

Planning Committee – 12 October 2005

Present: Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington, Floyd, Henley, Hindley, House, Lisgo, Phillips, 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 M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

No press were present at the meeting.

(The meeting commenced at 5.00 pm)

(Councillors Lisgo, Mrs Smith and Miss Cavill arrived at the meeting at 5.06 pm, 5.17 pm and 5.21 pm respectively)

129. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillors Guerrier and C Hill.

130. Minutes

The Minutes of the meeting held on the 28 September 2005 were taken as read and were signed.

131. 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 development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

22/2005/013

Erection of two storey extension, Hoccombe Barn, Lydeard St Lawrence (revised scheme).

Conditions

- (a) C001A – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development did not prejudice the form and character of

the existing dwelling and was subservient to the existing dwelling in accordance with Taunton Deane Local Plan Policy H17.

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

The Committee was of the view that the proposed extension would not affect the character of, and would be subservient to, the existing dwelling.

- (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:-

24/2005/037

Conversion of barn into five bedroomed, two storey dwelling with detached double garage at Chestnut Farm, Helland.

Reasons

- (a) The proposed barn conversion involves the significant extension and alterations to the roof of the barn that would materially alter the character of the barn contrary to the requirements of Taunton Deane Local Plan Policy H7.
- (b) The proposal does not include any landscape proposals and, as such, the development including the barn conversion, the access and domestication of the land without providing a suitable landscape boundary between the site and surrounding countryside is considered detrimental to the character of the surrounding area contrary to the requirements of Taunton Deane Local Plan Policies EN6 and EN12.
- (c) The proposed domestic curtilage is considered to be excessive, likely to result in a detrimental change in the character of this rural area and the surrounding North Curry Ridge Landscape Character Area contrary to Taunton Deane Local Plan Policy EN12.

Also RESOLVED that enforcement action be taken in respect of the unauthorised access that had been constructed.

38/2005/360

Erection of dwelling and retention of access on land to the rear of 188 Kingston Road, Taunton.

Reasons

- (a) A proposed dwelling in the rear garden of this property (No 188 Kingston Road) and the resultant loss of garden to the existing dwelling, would be out of keeping with the general layout, scale, form and character of existing development in the locality and would be detrimental to the visual amenity of the area. The proposal is therefore contrary to Taunton Deane Local Plan Policies S1, S2 and H2.
- (b) The proposal will result in a tandem form of development in a backland location, in close proximity to existing dwellings. The increased activities, noise and disturbance will be detrimental to the residential amenity of the occupants of nearby dwellings. Furthermore, the proposal will result in mutual overlooking and loss of privacy to residents and the proposal is contrary to Taunton Deane Local Plan Policy H2.
- (c) The proposed development, if permitted, is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area. Accordingly, the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and H2.

(Councillor Miss Cavill declared a personal interest in the applications covered by Minute Nos. 132 and 133 below and left the meeting during their consideration.)

132. Residential development, new site accesses, car parking and associated works on former Gas Storage Site, Castle Street, Taunton (38/2002/114)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to contributions towards transport infrastructure, affordable housing, flood attenuation, provision of footway/cycleway bridge, laying out of riverside walkway and education provision, 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) Details of the phasing of all elements of the proposal shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced and no deviation from the approved phasing shall occur without the prior written approval of the Local Planning Authority;
- (e) A master plan indicating a draft layout of the whole site indicating access arrangements including cycleways and footpaths, the density, form, scale, height and massing of the development, location of

landscaping and amenity areas, wildlife survey and mitigation shall be submitted to, and approved in writing by, the Local Planning Authority prior to the submission of any reserved matters. A material deviation from the approved master plan shall not take place other than with the prior approval of the Local Planning Authority;

- (f) A strategic footway/cycleway link along the south bank of the River Tone shall be formed across the site from east to west of the site to the satisfaction of the Local Planning Authority within 12 months of the first occupation of any of the dwellings. Details of such a link, which shall be constructed in a landscaped setting in accordance with the approved development brief shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any part of the development;
- (g) The master plan required by condition (e) shall make provision for pedestrian access across the site between Castle Street to the River Tone;
- (h) Parking provision shall be made for each dwelling in accordance with details to be approved by the Local Planning Authority and such provision shall thereafter not be used for any other purpose;
- (i) Detailed drawings showing cross sections indicating any change of levels on the site shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (j) C101 – materials;
- (k) Details and samples of the materials to be used for the surfaces of the drives, turning and parking areas 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;
- (l) C240 – landscaping;
- (m) C215 – walls and fences;
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/laybys, 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 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, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (o) C331 – provision of cycle parking;
- (p) C910B – programme of archaeological work;
- (q) C911 – aerials – combined system;
- (r) C926B – remediation investigation/certificate;
- (s) 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;
- (t) A strip of land 7m wide adjacent to the top of the banks of all water courses fronting or crossing the site must be kept clear of all new

buildings and structures (including gates, walls and fences). Ground levels within such a strip of land shall not be altered without the prior written consent of the Local Planning Authority;

- (u) The detailed drawings to be submitted for approval under reserved matters shall include a topographical survey of existing ground levels contoured at 0.25m intervals, together with details of proposed finished levels;
- (v) Development shall not commence until details of a safe exit route, not adversely affecting the flood regime to land outside the 1 in 100 year plus climate change flood plain, are submitted to, and agreed in writing by, the Local Planning Authority. This route must be in place before any occupancy of the buildings;
- (w) No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans;
- (x) No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works 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;
- (y) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gullies with an overall capacity compatible with the site being drained;
- (z) The site must be drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage;
- (aa) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of the premises on the completed development. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommendation and the calculations and reasoning upon which any such scheme is based. Such report is to be agreed in writing prior to the commencement of the development hereby approved;
- (bb) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at nearby premises:-
Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 hours.
At all other times including public holidays, there shall be no noisy working.
(Notes to applicant:- (1) N110 – design; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N075 – Section 106 Agreement; (5) Applicant was advised to protect the integrity of

Wessex Systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (6) Applicant was advised that the site was previously a gas works and has since been used for other purposes. As such, there is the possibility of contamination on site. Whilst the Council is aware of a thorough and comprehensive remediation strategy that was undertaken on this site, this was in 1997/1998. Best practices have changed since that time and the techniques and remedial criteria may now not be sufficient to be fit for the proposed use as set out in the application. Applicant is therefore recommended to review the previous investigations in the context of current legislation when considering land contamination and prevention of pollution of controlled waters. Consideration should also be given to possible contamination arising from the land use which may have had consequential impact on soils, sub-soils and ground water beneath this site, since the original report was commissioned; (7) N048A – remediation strategy; (8) Applicant was advised that 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; (9) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (10) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.)

Reason for outline planning permission, if granted:-

The proposed development site formed part of a major mixed use allocation in the Taunton Deane Local Plan. Its development for residential use accorded with Policies T2 and S3 as well as complying with emerging guidance associated with the Taunton Vision.

133. Residential development, new site accesses, car parking and associated works on former Gas Storage Site, Castle Street, Taunton (38/2004/493)

Reported this application which was to be the subject of an appeal against its non-determination in December 2005. Members were therefore requested to support the Council's stated position in respect of the forthcoming appeal.

RESOLVED that the appeal be challenged as the application (No 38/2004/393) failed to meet the requirements of Policies H1, C1, C4, EN28, T2 and S3 of the Taunton Deane Local Plan due to the applicants failure to make adequate necessary contributions towards:-

- (i) Transport Infrastructure;
- (ii) Off-site flood mitigation works;
- (iii) Sport and recreation provision; and
- (iv) Education.

Noted that subject to the addition of the following condition, a list of conditions would be suggested to the Inspector in the event of the appeal being allowed in accordance with those relating to application No 38/2002/114 (Minute No 132/2005 refers):-

“(cc) No development of any phase shall commence until details of the dwellings and dedicated underground car parking to be provided in that phase have been submitted to, and approved in writing by, the Local Planning Authority”.

134. Erection of two extensions to dwelling and construction of garage/studio to replace existing garage at The Paddocks, Ford Road, Wiveliscombe (49/2005/057)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 17 October 2005, 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) C001A – time limit;
- (b) C102A – materials;
- (c) C326A – garage – domestic purposes only;
- (d) C404 – single family unit;
- (e) C409 – fenestration – no additional windows;
- (f) C414 – no increase in site level;
- (g) Full details of all surface and foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority and implemented prior to the commencement of use of the building (Notes to applicant:- (1) N037 – drainage/water; (2) N045 – encroachment.)

Reason for granting planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H17 as it did not give rise to loss of amenity to local residents.

135. Enforcement Issues at Creech Paper Mills, Creech St Michael

Earlier in the year, the Committee considered a report concerning an enforcement notice which had been served in respect of an alleged unauthorised use of the site at Creech Paper Mills for a crane hire business.

On detailed consideration, the actual use was considered not to have been a breach of planning permission and it had therefore been agreed to withdraw the notice.

Despite this, a number of other enforcement issues at the site had been identified, including a number of possible breaches of condition which were

currently being investigated by the Development Control Manager, and an unauthorised vent on the building occupied by County Hardwoods.

The owner of the business had previously indicated that the vent would be removed but, to date, this had not occurred.

RESOLVED that unless this vent was removed within four weeks from the date of the meeting, the Solicitor to the Council be authorised to serve an enforcement notice and commence prosecution action, subject to satisfactory evidence, should the notice not be complied with.

(Councillors Lisgo and Henley left the meeting at 6.15 pm and 7.00 pm respectively.
Councillors Clark and Mrs Smith left the meeting at 7.29 pm.)

(The meeting ended at 8.12 pm)