

Planning Committee – 17 May 2006

Present: Councillors Mrs Allgrove, Floyd, Henley, C Hill, Mrs Marcia Hill, Mrs Marie Hill, Hindley, House, Phillips, Mrs Smith 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 J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager).

(The meeting commenced at 5.00 pm.)

54. Appointment of Chairman

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

55. Appointment of Vice-Chairman

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

56. Apologies

Councillors Croad, Denington and Stuart-Thorn.

57. Minutes

The Minutes of the meeting held on 19 April 2006 were taken as read and were signed.

58. 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:-

38/2006/105LB

Insertion of spiral stairs to second floor and two windows and two rooflights at 5 Cedar Close, Taunton.

Conditions

- (a) C002B – time limit – listed building;
- (b) The 2 No. new gable windows shall be of timber only and full details, including method of opening, sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority before they are installed;
- (c) C664 – windows recessed.

Reason for granting listed building consent:-

The proposal would not adversely affect the character or appearance of the listed building and therefore did not conflict with Taunton Deane Local Plan Policies EN16 and EN17.

38/2006/162

Erection of single storey extension comprising of conservatory and ground floor toilet to rear of 8 Churchill Way, Taunton.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials.

Reason for granting planning permission:-

The proposed extensions were considered to be in accordance with the requirements of Taunton Deane Local Plan Policy H17.

46/2006/003

Erection of timber stables, land at Crossways, West Buckland.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C917 – services – underground;
- (e) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the stables are brought into use.
(Note to applicant:- Applicant was advised that the required landscaping scheme should include the following provisions. The stable block should be set down within the field, level with the adjacent lane and the spoil shall be used to create the hedgebank. The hedgebank should be planted with native species such as Hazel, Hawthorn, Field Maple, Holly and Guelder Rose with Maple planted as trees at one every 8-10m. Applicant was further advised to contact the Landscape Officer to discuss the requirements of the landscaping scheme.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Policy 5.

49/2006/016

Erection of new water treatment works and associated facilities and demolition of part of existing water treatment works, regrading of ground and landscaping at Maundown Water Treatment Works, Langley Marsh, Wiveliscombe.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) The external walls and roof(s) to be cladded on the building(s) hereby permitted, shall be clad in through coloured materials, details and samples of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) (i) Each phase of the landscape master plan and structure planting scheme shall be completed in accordance with the submitted plans to the satisfaction of the Local Planning Authority before the development of the following phase commences; (ii) For a period of five years after the completion of each phase of the planting scheme the hedges, trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority and any hedges, trees or shrubs that cease to grow shall be replaced by hedges, trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by measures to be agreed in writing by the Local Planning Authority. During the period of construction of the development, the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority;
- (f) The measures described in the Traffic Management Plan submitted with the application and dated February 2006 shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority;
- (g) The measures and recommendations of the flood risk assessment submitted with the application and dated 10 February 2006 shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority;
- (h) C680 – monitoring of excavation;

- (i) The reinstatement and regrading of the contractors site and all temporary areas as shown on the submitted landscape master plan shall be completed within one year of the completion of the new water treatment buildings or upon the cessation of use of these temporary areas whichever is sooner, unless otherwise agreed in writing by the Local Planning Authority;
- (j) The implementation and maintenance of the Green Sedum roof(s) shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority;
- (k) No works shall be carried out on the site before 7.00 am on weekdays and Saturdays or after 7.00 pm on weekdays and Saturdays nor at any time on Sundays or Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
(Note to applicant:- Applicant's attention is drawn to the comments of the Somerset County Council's Rights of Way Department and the need for the correct diversion procedure to take place prior to the commencement of the development.)

Reason for granting planning permission:-

The principal of the development outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and S7.

- (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:-

08/2006/005

Erection of temporary building to be used as a changing room, Kings Hall School, Pyrland Hall, Kingston Road, Taunton.

Reasons

The proposed development would adversely affect the setting of the Grade II* listed building and its complex and would be contrary to Taunton Deane Local Plan Policies EN16, S1 and S2.

(Note to Applicant:- Applicant was informed that whilst it is undesirable for such temporary buildings to be located within the setting of a Grade II* listed building, it is understood that schools sometimes have a short term need for such structures, but these must be limited to a clear strategy for future removal and replacement, if necessary, with a more appropriate structure. The application is based on very inadequate information and gives little reassurance that such a strategy is in place and therefore there is a high note of a permanent, sub-standard building within the setting of the Grade II* listed hall. Accordingly, the applicant is strongly advised to discuss the proposal

with both the case officer and the Council's Conservation Officer with regard to what alternatives have been pursued by the school and what the longer term objective would be to replacing a temporary structure.)

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

36/2006/001

Change of use of swimming pool and other facilities from use by occupants of the holiday cottages and to use by members of the public, Holly Farm Cottages, Meare Green Farm, Stoke St Gregory.

Reasons

- (a) The proposed use would be likely to result in unacceptable levels of traffic using sub-standard access roads and junctions in this non-sustainable location, contrary to the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policies 23 and 49 and Taunton Deane Local Plan Policies EC15 and S7;
- (b) The swimming pool and facilities are located in the open countryside in a non-sustainable location where proposals are restricted unless they accord with a specific Local Plan Policy. The public use of the swimming pool and facilities would not accord with other Local Plan Policies and the proposal is considered to be contrary to Taunton Deane Local Plan Policies S7 and EC15;

38/2006/078

Proposed redevelopment of 14 apartments, including new build and conversion of existing dwelling, Woodstock House, 91 Staplegrove Road, Taunton.

Reasons

- (a) The proposal, by reason of the scale of new built form, is considered to be excessive and if allowed would be detrimental to the character of the Conservation Area contrary to Taunton Deane Local Plan Policies S1(D), S2(A), H2(E) and (F) and EN14 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9;
- (b) The scale and design of the new building to the west of the existing house would be out of keeping with the Conservation Area contrary to its character and Taunton Deane Local Plan Policies S1(D), S2(A), H2(F) and EN14 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

43/2006/018

Demolition of buildings and erection of 1 No flat over new arch and access road to existing business, 58-60 Mantle Street, Wellington.

Reason

It is considered that the proposed design is not of sufficiently high architectural standard for this prominent and important site within the Conservation Area and, if permitted, the development would detract from the architectural and historic character of the area.

49/2006/020**Erection of timber balcony, 48 Nordens Meadow, Wiveliscombe.****Reason**

The proposed development, by reason of its prominent position, design and form would appear an incongruous addition to the main façade of the dwelling and would, as a result, harm the visual amenity of the area. As such, the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and Taunton Deane Local Plan Policies S1, S2, H17 and EN12.

51/2006/004LB**Change of use and conversion of pumping house to dwelling at Allermoor Pumping Station, Burrowbridge.****Reasons**

- (a) Insufficient details have been submitted to enable the Local Planning Authority to give proper and favourable consideration to the proposal. Accordingly, the proposal is contrary to paragraph 3.4 of Central Government Planning Policy Guidance Note No. 15 – Planning and the Historic Environment;
- (b) Notwithstanding the above refusal reason, the submitted conversion and extension details detract from the character and appearance of the listed building and, accordingly, are contrary to Taunton Deane Local Plan Policies EN16 and EN17.

(Note to applicant:- Applicant was advised that the principal for conversion to domestic use is considered acceptable and that any revised proposal should be discussed with the case officer and the Council's Conservation Officer before any applications are submitted for formal consideration.)

51/2006/007**Conversion of pumping house to single dwelling, Allermoor Pumping Station, Burrowbridge****Reason**

The proposed conversion details, with particular regard to the excessive number of rooflights and to the roof of the new build replacement extension, would be out of keeping with the character and appearance of this listed building and with the visual amenity of the area. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1 and S2.

(Note to applicant:- Applicant was advised that the principal for conversion to domestic use is considered acceptable and that any

revised proposal should be discussed with the case officer and the Council's Conservation Officer before any applications are submitted for formal consideration.)

- (3) That **advertisement consent 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:-

43/2006/017A

Display of internally illuminated fascia and projecting signs, Bristol and West Building Society, 5-7 South Street, Wellington.

Reason

The proposed advertisement by reason of its materials, would be out of keeping with the character of the listed building having an adverse effect and would be detrimental to the street scene and character of the Conservation Area at this point, contrary to Taunton Deane Local Plan Policy EC26.

(Note to Applicant:- Applicant was advised that signage constructed of timber would be a more appropriate material to be used on a listed building and is likely to be acceptable.)

- (4) That the following application be withdrawn:-

20/2006/005

Erection of extension over existing garage to form treatment facility at Willows Watch, Fitzroy, Norton Fitzwarren.

(Councillor Henley declared a personal interest in the application covered by Minute No. 59 below and left the meeting during its consideration.)

59. Erection of three storey building consisting of 14 No. flats at Upper High Street, Taunton (38/2006/068).

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse views from the Environment Agency;
- (2) The receipt of no further representations raising new issues by the 18 May 2006; and
- (3) The applicants entering into a Section 106 Agreement relating to financial contributions towards off-site play and recreation 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) C684 – archaeological access;
- (d) P010 – no further windows;
- (e) The windows shall be constructed of timber only and of a sliding sash design only unless otherwise agreed in writing by the Local Planning Authority;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) Prior to the commencement of works on site, a sample panel of the bricks and mortar to be used shall be erected on the site and approved in writing by the Local Planning Authority and thereafter so constructed;
- (h) Before commencement of the works hereby permitted, details of the doors, door surrounds, fan lights, window cills and lintels shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so constructed;
- (i) The windows hereby permitted shall be recessed in the wall a minimum of 70mm;
- (j) The windows and doors hereby permitted shall be timber only and no other materials shall be used in these openings, without the written consent of the Local Planning Authority;
- (k) All external joinery shall be painted only;
- (l) C416 – details of size, position and materials of meter boxes;
- (m) C911 – aerials – combined system;
- (n) The window(s) in the east elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (o) The cycle and bin storage illustrated on the revised plan shall be provided on site prior to the occupation of any unit.
(Notes to applicant:- (1) N051B – health and safety; (2) N040A – drainage/water; (3) Applicant was advised to contact Wessex Water and the Environment Agency in respect of foul and surface water discharges; (4) With regard to condition (c), applicant was advised that the County Archaeologist would be willing to provide a specification for this work and a list of suitable contractors to undertake it; (5) Applicant was advised that there are both private and public sewers crossing the site and diversion or protection works are likely to be needed; (6) Applicant was advised that in light of the proximity to the busy road adequate sound insulation, including double glazing, should be incorporated into the design.)

Reason for planning permission, if granted:-

The proposed development was considered acceptable and not to conflict with Taunton Deane Local Plan Policies S1, S2, H2, C4 and EN23.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 12 June 2006, the Development Control Manager, in consultation with the Chairman, be authorised to refuse

planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant permission subject to an additional condition requiring the Section 106 Agreement to be completed prior to commencement of the development.

60. Demolition of dwelling and erection of 18 self contained flats with ancillary parking, 40 Bindon Road, Taunton (38/2006/129).

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to financial contributions towards off-site play and recreation 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) A sample panel of the brick and mortar to be used shall be constructed on site and approved in writing by the Local Planning Authority and thereafter the walls shall be constructed as agreed;
- (d) C201 – landscaping;
- (e) The existing conifer trees to the rear boundary shall be retained at a height to be agreed in writing by the Local Planning Authority and thereafter be maintained;
- (f) The windows shall be of a vertical sliding sash design unless otherwise agreed in writing by the Local Planning Authority;
- (g) The windows shall be recessed a minimum of 90mm unless otherwise agreed in writing by the Local Planning Authority;
- (h) The cycle bin and storage areas shall be provided prior to occupation of any flats hereby approved;
- (i) C111 – materials – for drives;
- (j) The finished floor level must be 21.2m AOD unless otherwise agreed in writing by the Local Planning Authority;
- (k) No development 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;
- (l) P010 – no further windows;
- (m) C416 – details of size, position and materials of meter boxes;
- (n) C911 – aerials – combined system;
- (o) The first and second floor windows on the side elevations facing neighbouring properties shall be obscure glazed which thereafter shall be retained and no other alterations or additions shall be made without the prior written consent of the Local Planning Authority;
- (p) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified Environmental Consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (q) The proposed access and parking shall be constructed in accordance with details shown on the submitted plan, drawing No. 1422/2 and shall be available for use before the occupation of any dwelling hereby approved and shall thereafter be maintained;
- (r) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access;
- (s) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 6.8m from the carriageway edge;
- (t) 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;
- (u) Before any dwelling hereby approved is first occupied, a 2.4m wide footway shall be constructed over the entire frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
- (v) The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge/footway crossing reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within one month of the new vehicular access hereby permitted being first brought into use. 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;
- (w) There shall be no obstruction to visibility greater than 300mm above adjoining road level and less than 2m forward of a line drawn 2.4m back and 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 dwellings hereby permitted and shall thereafter be maintained at all times.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) Applicant was advised that the formation of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the County Highway Authority. They will also be able to advise upon and provide the relevant licences; (6) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (7) 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; (8) Applicant was advised that there is a public combined sewer crossing close to the boundary of the site. Wessex Water normally requires a minimum 3 m easement width on either side of its apparatus for the purpose of maintenance and repair. You are

further advised that diversion or protection works may need to be agreed with Wessex Water; (9) NO61A - Highways Act - Section 184 Permit.)

Reason for planning permission, if granted:-

The proposed development was considered acceptable and not to conflict with Taunton Deane Local Plan Policies S1, S2, H2, M4, C4 and EN28.

Also RESOLVED that in the event that the Section 106 Agreement was not completed by the 20 June 2006, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant permission subject to an additional condition requiring the Section 106 Agreement to be completed prior to commencement of the development.

61. Demolition of existing Dutch barn and construction of a terrace of three dwellings including the construction of an open fronted three car barn, land adjacent to Milton Farm, West Bagborough (45/2006/007).

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to a financial contribution towards off-site affordable housing, 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) C917 - services - underground;
- (f) C205 - hard landscaping;
- (g) P001A - no extensions;
- (h) P003 - no ancillary buildings;
- (i) P011 - no windows on the first floor west elevation of Plot 3;
- (j) Notwithstanding the provisions of the Town and Country Planning General Permitted Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), the car-port opening shall not be infilled or enclosed by any gate, wall, fence or other means of enclosure unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) Before the access, hereby permitted, is first brought into use, surfacing details of the proposed turning area that shall incorporate measures to minimise the impact upon tree roots in accordance with British Standard 5837 (Trees in relation to construction) shall be submitted to,

and approved in writing by, the Local Planning Authority. Such turning space shall be kept free of obstruction at all times.

(Notes to applicant:- (1) Applicant was advised that surface water and foul drainage should be kept separate. It is recommended that the developer agrees with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (2) N112 - energy conservation; (3) N115 - water conservation.)

Reason for planning permission, if granted:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The development would not have a detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area, the setting of adjacent listed buildings and the landscape character of the Area of Outstanding Natural Beauty. As such, the proposal accorded with Taunton Deane Local Plan Policies S1, S2, H2, H9, H10, EN10, EN14, EN16 and M4.

Also RESOLVED that should the Section 106 Agreement not be completed by 10 June 2006, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy H10 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

62. **Erection of 20 dwellings, widening of existing road, formation of new access and new field access with associated works at land north of Plain Pond, Wiveliscombe (49/2006/018).**

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of satisfactory amended plans; and
- (2) The applicants entering into a Section 106 Agreement for all the dwellings to be affordable housing to meet local needs together with a financial contribution towards a playing field, 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) C201A - landscaping;
 - (d) C206A - existing and proposed levels;
 - (e) C208E - protection of trees to be retained;
 - (f) C208B - protection of trees - service trenches;
 - (g) C210 - no felling or lopping;
 - (h) The children's play area shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within

nine months of the date of commencement of the development, unless otherwise agreed, in writing, by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;

- (i) Within one month of completion of the landscape scheme, the applicant shall be required to provide an as built/planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies, a letter confirming no variations, shall be received by the Local Planning Authority;
- (j) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of a line drawn 4.5 m back from the carriageway edge on the centre line of the access, at the junction of Plain Pond with North Street, and extending to points on the nearside carriageway edge 90 m either side of the access. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
- (k) The proposed new field access to the north of the site onto North Street over the first 8 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (l) The proposed estate roads, footways, footpaths, tactile paving, 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 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;
- (m) The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway;
- (n) C304 - access point;
- (o) The gradient of the proposed access road shall not at any point be steeper than 1:20 for a distance of 10 m from its junction with the adjoining road;
- (p) Badgers might be active in the vicinity of the development hereby approved and therefore operators shall be appropriately briefed in accordance with English Nature's Badger's: Guidelines for Developers and any open trenches shall be covered overnight;

- (q) C324 - parking;
- (r) 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;
- (s) C416 - details of size, position and materials of meter boxes;
- (t) P005 - no garages;
- (u) P007 - no fencing in front of dwelling.

(Notes to applicant:- (1) N118 - disabled access; (2) N112 - energy conservation; (3) N114 - meter boxes; (4) N115 - water conservation; (5) N051B - health and safety; (6) N075 - Section 106 Agreement; (7) N061A - Highways Act - Section 184 Permit; (8) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the County Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (9) Applicant was advised to submit longitudinal sections, construction drawings and any other associated engineering drawings to the County Highway Authority for approval purposes; (10) Applicant was advised that a condition survey of the existing public highway will need to be carried out and agreed with the County Highways Authority prior to works commencing on site and any damage to the existing highway made as a result of this development should be remedied by the developer before occupation of the development; (11) Applicant was advised that there are no existing surface water sewers in the vicinity of the site so alternative methods of disposal, for example soakaways, should be investigated; (12) Applicant was advised that the development is located within a foul sewered area. Points of connection onto the system for the satisfactory disposal of foul flows will be necessary; (13) Applicant was advised that the site is in close proximity to Wiveliscombe Sewage Treatment Works and is located on the edge of Treatment Works' Protection Zone. However, on the basis of the previous use of the site, the historical complaint data and Wessex Water's knowledge of the process, no issues are anticipated with regard to odour and noise nuisance. The proposal must not be seen as a precedent for future development within close proximity of the sewage treatment facilities; (14) Applicant was advised that there is a public water supply main crossing the site. Wessex Water normally requires a minimum 3 m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed; (15) It is noted that surface water is to be discharged to soakaways. Applicant is advised that these should be constructed in accordance with Building Research Digest 365 (September 1991).)

Reason for planning permission, if granted:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H11 and material considerations did not indicate otherwise.

Also RESOLVED that should the Section 106 Agreement not be completed by 30 May 2006, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

63. **Demolition of temporary maintenance huts and construction of two-storey detached arts and drama building, with covered grounds maintenance area, Queens College, Trull Road, Taunton (52/2006/015).**

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Comeytrowe Parish Council by 6 June 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) C102A - materials;
- (c) C201 - landscaping;
- (d) The area marked on the submitted plan for maintenance use shall be used for that purpose in association with Queens College only and no other purpose within the Educational Class C4 Use of the Schedule of 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.

(Note to applicant:- Applicant was advised that the Local Planning Authority would expect the proposed materials to be of natural colours to enable the building to blend in with its surroundings.)

Reason for planning permission, if granted:-

The proposal would result in improved education facilities whilst maintaining the function of, and minimising the visual impact on, the urban open space in accordance with the requirements of Taunton Deane Local Plan Policies S1(D) and EN24.

(Councillor C Hill declared a personal interest in the matter covered by Minute No 64 below and left the meeting during its consideration.)

64. **Proposed enforcement action - Foxmoor Nurseries, Haywards Lane, Chelston, near Wellington.**

Reference Minute No 37/2005, reported on the present position relating to the use of the site at Foxmoor Nurseries, Haywards Lane, Chelston.

At its meeting on 30 March 2005, the Planning Committee had agreed that enforcement action should be taken against the unauthorised B8 (storage and distribution) uses taking place on the site. It had also been agreed that negotiations should take place with the owners of Foxmoor Nurseries to try and agree amended wording to the existing Section 106 Agreement to clarify the type of B1 uses permitted and, if this failed, to seek a declaration from the Court.

However, it was subsequently identified that to take matters forward and in order to collect the evidence in a form that would substantiate the taking of enforcement action, assistance from outside the Council would be required.

A consultant dealing in enforcement investigations was therefore appointed and in December 2005 the premises were visited where evidence of all the activities on site at that time was collected.

It was found that the glasshouses had been subdivided into about 18 lock-up units with a variety of B1 and B8 uses. There was also evidence of other breaches of planning permission within the curtilage of the glasshouses.

The consultant had advised that, based on the evidence collected, a single enforcement notice should be served against the unauthorised change of use of the whole site to a mixed industrial use. This would ensure that all unauthorised activities, wherever situated on the site, would be caught by the notice and would prevent the movement of unauthorised activities within the site. Noted that this could be done without the need to take any further action in relation to the Section 106 Agreement at the moment.

Further reported that there had been no significant change of circumstances to warrant a reconsideration of the Committee's previous decision to take enforcement action. Indeed, if anything, the number and extent of uses had intensified and complaints continued to be received on a regular basis.

RESOLVED that:-

- (1) Authority be granted for a single enforcement notice to be served against the unauthorised change of use of the Foxmoor Nurseries site at Haywards Lane, Chelston to the use of the site for mixed industrial use; and
- (2) The period for compliance with such a notice be retained at 6 months.

65. Provision of raised decking area, 1 Trevett Road, Taunton

Reported that despite an application for planning permission being refused for the retention of a large raised deck area, which had been constructed at

1 Trevett Road, Taunton, no action to remove the unauthorised structure had been taken to-date.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised raised decking area which had been constructed at 1 Trevett 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.

(The meeting ended at 8.01 pm.)