

## **Planning Committee –14 June 2006**

Present: Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Guerrier, Henley,  
C Hill, House, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer  
(Development Control Area Manager – West), Mr G Clifford  
(Development Control Area Manager – East), Mr R Upton  
(Development Control Area Manager), Mrs J Moore (Development  
Control Principal Officer – East), Mrs K Marlow (Development Control  
Principal Officer – West) Mr J Hardy (Development Control Senior  
Enforcement Officer), Mrs J M Jackson (Senior Solicitor) and  
Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

### **66. Apologies**

The Mayor (Councillor Hindley) and Councillor Denington.

### **67. Minutes**

The minutes of the meeting held on 17 May 2006 were taken as read and were signed.

### **68. Provision of a large mobile home in the rear garden of 39 Whitmore Road, Taunton**

Reported that over several weeks during last summer, the owners of 39 Whitmore Road, Taunton had been in contact with the Council to establish whether the positioning of a mobile home in the rear garden of their property would require planning permission.

At the time, advice was given both verbally and in writing that, provided the use of the mobile home was ancillary to the main dwelling and not self-contained, planning permission would not be required.

The owners had also made various other contacts with the Council as to whether the Building Regulations would apply or whether a Site Licence was required.

Nothing further was heard in relation to this matter until approximately two months' ago when a large mobile home was delivered to 39 Whitmore Road, Taunton where it was then craned over the roof of the house and sited in the rear garden.

This had prompted a number of complaints and enquiries in relation to the mobile home.

A site visit, shortly after the installation of the mobile home, had revealed that the unit had two bedrooms, a living/dining room, a kitchen and a bathroom, that relevant mains services had been installed and that more than one person was occupying the unit.

It had also become apparent that the mobile home was being used as a separate unit of accommodation with little or no connection with the main residence.

Further reported that the legal interpretation of this situation was that planning permission would be required as the nature of the accommodation provided and the way it was occupied could not be considered ancillary to the use of the main house.

Noted that the factors taken into account had been derived from case law and took into account such matters as the extent to which the occupier used facilities within the main house, the level of facilities provided in the mobile home and whether the accommodation was occupied on a full-time basis.

From a planning point of view, the siting, size and appearance of the mobile home had a detrimental effect on the neighbouring properties and a detrimental visual impact on this residential area.

The Senior Solicitor, Mrs Jackson, explained that the owners of 39 Whitmore Road, Taunton considered that they had made all appropriate enquiries beforehand and felt aggrieved to now be informed that planning permission to retain the mobile home was required. They felt that they had been misled by the Council. She confirmed, however, that planning permission was required to retain the mobile home. An offer had been made to the owners to meet up with them before any further action was taken, to explain in greater detail her reasons for taking this viewpoint.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised mobile home which had been positioned in the rear garden of 39 Whitmore Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Enforcement Notice not be complied with.

## 69. **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 **outline 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:-

**42/2006/007**

**Erection of dwelling, Eastbrook Villa, Trull**

**Conditions**

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014A – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C111 – materials – for drives;
- (g) C112 – details of guttering, downpipes and disposal of rainwater;
- (h) C215 – walls and fences;
- (i) Plans showing a parking area, providing for two vehicles, shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained 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.  
(Note to applicant:- Applicant was advised to ensure the surface of the footpath is maintained during and after construction. Any change to the surface must be authorised by Somerset County Council.)

**Reason for granting outline planning permission:-**

The increase in traffic from a single dwelling house was not considered to have an increase in highway danger given the nature of the access, and a dwelling at this location was in accordance with Taunton Deane Local Plan Policy H2.

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

The Committee felt that the increase in traffic from this further dwelling would not significantly increase highway dangers.

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

**14/2006/014**

**Removal of condition 02 of planning approval 14/2000/040 to permit the use of the building for B1 and B2 Use, buildings adjacent to Unit 18, Creech Mills, Creech St Michael.**

**Condition**

C001A – time limit.

**Reason for granting planning permission:-**

The proposed use, by reason of its scale and location, respected the character of the area and caused no demonstrable harm to highway safety or residential amenity in accordance with Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

**27/2006/005**

**Change of use of piano repair workshop to live/work unit, Mansfield Pianos, Court Farm, Hillfarrance.**

**Conditions**

- (a) C001A – time limit;
- (b) C010 – drainage;
- (c) C101 – materials;
- (d) C324 – parking;
- (e) The building shown to be removed and/or renovated shall be removed/renovated within six months of the date when the conversion works have commenced;
- (f) C927 – remediation investigation/certificate;
- (g) The buildings shall be used as a workshop for piano repairs and a store for pianos and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to the class in any Statutory Instrument revoking and re-enacting that Order);
- (h) The use of the site for piano repairs and storage shall be restricted to the current and proposed building as indicated on the submitted plan;
- (i) C706 – restricted use – no retail sales;
- (j) C708 – restricted use – no storage except where stated;
- (k) No machinery installed in the building(s) shall be operated except between the hours of 0730 and 1900 hours on weekdays and such machinery shall not be operated on Sundays;
- (l) No additional machinery shall be installed without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that condition (b) relates to details of sizes of pipes and the details of the bio-disc unit; (2) Applicant was advised that condition (c) relates to the roof materials; (3) N126 – land contamination; (4) Applicant was advised that the site boundary appears to be partially within

Flood Zone 3 (high risk flood plain). However, the building in question lies in the Flood Zone 1 (the lowest risk flood plain). As a precaution, flood-proofing should be used in the redevelopment. For example, electric sockets should be positioned at 600mm above ground level. The new bio-digester unit will require both a Consent to Discharge and Land Drainage Consent; (5) Applicant was advised that conditions (g) – (l) are updated versions of the conditions placed on the original permission. These conditions are considered to be applicable to application No 27/2006/005.)

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

The Committee took the view that the proposed alterations to an existing permanent and substantial building were considered not to be so significant to warrant the refusal of permission.

**38/2006/177**

**Siting of 18m telecommunications mast adjacent to M5 bridge, Shoreditch Road, Taunton (as an alternative to the existing O2 mast located at Shoreditch Road adjacent to 90 Bilberry Road).**

**Conditions**

- (a) C001A – time limit;
- (b) C207A – existing trees to be retained;
- (c) C208E – protection of trees to be retained;
- (d) Prior to the commencement of development, a detailed statement confirming that the mast, hereby approved, conforms to the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines shall be submitted to, and approved in writing by, the Local Planning Authority.

**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.

**48/2006/030**

**Erection of single-storey rear extension, conversion of garage and erection of first-floor extension over to serve as annex at 3 St Quintin Park, Bathpool.**

**Conditions**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) The annex accommodation hereby permitted shall be used solely in connection with the use of the existing house as a

- single family dwelling and shall not at any time be used as a separate unit of accommodation;
- (d) The link between the annex and the main house shall be maintained in perpetuity;
  - (e) The 2 No spaces shown on the amended plan, submitted on 30 May 2006, shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

**Reason for granting planning permission:-**

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

**49/2006/027**

**Conversion of barn to dwelling and extension to stable to form garage at land to rear of 24 North Street, Wiveliscombe.**

**Conditions**

- (a) C001A – time limit;
  - (b) C927 – remediation investigation/certificate;
  - (c) Wildlife mitigation measures shall be undertaken in accordance with the recommendations of the Wildlife Survey received on 31 March 2006;
  - (d) C102 – materials;
  - (e) C601 – schedule of works to ensure safety and stability of structure;
  - (f) The approved rooflights shall be flush fitting;
  - (g) Prior to the building being first occupied, a 1.5m high stone wall shall be constructed in accordance with the details hereby approved along the south boundary or otherwise any variance as agreed in writing by the Local Planning Authority;
  - (h) C106 – second-hand materials;
  - (i) C654A – windows;
  - (j) Work shall not commence until details of a strategy for the protection of the bats and their habitat, within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
  - (k) P001A – no extensions;
  - (l) P006 – no fencing.
- (Notes to applicant:- (1) N126 – land contamination; (2) Applicant was advised that a public sewer crosses the site. Wessex Water normally requires a minimum 3m easement width either side of its apparatus. You are advised to contact Wessex

Water to discuss the matter; (3) Applicant was advised that prior to the commencement of any works, a Department for Environment, Food and Rural Affairs (DEFRA) Licence will be required; (4) Applicant was advised to confirm that they have a legal right of way prior to the use of the lane; (5) Applicant was advised that bats are known to be using the barns. The report, prepared by Greena Ecological Consultancy, dated 20 March 2006, recommends that a DEFRA Development Licence will be required before works can commence on the barns. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. The condition on the certificate relating to bats requires the submission of a strategy to protect bats through the development stage and to provide future roosting opportunities in line with the report recommendations. Further survey work to meet the requirements of the DEFRA Licence may be necessary and your consultant will be able to advise on this.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, EN12, EN28 and H17 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1.

**52/2006/017**

**Erection of single-storey extension and car port at 63 Claremont Drive, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) C102 – materials – for carport;
- (c) C102A – materials – for extension.

**Reason for granting planning permission:-**

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

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

**19/2006/015**

**Demolition of conservatory and replacement with new green oak-framed conservatory including WC and shower room at Hatch Green Farm, Hatch Green, Hatch Beauchamp.**

**Reason**

The proposed development by reason of its size and design, would be out of keeping with, and would adversely affect, the character and appearance of this Grade II listed building and would conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

**19/2006/016LB**

**Demolition of conservatory and replacement with new green oak-framed conservatory with WC and shower room at Hatch Green Farm, Hatch Green, Hatch Beauchamp.**

**Reason**

The proposed development, by reason of its size and design, would be out of keeping with, and would adversely affect, the character and appearance of this Grade II listed building and would conflict with Taunton Deane Local Plan Policies EN16 and EN 17.

(Councillor Miss Cavill declared a personal interest in the following application and left the meeting during its consideration.)

**38/2006/113**

**Erection of 24 No one-bedroom flats with cycle parking and bin stores, 5-7 Compass Hill, Taunton.**

**Reason**

The proposed scheme, due to the three-storey element at the rear, adjacent to Dovetail Court, will have an overbearing impact to the detriment of occupants' amenity contrary to Taunton Deane Local Plan Policy H2(E).

(Note to applicant:- Applicant was advised that a revised scheme reverting back to the two-storey design at the rear, as originally submitted, may be acceptable.)

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

The Committee was of the view that the proposed three-storey element of the proposal so close to Nos 1-4 Dovetail Court would be overbearing on those properties.

**49/2006/023**

Retention of existing structure and completion to form agricultural building for animals, Culverhay, Wiveliscombe.



### **Reasons**

- (a) The building by reason of its design, size and external appearance, is considered to be tantamount to a new dwelling in the countryside which is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6 and Taunton Deane Local Plan Policies S7 and EN12;
- (b) The building is considered, by reason of its size in this prominent rural site, to be contrary to Taunton Deane Local Plan Policies S1(D) and S2.

Also RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised building at Culverhay, Wiveliscombe; and
  - (2) Such action be deferred for a period of three months from the date of the meeting to allow a revised scheme, based on the size of the original building, to be negotiated.
- (4) That the following application be **withdrawn**:-

### **30/2006/013LB**

**Formation of new internal opening between kitchen and dining room and the formation of a doorway in lieu of window, Duddlestone House, Duddlestone.**

### **70. Erection of 14 dwellings, demolition of buildings, Little Wilcox and Hucker's Hill, Station Road, Hatch Beauchamp (19/2006/014)**

Reported this application.

RESOLVED that subject to the receipt of acceptable additional highway details and no further letters of representation raising new issues by 28 June 2006, 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) The Velux windows in the roof of houses on Plots 11, 12 and 14 shall be glazed with obscure glass which shall thereafter be maintained. There shall be no alteration or additional windows in these roof elevations without the prior written consent of the Local Planning Authority;
- (b) There shall be no new windows at first-floor level on the south-eastern elevation of Plot 9 facing The Rectory.

### **Reason for approving detailed plans, if granted:-**

The proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

## 71. Appeals

- (1) Reported that the following appeals had been lodged:-
  - (a) Erection of new dwelling at 7 Orchard Close, Trull (**42/2005/040**);
  - (b) Redevelopment to provide 48 sheltered housing apartments at 2 and 4 Compass Hill, Taunton (**38/2005/422**);
  - (c) Erection of internally illuminated fascia sign at 6A East Reach, Taunton (**38/2005/450LB and 451A**);
  - (d) Erection of bungalow, garaging and formation of access at rear of 29 Blackbrook Road, Taunton (**38/2005/388**);
  - (e) Erection of one detached dwelling with integral double garage, extension to No 1 Piffin Lane and erection of garages for Nos 1 and 4 Piffin Lane, land adjacent to north side of Piffin Lane behind 1-4 Church Street, Bishops Lydeard (**06/2005/033**);
  - (f) Display of double sided internally illuminated pole sign at Olds Taunton, Norton Fitzwarren (**25/2005/039A**);
  - (g) Conversion of barn into five bedroomed, two-storey dwelling with detached double garage at Chestnut Farm, Helland (**24/2005/037**);
  - (h) Erection of dwelling and garage to the north of Maidenbrook Farmhouse (The Tudor), Tudor Park, Maidenbrook (**08/2005/034**);
  - (i) Erection of a bungalow at 3 Francis Close, Creech Heathfield (**14/2005/039**);
  - (j) Erection of bungalow at Manderleigh, Bagley Road, Rockwell Green, Wellington (**43/2005/105**);
  - (k) Erection of single-storey extension to form covered swimming pool, Higherlands, Ford Street, Wellington (**44/2005/019**);
  - (l) Retention of private double garage to the north of Chestnut Farm Barn Conversion, North Curry (**24/2005/065**);
  - (m) Retention of boundary fence at 1 Burch's Close, Comeytrowe (**52/2005/033**);
  - (n) Formation of access and driveway to 2 and 3 Burnshill Terrace, Norton Fitzwarren (**25/2005/033**);

- (o) Appeal against Enforcement Notice – Retention of covered storage area at rear of Taunton Motor Company, Priory Bridge Road, Taunton;
  - (p) Erection of two flats to side of 87 Staplegrove Road, Taunton (**38/2006/021**);
  - (q) Erection of three terraced houses and parking at rear of 87 Staplegrove Road, Taunton (**38/2006/022**);
- (2) Reported that the following appeal decisions had been received:-

- (a) **Formation of vehicular access at 4 Greenway Road, Taunton (38/2005/251).**

**Decision**

The Inspector noted that the proposed drive would be at an angle to the road which would make left turns, out of the drive, difficult. He also noted that the vision of drivers in emerging cars would be obstructed by parked vehicles and that the location of traffic signals, only 35m from the proposed driveway, would be unacceptably dangerous. The appeal was dismissed.

- (b) **Retention of change of use from holiday let to separate permanent dwelling and formation of access and parking area at The Retreat, Sampford Moor (adjacent to Blue Ball Inn), Wellington (32/2005/007).**

**Decision**

The Inspector felt that whilst the appearance of the building was in keeping with local properties, it was small in relation to other properties which would lead to applications for extensions and alterations. He also found no evidence that the dwelling was required to support the rural economy. Due to the fact that the surrounding area was predominantly rural, the Inspector thought that the use of the property as a permanent dwelling would give rise to substantial car use, which was not sustainable. The appeal was dismissed.

- (c) **Demolish garage buildings, erect 13 flats and parking at Eastwick Farm Cottage, Eastwick Road, Taunton (38/2005/052).**

**Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the

Committee. The appeal was allowed and planning permission granted subject to conditions.

- (d) **Conversion of barns into 2 No holiday lets at Whipprells Buildings (part of Pontispool Farm), Norton Fitzwarren (27/2004/016).**

**Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was allowed and planning permission granted subject to conditions. An award of costs was made in favour of the appellant.

- (e) **Residential development to form eight houses, 53 flats and the formation of an access at Pollards Way, Wood Street, Taunton (38/2004/324) and residential development to form eight houses, five flats over garages and 44 apartments and associated roads and parking at Pollards Way, Wood Street, Taunton (38/2004/570).**

**Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeals were allowed and planning permission granted subject to conditions. A partial award of costs was made in favour of the appellants.

- (f) **Erection of dwelling on land adjacent to 28 Longforth Road, Wellington (43/2005/054 and 055).**

**Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeals were dismissed.

- (g) **Erection of four dwellings with associated works, land north of former hospital buildings, Cotford St Luke (06/2004/039).**

**Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed.

- (h) **Demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings**

**into 25 self-contained dwellings, restoration of the park land and erection of 45 dwellings at Sandhill Park, Bishops Lydeard (06/2004/013 and 014LB) – Call-in by the First Secretary of State.**

### **Decision**

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The First Secretary of State decided not to grant planning permission or listed building consent for this development.

(The meeting ended at 8.27 pm.)