

Planning Committee – 15 February 2006

Present: Councillor Mrs Marie Hill (Chairman)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington, Floyd, Guerrier, Henley, C Hill, 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 Moore (Principal Planning Officer (East)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

13. Apology

Councillor Mrs Marcia Hill (Vice-Chairman).

14. Minutes

The minutes of the meeting held on 25 January 2006 were taken as read and were signed.

15. Public Question Time

Mr Weston of 48 Whitmore Road, Taunton asked a number of questions relating to the role of Ward Councillors in respect of a recent planning permission granted under delegated powers which would affect his home, and a further question relating to the roles and functions of all Councillors.

In response, the Senior Solicitor (Mrs Jackson) informed Mr Weston that a written response to the points he had made would be sent to him within seven days of the meeting.

16. Applications for Planning Permission

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

- (1) That **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:-

(The Chairman (Councillor Mrs Marie Hill) and Councillors Guerrier and C Hill all declared personal interests in the following two applications and left the room during their consideration. In the absence of both the Chairman and Vice-Chairman, Councillor Mrs Allgrove took the Chair.)

08/2005/018

Change of use and conversion of building into mill, workshop, tea room and public toilets at The Old Mill, Hestercombe Gardens, Cheddon Fitzpaine.

Conditions

- (a) C001A – time limit;
- (b) C102A - materials;
- (c) This permission, so far as it relates to the mill and toilet building proposals, shall not be exercised in addition to any permission already granted and shall be treated as an alternative to the proposals in 08/2001/021 for the mill and toilet, so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the development referred to in the permission already granted being substantially carried out, this permission shall forthwith lapse and be of no effect;
- (d) Before the works for which consent has hereby granted are commenced, a detailed schedule of repairs including structural works to the existing fabric shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) The premises hereby approved shall at all times be used in connection with, and ancillary to, the existing use of the site as an Historic Public Garden;
- (f) The uses permitted within the building shall be in strict accordance with the details contained with plan No 771.43 and no other uses shall take place without the prior written approval of the Local Planning Authority;
- (g) There shall be no access to the land or buildings from the farm track lying to the south of the mill and the barn;
- (h) The buildings hereby permitted for workshop and tea room use shall not be used for such purposes between 22:00 hours and 07:30 hours unless otherwise agreed in writing by the Local Planning Authority;
- (i) Prior to the commencement of works on site, a written record of the building shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site, details for the provision of a bat roost within the mill/barn conversion and a timetable for the provision of the new bat roost shall be submitted to, and approved in writing by, the Local Planning Authority. The above details shall be fully implemented in accordance with the approval and the bat roost maintained in full thereafter, unless an amended scheme is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) In the event that restoration/conversion works do not commence within one year of the date of the latest bat and bird survey, no work approved by this permission shall take place until a further

survey is commissioned and its results submitted to, and approved in writing by, the Local Planning Authority.

Reason for granting planning permission:-

The proposal would result in the appropriate repair and reuse of the listed mill building in accordance with Somerset and Exmoor National Park Structure Plan Policies 9 and 49 and Taunton Deane Local Plan Policies EN17, EN20 and EN5.

08/2005/019LB

Conversion and repairs to building to form mill, workshop, tea room and public toilets at The Old Mill, Hestercombe Gardens, Cheddon Fitzpaine.

Conditions

- (a) C002B – time limit – listed building;
- (b) This permission, so far as it relates to the mill and toilet building proposals, shall not be exercised in addition to any permission already granted and shall be treated as an alternative to the proposals in 08/2001/021 for the mill and toilet, so that the developer may have the option of carrying out development in accordance with the present permission or the permission already granted, but not both. In the event of the development referred to in the permission already granted being substantially carried out, this permission shall forthwith lapse and be of no effect;
- (c) C103A – materials – listed building;
- (d) Before the works for which consent is hereby granted are commenced, a detailed schedule of repairs including structural works to the existing fabric shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to commissioning, specific details of new windows, doors (internal and external), timber/glass screens, venting for recovered roofs, insulation to roofs/walls and glazing to the roof of the mill shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) No ceilings shall be provided to the buildings unless prior approval is obtained in writing from the Local Planning Authority;
- (g) Notwithstanding the submitted details of replacement timber lintels with concrete lintels, the Local Planning Authority requires the submission of full details of replacement lintels for the buildings.

(Notes to applicant:- (1) With regard to condition (g), applicant was advised that this consent does not include the use of replacement concrete lintels. Full details of replacement timber lintels should be submitted to, and approved in writing by, the Local Planning Authority. If you wish to discuss the matter in more detail please contact English Heritage (South West Region); (2) Applicant was advised that a separate application

for planning permission is required before any works commence.)

Reason for granting listed building consent:-

The proposal would result in the appropriate repair and reuse of the listed mill building in accordance with Somerset and Exmoor National Park Structure Plan Policy 9 and Taunton Deane Local Plan Policies EN17 and EN 20.

24/2005/058

Change of use of redundant agricultural building to a high care cooking facility at Nythe Farm, North Curry.

Conditions

- (a) C001A - time limit;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all alterations/additions to the external surfaces of the building (including the access stairs) 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) Prior to the commencement of works on site, full details of the acoustic attenuator and solid noise barrier referred to in the environmental assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The approved acoustic attenuator and solid noise barrier shall be constructed on site prior to the commencement of the use and shall be maintained in full working order thereafter;
- (d) Deliveries to the site shall not take place on any Sunday, Christmas Day or Bank Holiday or other than between 07:30 and 19:00 hours on Monday to Fridays and 07:30 and 13:00 hours on Saturdays;
- (e) 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 pipe work 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;

- (f) There shall be no discharge or foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (g) Any effluent stored on site shall be contained within a sealed and watertight system, constructed to approved standards and fitted with a level warning device to indicate when the tank needs emptying. Comprehensive records must be kept of the sealed tanks maintenance and emptying details;
- (h) Prior to the commencement of works on site, full details of the effluent storage tanks, including a fail safe security system shall be submitted to, and approved in writing by, the Local Planning Authority. Such tanks shall be erected on site in strict accordance with the approved details and maintained as such thereafter unless details of an alternative drainage scheme are submitted to, and approved in writing by, the Local Planning Authority as an acceptable alternative. At no time shall the approved use take place without suitable drainage systems being installed and operational;
- (i) C706 – restricted use – no retail sales;
- (j) Plans showing a parking area providing for 12 cars and 1 lorry 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;
- (k) The premises shall be used for steam cooking facilities and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order);
- (l) C201 – landscaping;
- (m) All delivery vehicles travelling to and from the site shall use the southern access track which meets the highway to the south-west of Poplar Farm;
- (n) C716 – prohibited working hours;
 (Notes to applicant:- (1) Applicant was advised that any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations; (2) Applicant was advised of the following Environment Agency requirements:- (i) The subsequent disposal of tank effluent must be undertaken in an approved manner; (ii) Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and

coastal waters); (iii) The Environment Agency must be notified immediately of any incident likely to cause pollution; (iv) The Environment Agency should be contacted regarding the proposed means of trade effluent and domestic foul sewage disposal; (3) In regard to condition (I), applicant was advised to discuss the detail with the Council's Landscape Officer. Pollarded Willows at 8m intervals around the building together with more intensive planting areas adjacent to the sealed tank and acoustic barriers are required.)

Reason for granting planning permission:-

The proposed use would allow for farm diversification without compromising the environmental quality of the adjacent Levels and Moors Site of Special Scientific Interest, Special Protection Area and Ramsar Site in accordance with the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6, 1 and 49 and Taunton Deane Local Plan Policies EC8, EN1 and EN2.

38/2006/004

Erection of conservatory to the rear of 33 The Oaks, Taunton.

Conditions

- (a) C001A - time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and as amplified in the applicants e-mail dated 27 January 2006, and no other materials shall be used without the written consent of the local planning Authority.

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.

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

47/2006/001

Erection of timber framed building to house agricultural machinery and hay, Abbeywood, West Hatch.

Reason

In the opinion of the Local Planning Authority the proposed building is inappropriately sited such that it would adversely affect the character and appearance of this attractive open countryside area. Accordingly,

the proposal is contrary to Taunton Deane Local Plan Policies S1, S2 and S7.

(Note to applicant:- Applicant was advised that a building sited within the existing residential complex of Abbeywood, or the conversion of an existing building in the same complex, both subject to details of design and size, would be likely to receive planning permission.)

(The Senior Solicitor (Mrs J M Jackson) declared a personal interest in the application covered by Minute No. 17 below and left the room during its consideration.)

17. Residential Development following the demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard (06/2005/046)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide for affordable housing and a contribution towards sport and playing provision, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201A – landscaping;
- (f) C207 – existing trees to be retained;
- (g) C208A – protection of trees to be retained;
- (h) C208B – protection of trees – service trenches;
- (i) C209 – protection of hedges to be retained;
- (j) C210 – no felling or lopping;
- (k) C213 – hedge to be retained;
- (l) C215 – walls and fences;
- (m) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (n) The access to the site shall be based on the existing access from Taunton Road. There shall be no vehicular or pedestrian access from Mill Lane;
- (o) C314 – visibility splays;
- (p) C416 – details of size, position and materials of meter boxes;

- (q) Before any of the dwellings hereby permitted are occupied, all the existing buildings on the site shall be demolished and all materials resulting from the demolition shall be removed from the site;
- (r) C926B – remediation investigation/certificate;
- (s) P005 – no garages;
- (t) P007 – no fencing in front of dwellings;
- (u) C010 – drainage;
- (v) Prior to the demolition of any of the buildings or the commencement of the development, a survey shall be carried out to ascertain the importance of the buildings and land for bats, nesting birds and slow-worms, all of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;
- (w) 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 development first being brought into use.

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

Reason for outline planning permission, if granted:-

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

Also RESOLVED that should the Section 106 Agreement not be completed by 21 March 2006, the Development Control Manager be

authorised to refuse planning permission for the reason that the proposal did not make adequate provision for affordable housing and recreation contributions.

18. Retention of residential caravan for traveller family at Brimley Cross, Churchstanton (10/2005/018)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 9 March 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C511 – caravan – gypsy/traveller occupation;
- (b) No more than two caravans, one lorry and one car shall be stationed on the site at any one time;
- (c) (i) Within one month of the date of this permission, a scheme of planting of trees, shrubs and hedges which will include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
(ii) The scheme shall be completely carried out within 9 months from the date of this permission, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of 5 years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- (d) The existing boundary hedges and all trees on the site shall be retained to the satisfaction of the local planning Authority;
- (e) P006 – no hard standings/fences.
(Note to applicant:- Applicant was advised to note that any new buildings erected on the site will require planning permission).

Reason for planning permission, if granted:-

This traveller site did not detract from the character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty. The Council was satisfied that in this case the needs of the applicant outweighed any limited impact in terms of highway safety. The proposal therefore accorded with Policy EN10 of the Taunton Deane Local Plan and advice in Circular 01/2006.

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

The Committee took the view that the circumstances of the family currently residing on the site and the need to provide sites for gypsies and travellers outweighed the concerns expressed by the County Highway Authority.

19. Erection of Cattery building and associated temporary mobile dwelling at Abbeywood House, Culmhead (29/2005/013)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement tying the new buildings and land to the ownership of the existing house, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) The temporary timber dwelling hereby permitted shall be removed and the land restored to its former condition on or before 31 January 2011;
- (c) C102 – materials;
- (d) C201 – landscaping;
- (e) The parking area and drive shall be surfaced in a material to be agreed in writing by the Local Planning Authority prior to its formation;
- (f) The occupation of the temporary dwelling shall be limited to a person employed at the cattery only;
- (g) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external walls of the cattery building shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority.

Reason for planning permission, if granted:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S7, EC2 and EC7 and material considerations did not indicate otherwise.

20. Erection of nine apartments, cycle and refuse stores and associated car parking at former Draincraft Works, 22A South Street, Taunton (38/2005/520)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide a contribution towards sport and play provision, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the

commencement of development. The agreed details shall be fully implemented before the building is occupied;

- (f) Internal ground floor levels shall be constructed at 17.55m AOD unless otherwise agreed in writing by the Local Planning Authority;
- (g) C926B – remediation investigation/certificate;
- (h) Any gate(s) provided shall be hung to open inwards only and shall be set back a minimum distance of 9m from the edge of the adjoining highway carriageway;
- (i) The layout to be submitted shall make adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of that area;
- (j) 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;
- (k) The proposed access shall have a minimum width of 4m for a minimum distance of 9m from the back of footway;
- (l) Before the access hereby permitted is first brought into use, the turning space shown on the submitted plan shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
- (m) The bin and cycle store shall be erected prior to the occupation of any plot;
- (n) The first and second floor glazing to the communal stairs shall be obscure glazed and thereafter so maintained;
- (o) Construction work shall be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturdays with no Sunday or Bank Holiday working.

(Note to applicant:- Applicant was advised that in view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. More information can be obtained from the Environment Agency. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on site. Provision must also be made to ensure that all existing drainage systems continue to operate effectively. The Environment Agency would advise that it is the responsibility of Gadd Homes or their agents to ensure that the surface water drainage system has the necessary capacity to cater for any additional flows.)

Reason for planning permission, if granted:-

The proposal was an acceptable use of a brownfield site and was considered in compliance with the Taunton Deane Local Plan Policies S1, S2, H2, H4 and C4.

21. Change of use and conversion of upper floors to six flats and alterations to ground floor retail area including extension at the Post Office, North Street, Taunton (38/2005/553)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to provide a contribution towards sport and play provision; and
- (2) The receipt of no further representations raising new issues by 17 February 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) The cycle and bin storage shall be provided on site prior to the occupation of any flat hereby granted permission;
- (d) C684 – site within known area of archaeological interest;
- (e) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.

(Notes to applicant:- (1) Applicants attention is drawn to the listed building application No 38/2005/554LB relating to this site; (2) Applicant was advised that no planning permission is hereby granted for any external air conditioning units.)

22. Erection of six flats on site of the Foresters Arms to be demolished on the corner of East Reach and Victoria Street, Taunton (38/2005/560)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement in respect of off-site recreation provision; and
- (2) The receipt of no further representations raising new issues by 17 February 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) A sample brick panel indicating the mortar detailing shall be constructed on site and agreed in writing by the Local Planning

- Authority prior to any walls being erected, and the building shall thereafter be constructed as per the panel details;
- (e) Any meter boxes shall be provided internally to the building;
 - (f) C654A – windows;
 - (g) The windows hereby approved shall be of a vertical sliding sash design unless alterations were agreed in writing by the Local Planning Authority;
 - (h) The windows hereby permitted shall be recessed a minimum 18mm in the wall;
 - (i) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before the building is occupied;
 - (j) Details of secure cycle storage shall be submitted to, and agreed in writing by, the Local Planning Authority and the bin and cycle stores shall be provided prior to occupation of the flats;
 - (k) C911 – aerials – combined system;

Reason for planning permission, if granted:-

The proposal complied with Taunton Deane Local Plan Policies S1, S2, H2, M4 and C4 and material considerations did not indicate otherwise.

(Councillor Miss Cavill declared a personal interest in the item covered by Minute No 23 below and left the room during its consideration.)

23. Redevelopment to provide 48 sheltered housing apartments for the elderly with community amenity space, car parking and access at 2 and 4 Compass Hill, Taunton (38/2005/422)

Reported that this application had been refused by the Planning Committee at its meeting on 14 December 2005 for the reasons stated in the report.

An appeal had recently been lodged and several issues have now arisen.

Firstly, as the application had been recommended for approval, the Planning Officer would be placed in an unacceptable professional position in seeking to defend the refusal. Furthermore, as Somerset County Council did not oppose the application, a witness would not be provided to defend the highway reason for refusal. Accordingly, an external consultant would be needed to assist the appeal process.

Secondly, a loss of privacy for neighbouring occupiers to the north-west and south-east of the site had been identified in the second reason for refusal. However, as members might have been unaware that a proposed condition had been recommended requiring the windows of units 27, 28, 42 and 43 on the south-east elevation to be obscure glazed, clarification was sought as to whether the reason for refusal should only relate to the north-west elevation.

Finally, the recommendation of approval was to have been subject to a Section 106 Agreement to secure an off-site contribution towards affordable

housing in the sum of £350,000. If the applicants were successful on appeal, this agreement would still be required.

RESOLVED that:-

- (1) The appointment of an outside consultant to defend the appeal on behalf of the Council be agreed;
- (2) It be clarified that the second reason for refusal should not include that section of the south-east elevation including units 27, 28, 42 and 43 (subject to an appropriate condition being imposed as to obscure glazing), nor to the further element of the south-east elevation at a greater distance from the boundary; and
- (3) The Solicitor to the Council be authorised to enter into a Section 106 Agreement with the appellants to secure the payment of an off-site affordable housing contribution in the event that the appeal was successful.

24. Erection of detached garage not in accordance with approved drawings at 2 Baghay Cottages, Houndsmoor, Milverton

Reported that planning permission had been granted for this garage during September 2002 by Milverton Parish Council.

During the construction of the garage, it had been brought to the Council's attention that the garage was not being built in accordance with the approved plans and appeared to encroach onto neighbouring land.

Revised plans had been submitted. However, due to the uncertainty in terms of whether the garage was located within the site area originally approved, it was considered inappropriate to deal with the matter under the minor amendment procedure.

Further reported that the impact of the garage, as built, upon the neighbouring property was not such as to warrant enforcement action. It was considered that the issue between the two parties was primarily one that related to land ownership.

RESOLVED that no further action be taken.

(The meeting ended at 7.50 pm.)