

Planning Committee –18 May 2005

Present: Councillors Mrs Allgrove, Beaven, Miss Cavill, Croad, Denington, Floyd, Henley, Hindley, House, Lisgo, Miss Peppard, Mrs Smith, Stuart-Thorn 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)

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

(The meeting commenced at 5.00 pm.)

(Councillors Miss Cavill and Lisgo arrived at the meeting at 5.20 pm and 5.43 pm respectively.)

51. Appointment of Chairman

RESOLVED that Councillor Miss Peppard be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

52. Appointment of Vice-Chairman

RESOLVED that Councillor Mrs Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

53. Apologies

Councillors Guerrier, Phillips and Vail.

54. Minutes

The minutes of the meeting held on the 20 April 2005 were taken as read and were signed.

55. 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:-

14/2005/014

Erection of 18.7m high monopole mast with four antennae projecting to 20m, two transmission dishes, associated equipment cabinets and fencing at Creech Mills Industrial Estate, Mill Lane, Creech St Michael.

Conditions

- (a) C001 – time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of materials to be used for all the external surfaces of the structures 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;
- (c) C201 – landscaping.

Reason for granting planning permission:-

The siting and design of the mast minimised harm to the landscape and there were no alternative sites or solutions with less environmental impact. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2 and C14.

30/2005/006

Installation of air intake unit on existing kitchen roof and extract on west elevation, the White Lion Public House, Blagdon Hill.

Conditions

- (a) The dormer structure shall be finished in a stain or paint which shall be agreed in writing by the Local Planning Authority before it is constructed;
- (b) The applicant shall carry out works recommended in the Acoustic Consultant's report carried out by Hoare Lea Acoustics, reference number LET-SR-1001502-KS-200904-JAH-1, dated the 20 September 2004 (excluding points 2, 3 and 4) by the 23 June 2005;
- (c) The applicant shall carry out all works detailed in the letter from the Local Authority, reference number MDS/E70/MA6208, dated the 8 December 2004 (excluding points 2, 3 and 4 of the Acoustic Consultants letter and excluding the Noise Management Plan other than that relating to operating times between 9 am and 11 pm), by the 23 June 2005;
- (d) The applicant shall carry out all works relating to the air intake fan and extraction and ventilation system as detailed in the report compiled on the 4 February 2005 by the 23 June 2005;
- (e) The applicant shall install a silencer at the terminal end of the extraction duct by the 23 June 2005;
- (f) Noise emissions arising from the air intake or extraction equipment, to which this permission relates, shall not exceed background levels at any time by more than 3 dB, expressed in

terms of an A-Weighted two minute Leq when measured at any point at any residential or other noise-sensitive boundary, on Mondays to Sundays between 0900 and 2300 hours. At all other times, noise emissions shall not exceed background noise levels. For the purposes of this permission, "background levels" shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (g) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use and by the 23 June 2005. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation. The cooking process shall cease if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

Reason for granting planning permission:-

The proposed development would not adversely effect visual or residential amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1 and S2.

30/2005/009

Conversion of barn to residential dwelling, Pitminster Farm Barn, Pitminster.

Conditions

- (a) C001 – time limit;
- (b) The external stone walls of the building shall be retained as existing and, where necessary, repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) Before the commencement of any works hereby permitted, details or samples of the materials to be used for cladding the walls of the building(s) 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;
- (e) Before the commencement of any works hereby permitted, details of samples of the materials to be used for the roof of the

- building(s) 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;
- (f) All windows and doors shall be of timber material and shall be recessed into the walls and full details of the windows and doors, including method of opening, profiles and sections shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
 - (g) Notwithstanding the details submitted, a detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include the retention of any hedgerows, the details, species, siting and numbers of new hedgerow stock and details of boundary treatment/new fencing. The scheme shall be completely carried out within six months of the commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority and, for a period of five years after the completion of the planting scheme, the hedgerows shall be protected and maintained to the satisfaction of the Local Planning Authority and any part of the hedgerow that ceases to grow shall be replaced by similar hedgerow stock;
 - (h) Notwithstanding the details submitted, the curtilage of the barn conversion shall not be extended westwards beyond the western gable elevation of the barn, unless otherwise agreed in writing by the Local Planning Authority;
 - (i) C010 – drainage;
 - (j) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 33m in a north-easterly direction only. Such a visibility splay shall be fully provided before works commence on the conversion of the barn hereby permitted and shall thereafter be maintained at all times;
 - (k) Any entrance gates erected shall be hung inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
 - (l) The 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;
 - (m) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
 - (n) The gradient of the proposed access shall not be steeper than 1:10;
 - (o) 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;

- (p) P001A – no extensions;
- (q) P003 – no ancillary buildings;
- (r) P005 – no garages;
- (s) P006 – no fencing;
- (t) The access driveway shall be “dog-legged” in accordance with the block plan submitted by the applicant on the 29 April 2005;
- (u) No site works, clearance works or development works shall take place between the 1 March and the 31 October without the prior written approval of the Local Planning Authority;
- (v) 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;
- (w) Access to the barn 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 works commence;
- (x) 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;
- (y) C927 – remediation investigation/certificate;
- (z) C601 – schedule of works to ensure safety and stability of structure.

(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 shall 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, crevices or cavities should be filled unless they have been thoroughly checked for bats by a competent bat worker; (6) N061A – Highways Act Section 184 Permit; (7) N124 – Building Regulations).

Reason for granting planning permission:-

The proposed building was of permanent and substantial construction, was in keeping with its surroundings and its conversion would not

adversely effect the character of the building, visual or residential amenity, road safety and the surrounding landscape character. Accordingly, the proposed development did not conflict with Taunton Deane Local Plan Policies H7, S1, S2, EN12 and EN 5.

38/2005/148

Change of use of shop (A1) to café/takeaway (A3/A5) at 53 Hamilton Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) Prior to the commencement of the use hereby permitted, full details of equipment to suppress and disperse fumes and/or smell produced by food operation and cooking shall be submitted to, and approved in writing by, the Local Planning Authority. The approved equipment shall be installed and in full working order and shall be effectively operated as long as the use continues. The approved equipment shall be regularly maintained to ensure its continued operation to the satisfaction of the Local Planning Authority;
- (c) Noise from any air extraction system shall not exceed background noise levels by more than 3 dB(A) for a two minute Leq at any time when measured at the façade of residential or other noise-sensitive premises;
- (d) C733A – café/takeaway food – times of opening.
(Notes to applicant:- (1) N049 – environmental health; (2) N050 – environmental health; (3) N051 – environmental health; (4) N052 – fire safety).

Reason for granting planning permission:-

The proposed change of use of a retail unit to a café/takeaway complied with the requirements of the Taunton Deane Local Plan Policy S1.

42/2005/013

Erection of conservatory and retention of existing shed at 73 Killams Green, Taunton

Conditions

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

Reason for granting planning permission:-

The proposed conservatory complied with Taunton Deane Local Plan Policy H17 in that there was no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

43/2005/024

Erection of seven industrial units at Wellington Trading Estate, Sylvan Road, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The existing hedge and trees on the east boundary of the site, adjacent to the rear gardens of properties at Sylvan Road, shall be retained to the satisfaction of the Local Planning Authority;
- (d) C201 – landscaping;
- (e) The parking area, shown on the submitted plan, drawing number 03/1402:02/02A, shall be marked out prior to the development hereby approved being first brought into use;
- (f) 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;
- (g) C708 – restricted use – no storage except where stated;
- (h) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 dB expressed in terms of an A-Weighted, five minute Leq at any time during the day and times indicated when measured at any point at the façade of any residential or other noise-sensitive boundary:- Monday to Friday 0800 -1800 hours and Saturday 0800 -1300 hours. At all other times, including Public Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (i) C926B – remediation investigation/certificate;
- (j) Prior to the commencement of the development hereby approved, details of any proposed lighting shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) N048A – remediation strategy; (2) With regard to condition (h), applicant was advised that the noise restrictions would not preclude uses B1 and B8 within the units; (3) Applicant was advised to agree with Wessex Water, prior to the commencement of any work on site, a connection onto Wessex Water infrastructure).

Reason for granting planning permission:-

It was considered that the proposal complied with adopted Taunton Deane Planning Policies S1, S2 and EC1, in that the site had good transport links and neither residential nor visual amenity would be adversely effected.

47/2005/006

Erection of two -storey rear extension, 1 Ivy Cottage, West Hatch.

Conditions

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

Reason for granting planning permission:-

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

48/2005/019

Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield.

Condition

The garage hereby permitted shall be solely used as a domestic garage in connection with 4 Kyrenia Cottage and shall not be used for any commercial purposes.

Reason for granting planning permission:-

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

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

52/2005/013

Secure outdoor play area, Comeytrowe Hall, Pitts Close, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping.

Reason for granting planning permission:-

The proposed development, by reason of its location and impact on the character of the area, was considered to accord with Taunton Deane

Local Plan Policy S1 and material considerations did not indicate otherwise.

52/2005/017

Erection of single-storey rear extension at 6 Gill Crescent, Comeytrowe, Taunton.

Conditions

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

Reason for granting planning permission:-

The proposal, by reason of its size, design and impact on adjacent properties, was considered to comply with Taunton Deane Local Plan Policies S1, S2 and H17 and material considerations did not indicate otherwise.

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

14/2005/020

Demolition of agricultural building and erection of a single dwelling utilising existing barn to provide garaging at Ham Farm, Ham, Creech St Michael.

Reasons

- (a) The proposed dwelling lies outside of a recognised settlement in a location where new dwellings are strictly controlled to those required for agricultural purposes. In the opinion of the Local Planning Authority, the proposal would be contrary to the requirements of Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6;
- (b) The proposed development site is remote from any urban area and therefore distant from adequate services and facilities such as education, employment, health, retail and leisure. In addition, Ham does not benefit from a public transport bus service. As a consequence, occupiers of the new development are likely to be dependent on private motor vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in Planning Policy Guidance Note No 13 and Regional Planning Guidance No 10 and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000).

34/2005/007

Erection of two dwellings on land adjacent to No 2 Mill Rise, Staplegrove.

Reasons

- (a) The site comprises a small area within a Housing Allocation under Policy T13 of the Taunton Deane Local Plan, which if developed in isolation, would establish a pattern of piecemeal development that could be repeated on a number of similar sites along Mill Rise. It is considered that such piecemeal development would undermine the co-ordinated and comprehensive development of the site as a whole, including the provision of essential infrastructure such as improved access arrangements and a flood mitigation scheme and the delivery of important contributions to affordable housing and transportation and education facilities, contrary to the detailed requirements of Taunton Deane Local Plan Policy T13;
- (b) The site has several trees which are on, and adjacent to, the site which are worthy of retention and which make it difficult to develop the site as proposed, contrary to Taunton Deane Local Plan Policy EN6.

38/2005/099

Partial demolition, alteration and extension of former Four Alls Public House to accommodate Class 3 (Food and Drink) and Class A2 (Financial and Professional Services) on ground floor and part of first floor, together with provision of 17 flats and car parking at Four Alls, Corporation Street, Taunton.

Reason

The proposed building by reason of its scale, form, bulk and general design will be over-dominant in the street scene at variance with the established character of the area contrary to Taunton Deane Local Plan Policies S1(D), S2 and EN14.

56. Erection of stables and tack room in field to rear of Springfields, Hatch Beauchamp (19/2005/001)

Reported this application.

RESOLVED that subject to the receipt of a revised block plan, clarification over land ownership, confirmation of the roof material and no further letters of representation raising new issues on the revised 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) C101 – materials;
- (c) The stables and tack room shall be used for private and domestic purposes only and not as a commercial establishment;
- (d) Before the development is commenced, details of the disposal of foul drainage and surface water shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Animal waste shall be satisfactorily stored and regularly disposed of so as to minimise any nuisance to neighbouring properties by reason of odour and to prevent the pollution of any watercourse (including drainage ditches). Details regarding the storage and disposal of animal waste shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any works;
- (f) C712 – restricted use – no burning on site;
- (g) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no floodlights shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage; (3) Applicant was advised that manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; (4) Applicant was advised that the subsequent disposal of collected wastes must be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Water; (5) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes or via soakaways/ditches; (6) Applicant was advised that the proposed development is situated within 250m of a known landfill site. Before commencement of the development, the applicant must ensure that all reasonable steps have been taken to investigate and, where appropriate, remediate against the possibility of gas migration affecting the development site).

Reason for planning permission, if granted:-

It was considered that the proposed stables/tack room were of an acceptable scale and design and that the scheme would not significantly harm neighbouring amenity or the visual amenities of the area. Furthermore, it was not thought that the development would cause pollution, harm public health or cause unreasonable nuisance to neighbouring properties. Therefore the proposal accorded with Taunton Deane Local Plan Policies S1, S2 and S7.

57. Enclosure of first floor roof by a stainless steel framed glass infill panel, hand rail, enlargement of first floor opening with two pairs of sliding timber doors,

replacement of WC window with door, new fire exit and alterations of staircase, Aura, 2 Church Square, Taunton (38/2005/138LB)

Reported this application.

RESOLVED that subject to the receipt of no objections from the Secretary of State for Culture, Media and Sport, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed building;
- (b) Full details of all new windows and doors, including sections, mouldings, profiles and method of opening shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (c) All new windows and doors shall be recessed into the walls to match existing openings in the historic element of 2 Church Square and shall be of timber materials only.
(Note to applicant:- Applicant was advised that this consent relates to listed building consent only and does not authorise any works in the absence of planning permission).

Reason for listed building consent, if granted:-

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 EN16 and EN17.

58. Demolition of buildings and erection of 10 flats and associated parking and external works at British Red Cross Centre, Wilton Street, Taunton (38/2005/160)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 27 May 2005, in respect of contributions for the provision of a children's play area and recreational open space, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) Prior to the occupation of any of the units hereby permitted, the proposed access and visibility splays shown on Drawing No 16, Revision A, shall be provided on site to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter;
- (d) C330 – internal road to be kept free from obstruction;
- (e) The area allocated for car parking and turning 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;
- (f) Provision shall be made for the parking of 10 cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
 - (g) Prior to the commencement of work on site, details of the proposed bin storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (h) C201 – landscaping;
 - (i) Noise emissions from the site during the construction phase shall 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, there shall be no noisy working;
 - (j) C306 – access – gradient;
 - (k) There shall be no gates attached to the access or drive without the prior written consent of the Local Planning Authority;
 - (l) The windows in the first and second floor on the north elevation shall be glazed with obscure glass which shall thereafter be maintained as such. There shall be no alteration or additional windows on those elevations without the prior written consent of the Local Planning Authority;
 - (m) The windows on the southern elevation, as indicated on the approved plan No 0038/19/A as amended by the Agent's letter dated the 12 May 2005 shall all be obscure glazed and thereafter maintained as such. There shall be no alteration to, or additional windows in, this elevation without the prior written consent of the Local Planning Authority.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) Applicant was advised that the site is commercial land that could have had uses with the potential to cause contamination. If any contamination or unknown substances/structures are found during demolition and building works, the developer should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (5) N117 – crime prevention; (6) N041B – drainage/water).

Reason for planning permission, if granted:-

The proposal for residential development was in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 27 May 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to inadequate recreation/open space and play area provision contrary to the requirements of the Taunton Deane Local Plan Policy C4.

59. Conversion of mill buildings into residential (149 dwellings) and commercial units and associated exterior works, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington (43/2004/119)

Reported this application.

RESOLVED that subject to:-

- (i) The further views of English Heritage, the County Highway Authority, the Conservation Officer and the Environment Agency on the amended plans;
- (ii) The satisfactory outcome of further discussions with the applicant in respect of the points of concern already raised by English Heritage;
- (iii) The satisfactory outcome of discussions with the County Highway Authority concerning the proposal to provide a further direct access into the site from Milverton Road;
- (iv) The applicants entering into a Section 106 Agreement to provide for:-
 - (a) A contribution of £200,000 towards the provision of off-site affordable housing and its timing;
 - (b) A phasing plan incorporating a programme of restoration of the retained employment buildings to ensure that, as far as was practical, refurbishment premises were available for existing tenants who had expressed a wish to remain at Tonedale Mill;
 - (c) The timing of flood alleviation works, the provision of a commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The carrying out of a condition survey of the buildings, which would identify defects and set out a programme of repairs; and
- (v) Subject to the views of the Secretary of State for Culture, Media and Sport on application No 43/2004/120LB,

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) C106 – second-hand materials;
- (c) C112 – details of guttering, down pipes and disposal of rainwater;
- (d) C201 – landscaping;
- (e) C205 – hard landscaping;
- (f) C207 – existing trees to be retained;
- (g) C208A – protection of trees to be retained;

- (h) C208B – protection of trees – no service trenches;
- (i) C210 – no felling or lopping;
- (j) C215 – walls and fences;
- (k) The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details submitted to, and approved in writing by, the Local Planning Authority before their construction is commenced;
- (l) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (m) C314 – visibility splays;
- (n) C324 – parking;
- (o) C416 – details of size, position and materials of meter boxes;
- (p) 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 a different material;
- (q) The commercial premises shall be used for light industry only as defined in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by Statutory Instrument 84/2005;
- (r) C708 – restricted use – no storage except where stated;
- (s) C917 – services – underground;
- (t) P002 – no extensions;
- (u) P003 – no ancillary buildings;
- (v) P006 – no fencing;
- (w) P010 – no further windows;
- (x) Prior to the occupation of the mixed-use blocks, a noise management plan to cover activities and plant/equipment shall be submitted to, and approved in writing by, the Local Planning Authority;
- (y) C926B – remediation investigation/certificate;
- (z) Prior to the commencement of development, a wildlife survey shall be carried out to ascertain the importance of the buildings for legally protected species. If legally protected species are to be affected, mitigation measures shall be submitted to the Local Planning Authority and carried out as part of the development;
- (aa) Prior to the commencement of development, a survey shall be carried out to ascertain the condition of the existing culverts where they pass through the site. Any necessary remedial measures shall be carried out prior to the occupation of any of the buildings, unless otherwise agreed in writing by the Local Planning Authority;
- (bb) Noise emissions arising from plant and equipment at the commercial premises on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 dB, expressed in terms of an A-Weighted, two-minute Leq, when measured at any residential or other noise sensitive premises. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission, background levels shall be those

- levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (cc) No deliveries shall be made to the commercial premises in the mixed use blocks (Block H), or commercial units in blocks adjacent to residential premises (Blocks F/G) after 2000 hours and before 0700 hours the following day;
 - (dd) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800-1800 hours, Saturday 0800-1300. At all other times, including Public Holidays, no noisy working;
 - (ee) C910B – programme of archaeological work;
 - (ff) Details of street lighting columns and lamps shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development;
 - (gg) C331 – provision of cycle parking;
 - (hh) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (ii) Minimum finished floor levels for each building shall be as listed below:-
 - Building A – 50.60m AOD;
 - Building B – 50.90m AOD;
 - Building C – 50.90m AOD;
 - Building D (south) – 51.50m AOD;
 - Building D (north) – 51.50m AOD;
 - Building E – 51.20m AOD;
 - Building F – 50.69m AOD;
 - Building G – 51.10m AOD;
 - Building H – 52.07m AOD;
 - (jj) The western wall of Block D (south) shall require flood-proofing to a height of 600mm above ground level prior to occupation;
 - (kk) No development shall commence until:- (a) A detailed design has been submitted to, and approved in writing by, the Local Planning Authority for the flood attenuation lagoon; (b) The construction of the approved flood mitigation measures has been completed; and (c) A regime for the maintenance and operation of flood mitigation works has been agreed, including identification of the parties responsible for undertaking these works;
 - (ll) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time,

whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (mm) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (nn) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings with the capacity for 100 or more vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (oo) Before any development commences, detailed drawings to an appropriate scale of the siting, design and external appearance of the proposed new build within Block D shall be submitted to, and approved in writing by, the Local Planning Authority;
- (pp) Communal satellite/TV receivers shall be provided as part of the development in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N051B – health and safety; (6) N066 – listed buildings; (7) N075 – Section 106 Agreement; (8) N048A – remediation strategy; (9) With regard to condition (z), applicant was advised that a protected species (Lesser Horseshoe Bats) are using buildings which are on the first phase of development at Tonedale. A detailed report is required to ascertain if the proposal would have an impact on the species concerned, during and following development and to establish the presence of any other protected species that may be affected by the development of the site. With regard to bats, a comprehensive survey shall include emergence survey work at dusk. This work (optimum time April through to September) will identify areas which bats are using which may not be obvious from internal survey work and for buildings that are unsafe for internal inspection. The Council's Nature Conservation Officer can supply you with contact details of environmental consultants in the area who are qualified to carry out this type of work. You are advised that where the local population of European protected species may be affected in a development, a licence must be obtained from DEFRA in accordance with the Conservation (Natural Habitat etc) Regulations 1994; (10) With reference to condition (bb), applicant was advised that the County Archaeologist is happy to provide a specification for the work and a list of suitable archaeologists to undertake it; (11) Applicant was informed of the following advice received from the Chief Fire Officer:- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning

other fire safety matters will be made at the Building Regulations stage. (ii) Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; and (iii) 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 it would be necessary to agree with Wessex Water points of connection for the satisfactory disposal of foul flows, surface water and water supply; (13) Applicant was advised that once the Westford Stream has been designated as Main River, Land Drainage Consent will be required from the Environment Agency for any proposed works in, under, over or within 8m of the watercourse bank top. It is currently proposed that the Westford Stream will be designated as Main River by the 1 April 2006. Until that date Land Drainage Consent is only required for culverting of the watercourse or any mill, dam, weir or other like obstruction. Where possible, the Environment Agency would wish to retain a clear strip of land 8m wide adjoining the watercourse for future improvements and maintenance. The Environment Agency does not accept any liability for the detailed calculations contained in the assessment and this certificate does not constitute approval of those calculations nor does it constitute the Environment Agency's consent or approval that may be required under any other statutory provision, byelaw, order or regulation. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and this certificate does not absolve the developers of their responsibility to ensure a safe development. It is recommended that the developer investigate the use of sustainable drainage systems for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include:- (a) interception and re-use; (b) porous paving/surfaces; (c) infiltration techniques; (d) detention/attenuation; and (e) wetland; (14) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (15) Applicant was advised that during construction, the following pollution prevention measures must be adopted where applicable:- (a) Pumps used for pumping water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks; (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage).

Reason for planning permission, if granted:-

The proposal would enable the restoration and redevelopment of the site which would protect and conserve its heritage. The proposals respected the

site's historical and architectural importance and provided a realistic basis for regeneration of the complex. The proposals were considered to be in compliance with Taunton Deane Local Plan Policy W2.

60. Conversion and alteration of mill buildings to form residential and commercial units and demolition of parts, Tonedale Business Park, Tonedale Mill, Milverton Road, Wellington (43/2004/120B)

Reported this application.

RESOLVED that subject to:-

- (i) The further views of English Heritage, the County Highway Authority, the Conservation Officer and the Environment Agency on the amended plans;
- (ii) The satisfactory outcome of further discussions with the applicants in respect of points of concern already raised by English Heritage;
- (iii) The satisfactory outcome of discussions with the County Highway Authority concerning the proposal to provide a further direct access into the site from Milverton Road;
- (iv) The applicants entering into a Section 106 Agreement to provide for:-
 - (a) A contribution of £200,000 towards the provision of off-site affordable housing and its timing;
 - (b) A phasing plan incorporating a programme of restoration of the retained employment buildings to ensure that as far as was practical, refurbishment premises were available for existing tenants who had expressed a wish to remain at Tonedale Mill;
 - (c) The timing of flood alleviation works, the provision of a commuted sum for their future maintenance and the lodging of a bond to secure the funding of the works; and
 - (d) The carrying out of a condition survey of the buildings, which would identify defects and set out a programme of repairs; and
- (v) Subject to the views of the Secretary of State for Culture, Media and Sport,

the Development Control Manager be authorised to determine the application in consultation with the Chairman, and if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed buildings;

- (b) No building shall be demolished before planning permission has been granted for the proposed redevelopment and a contract has been let for the redevelopment work;
- (c) C107 – second-hand materials;
- (d) 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 a different material;
- (e) C671 – making good building after demolition of adjoining structure;
- (f) Prior to any works of conversion and any associated demolition, for which consent is hereby granted, are commenced on any specified building block, a detailed photographic record, detailed measured survey and contextural plan of those elements to be demolished, removed, altered or compromised shall be submitted to, and approved in writing by the Local Planning Authority.
- (g) C103 – materials – listed buildings;
- (h) Any removal of the site’s historic, industrial artefacts and materials associated with the consent hereby granted shall not be undertaken until their relocation has first been approved in writing by the Local Planning Authority;
- (i) Prior to the works of conversion for which consent is hereby granted are commenced on any specified building block, detailed schedules of structural work and repairs, with associated detailed plans shall be submitted to, and approved in writing by the Local Planning Authority;
- (j) C677 - listed buildings – repairs – approach – workmanship;
- (k) Prior to any works of conversion for which consent is hereby granted are commenced on any specified building block, specific details of the following (where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority:- new doors (internal and external); architraves; skirtings; new and retained windows; finished treatment for joinery; staircases; lifts; floor finishes; ceiling finishes and their positions; venting of recovered roofs; venting of enclosed bathrooms/ensuites/wc’s; vent terminals; rooflights; air conditioning; garage doors; flues; fire separation; means of escape; sound insulation; guttering and downpipes;
- (l) C679 – listed buildings – new works – damp proofing – heating, lighting, plumbing and siting of associated meter boxes.
(Note to applicant:- N067 – listed buildings).

Reason for Listed Building Consent, if granted:-

The proposal would enable the restoration and redevelopment of the site which would protect and conserve its heritage. The proposals respected the site’s historical and architectural importance and provided a realistic basis for regeneration of the complex. The proposals were considered to be in compliance with Taunton Deane Local Plan Policies EN16, EN17, EN18 and W2.

61. Erection of livestock market comprising covered livestock stalls and sales arena, administrative building and toilet facilities, together with car and articulated vehicle parking, livestock unloading area, vehicle wash-down area, site drainage and strategic landscaping and formation of vehicular access into the A38, land OS Plots 6561/6770/7179/0061, Chelston Heathfield, Wellington (46/2004/018)

Reported this application.

RESOLVED that subject to:-

- (i) The removal of the Article 14 Direction imposed by the Highways Agency;
- (ii) The further views of the County Highway Authority, the County Archaeologist, the Environment Agency and Wessex Water and any further conditions they might require;
- (iii) Confirmation of foul and surface water drainage and water supply arrangements;
- (iv) The receipt of satisfactory further archaeological evaluation and mitigation measures;
- (v) The views of the First Secretary of State under the Departure Procedures; and
- (vi) The applicants entering into a Section 106 Agreement to provide a contribution towards a tendered bus service,

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) C010 – drainage;
- (c) C014 – outline – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) No work shall commence on the development site until details of all off-site transport 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;
- (g) The proposed development shall only be accessed by a new roundabout constructed in accordance with plans agreed in writing by the Local Planning Authority;
- (h) 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 into use;
- (i) C324 – parking;

- (j) C328 – loading/unloading area;
- (k) C330 – internal road to be kept free from obstruction;
- (l) C331 – provision of cycle parking;
- (m) The premises shall be used for a livestock market and ancillary activities only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority;
- (n) C708 – restricted use – no storage except where stated;
- (o) The layout of the site shall be so designed as to provide for the comprehensive development of the land with the adjoining land to the west (proposed employment site at Chelston House Farm);
- (p) C917 – services – underground;
- (q) Before the development hereby permitted is commenced, details of the appearance of any electricity sub station shall be submitted to, and approved in writing by, the Local Planning Authority;
- (r) Prior to the occupation of the proposed development, details of the maintenance regime for the proposed surface water attenuation pond shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed regime shall be strictly adhered to;
- (s) The mitigation measures set out in the ecological report submitted with the Environmental Statement shall be carried out in accordance with further details to be submitted to, and approved in writing by, the Local Planning Authority;
- (t) No development approved by this permission shall be commenced until a detailed flood risk assessment for the surface water attenuation area adjacent to Haywards Water has been submitted to, and approved in writing by, the Local Planning Authority. The results of the Flood Risk Assessment shall be incorporated into the siting and design of the surface water attenuation area.
- (u) No development approved by this permission shall be commenced until a scheme for the provision, implementation and future maintenance of surface water run-off limitation has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved programme and details;
- (v) Any works to attenuate surface water discharge to Haywards Water shall be set back at least 10m from the top of the bank;
- (w) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (x) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight

glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (y) A schedule of timing of works to existing trees and hedgerows shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any work on site;
- (z) C916B – remediation investigation/certificate;
- (aa) The proposed archaeological mitigation measures shall be strictly adhered to;
- (bb) Before any development commences, details of lighting on the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such detail shall include use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas;
- (cc) Prior to the commencement of any works, an update survey of protected species shall be carried out and any further mitigation measures incorporated in the development;
- (dd) Details of the arrangements to be made for water supply to the development shall be submitted to and approved in writing by, the Local Planning Authority before any work commences.

(Notes to applicant:- (1) N118A – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) N054 – fire safety; (6) Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Road Opening Notice must be obtained from the Highway Services Manager, Taunton Deane area before access works commence; (7) Applicant was advised of the need to enter into an Agreement under Section 278 of the Highways Act 1980 before any work commences; (8) With regard to condition (b), applicant was advised that full advantage should be made of sustainable drainage techniques on the site. For example, consideration should be given to the use of sub-base storage beneath a permeable surface in the public car parking areas rather than a gully pot and pipe system. This could provide attenuation storage and water quality mitigation for this area. Also, open channels, swales and ponds will increase the environmental benefits to be gained. The alternative systems not only cater for flood peak attenuation but can also improve water quality and enhance the environment. Such systems, collectively known as “source control” systems, include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. Further information is provided in the Environment Agency’s publication “Sustainable Drainage Systems (SUDS) – A Guide for Developers”. You are further advised to discuss with the Environment Agency how these techniques might be applied at this site. Please note that this only applies to roof water, clean yard areas and car parking/lorry parking areas; (9) The disposal of slurry must be undertaken in accordance with the DEFRA “Code of Good Agricultural Practice for the Protection of Water”. No farm effluent or

contaminated surface water, including wash-down water, should be discharged into any watercourses or water sources. Alternatively, with the water company's permission contaminated surface water, including wash-down water, could be connected to the foul sewer. Then, any manure/dung heaps could be sited in an area where it/they would not cause pollution of any watercourse or water source by the release of contaminated run-off; (10) Applicant was advised that the Environment Agency recommend that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings from the applicant should be sought to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and waste; (11) Applicant was advised that any planting, including the introduction of aquatic species in the proposed attenuation area, should be carried out using native species ideally of local provenance; (12) Applicant was advised that any oil storage facility of 200 litres or more must include a bund and comply with the oil storage regulations ("The Control of Pollution) (Oil Storage) (England) Regulations 2001"), a copy of which has been forwarded to the applicant/agent; (13) With regard to condition (b), applicant was advised that foul and contaminated drainage and trade effluent should be directed to the public foul sewer provided that adequate capacity is available for additional flows. This includes washing facilities provided for the cleaning of vehicles, machinery and contaminated impermeable surfaces. Vehicle wash facilities must not be directed to any clean drainage system; (14) Applicant was advised that all animal waste and contaminated surface water, including wash-down water, must be taken to a total containment system prior to disposal to land in accordance with the DEFRA Code of Good Agricultural Practice. This should not be stored closer than 250m from a licensed abstraction or private water supply source; (15) Applicant was advised that under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991, the prior authorisation of the Environment Agency is required for the construction of storage installations as defined in the regulations; (16) Applicant was advised that the proposed development overlies a minor aquifer (the Mercia Mudstone Group) which, at this location, is of intermediate vulnerability. If detrimental consequences to the water environment are likely, then agreed mitigation measures would be necessary. The applicant should bear in mind that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. Local water interests in the area such as wells, springs, etc and private abstractions must not be adversely affected either. Applicant's attention is drawn to the presence of two licensed groundwater abstraction wells in the vicinity – 1. Chelston House Farm, located approximately 350m to the north-west of the site and 2. Foxmoor Nurseries, located approximately 470m to the south-east of the site;

(17) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994; (18) With regard to condition (u), applicant was advised that calculations will be required regarding the sizing of the pond and an agreed rate of discharge. The following guidance should be adhered to:- (a) Any surface water discharges to watercourses should be limited to that which occur naturally from the catchment and as calculated from a 1:1 year storm using 10% impermeability. Any excess flows should be dealt with by on-site attenuation. (b) The design storm for any attenuation system should be for a 1:25 year return period storm. (c) The Environment Agency should be approached for consent to discharge and for their requirements regarding oil interceptors and headwall design. (d) Details should be submitted of proposed point of discharge to watercourse together with details of headwalls. (e) The poor quality of water discharging from surface water outfalls can seriously affect the receiving watercourse. Techniques to reduce the impact of these discharges have been developed and collectively form a range of sustainable urban drainage systems for dealing with urban run-off. It is strongly recommended that some form of sustainable drainage system is used at this proposed development. (19) With regard to condition (b), the current public foul sewer is in Chelston Business Park to the north, but there is no spare capacity in this sewerage system to accept extra flows. The nearest possible point of connection is north of Cades Farm, Wellington. Consideration should be given to a joint scheme here to also serve the proposed developments at Cades Farm and Chelston House Farm. It is unlikely that Wellington Sewerage Treatment Works will have sufficient capacity to service this development, but this cannot be confirmed until anticipated flow rates are received. It may be necessary to carry out a more detailed appraisal of the existing system for which a deposit will be required. (20) In line with Government protocol, applicant was advised to contact Wessex Water to see if any of the on-site or off-site drainage systems can be adopted. (21) Applicant was advised that network analysis is required to determine whether the existing water supply system can serve the proposed development. Off-site mains reinforcements may be needed and a deposit would be required to undertake the work. (22) With regard to condition (e), applicant was advised that the guidelines sent out in the submitted Ecological Report should be adhered to. It is also recommended that additional native trees and shrubs be planted as copses at field corners to strengthen wildlife habitat. (23) With regard to condition (y), applicant was advised that timing of works should be such as to prevent damage to nesting birds. (24) N048 – remediation strategy. (25) With regard to condition (e), applicant was advised that it is recommended that consideration be given to the possibility of transplanting the existing hedges. In the event of failure, there would still be a requirement to replant. The Somerset Wildlife Trust would be pleased to place the applicants in contact with individuals/organisations with experience of transplanting hedgerows).

62. Change of use and conversion of barn to dwelling (revised proposal to include erection of attached garage) at Trents View, Trents Farm, Churchinford (10/2004/020)

Reported that planning permission was granted for the conversion of this barn in May 2003. A request had recently been received for a minor amendment for a new door and window in the east elevation of the garage.

Details of the proposal had been circulated to the Churchstanton Parish Council who had objected to the minor amendment. The grounds for objection were submitted in full.

In the view of the Development Control Manager, the impact on the character of the building of the new door and window proposed was not considered to detrimentally affect its character such as to warrant resisting this minor amendment.

RESOLVED that the minor amendment for the window and door be approved.

63. Appeals against refusal of planning permission for eight houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton (38/2004/324 and 38/2004/570)

Reported that planning application No 38/2004/324 had been refused by the Committee last September for reasons of loss of privacy to existing adjacent properties and the provision of inadequate off-street parking.

A revised application (38/2004/570) was subsequently submitted to the February 2005 meeting which included parking in excess of one space per unit. However, this had again been refused by Members because of the overbearing impact upon, together with loss of privacy to, adjacent properties in both Portland Street and Clarence Street.

The developers had now appealed against both decisions and a Public Inquiry was to be held on the 1 November 2005.

The Development Control Manager was satisfied that a case, in response to all issues relating to the impact upon surrounding dwellings, could be presented.

However, in the light of the site's location in the town centre, the availability of public car parking nearby and the Council's own policies relating to parking in town centre locations, Members were asked whether they wished to continue to defend the reason for refusal on the first application relating to inadequate parking provision.

RESOLVED that reason for refusal 02, concerning off-street parking in relation to application No 38/2004/374, be withdrawn.

64. Enforcement Notice at Rebmit House, Trull

Reported that outline planning permission for this house included a condition which required parking for two vehicles. The detailed plans included a garage with enough space in front to accommodate two vehicles.

Although a garage door was not subsequently fitted to what was to be the garage, the applicant claimed that the space for two vehicles in front of the building complied with the outline condition. However, an application to retain the garage as built was refused in June 2003 and enforcement action was authorised.

The matter was reported back to Committee in February 2004 on the basis that the available parking was in excess of what would normally be required under Policy M4 of the Taunton Deane Local Plan. Despite this, Members had again agreed that enforcement action should be taken.

An Enforcement Notice was served earlier in the year and an appeal had now been lodged by the applicant which was to be dealt with at an Informal Hearing.

In the light of the applicant's clear compliance with the Council's normal standards and policies, the Development Control Manager was of the view that it would be very difficult professionally for a Planning Officer to try and defend the Committee's decisions at the Hearing.

Members considered that, given the circumstances, it would not be appropriate for the appeal to proceed to the Hearing.

RESOLVED that the Enforcement Notice, served in respect of the non-provision of a garage at Rebmit House, Trull be withdrawn.

65. New fascia sign and external cowl lights at The Perkin Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton

Reported that a complaint had been received concerning the new fascia sign and external brass coloured cowl lights, which had been installed at The Perkin Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton.

The owners of the bar had been informed that advertisement consent to retain the illuminated sign was required but to date, no application had been received and the unauthorised sign continued to be displayed.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute proceedings in respect of the unauthorised externally illuminated fascia sign at The Perbeck Warbeck, Lloyds No 1 Bar, 22-23 East Street, Taunton unless it was removed within one month.

66. Retention of two notice boards at the entrance to Taunton School, Staplegrove Road, Taunton

Noted that this item had been withdrawn from the agenda.

67. Retention of roof-light at the Old Bear Restaurant, 13 Upper High Street, Taunton

Reported that a complaint had been received concerning the installation of a roof-light on the front elevation of the Old Bear Restaurant, 13 Upper High Street, Taunton which was a Grade II listed building.

The owner of the restaurant had applied for retrospective consent to retain the roof-light but this had been refused during December 2004. To date, no action to remove the roof-light had been taken and the Committee had therefore been recommended to authorise the taking of listed building enforcement action.

During the discussion of this item, Members took the view that as the roof-light was not visually prominent, no further action should be taken.

RESOLVED that:-

- (1) Listed building enforcement action be not taken in respect of the unauthorised roof-light at the Old Bear Restaurant, 13 Upper High Street, Taunton; and
- (2) The owner of the restaurant be invited to submit a further application for listed building consent to regularise the situation.

68. Display of banner at first floor level at the Tick Tock Toy Shop Limited, 4 St James Street, Taunton

Reported that despite advertisement consent being refused on the 5 April 2005 for the retention of a vertical banner sign on the front elevation of the Tick Tock Toy Shop Limited, 4 St James Street, Taunton, no action to remove the unauthorised sign had been taken.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised banner sign at the Tick Tock Toy Shop Limited, 4 St James Street, Taunton unless it was removed within one month.

(Councillor Henley left the meeting at 9.33 pm).

(The meeting ended at 10.49 pm).