

Planning Committee –3 and 8 November 2004

Present (3 November 2004):

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

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

(The meeting commenced at 5.00 pm)

(Councillors Bowrah and Denington arrived at the meeting at 5.14 pm and 5.20 pm respectively.)

Present (8 November 2004):

Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Croad, Denington, Floyd, Henley, Hindley, House, Phillips, Stuart-Thorn, Vail and Wedderkopp

Officers: Mr N T Noall (Head of Development), Mr T Burton (Development Control Manager), Mr J Hardy (Planning Enforcement Manager), Mrs A Dunford (Planning Enforcement Officer), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

128. Apologies

3 November 2004:- Councillor Miss Cavill.

8 November 2004:- Councillors Beaven, Bowrah, Miss Cavill, Guerrier and Mrs Smith.

129. Minutes

The minutes of the meeting held on the 13 October 2004 were taken as read and were signed.

130. Public Question Time

Miss D Robins asked a number of questions on behalf of her father in respect of the recently formed gypsy camp at North Curry.

The Chairman (Councillor Miss Peppard) thanked Miss Robins for her questions, which would be dealt with appropriately.

131. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had certified that the item covered by Minute No 132 below should be dealt with as an urgent matter.

132. Unauthorised gypsy encampment, land at Oxen Lane, North Curry

The Senior Solicitor, Mrs Judith Jackson, provided members with a situation report concerning the unauthorised gypsy encampment on land at Oxen Lane, North Curry.

She explained how shortly before the Council offices had closed on Friday, 22 October 2004, an application to change the use of land at Oxen Lane, North Curry to a permanent gypsy site had been received but that within a couple of hours, unauthorised works to create 16 pitches with access tracks and drainage had commenced.

Over the weekend and during the following week, works had continued and a montage of photographs showing the rapid progress made to form the site were shown.

Mrs Jackson added that when power and water had recently been installed on the site, the Council had immediately investigated this to be told that it was to serve a new stable block which was going to be erected. The owner had even placed a sign at the entrance to the site inviting people to rent parts of the stable to avert any suspicions as to the true intentions for the use of the land.

Although the Council had been aware for some months that the land had been purchased by a gypsy, there was nothing the Council could have done in advance to have prevented what had occurred.

Following several visits to the land at Oxen Lane, North Curry during the first few days of the occupation, sufficient information was gathered to enable a stop notice and enforcement notice to be served on the occupants on the 29 October 2004. As a result, no further works had since taken place on the land.

The next stage for the Council would be to consider obtaining an injunction from the High Court seeking the removal of the caravans from the land until such time as the planning application, and any subsequent appeal, had been determined.

It was suggested that the reserve date of the Committee (Monday, 8 November 2004) should be used to allow Members to reconvene to discuss the possibility of seeking an injunction.

Mrs Jackson warned the Committee that great care had to be taken to ensure all issues were considered and all relevant information was gathered before an application to the High Court was made, otherwise it would not be successful.

The Chairman of North Curry Parish Council, Commander Ryan, criticised the Council for not having a strategy to deal with this matter, which had been likely ever

since the land was sold. Nevertheless, he hoped everything would now be done to resolve the issue promptly.

RESOLVED that:-

- (1) The report be noted; and
- (2) The Planning Committee reconvene on Monday, 8 November 2004 at 5 pm to discuss the possibility of seeking an injunction aimed at removing the caravans from the land at Oxen Lane, North Curry.

133. 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 the detailed plans be **approved** for the undermentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

20/2004/022

Erection of dwelling, garage and drive, land at Broadway House, Church Lane, Kingston St Mary.

Notes to applicant:- (1) Applicant was advised of the following from Wessex Water:- (a) The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. (b) The developer has proposed to dispose of surface water to soakaways. He should therefore ensure that the Council is satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. (c) With respect to water supply, there is a public water main crossing the site. A copy of the supply records indicating the approximate position of the apparatus is enclosed. Wessex Water normally require a minimum 3 m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. (d) The developer is required to protect the integrity of Wessex Water systems and agree, prior to the commencement of works, any arrangements for the protection of infrastructure crossing the site. This should be agreed as early as possible and certainly before the developer submits any Building Regulations application. The developer must agree, prior to the commencement of works on site, any arrangements for the protection of Wessex Water infrastructure crossing the site. Connection can be agreed at the design stage. (e) It is recommended that the developer should agree with Wessex Water, a connection onto Wessex Water infrastructure prior to the commencement of any works on site. (2) Applicant was advised of the need to comply with the remaining conditions in the Inspector's appeal decision dated 5 April 2002, reference APP/D3315/A/01/1076760. (3) With regard to

the proposed landscaping, applicant was requested to provide a greater variety of species for the tree planting.

Reason for approving detailed plans:-

The proposal was considered to accord with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1, without detriment to the character of the area.

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

10/2004/019

Variation of condition 03 of planning permission 10/1988/023 to allow accommodation to be used as holiday let and deletion of link at Northdown House, Churchinford (resubmission of application 10/2004/010).

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings.
(Note to applicant:- N033 – drainage/water).

Reason for granting planning permission:-

The proposed holiday let was considered acceptable in principle and would harm neither visual nor residential amenity. The proposal was in accordance with Taunton Deane Local Plan Revised Deposit Policy EC3.

10/2004/021

Erection of two holiday chalets at land at Paye Plantation, Stapley.

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C412 – restriction of occupation for holiday lets in permanent buildings;
- (d) Prior to the commencement of works on site, details for the provision and implementation of a surface water run-off limitation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall be implemented in accordance with the approved programme and details;
- (e) Prior to the commencement of works on site, full details of the construction of the access track and parking (including depth, make-up, drainage and surface treatment) shall be submitted to, and approved in writing by, the Local Planning Authority. The

access shall be constructed in strict accordance with the approved details and shall be maintained as such thereafter.

- (f) Prior to the commencement of works on site, a further wildlife survey shall be undertaken between March and July by a qualified Environmental Consultant and to include an investigation for all significant species of flora and fauna and protected species (including adders, slow worms and newts) and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. Once approved, the works shall take place in accordance with the agreed measures and in accordance with any licence requirements;
- (g) In connection with this development, no site clearance works or development (or specified operations) shall take place between 1 March and 31 October without the prior written approval of the Local Planning Authority;
- (h) Prior to the commencement of works on site, a management plan to enhance, conserve and monitor the mire and associated scrub, as identified in the Greenwood Environmental Ecological Survey, February 2004 and as detailed in the accompanying plan shall be submitted to, and approved in writing by, the Local Planning Authority. Once approved, the management and monitoring works shall be carried out on an annual basis and according to the approved plan.
- (i) Prior to the commencement of works on site, plans showing one parking space for each unit shall be submitted to, and approved in writing by, the Local Planning Authority. The approved spaces shall be provided prior to the commencement of the use and shall be thereafter maintained;
- (j) There shall be no external lighting of the chalets or site area without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (d), applicant was advised that a drawing identifying the necessary features would be sufficient to discharge this condition; (2) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highway Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence; (3) With regard to condition (e), applicant was advised that there is a need to ensure the track surface remains permeable whilst providing a bound surface (for the first 10 m) which will be in keeping with the character of the area; (4) N115 – water conservation).

Reason for granting planning permission:-

The proposal represented a small-scale, unobtrusive holiday chalet development in accordance with Taunton Deane Local Plan Revised Policies EC19 and EC10.

19/2004/012LB

Installation of solar panels at the Cider House, Capland Court, Hatch Beauchamp.

Reason for granting listed building consent:-

The proposed development did not adversely affect the character and appearance of the building or complex of buildings, including the farmhouse, and accordingly did not conflict with Taunton Deane Local Plan Revised Deposit Policies EN7 and EN18.

Reason for granting listed building consent contrary to the recommendation of the Development Control Manager:-

The Committee was of the view that the solar panels did not cause visual harm sufficient to warrant refusal of the application. There were also sustainability benefits in allowing the panels to remain.

29/2004/010

Conversion of barns to form four units of accommodation at Rull Farm, Otterford.

Conditions

- (a) C001 – time limit;
- (b) The external surfaces of the extension(s) hereby permitted/approved shall be of materials to match those of the existing building;
- (c) C654A – windows;
- (d) C664 – windows recessed;
- (e) Prior to the commencement of works on site, details of the proposed rooflights shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) C601 – schedule of works to ensure safety and stability of structure;
- (g) C201 – landscaping;
- (h) C205 – hard landscaping;
- (i) C926B – remediation investigation/certificate;
- (j) Prior to the occupation of the dwellings hereby permitted, 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 thereafter;
- (k) Prior to the commencement of works on site, details of the foul and surface water drainage arrangements shall be submitted to, and approved in writing by, the Local Planning Authority.

Approved details shall be installed prior to the occupation of the units and thereafter maintained to the satisfaction of the Local Planning Authority;

- (l) Work shall not commence until details of a scheme for the provision of a bats' roost within the roof space of the development hereby permitted, together with the provision of access to that roof for 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 loft space and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' roost and related accesses has been fully developed;
- (m) Development shall not commence until details of a scheme for the provision of swallows' nest site(s) and accesses, within the converted building (or the provision of alternative new sites or accesses) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a programme for the implementation of the development, which avoids any building or other operations likely to affect the swallows' nest sites being undertaken between the 31 October and the 31 March. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority and thereafter the nest site(s) and agreed opening(s) shall be permanently maintained;
- (n) There shall be no works on clearing or converting the buildings from April to October in any year unless an alternative timing is agreed in writing by the Local Planning Authority.
- (o) P001A – no extensions;
- (p) P003 – no ancillary buildings;
- (q) P006 – no fencing;

(Notes to applicant:- (1) Applicant was advised that bats and nesting birds may be present on the site and all operatives on the site must be appropriately briefed on their potential presence. If bats are found on site then work must stop and English Nature must be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 and if discovered, must not be disturbed. (2) Applicant was advised that in the event that slow worms or other species of protected reptile/amphibian are found during demolition/conversion they should be removed to a suitable and safe location in the adjacent hedgerows; (3) N025 – conversions; (4) N25A – conversions; (5) N111 – disabled access; (6) N112 – energy conservation; (7) N117 – crime prevention; (8) N114 – meter boxes; (9) N048A – remediation strategy).

Reason for granting planning permission:-

The proposed barn conversions are considered to be in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

34/2004/045

Erection of verandah with French window access from first floor, Tegor, Manor Road, Staplegrove.

Conditions

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

Reason for granting permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H19.

38/2004/478

Erection of conservatory at 81 Trinity Road, Taunton

Conditions

- (a) C001 – time limit;
- (b) C102 – materials.

Reason for granting planning permission:-

The proposed extension complied with Taunton Deane Local Plan Revised Deposit Policy H19 in that there was no harm to the residential amenity or other dwellings and no harm to the form and character of the dwelling.

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.

Conditions

- (a) C001 – time limit;
- (b) C901 – personal permission;
- (c) C102A – materials;
- (d) C201 – landscaping;
- (e) C208A – protection of trees to be retained;
- (f) C325 – parking;
- (g) The occupation of the mobile home shall be restricted to bona fide employees of the care home, for use as accommodation ancillary to the care home;
- (h) 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;

- (i) Before the development hereby permitted is occupied, a visibility splay of 2.4m x 33m shall be provided with unobstructed visibility above 900mm within the area coloured green on the attached plan and such visibility shall thereafter be maintained in perpetuity;
- (j) Prior to the commencement of development, a travel plan for the care home shall be submitted to, and approved in writing by the Local Planning Authority, the details of which shall be implemented prior to the care home being brought into use.
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A- drainage/water; (3) With regard to condition (f), applicant was advised that any car parking should be sited 5m from the trunk of the sycamore tree; (4) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (5) Applicant was advised to contact Social Services, Somerset County Council to ensure that all legislation and requirements are met with regard to the care home; (6) With regard to condition (i), applicant was advised to contact Taunton Deane’s Planning Department to discuss any proposed works to the hedge).

Reason for granting planning permission:-

The proposal was 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.

43/2004/116

Erection of public toilet block to replace existing, adjoining North Street Car Park, Wellington.

Conditions

- (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 work commences on site, the Parks Tree Officer shall undertake a health check on 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) C208A – protection of trees to be retained;
(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 granting planning permission:-

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.

46/2004/034

Erection of single-storey rear extension at 3 The Maltings, Ham.

Conditions

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

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 or H19.

47/2004/009

Change of use of care home, offices and training centre to private school, school office and school recreation, Bath House Farm, West Hatch.

Conditions

- (a) C701 – restricted use – premises within a class;
- (b) P003 – no ancillary buildings.

Reason for granting planning permission:-

The impact of the proposed use was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Revised Deposit Policy S1.

- (3) That **planning permission be refused** for the undermentioned 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:-

05/2004/034

Erection of two-storey extension with single-storey conservatory at 19 Badgers Close, Taunton.

Reason

The proposed two-storey extension by reason of its scale, height and bulk, in close proximity to an adjacent property, would have an overbearing and dominating impact on the adjacent garden and dwelling. This would be detrimental to the residential amenity of the occupants of the neighbouring properties and contrary to Taunton Deane Local Plan Revised Deposit Policy H19.

21/2004/026

Erection of stables for DIY livery and improvements to access, Field NG ST1123/2308 east of Langford Budville (amended scheme).

Reasons

- (a) The proposed access improvements with the loss of roadside bank and hedgerows and provision of visibility splays will have a detrimental impact on the rural character of the approach to the village and would therefore detract from the visual amenity of the area (Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6, West Deane Local Plan Policies WD/SP/2 and WD/EC/7 and Taunton Deane Local Plan Revised Deposit Policies S1(D), EN5 and EN13);
- (b) The formation of the improved access as proposed would not be in the interests of the safety and convenience of road users by reason of sub-standard visibility (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49).

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

The Committee was of the view that the proposal would have a detrimental visual impact and highways safety implications.

23/2004/032LB

Retention of wooden double-glazed windows to rear of Lockyers, Fore Street, Milverton.

Reason

The proposed windows by reason of their design, construction and detailing and appearance, would be unsympathetic and out-of-keeping with the character of the Grade II Statutory Listed Building of architectural and historic interest, contrary to Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit and contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Also RESOLVED that, in view of the design and condition of the windows that were replaced, listed building enforcement action seeking the removal of the new window be not taken.

- (4) That the following application be deferred for the reason stated:-

38/2004/424

Erection of building comprising 13 flats on land adjacent to Wessex Lodge, 11/13 Billet Street, Taunton.

Reason

For further negotiations.

134. Residential development of 23 No Dwellings, land at Hill Farm, Kingston St Mary (20/2004/021)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of satisfactory amended plans and no further representations raising any new issues thereon;
- (2) The receipt of a satisfactory design statement; and
- (3) The applicants entering into a Section 106 Agreement with the Council covering:-
 - (i) A contribution of £2,056 per dwelling towards off-site children's play and public open space provision; and
 - (ii) A contribution of £65,000 towards off-site highway works, comprising the provision of footways between a point opposite the site to the village Post Office;

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) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (c) Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C101 – materials;

- (e) C113 – details of structure and colour of mortar;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) Details and samples of the materials to be used for the surfaces of the courtyards shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (h) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges which shall include details of the species, siting and numbers to be planted, including planting within the blue line area to the west of the site, 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 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 the planting scheme the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (i) C205 - hard landscaping;
- (j) C207 – existing trees to be retained;
- (k) C208A – protection of trees to be retained;
- (l) C208B – protection of trees – service trenches;
- (m) C209 – protection of hedges to be retained;
- (n) C210 – no felling or lopping;
- (o) The existing hedges on the northern and eastern boundaries of the site shall be retained to the satisfaction of the Local Planning Authority;
- (p) C215 – walls and fences;
- (q) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus layby, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (r) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served

- by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (s) 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. Such drainage shall be provided prior to the access first being brought into use;
 - (t) At the proposed access, there shall be no obstruction to visibility greater than 300mm above adjoining road level within splays based on minimum co-ordinates of 4.5m x 90m in each direction. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
 - (u) The proposed access shall be constructed in accordance with details shown on the approved plan and shall be available for use before the commencement of the development hereby approved;
 - (v) Prior to the commencement of work on the development site, a pedestrian crossing point shall be installed in the existing highway in accordance with the plan and specification to be submitted to, and approved in writing by, the Local Planning Authority. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90m either side of the crossing;
 - (w) C324 – parking;
 - (x) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
 - (y) C416 – details of size, position and materials of meter boxes;
 - (z) The new doors and windows indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of different materials;
 - (aa) C917 – services – underground;
 - (bb) P001A – no extensions;
 - (cc) P003 – no ancillary buildings;
 - (dd) P006 – no fencing;
 - (ee) There shall be no street lighting, other than with the prior written consent of the Local Planning Authority;
 - (ff) C926B – remediation investigation/certificate;
 - (gg) No development hereby approved shall take place until the applicant, 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;

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N113 – street names; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Section 184 Permit must be obtained from the Highway Services Manager, Taunton Deane Area. Application for such a permit should be made at least three weeks before access works are intended to commence; (8) With regard to condition (v), applicant was advised that the proposed pedestrian crossing point should be provided to allow pedestrians to access the village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full Y visibility splay with no obstruction to visibility greater than 300mm in height. In order to demonstrate this, a full survey drawing in both horizontal and vertical section should be submitted indicating such visibility at the crossing point; (9) With regard to condition (h), applicant was advised that this should include reinforcement planting for the eastern boundary; (10) With regard to condition (d), applicant was advised that in view of the location of the site within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area, natural materials for the walls and roofs should be specified; (11) No24 – development in accordance with approved plans; (12) N051B – health and safety; (13) N075 – Section 106 Agreement; (14) N091 – trees; (15) N094 – trees; (16) Applicant should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (17) N048A – remediation strategy; (18) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturday 0800 – 1300 hours. At all other times, including Public Holidays, no noisy working; (19) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (20) With regard to condition (gg), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists to undertake it).

Reason for planning permission, if granted:-

The proposed development was on land previously occupied by farm buildings and was allocated for residential development in the Taunton Deane Local Plan. It was not considered that the proposal would have any adverse impact on the character of the area or the amenities of any nearby residential

properties. The development was in compliance with Taunton Deane Local Plan Policies S1, S2, H1, EN15, EN17 and KM1.

Also RESOLVED that in the event that the Section 106 Agreement was not concluded by 22 November 2004, planning permission be refused for the reason that the proposal did not make adequate provision for children's play and off-site children's play and public open space and necessary off-site highway works.

135. Planning (Listed Buildings and Conservation Areas) Act 1990 – Church of St Luke, Cotford St Luke, Bishops Lydeard

Reported that a recent inspection of the Church of St Luke at Cotford St Luke (a Grade II listed building) had revealed that its condition was deteriorating due to water damage as a result of invasive plant growth and blocked gutters.

The owner of the property and his solicitor had been informally approached with a view to securing the works necessary to arrest further deterioration of the building, but to date without success.

With the oncoming anticipated persistent inclement weather, further delay in securing urgent repairs was deemed unacceptable. It was therefore recommended that authority to issue an Urgent Works Notice pursuant to Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 be granted, in the event that remedial action by the owner was unlikely.

RESOLVED that:-

- (1) Should it become necessary, authority be granted for an Urgent Works Notice to be issued in respect of the Church of St Luke, Cotford St Luke, Bishops Lydeard; and
- (2) In the event of the works specified by the Urgent Works Notice were ultimately carried out by the Council, authority be granted to recover the costs incurred from the owner of the property;

136. Erection of sales and storage warehouse with first floor offices, storage yard, access, landscaping and external lighting, former Lincott Nursery, Bagley Green, Wellington (43/2003/029)

Reported that planning permission for this development had been granted in May 2003. The proposed colour scheme for the building was approved in consultation with the Chairman in September 2003.

A request to change the previously approved colour scheme had recently been received to reflect the corporate image of the builders' merchants who wanted to use the warehouse. Poppy Red was proposed to replace the approved colour of Aztec Yellow.

Details of the proposed minor amendment had been circulated to Wellington Town Council, Wellington Without Parish Council and local residents.

Both Councils wish to see a darker red used to reduce its visibility. Four letters of representation had also been received, details of which were reported.

The applicants had indicated that they were prepared to accept some limitation of the extent of the use of Poppy Red, with only the first floor window frames, the roof gutter and down pipes and the pedestrian ground floor doors being the only elements to receive this colour.

In the view of the Development Control Manager, this change was acceptable.

RESOLVED that the proposed changes to the colour scheme of the building be approved as a minor amendment.

137. Display of large sign on the side of pavilion at Somerset County Cricket Club, St James's Street, Taunton

Noted that this item had been withdrawn from the agenda.

138. Provision of a satellite dish at 72A Bacon Drive, Taunton

Reported that it had come to the attention of the Council that a satellite dish had been erected by the occupant of 72A Bacon Drive, Taunton, which was one property within a block of flats.

As one dish had already been sited on the block, any subsequent dishes would normally require planning permission. Although the occupant of the property had submitted an application, it was incomplete and numerous approaches to the occupier had met with no response.

In the view of the Development Control Manager, if a completed application was submitted, it was likely to be approved.

RESOLVED that no further action be taken.

139. Formation of track at Willowfields, Stathe Road, Burrowbridge

Reported that planning permission had been granted for a change of use of the agricultural building known as Willowfields to commercial storage (B8) in July 2004. The permission was a personal permission for the benefit of Kingsmoor Packaging Ltd and the NVA Group.

Further reported that a complaint had recently been received that a track had been created linking Willowfields with Crossroads Farm which was adjacent and already in commercial use by the NVA Group.

The track had been created without planning permission and it was therefore recommended that enforcement action be authorised.

During the discussion of this item, Members took the view that the link between the two sites was acceptable and removed the need for vehicles running between the properties to use the public highway.

RESOLVED that no further action be taken.

(Councillor Henley left the meeting at 8.45 pm).

(The Chairman adjourned the meeting at 8.47 pm).

(The meeting recommenced at 5 pm on the 8 November 2004).

140. Exclusion of press and public

RESOLVED that the press and the public be excluded from the meeting for the item of business covered by Minute No 141 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

141. Unauthorised gypsy encampment, land at Oxen Lane, North Curry – consideration of enforcement action

Reference Minute No 132/2004, considered report previously circulated, which outlined the planning enforcement measures taken to date in respect of the unauthorised gypsy encampment on land at Oxen Lane, North Curry and the options now available to take further action.

Noted that the decision to proceed with the issue of a stop notice and an enforcement notice had been taken by the Chief Solicitor in consultation with the Chairman of the Planning Committee.

In terms of future action, the Senior Solicitor (Mrs Jackson) reported that before such action could proceed, a great deal of information had to be collected particularly in relation to the housing, educational and medical needs of the gypsy families on the site.

RESOLVED that:-

- (1) The action of the Chief Solicitor, in consultation with the Chairman of the Planning Committee, to authorise service of a stop notice and enforcement notice on the owner and occupiers of the site at Oxen Lane, North Curry be ratified; and
- (2) The taking of further enforcement action on the lines discussed, once all relevant information was to hand, be approved.

(The meeting ended at 5.59 pm).