

Planning Committee – 17 August 2005

Present: Councillor Miss Peppard (Chairman)
Councillors Mrs Allgrove, 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 M Jackson (Senior Solicitor) and Mr G P Dyke (Member Services
Manager)

No press were present at this meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Clark and Lisgo arrived at the meeting at 5.37 pm and 6.01 pm
respectively)

99. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillor Miss Cavill.

100. Minutes

The minutes of the meeting held on the 27 July 2005 were taken as read and
were signed.

101. 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:-

10/2005/012

Removal of Condition 18 of permission 10/2004/020 to allow garages to
be living accommodation and alterations to elevations at front and rear
at Trents View, Trents Farm, Churchinford

Condition

A plan showing parking and turning for two vehicles within the curtilage
of the site shall be submitted to, and approved in writing by, the Local
Planning Authority and thereafter carried out as agreed prior to
occupation of the barn.

(Note to applicant:- Applicant was advised of the need to comply with any outstanding conditions on approval 10/2004/020.)

Reason for granting planning permission:-

The proposal would still enable adequate parking provision on site in line with Taunton Deane Local Plan Policy M4 and material considerations did not indicate otherwise.

26/2005/007

Retention of change of use on agricultural land to domestic curtilage, Ashmore, 1 Monument View, Nynehead.

Conditions

- (a) (i) Within six months from the date of this approval, a landscaping scheme which shall 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 the first available planting season or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (b) COO3 – No ancillary buildings.

Reason for granting planning permission:-

The proposal did not constitute an intrusive feature and was in keeping with the character of the rural surroundings in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

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

The Committee was of the view that the change of use of the land did not constitute an undesirable intrusion into the countryside.

38/2005/275

Erection of dwelling, garage and access thereto on land at 29 Calway Road, Taunton.

Conditions

- (a) C001 - time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C208A - protection of trees to be retained;
- (e) C213 - hedge to be retained;
- (f) C215 - walls and fences;
- (g) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (h) The access, parking and turning arrangements shall be provided as per the submitted plan (Drawing No 3305/2) prior to the occupation of the dwelling. This area shall be consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) The access hereby permitted shall not be brought into use until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footpath fronting the site for the width of the access;
- (j) Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 4.5m from the edge of the carriageway;
- (k) The dining room and hall windows on the south elevation shall be glazed with obscure glass and fixed, and retained as such thereafter;
- (l) The w.c. and utility windows on the south elevation shall be glazed with obscure glass and have restricted opening (300mm) and retained as such thereafter;
- (m) P010 – no further windows;
- (n) Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to Applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N116 – disabled access; (6) N118 – disabled access; (7) N024 - development in accordance with approved plans; (8) N037 – drainage/water; (9) Applicant was advised to contact Wessex Water to agree points of connection onto the Wessex Water Infrastructure; (10) N061A – Highways Act – Section 184 Permit; (11) Applicant was advised of the need to protect the integrity of Wessex Water Systems and any arrangements for the protection of infrastructure crossing the site should be agreed as early as possible, certainly before the developer submits any Building Regulations application; (12) Applicant was advised that there is a public water main

and surface water surface sewer near the site. Wessex Water normally requires a 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may be necessary; (13) Applicant was advised to take care during construction to avoid any unnecessary nuisance to neighbouring properties.)

Reason for granting planning permission:-

The site lay within the settlement limits for Taunton, was large enough to accommodate a dwelling and met the requirements of Taunton Deane Local Plan Policy H3. Furthermore, the protected Ash tree would not be harmed and, as such, the proposal also accorded with Taunton Deane Local Plan Policy EN6.

38/2005/290

Erection of gatehouse and two no. security barriers, Taunton School, Staplegrove Road, Taunton.

Conditions

- (a) C001 - time limit;
- (b) Notwithstanding the elevational details submitted, the proposed windows to the side and rear elevations shall be three pane in accordance with details which shall first be submitted to, and approved in writing by, the Local Planning Authority. In addition, all windows shall be timber and sections, mouldings and profiles shall also be submitted to, and approved in writing by, the Local Planning Authority before development commences;
- (c) Before development commences, a sample panel of render shall be erected on site for the consideration and approval in writing by the Local Planning Authority;
- (d) The barriers hereby approved shall not be brought into use until the internal road widening and junction alterations indicated on the block plan have been completed;
- (e) The barriers hereby approved shall not be brought into use until new road markings have been laid in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (f) Full details of any alteration to the walls at the junction with Staplegrove Road shall be submitted to the Local Planning Authority for consideration and written approval before development commences.

(Note to applicant:- With regard to condition (f) above, applicant was advised that any alteration to the Highway boundary wall would require the benefit of separate listed building consent.)

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity, the setting of the adjacent listed buildings or road safety. Accordingly, the proposal did not conflict with Taunton Deane Local Plan policies S1, S2 and EN16.

(Councillors Denington and Hindley declared personal interests in the following application and left the meeting during its consideration.)

42/2005/025

Retention of two storey front extension at Sweethay Court, Sweethay, Trull.

Reason for granting planning permission:-

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

43/2005/081

Erection of building for employment use (B1, B2 and B8 Uses) and provision of parking area at Unit 18, Rylands Farm Industrial Estate, Bagley Road, Rockwell Green, Wellington (amended Scheme).

Conditions

- (a) C001 - time limit;
- (b) C101 - materials;
- (c) C201A - landscaping;
- (d) C215 - walls and fences;
- (e) C324 – parking;
- (f) C708 - restricted use – no storage except where stated;
- (g) Noise emissions from any part of the premises or land to which this permission refers shall not exceed the background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 minute Leq when measured at any point 1.5m from any residential or other noise sensitive boundary. Noise emissions having total characteristics, for example 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.
- (h) Other than within the areas used for B1 (light industry) use, no work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between the hours of 0800 and 1800 on Monday to Saturdays
- (i) Within a period of three years from the date of this permission details of the arrangements to be made for the disposal of surface water drainage from the proposed development shall be

submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that the Drainage Officer is not aware of any existing drain in the area, and the details submitted pursuant to Condition (i) should ensure that any additional surface water flows should not exacerbate any existing capacity. Applicant was further advised that there is a history of localised flooding in the area; (6) With regard to condition (c), applicant was advised that tree planting to the western boundary should be sufficient to soften the impact of the new buildings. It is recommended that the proposed planting comprises a single staggered row of native hedging plants at 0.5m, species to include hazel, hawthorn, field maple and holly and field maples planted as 1.2m to 1.8m feathered trees at 10m intervals; (7) Applicant was requested to ensure that the provision of any external lighting does not cause light pollution to the nearby residential properties; (8) Applicant was requested to investigate the provision of better signage for the estate.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good transport links and with the conditions imposed neither residential nor visual amenity would be adversely affected.

- (ii) 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:-

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

23/2005/017

Change of use of land from paddock/orchard to residential curtilage/garden at land to rear of Soap House, Sand Street, Milverton.

Reason

The proposal would constitute an undesirable intrusion into an attractive open space to the detriment of the visual amenities of the locality and character and appearance of the Conservation Area and, as such, would be contrary to Taunton Deane Local Plan Policies S1, S2, EN12 and EN14.

37/2005/007

Change of use of land and erection of building for vehicle restoration and storage at Dairy House Farm, Stoke Hill, Henlade.

Reason

The proposal is for a new commercial building outside defined settlement limits in a rural location and is considered contrary to Taunton Deane Local Plan Policy S7 and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6.

(iii) That the following **applications be withdrawn**:-

38/2005/221 – Erection of extension to create additional retail floorspace, form atrium and traveller lobby and erection of decked car park of 123 spaces at Tesco, Wellington Road, Tangier, Taunton;

38/2005/248 – Erection of two dwellings on land to rear of 99/101 Station Road, Taunton;

42/2005/023 – Change of use of house from residential to educational use D1 at Canonsgrove House, Staplehay, Trull;

42/2005/024 – Erection of 14 houses, erection of student/staff accommodation on the tennis court, erection of theatre workshop building and formation of associated car parking at Canonsgrove House, Staplehay, Trull

(Councillors Mrs Allgrove and Floyd declared prejudicial interests in the item covered by Minute 102 below and left the meeting during its consideration.)

102. Breach of Condition – Out of the Blue, Galmington Road, Taunton
(38/2002/286)

Reported that in September 2002, planning permission had been granted for the change of use of shop premises at 193, Galmington Road, Taunton to an A3 use (takeaway) subject to a number of conditions, two of which were imposed to overcome potential odour problems.

The first condition required the installation of filtered air extraction equipment to vent the premises prior to commencement of the use. The second required that cooking odours should not be detectable at the façade of any residential or other odour sensitive premises.

The premises opened as a fish and chip shop under the name “Out of the Blue”. Details of the filtration system were submitted for approval and it was installed. However, the system appeared not to have been as adequate as claimed by the proprietor of the business as complaints of odour which were first received in June 2003, had continued since. Although further improvements to the filtration system had been made, these had not solved the problem.

In June 2004, a breach of condition notice had been served alleging a breach of both odour conditions. Despite further work to the filtration system being undertaken, an Abatement Notice was served by the Environmental Health Officer in December 2004.

Noted that a successful appeal against this notice was heard in the Magistrates Court during May 2005. However, whilst the Court did not require the proprietor to take any further steps to abate the nuisance, it did acknowledge that there was an odour problem.

During the course of the court proceedings evidence was given by the Environmental Health Officer that an increase in the height of the existing vent, combined with a robust cleaning programme, should prevent future odour problems.

The proprietor had indicated that he would be prepared to discuss and implement such measures, which would include obtaining planning permission to raise the height of the vent. However, to date, no action had been taken.

Although the Council was no longer able to deal with this odour problem as a statutory nuisance, action could still be taken for failure to comply with the breach of condition notice served in June 2004. However, Members considered that further negotiations should be sought with the proprietor before formal action was taken.

RESOLVED that, if further negotiations failed to resolve this issue within a reasonable timescale, the Solicitor to the Council be authorised to issue proceedings against the proprietor of "Out of the Blue", Galmington Road, Taunton under Section 187A of the Town and Country Planning Act 1990 for failure to comply with the breach of condition notice served on the 18 June 2004.

103. Installation of uPVC double glazed windows at 82, Staplegrove Road, Taunton

Reported that uPVC double glazed windows had been installed in November 2004 to the second floor of 82, Staplegrove Road, Taunton without listed building consent.

At the time, the owner had indicated that the unauthorised windows would be removed and replaced with appropriate wooden sash windows. However, to date, the replacement windows had not been installed to rectify the situation.

RESOLVED that:-

- (i) Listed building enforcement action be taken to seek the removal of the unauthorised uPVC windows that had been installed to the second floor of 82, Staplegrove Road, Taunton;

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Listed Building enforcement notice not be complied with; and
- (iii) The Solicitor to the Council be also authorised to institute legal proceedings in respect of the unauthorised works undertaken to the listed building.

104. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had certified that the item covered by Minute No 106 below should be dealt with as an urgent matter.

105. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 106 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

106. Enforcement Item – Notification to Install Telecommunications Mast on land at Shoreditch Road, Taunton (Application No TEL/1/05)

Reference Minute 98/2005, reported on the current situation relating to the proposed erection of a telecommunications mast by the company O₂ on land off Shoreditch Road, Taunton.

Submitted details of the legal position which had indicated that a challenge to the proposed enforcement notice and stop notice by O₂ was likely to be successful and that substantial costs could well be incurred by Taunton Deane.

The Council's legal adviser had indicated though that if Taunton Deane wished to secure the removal of the mast in the longer term, consideration ought to be given to the service of a discontinuance notice. Noted however that this would make the Council liable for the payment of compensation. Although at this stage it was difficult for such compensation to be quantified, it would probably involve the costs of finding an alternative site and relocation.

Further reported that as the temporary stop notice expired on the 16 August 2005, a stop notice and enforcement notice had been served to ensure no further development took place on the site before the Committee had had the opportunity to further consider the matter.

RESOLVED that:-

- (i) The Solicitor to the Council be authorised to withdraw the stop notice and enforcement notice served on the 16 August 2005 in respect of the proposed telecommunications mast at Shoreditch Road, Taunton forthwith; and

- (ii) Specialist valuation advice be sought as to the potential financial liabilities which would arise should a decision be made to issue a discontinuance notice in respect of the development authorised pursuant to notification TEL/1/05.

(The meeting ended at 7.16 pm)