts and highway approval/licence.

If the Section 106 is not completed by 10th July authorisation be given to REFUSE for reason of non-compliance with policy C4 of the Taunton Deane Local Plan.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure Provision) and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory

contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before before the dwellings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

5. Details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority prior to new construction work commencing, unless otherwise agreed in writing by the Local Planning Authority. Surface water shall not be discharged to the foul sewer or public highway surface. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent worsening of surface water flooding in accordance with Policy EN26 of the Taunton Deane Local Plan.

6. There shall be no obstruction to visibility greater than 600mm in height above adjoining road level within the splays to Cheddon Road and such visibility shall be provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

7. No demolition shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the Local Planning Authority to be carried out by a specialist acceptable to the Local Planning Authority and such work shall be carried out in accordance with the written brief.

Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

8. The existing hanging pub sign shall be preserved and donated to the County Museum Service prior to the demolition of the building.

Reason: In order to preserve the architectural heritage of the Borough.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A and B

of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development in an area of housing at high density and to protect the character and amenity of the area in accordance with Policy S1 of the Taunton Deane Local Plan.

10. The windows hereby permitted shall be recessed in the wall to match the existing window recesses in the public house to be demolished.

Reason: To ensure details appropriate to the character of the building in accordance with Policy S2 of the Taunton Deane Local Plan.

11. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review.

13. Before work commences on site a layout plan shall be submitted making adequate provision for a temporary car park on site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of the area.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review.

14. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

15. Before any dwelling is occupied a 1.8m wide footway shall be constructed over the entire frontage of Cheddon Road in accordance with details to be submitted to and agreed in writing by the Local planning Authority.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

16. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

Notes for compliance

1. The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.
2. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.
4. You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
5. The proposal involves the construction of a footway widening which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Highway Development Group at County Hall, Taunton TA1 4DY for details of the dedication procedure. The Highway Service Manager at Somerset Highways, Burton Place, Taunton (0845 3459155) must also be consulted regarding the specification and supervision of these works before they commence on site. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be

obtained in writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning on 01823 356011. Applications should be submitted at least 4 weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

Planning Committee – 1 July 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E/0042/04/09
2. **Location of Site** Forde Barn, Dairy House Lane, Bickenhall, Taunton TA3 6TY
3. **Names of Owners** Mr J Lawton
4. **Name of Occupiers** Mr J Lawton
5. **Nature of Contravention**

RETENTION OF FENCE AND STRUCTURES AT FORDE BARN, DAIRY HOUSE LANE, BICKENHALL, TAUNTON

6. **Planning History**

In 2001 an application was received for the retention of a section of fence within the hedgerow adjacent to the highway at Forde Barn, Dairy House Lane, Bickenhall. The application was granted temporary approval with a condition that planting be provided to reinforce the existing hedge. Once established the fence was to be removed or at the latest by 31st March 2004. However, the planting did not take place as consent had to be obtained from SCC as Highway Authority who own the land. Due to the delay a further application was submitted and again temporary permission was granted. This required the fence to be removed by 31st May 2007. Agreement was finally reached with the Highway Authority that planting could be carried out but the plants then had to be agreed by both Highways and Taunton Deane. By this time the planning permission had expired although the planting was implemented as agreed. The fence remains in situ but is being gradually concealed by the growth of the plants. During this period the applicant applied for a change of use of some of the adjoining agricultural land to be incorporated into the domestic curtilage and erection of pony stable and associated storage building. Approval was granted on 26th January 2007 and implemented shortly after approval. However, a small glass house and timber building was positioned on the agricultural land which is being used in conjunction with the growing of vegetables on this land. Complaints have been received regarding the fence and structures within the agricultural land. It has not been possible to resolve the situation so the matter is now brought to Members seeking their views.

7. Reasons for Not Taking Enforcement Action

It is considered that the fence, although unauthorised will be completely concealed once the plants have established. With regard to the structures within the agricultural field it is considered that they are ancillary to the use of the land and in the event of an application being submitted would be granted approval. Therefore it would not be expedient to take further action on either of these matters.

8. Recommendation

Members resolve not to take any further action over the above breaches of Planning Control.

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 – 01823 356466

Planning Committee – 1 July 2009

Report of the Development Manager

Enforcement Item

Parish:

1. **File/Complaint Number** E/0132/07/09
2. **Location of Site** HEATHERTON PARK FARMHOUSE,
BRADFORD ROAD, BRADFORD ON TONE,
TAUNTON, TA4 1EU
3. **Names of Owners** Mr T Everett
Budleigh Farm
West Buckland
WELLINGTON
TA21 9LW
4. **Name of Occupiers** Budleigh Studios
5. **Nature of Contravention**

BUILDING AT HEATHERTON PARK FARM NOT BUILT IN ACCORDANCE
WITH APPROVED PLANS

6. **Planning History**

A complaint was received on 8th April 2009 that the building appear to differ from that which was approved. Permission was granted in February 2008 to convert and extend the building for a B1 use. The approved plans show window and door configuration and positions of roof lights. On inspection of the development it was found that the large window/door arrangement on the East elevation differed from that approved as well as the position of roof lights and windows on the North elevation. The owner stated that changes had to be made to the door openings during construction due to Building Regulation legislation for emergency access and the windows were changed for means of escape. With regard to the roof lights these have been positioned higher up the roof slope than indicated on the plan.

7. **Reasons for Not Taking Enforcement Action**

It is considered that the changes to the fenestration are minor and do not compromise the overall design which contributes to the preservation and enhancement of the local character and distinctiveness of the area. An application if submitted to regularise the changes would be approved.

8. Recommendation

Members are asked to resolve and to take no further action in respect of this unauthorised development.

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

CONTACT OFFICER: Mr JAW Hardy – 01823 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 01 JULY 2009

Appeal Proposal	Start Date	Application Number
CHANGE OF USE OF LAND FOR THE PROVISION OF A TEMPORARY OCCUPATIONAL DWELLING IN THE FORM OF A MOBILE HOME FOR A PERIOD OF THREE YEARS AT FAIRFIELD STABLES MOOR LANE CHURCHINFORD	08 JUNE 2009	10/08/0026
ERECTION OF EXTENSION TO THE SIDE OF PROPERTY INCLUDING FIRST FLOOR EXTENSION OVER GARAGE AT 1 SHEPHERDS HEY, TRULL	17 JUNE 2009	42/09/0002

APPEAL DECISION FOR COMMITTEE AGENDA – 01 JULY 2009

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/08/2085517/NWF	Use of Land to Site 3no Mobile Homes and Provision of Septic Tank for one Gypsy Family at Sunnysdene, Dene Road, Cotford St Luke, Bishops Lydeard (Revised Siting)	Visual amenity; character and amenities of locality; avoid undue hardship on appellant; preservation and enhancement of local character and distinctiveness of area; ensure continuity of amenity afforded by existing trees, shrubs and hedgerows; satisfactory drainage is provided; highway safety.	06/08/0046	Inspector considered that some of the conditions should be deleted and substituted with others and ALLOWED the appeal.
APP/D3315/C/08/2083953 and APP/D3315/C/08/2083956	Demolition of Building in Conservation Area, Erection of New Building, Erection of Roller Shutters on Exterior Door and Window Openings	Roller shutters fitted to exterior door and window openings without planning permission	E/226/49/2007	Inspector considered the roller shutters on the front elevation are harmful to the street scene and do not preserve the character or appearance of the Wiveliscombe Conservation Area. The appeals were DISMISSED and the Enforcement Notice upheld.

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park

