

Planning Committee –16 February 2005

Present: Councillor Mrs Hill (Vice-Chairman) (In the Chair)
Councillors Beaven, Bowrah, Croad, Denington, Floyd, 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)), Mr G Clifford (Area Planning Officer (East)), 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).

13. Apologies

The Chairman (Councillor Miss Peppard) and Councillor Miss Cavill.

14. Minutes

The minutes of the meeting held on the 26 January 2005 were taken as read and were signed.

15. Public Question Time

Mr Harold Dawson referred to the development of barns at Trents Farm, Churchinford. He was of the view, particularly following the recent approval of the twenty-first amendment to the original plans, that there were things on the site that were not fully in accordance with the plans. He asked whether the Enforcement Officer could visit the site to check the general situation but especially the height of the buildings, which were to have been below the skyline. He also enquired why the site notice for the amendment to the garages had been positioned in Royston Lane instead of Moor Lane?

In response, the Development Control Manager (Tim Burton) confirmed that he would ask the Enforcement Officer to undertake a visit to the Trents Farm development as soon as possible. As far as the positioning of the site notice was concerned, as the access to the garages was from Royston Lane, it was appropriate for it to be displayed there.

16. 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:-

24/2004/047

Erection of dwelling at land west of Yew Tree Cottage, Wrantage.

Condition

The existing ditch shall be piped as shown on the approved plan, and no other culverting of the watercourse shall take place without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) N021 – conditions; (2) N024 – development in accordance with approved plans; (3) Applicant was advised that the Environment Agency should be consulted about consent for the culvert of a watercourse under the terms of the Land Drainage Act 1991; (4) N061A – Highways Act Section 184 Permit).

Reason for detailed plan being approved:-

The reserved matters of this development were considered to be acceptable and would not harm visual nor residential amenity. Thereby, the development accorded with Taunton Deane Local Plan Policies S1 and S2.

- (2) 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:-

10/2004/029

Conversion and extension of semi-derelict outbuilding to form guest accommodation ancillary to Lower Willand Farmhouse, Churchstanton.

Conditions

- (a) C001- time limit;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as shown on the submitted plan, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) Prior to the commencement of the construction of the bedroom, a sample panel of stonework shall be erected on site for the prior consideration and approval, in writing, of the Local Planning Authority;
- (d) The accommodation hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used either as a holiday let, or as an independent dwellinghouse;
- (e) C926B – remediation investigation/certificate;
- (f) Details of the means of access to the roof space for bats and provision of bird boxes shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be carried out as agreed prior to first occupation;
- (g) Access to the piggery for barn swallow nests shall be maintained, and entrances to the buildings to be converted shall be made secure to

prevent birds entering and building their nests before conversion work commences;

- (h) If the development is not commenced before the 31 December 2005, a further wildlife survey shall be commissioned to ascertain any changes to bat and bird usage before works commence.

(Notes to applicant:- (1) Applicant was advised that mitigation measures should include avoiding work during the nesting or bat roosting/hibernation period; (2) Applicant was advised that English Nature can provide further advice on bats and all other protected species and may be able to recommend a list of suitable consultants to develop mitigation proposals; (3) Applicant was advised that the Hawk and Owl Trust can provide barn owl nest boxes, as well as practical advice regarding their positioning and will survey buildings for signs of use by barn owls prior to conversion; (4) Applicant was advised that all operators on site should be appropriately briefed on potential bat presence and instructed to stop work and seek expert advice should a bat be discovered. Workers must also be made aware that nesting birds are protected and if discovered must not be disturbed; (5) Applicant was advised that no walls, premises or cavities should be filled unless they have been thoroughly checked for bats by a competent bat worker; (6) N034A – drainage/water).

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, the setting of the listed building, visual amenity or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, H20 or EN17.

10/2004/030LB

Conversion and extension of semi-derelict outbuilding to form guest accommodation ancillary to Lower Willand Farmhouse, Churchanston.

Conditions

- (a) C002 – time limit – listed building;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, specific details of the timber-frame and new roof structure for the main barn shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) Prior to the construction of the building to house the bedroom commencing, for which consent is hereby granted, a sample panel of stonework shall be erected on site for the prior approval of the Local Planning Authority;
- (e) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority:- doors, windows, skirtings, spiral staircase, balustrading

- and construction details for the eyrie gallery and finished treatment(s) for joinery;
- (f) Prior to re-roofing commencing, details of the means by which recovered roofs will be vented shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (g) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which insulation shall be introduced shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (h) No suspended or horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
 - (i) All soil pipes shall be provided within the building unless the written agreement of the Local Planning Authority is received to any variation thereto;
 - (j) Before the development hereby permitted is commenced, details of the guttering and rainwater goods shall be submitted to, and approved in writing by, the Local Planning Authority. Once approved, the guttering and rainwater goods shall be constructed as per the agreed details;
 - (k) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting listed building consent:-

The proposed development would not adversely affect the character or appearance of the listed building and therefore did not conflict with Taunton Deane Local Plan Policies EN17 and EN18.

38/2004/574

Redevelopment of skittle alley to erect five flats with cycle storage, refuse area and change of use of public house to retail/office use at The Masons Arms, Magdalene Street, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) Prior to work commencing on site, details of the hard surfacing shall be submitted which shall include details of open joints between paving and shall be completely implemented before the development hereby permitted is occupied, and shall thereafter be so maintained;
- (d) Prior to the occupation of the residential units hereby permitted, the 12 cycle parking spaces shall be provided on site and shall be available for use by tenants/occupiers of the development only and shall be maintained as such thereafter;
- (e) Prior to the commencement of any development works upon this site the applicant shall, at his own expense, appoint a suitably qualified acoustic consultant with a remit to examine that area of land and identify what measures, if any, may be necessary to ensure that noise from traffic sources will not cause nuisance to the residential occupants of the premises on that area of land. 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 such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works upon this site and all agreed identified measures implemented prior to the occupation of the dwellings upon this site.

- (f) The proposed windows on the south-west elevation shall be installed in such a manner to ensure they do not overhang the adjacent accessway even when open;
- (g) The existing public house premises shall be used for A1 (retail) or A2 (financial and professional services only) as defined in Classes A1 and A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any Statutory Instrument revoking and re-enacting that Order;
- (h) The proposed bin storage shall be provided on site prior to the occupation of the units and shall be available for use by the occupants and thereafter maintained;
- (i) C205 – hard landscaping;
- (j) The windows, doors and blind windows hereby permitted shall be recessed in the wall to match the existing window and door recesses;
- (k) Prior to the commencement of works on site, details of the proposed venting for the new and recovered roofs shall be submitted to, and approved in writing by, the Local Planning Authority. The approved venting shall be fully carried out and maintained as such thereafter;
- (l) Prior to their installation on site, full details of the proposed windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority;
- (m) Prior to the development commencing, the proposed colour of the powder-coated architectural cladding panels shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) N112 – energy conservation; (2) N111 – disabled access; (3) N114 – meter boxes; (4) N116 – disabled access; (5) N117 – crime prevention; (6) Applicant was advised that the Primark access to the west of the property should not be obstructed at any time during the building works).

Reason for granting planning permission:-

The site was located within the settlement of Taunton where new residential development was in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR2 and Taunton Deane Local Plan Policies S1, S2, H1 and M3a.

38/2005/015

Erection of two-storey side extension and single storey rear extension to provide granny annex at 23 Ilminster Road, Taunton.

Conditions

- (a) C001 – time limit;

- (b) C102 – materials;
- (c) C404 – single-family unit.

Reason for granting planning permission:-

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

46/2004/039

Continued use of land to site mobile home, Trees Farm, Blackmoor, West Buckland.

Conditions

- (a) C016 – temporary permission;
- (b) The occupation of the mobile home shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of The Town and County Planning Act 1990 or in forestry or a dependant of such a person residing with him or her or a widow or widower of such a person.
(Note to applicant:- Applicant was advised that any Wessex Water infrastructure on the site will require diversion or protection works).

Reason for granting planning permission:-

It was considered that having regard to Taunton Deane Local Plan Policies S8 and H14, the proposal was considered acceptable on a temporary three-year basis in order for the intended agricultural holding to be established.

- (3) 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:-

31/2004/028LB

Conversion of dwelling to close care retirement home and two staff flats at Woodlands, Ruishton.

Reason for refusal:-

In light of the lack of justification as required by Planning Policy Guidance Note No 15, and the lack of information on works that may affect the historic fabric and character of the building, the application is considered contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies EN13 and EN18.

31/2004/029

Erection of three blocks of close care retirement flats providing 18 x three-bedroom units, 12 x two-bedroom units and 12 x one-bedroom units, change of use of dwelling to close care retirement facilities including two flats for staff accommodation, blocking up of existing access onto A358 and replacement/provision of new access off Ruishton Lane at Woodlands, Ruishton.

Reasons

- (a) The proposed development would result in new build development outside defined settlement limits and would be detrimental to the character, setting and visual amenities of the existing listed building contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 and STR6 and Taunton Deane Local Plan Policies S1(D), S2, S8, H18, EN17 and EN18;
- (b) In the absence of a wildlife survey and without evidence to the contrary, the proposal may harm habitat to the detriment of local wildlife and protected species contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies 1 and STR1 and Taunton Deane Local Plan Policies S1, EN8 and EN4a;
- (c) The proposed development, by reason of the new access and visibility splay, would result in the loss of the existing roadside bank and hedgerow to the detriment of the rural character of the lane and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies 5, STR1 and STR6 and Taunton Deane Local Plan Policies S1 and EN5;
- (d) The proposed development, given its scale, makes no provision for affordable dwellings as required by the Development Plan and is therefore considered contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 35 and Taunton Deane Local Plan Policy H12;
- (e) The site is located outside of the limits of a settlement in an area which is remote from employment, leisure, retail and convenience shops and will therefore increase the need for journeys to be made by private motor vehicles which is non-sustainable and in conflict with the advice given in Planning Policy Guidance Note No 13, and the provisions of Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1(B) of the Taunton Deane Local Plan.

38/2004/570

Residential development to form eight houses, five flats over garages and 44 apartments and associated roads and parking at Pollards Yard, off Pollards Way, Taunton.

Reason

The development proposed will result in an overbearing impact upon, together with loss of privacy to, adjacent properties in both Portland Street and Clarence Street. The proposal is therefore contrary to Taunton Deane Local Plan Policies H1(H) and (I) (Revised Deposit numbering).

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

The Committee felt that elements of the proposal would be overbearing in relation to nearby properties and would lead to a loss of privacy.

17. Residential development and vehicular access at land adjacent to Davys Close, Butts Way, Milverton (23/2004/051)

Reported this application.

RESOLVED that subject to:-

- (i) The views of the First Secretary of State under the Departure Procedures; and
- (ii) the applicants entering into a Section 106 Agreement to provide at least one unit of affordable housing within the development proposed,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;
- (h) 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) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) No part of the development hereby permitted shall be carried out until a plan, at a scale of not less than 1:500, showing the proposed layout of the site has been submitted to, and approved in writing by, the Local Planning Authority;
- (j) A properly consolidated and surfaced turning space for vehicles shall be constructed for each dwelling before it is occupied in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning spaces shall be kept clear of obstruction at all times;
- (k) The dwellings hereby permitted shall not be occupied until two parking spaces for each dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used, other than for the parking of vehicles or for the purpose of access;
- (l) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (m) 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;
- (n) C316 – visibility across full site frontage;
- (o) P005 – no garages;
- (p) P007 – no fencing in front of dwellings;

- (q) Prior to the commencement of the development hereby approved, details of surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority.
(Note to applicant:- Applicant was advised to contact Wessex Water prior to the commencement of any works on site, to agree connection onto Wessex Water infrastructure).

Reason for planning permission, if granted:-

The Local Planning Authority was satisfied that although the site was outside the development limits of the village of Milverton as identified in the Taunton Deane Local Plan, the proposal met an identified housing need and related well to existing dwellings on either side of the site in accordance with Taunton Deane Local Plan Policy S8.

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

Even though the proposed development was outside the settlement limits of Milverton, the Committee was of the view that the site met local need and related well to existing housing.

18. Unauthorised use of land as a scrap yard and for the stationing of caravans, former Nursery, Wrexon, Trull

Reported that a number of complaints had been received concerning the change of use, without planning permission, of the former Nursery at Wrexon, Trull, into a scrap yard. The land was also used for the stationing of caravans.

RESOLVED that:-

- (1) enforcement action be taken to stop the current change of use of land at the former Nursery, Wrexon, Trull; 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.

19. Provision of extract duct not in accordance with approved plan at The Blagdon Inn, Blagdon Hill, Taunton

Reported that in April last year planning permission was granted for the erection of a single-storey extension, fire escape and new porch at The Blagdon Inn (formerly the White Lion, Blagdon Hill). The application also included the provision of an extraction system.

In recent months it had been brought to the Council's attention that the external venting duct installed was different to that indicated on the approved plans, and that both noise and smells were being detected at neighbouring properties.

Despite a new planning application being submitted to regularise the current situation, this had recently been refused. To date, no action to remove the unauthorised extract duct had been taken.

RESOLVED that:-

- (1) enforcement action be taken to seek the removal of the unauthorised extract duct which had been installed at The Blagdon Inn, Blagdon Hill; 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.

20. Erection of a fence panel at 14 Barrington Close, Comeytrove, Taunton

Reported that a single fence panel had been erected at right-angles to a rendered screen wall linking numbers 16 and 14 Barrington Close, Comeytrove, Taunton. A complaint had been received that the fence panel restricted access for the owner of the wall to carry out any routine maintenance that might be necessary.

The owner of the fence panel had been advised that permitted development rights had been removed in respect of enclosures, and that an application to retain the fence panel should be submitted. To date, the owner had declined to submit an application.

In the view of the Development Control Manager, as the panel did not detract from the visual amenities of the area, it would not be expedient to take enforcement action. However, should further panels be erected, this would have an effect on the amenities of the adjoining neighbours at which time enforcement action should be taken.

RESOLVED that:-

- (1) no further action be taken in respect of the single fence panel that had been erected at 14 Barrington Close, Comeytrove, Taunton; and
- (2) should additional panels be erected, the Solicitor to the Council be authorised to take appropriate enforcement action.

(The meeting ended at 8.02 pm).