

## **Planning Committee – 15 June 2005**

Present: Councillor Miss Peppard (Chairman)  
Councillors Mrs Allgrove, Clark, Croad, Denington, Floyd, Guerrier,  
Henley, C Hill, Hindley, House, Phillips, Stuart-Thorn and Wedderkopp

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

A member of the press was in attendance for part of the meeting.

(The meeting commenced at 5.00 pm.)

### 69. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillors Miss Cavill, Lisgo and  
Mrs Smith.

### 70. Minutes

The minutes of the meeting held on the 18 May 2005 were taken as read and  
were signed subject to Councillor Mrs Hill's apology being recorded.

### 71. Applications for Planning Permission

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

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

#### **14/2005/023LB**

Erection of timber framed conservatory, Rockhouse, Adsborough.

#### Conditions

- (a) C002 - time limit – listed building;
- (b) Before the commencement of any works hereby permitted,  
details or samples of the materials to be used for the base  
wall/plinth 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.

Reason for granting listed building consent:-

The proposal would not adversely affect the character or appearance of the listed building and therefore did not conflict with Taunton Deane Local Plan Policies EN16 and EN17.

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

The Committee was of the view that the proposal would not affect the character of the listed building.

**14/2005/024**

Erection of timber framed conservatory, Rockhouse, Adsborough.

Conditions

- (a) C001 - time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for the base wall/plinth 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.

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building or visual amenity, and therefore did not conflict with Taunton Deane Local Plan Policies H17, S1 and S2.

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

The Committee felt that the proposal would not affect the character of the listed building.

(Councillor Phillips declared a personal interest in the following application.)

**25/2005/008**

Continued use of Trenchard House and Meadow Court for special needs housing accommodation at Trenchard House and Meadow Court, Trenchard Park Gardens, Norton Fitzwarren (part retrospective).

Conditions

- (a) The existing access over the first 20m of its length should be widened to 5m to accommodate two way traffic, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out and completed within four months of the date of planning permission being granted;
- (b) The occupiers of the accommodation shall be subject to the terms of the "Daily Agreement Conditions for Trenchard Park Gardens Occupancy" submitted with the planning application

- and the management of the establishment shall strictly enforce the agreement with occupiers;
- (c) Within three months of the date of this planning permission, seven car parking spaces shall be provided in accordance with a plan to be submitted to, and approved in writing by, the Local Planning Authority;
  - (d) There shall be no more than 30 clients accommodated at the premises at any one time.

Reason for granting planning permission:-

The proposed use was considered to be an appropriate one for this building in compliance with Taunton Deane Local Plan Policy H5 and guidance contained in Planning Policy Guidance Note No. 3.

**43/2005/032**

Conversion of bakery store building and first floor extension to rear of 13 High Street, Wellington to form a two storey residential dwelling with access from White Hart Lane (resubmission).

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C416 - details of size, position and materials of meter boxes;
- (d) The new windows and doors 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 a different material;
- (e) P001A - no extensions;
- (f) P010 - no further windows or doors;
- (g) The development hereby permitted shall not be occupied until a sheltered cycle rack (for two bicycles) has been provided within the site;
- (h) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the building for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, details of mitigation measures shall be submitted and carried out as part of the development;
- (i) The first floor doors on the south-west elevation shall be opened for emergency purposes only.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N024 – development in accordance with approved plans; (6) Applicant was advised to investigate the history of the site and determine the likelihood of any contamination resulting from its

previous use. If contamination might be present, a site investigation, risk assessment and remediation strategy should be submitted to the Local Planning Authority prior to commencement of development on the site; (7) Applicant was advised of the need to ensure that the integrity of Wessex Water infrastructure on site is protected. Points of connection should also be agreed with Wessex Water for connection onto their infrastructure.)

Reason for granting planning permission:-

The proposal was to convert and extend an existing building within the urban area to residential use. The proposals were not considered to have any significant adverse affect on the amenity of the occupiers or neighbouring properties and the application was therefore considered to be in accordance with Taunton Deane Local Plan Policy S1.

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

**22/2005/005**

Erection of two storey and single storey extensions at Hoccombe Barn, Lydeard St Lawrence.

Reason:-

The existing dwelling is the result of the conversion of a former agricultural building of traditional character, where the Local Planning Authority's policies require that the appearance, structure and surroundings of the building should remain materially unaltered. In the opinion of the Local Planning Authority, the proposed two storey extension by reason of its size and form will have a detrimental impact on the architectural integrity and traditional character of the existing dwelling and detract from the visual amenities of the locality. (Taunton Deane Local Plan Policies H7 and H17).

72. Residential development comprising the erection of 23 dwellings following the demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard (06/2005/015).

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse views from the County Highway Authority; and
- (2) The applicants entering into a Section 106 Agreement to provide:-
  - (i) Affordable housing based on 25% of the total number of dwellings. This provision to be on the basis of (at present) 2 No one bedroom flats, 2 No two bedroomed flats and 1 No two

bedroomed house together with a financial contribution equating to 75% of the costs (to the developer) of providing a further two bedroomed dwelling. The flats to be rented and house shared equity; and

- (ii) A contribution towards sport, and every dwelling with two bedrooms or more to contribute towards play at the current calculated rates at the time of permission being implemented,

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) C201A - landscaping;
- (f) C207 - existing trees to be retained;
- (g) C208A - protection of trees to be retained;
- (h) C208B - protection of trees – service trenches;
- (i) C209 - protection of hedges to be retained;
- (j) C210 - no felling or lopping;
- (k) The existing hedge on the north-eastern boundary of the site shall be retained to the satisfaction of the Local Planning Authority;
- (l) C215 - walls and fences;
- (m) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, 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.
- (n) The access to the site shall be based on the existing access from Taunton Road. There shall be no vehicular access from Mill Lane;
- (o) The visibility splays shown on the submitted plan shall be constructed prior to the commencement of the use of the premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (p) C416 - details of size, position and materials of meter boxes;
- (q) Before any of the dwellings hereby permitted are occupied, all the existing buildings on the site shall be demolished and all materials resulting from the demolition shall be removed from the site;
- (r) C923B - remediation investigation/certificate;

- (s) P005 - no garages;
- (t) P007 - no fencing in front of dwellings;
- (u) C010 - drainage;
- (v) Prior to the demolition of any of the buildings or the commencement of development, a survey shall be carried out to ascertain the importance of the buildings and land for bats, nesting birds and slow worms, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, details of mitigation measures shall be submitted and carried out as part of the development.

(Notes to applicant:- (1) NO48A – remediation strategy; (2) Applicant was advised that copies of “Sustainable Drainage Systems” produced by Somerset Local Authorities in conjunction with the Parrett Catchment Study and the Council’s Design Guide for on-site attenuation are attached to the certificate; (3) Applicant was advised that according to Wessex Water, records indicate that there is a public water main close to the site and a foul sewer crossing the site. Wessex water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works need to be agreed. You should agree with Wessex Water prior to the commencement of works on site any arrangements for the protection of infrastructure crossing the site. You should also agree with Wessex Water connections to their infrastructure for water supply and drainage; (4) N118 – disabled access; (5) N112 – energy conservation; (6) N113 – street names; (7) N114 – meter boxes; (8) N115 – water conservation; (9) N117 – crime prevention; (10) N051B – health and safety; (11) N075 – Section 106 Agreement; (12) N095A – owls and bats; (13) N119 – Design Guide; (14) N110 – design.)

Reason for outline planning permission, if granted:-

The site was located within the settlement limits of Bishops Lydeard where residential development was considered acceptable in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6A. The proposal was considered to meet the requirements of the Taunton Deane Local Plan Policies S1, S4, H2, H9, EC9, C4 and BL2 and material considerations did not indicate otherwise.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 21 June 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission for the reason that the proposal did not make adequate provision for affordable housing and recreation contributions.

73. Formation of 40m x 20m fenced all weather dressage area on land adjoining The Paddock, Trebles Holford, Combe Florey (11/2005/008)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Drainage Officer on the submitted drainage details, 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) C102A - materials;
- (c) C201A - landscaping;
- (d) The drainage shall be carried out in accordance with the submitted details;
- (e) Details of any lighting shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;

(Notes to applicant:- (1) With regard to condition (c), applicant was recommended that the new boundary hedgerow should be reinforced with another row of hedging plants and some tree planting (oak) at 6-8m intervals; (2) With regard to condition (d), applicant was advised to ensure that there is no pollution of the stream.)

Reason for planning permission, if granted:-

The proposed development would not have a significant impact on the visual amenity of the area in accordance with Taunton Deane Local Plan policy S7.

74. Erection of two storey one and two bedroom warden control retirement flats for persons over 55 years, land around Eastend Cottage and Fitzwarren House, Norton Fitzwarren (25/2004/029)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards community facilities and provision for affordable housing in the event that the number of dwellings proposed at the reserved matters stage exceeded 25, 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) C205 - hard landscaping;
- (g) C207 - existing trees to be retained;

- (h) C208A - protection of trees to be retained;
- (i) C208B - protection of trees – service trenches;
- (j) C210 - no felling or lopping;
- (k) C215 - walls and fences;
- (l) Prior to the commencement of development, unobstructed visibility shall be provided above a height of 900mm from adjoining carriageway level for a minimum distance of 90m on both sides of the point of vehicular access for a depth of 4.5m measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (m) C301 - highways – in accordance with the Somerset County Council's booklet;
- (n) Plans showing a parking area to the Council's current standards shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. 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 connected with the development hereby permitted;
- (o) C415 - elderly persons dwellings restriction;
- (p) C416 - details of size, position and materials of meter boxes;
- (q) No buildings shall be demolished until a contract has been let for the redevelopment work;
- (r) C927 - remediation investigation/certificate;
- (s) Prior to the demolition of the existing buildings on the site, a survey shall be carried out to ascertain the importance of the buildings for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, details of mitigation measures shall be submitted and carried out as part of the development;
- (t) Provision shall be made as part of the development for wheely bin storage and provision of storage for electric buggies.
- (u) Before any of the flats are occupied, a bus-layby shall be formed in accordance with plans to be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N126 – remediation strategy; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) Applicant was advised that there should be no new buildings within 3m of the foul drainage sewer; (9) In line with Government protocol, applicant was advised to contact Wessex Water to see if any of the drainage systems may be adopted; (10) Applicant was advised that there is spare capacity in the Wessex Water distribution system to service this development on the assumption that there will be no more than 100 units; (11) Applicant was advised that:- (a) Means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the building regulations stage; (b) Access for fire appliances should comply with



Approved Document B5 of the Building Regulations 2000; (c) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards; (12) 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 to 1800 hours; Saturdays 0800 to 1300 hours. At all other times, including Public Holidays, no noisy working.)

Reason for planning permission, if granted:-

The proposed development made effective use of a brownfield site within the urban area and did not adversely impact on the amenity of adjacent residents. The development was therefore in compliance with Taunton Deane Local Plan Policies S1, S2 and H1.

(Councillor Phillips declared a personal interest in the application covered by Minute No 75 below.)

75. Erection of one bedroom units for special needs accommodation in several one or two storey buildings in association with Trenchard House with access off existing drive at Trenchard Park Gardens, Norton Fitzwarren (25/2005/007)

Reported this application.

RESOLVED that in the event that the Local Planning Authority had been in a position to determine the application, the application would have been refused for the following reasons:-

- (a) The site is located within an area of open countryside and it has not been demonstrated to the satisfaction of the Local Planning Authority that there is a clear and justifiable need for the accommodation that would be provided in the proposed accommodation (Taunton Deane Local Plan Policy S7);
- (b) The proposed development will be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review since the proposed development derives direct access from a National Primary Route/County Route and an overriding special need or benefit has not been substantiated for the proposed development on this specific site (Somerset and Exmoor National Park Joint Structure Plan Review Policy 49);

76. Erection of nine dwellings at land north east of Dabinett Close, Norton Fitzwarren (plots 1-9) (25/2005/011)

Reported this application.

RESOLVED that subject to the receipt of no adverse comments from the County Highway Authority, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) Prior to the commencement of the development hereby approved, details of the future maintenance and management of the drainage screens, piped system throughout the development and attenuation bund shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The mitigation measures of the Badger Survey received on 15 May 2005 shall be carried out prior to the commencement of the development hereby approved to the satisfaction of the Local Planning Authority. Any variation of the recommendations shall be agreed and approved in writing by the Local Planning Authority;
- (c) No works shall be carried out on the site before 0730 hours on weekdays and 0800 hours on Saturdays or after 1900 hours on weekdays and 1400 hours on Saturdays nor at any time on Sundays or Bank and Public Holidays.

(Notes to applicant:- (1) NO21 – conditions; (2) N115 – water conservation; (3) N112 – energy conservation; (4) N061A – Highways Act – Section 184 Permit.)

Reason for approving detailed plans, if granted:-

The reserved matters of this development were considered to be acceptable and would not harm visual nor residential amenity. Therefore, the scheme accorded with Policies S1, S2, H2, EN5, M4 and T15 of the Taunton Deane Local Plan.

77. Residential development (295 dwellings), affordable housing, recreational open space, structural landscaping and associated works, land forming part of Cades Farm, Taunton Road, Wellington (43/2005/004)

Reported this application.

RESOLVED that subject to:-

- (1) The views of the First Secretary of State;
- (2) The lifting of the Article 14 Direction issued by the Highways Agency;
- (3) The further views of the Drainage Officer, the Somerset Wildlife Trust, English Nature and the Council's Nature Conservation Officer and any further conditions that may be required;
- (4) The applicants entering into a Section 106 Agreement to provide the following:-
  - (i) 35% of the proposed dwellings to be affordable;
  - (ii) A contribution of £1017 per dwelling (index linked) towards improved secondary school provision at Court Fields Community School;
  - (iii) A contribution of £229,215 (on the basis of 295 dwellings) towards improvement of the capacity of existing playing fields in Wellington;

- (iv) A contribution of £177,022 (on the basis of 295 dwellings) towards the enhancement of the viability of existing sports facilities in Wellington;
- (v) A contribution of £250,000 (on the basis of 295 dwellings) towards improving local community facilities, 10% of which shall be provided prior to the commencement of development;
- (vi) The provision of a comprehensive cycle and pedestrian network within the development area and linking into the network within the adjoining residential area to the west and the proposed employment allocation at Chelston House Farm to the east;
- (vii) Improvements to the footway to the north of Taunton Road, linking the main site access to the town centre, these improvements to include conversion of the footway to shared use by pedestrians and cyclists to the appropriate standard;
- (viii) A package of public transport measures including:-
  - (a) A bus pass offering one years free travel for each dwelling, a pass at one third of the retail price in year two for each dwelling and at two thirds retail price in year three for each dwelling;
  - (b) A bus lay-by, information and shelters on the north and south sides of Taunton Road to serve the development; and
  - (c) A safe pedestrian crossing facility across Taunton Road in the vicinity of the bus lay-bys referred to above;
- (ix) Revision to the speed limit along Taunton Road;
- (x) Cessation of agricultural use at Cades Farm Buildings;
- (xi) The submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges, ponds and surface water attenuation areas and mitigation strategies for Great Crested Newts and Dormice (including any necessary licences). The plan shall provide for the payment of commuted sums where necessary; and
- (xii) The provision of details of the design and construction of the proposed roundabout access,

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) C007 - outline – reserved matters;
- (b) C009 - outline – time limit;
- (c) C010 - drainage;
- (d) C011 - phased programme;
- (e) C014 - time limit;
- (f) C101 - materials;
- (g) C241 - landscaping;
- (h) C205 - hard landscaping;

- (i) Before any part of the development is commenced, detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site and finished floor levels of the proposed dwellings;
- (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) C215 - walls and fences;
- (p) Public Open Space shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority in accordance with a programme of development to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development and shall thereafter be used solely for the purpose of amenity open space;
- (q) A Local Equipped Area for Play and a Neighbourhood Equipped Area for Play shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority in accordance with a programme of development to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development and shall thereafter be used solely for the purpose of children's recreation;
- (r) C301 - highways – in accordance with the Somerset County Council's booklet;
- (s) C304 - access point;
- (t) C302 - highways – roads, footpaths and turning spaces to be surfaced;
- (u) C314 - visibility splays;
- (v) There shall be no vehicular access to the site other than from Taunton Road;
- (w) The car parking areas shown on the submitted plan shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority prior to the car parking being brought into use;
- (x) C326A - garages – domestic purposes only;
- (y) C416 - details of size, position and materials of meter boxes;
- (z) C910B – archaeological investigation;
- (aa) P005 - no garages;
- (bb) P007 - no fencing in front of dwellings;

- (cc) No development approved by this permission shall commence until details for the provision and implementation of a surface water run of limitation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (dd) The submission of the details shall generally adhere to the principles laid down in the Design and Development Guide submitted with the current application;
- (ee) Detailed drawings to an appropriate scale of any proposed sub-station or other utility building or structure shall be submitted to, and approved in writing by, the Local Planning Authority before it is erected;
- (ff) Prior to the commencement of each phase of the development, details of proposed lighting to roads, footways, cycleways and amenity open space shall be submitted to, and approved in writing by, the Local Planning Authority;
- (gg) The memorial seat at the junction of Taunton Road and Nynehead Road shall be relocated in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (hh) No work shall commence on the development site until plans showing all off-site works, including the access roundabout, have been submitted to the Local Planning Authority at a scale of not less than 1:500 and approved in writing;
- (ii) The proposed development shall only be accessed by a new roundabout constructed in accordance with plans agreed in writing by the Local Planning Authority;
- (jj) Any existing vehicular accesses to the site shall be stopped up (and the verge crossings reinstated) and their use permanently abandoned within one month of the new access first being brought in to use;
- (kk) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verge junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, drive gradients, car parking and street furniture 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, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (ll) A network of cycleways and footpaths shall be constructed within the development site in accordance with a scheme to be approved in writing by the Local Planning Authority;

- (mm) The proposed estate 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 the existing highway;
- (nn) The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

(Notes to applicant:- (1) Applicant was advised that with regard to condition (z), the County Archaeologist would be willing to provide a specification for this work and a list of suitable contractors to undertake it; (2) N118 – disabled access; (3) N112 – energy conservation; (4) N113 – street names; (5) N114 – meter boxes; (6) N115 – water conservation; (7) N117 – crime prevention; (8) N061 – Highways Act – Road Opening Notice; (9) N051B – health and safety; (10) N075 – Section 106 Agreement; (11) N119 – Design Guide; (12) With regard to condition (q), applicant was advised that there should be a minimum buffer zone of 30m from the areas to any residential curtilage; (13) With regard to condition (ff), applicant was advised that lighting should be designed to avoid spillage into retained wildlife habitats; (14) With regard to condition (g), applicant was advised that strategic planting to a depth of approximately 20m should be provided along the northern, eastern and southern boundaries of the site; (15) Applicant was advised that any surface water disposal scheme will require the prior approval of Taunton Deane Borough Council as the Land Drainage Authority; (16) Applicants attention is drawn to the attached guidance notes for developers on surface water drainage issues; (17) Applicant was advised of a number of Environment Agency requirements.)

Reason for outline planning permission, if granted:-

The proposal was considered to meet the requirements of the Taunton Deane Local Plan Policies S1, H1, H9, H10, C1, C4 and W3 and material considerations did not indicate otherwise.

78. Erection of 2 No detached dwellings, The Manse, Ford Road, Wiveliscombe (49/2004/067)

Reported that the above reserved matters application was approved by the Committee on 24 November 2004.

The approved plans had indicated the position of one of the dwellings approximately 7m from the boundary with properties in Lion D'Angers.

Although not part of the application, the plans also indicated the position of a proposed garage for the existing dwelling, The Manse.

Before consent for the new dwellings was granted, a visit to the site had revealed that the new garage which was being erected under householder permitted development rights, was closer to one of the proposed dwellings than indicated on the plan. This was pointed out to the developer who was also informed that if consent for the dwellings was granted the distance between the nearest dwelling to the Lion D'Angers should still be 7m.

When construction began, complaints were received that the position of this dwelling was not in accordance with the approved plans, being closer to the Lion D'Angers boundary.

The developer was contacted and advised to stop work until the matter had been fully investigated. Unfortunately, works were continued and a request for a minor amendment was then received. The minor amendment indicated that from the two corners of the dwelling closest to the boundary, the distances were 6.05m and 6.20m – a difference of approximately 950mm and 800mm respectively.

The request for a minor amendment had been circulated and details of strong representations received from the Wiveliscombe Parish Council and four local residents were submitted.

In the view of the Development Control Manager, the closest point from the first floor of the adjacent dwellings in Lion D'Angers to the dwelling under construction was 13m on an angle. The only window on the gable of the dwelling which could give rise to overlooking was a bathroom window which would be obscure glazed. It was considered that the distances of the gable end of the new dwelling to the dwellings in Lion D'Angers were within normal planning standards and would not have such a detrimental impact on the existing dwellings as to justify refusal of the minor amendment. It was therefore recommended that the minor amendment should be approved.

Having seen the slides of the site, Members were of the view that little would be gained now by refusing the minor amendment and taking enforcement action to move the dwelling approximately 1m further away. There was concern however that the developer had taken no heed of the advice given to stop works whilst the matter was investigated. The result was that the new dwelling did have a greater impact on the properties in Lion D'Angers.

As such, it was felt that the developer ought to provide measures to mitigate the situation. It was therefore suggested that all windows, comprising the bathroom and kitchen windows and the window in the kitchen door, on the gable end of the new dwelling should be obscure glazed, and that a 2m high

fence be erected along the rear boundaries of those properties in Lion D'Angers affected to provide a further degree of screening.

RESOLVED that subject to the developer providing obscure glazing to all windows in the gable end facing Lion D'Angers together with a 2m high boundary fence, the minor amendment be approved.

(Councillor Henley left the meeting at 7.40pm).

(The meeting ended at 9.35pm).