

Planning Committee – 23 May 2007

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Critchard, Denington, Floyd, Henley, C Hill, Mrs Hill, Miss James, McMahon, Mrs Smith, Watson, Ms Webber, A Wedderkopp, D Wedderkopp and Woolley

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer (Development Control Area Manager – West), Mr G Clifford (Development Control Area Manager – East), Mr A Pick (Principal Planning Officer), Mrs J M Jackson (Senior Solicitor), Ms M Casey (Planning and Litigation Solicitor) and Mr R Bryant (Democratic Support Manager)

Also present:- Councillor Coles, Councillors Govier and Mrs Wilson in relation to application No 43/2007/026, Councillor Beaven in relation to application No 06/2007/012 and Councillor Hayward in respect of application No 25/2007/003.

(The meeting commenced at 5.00 pm)

59. Appointment of Chairman

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

60. Appointment of Vice-Chairman

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

61. Apology/Substitution

Apology:- Councillor House.

Substitution:- Councillor Mrs Whitmarsh for Councillor House.

62. Minutes

The minutes of the meeting held on 18 April 2007 were taken as read and were signed.

63. Declarations of Interest

Councillor Mrs Allgrove declared a personal interest as a member of the Civic Society. Councillor Coles declared a personal interest as a member of Somerset County Cricket Club. Councillor C Hill declared a personal interest as he knew the owner of Hunters Cottage, Hemyock Place, Monument Hill, Wellington. Councillor Mrs Whitmarsh declared a personal interest as a member of the Wiveliscombe Town Hall Trust.

Councillors Bowrah and Critchard informed the Committee that although they had previously made public comments in relation to application No 43/2007/026 (so “fettering their discretions”) they had been advised that as Wellington Ward Councillors they could still speak at the meeting.

Councillor D Wedderkopp informed the Committee that although he had previously made public comments in relation to application No 38/2007/094 (so “fettering his discretion”) he had been advised that as one of the Ward Councillors he could still speak at the meeting.

64. Applications for Planning Permission

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

- (1) That the **detailed plans be approved** for the under-mentioned development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

06/2007/012

Erection of 2.5 storey building to provide accommodation for commercial/community use on ground floor (A1, A3, D1, accommodation agency, accountant and tax advisor, bank, building society, Citizens Advice Bureau, charitable and voluntary organisation, employment agency, estate agent, financial advisor, fitness centre, gymnasium, health centre, launderette, Social Services Centre, solicitor, taxi business, Tourist Information Centre, travel agent), basement multi-use apartment (residential, self contained office (B1) use or commercial use as part of the ground floor use) and 12 single bedroom apartments on first and second floors and one single bedroom apartment in basement at land adjacent to Rogers Walk, Cotford St Luke.

Conditions

- (a) Any variation to the appearance of the ground floor and basement doors and windows shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The area allocated for vehicular and cycle parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles and cycles in connection with the development hereby approved;
- (c) 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;
- (d) The ground floor and basement of the building shall be used for the uses applied for and for no other purpose.

(Notes to applicant:- (1) Applicants attention is drawn to the conditions of planning permission No 06/1994/018 which must be complied with before development commences; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) Applicant was advised that soakaways should be provided in accordance with Building Research Digest 365. If ground conditions are found not to favour the use of soakaways, then some form of on-site surface attenuation system will have to be installed with a limit to its discharge. In such circumstances the Council's Drainage Officer should be contacted at an early stage; (8) N051B – health and safety; (9) Applicant was advised that an existing street lighting unit adjacent to the cycle path may need to be re-located. You are advised to contact the Highway Lighting Manager; (10) Applicant was advised that the site currently does not have a direct connection onto the publicly maintained highway; (11) Applicant was requested to ensure that deliveries to the proposed commercial/community units, including refuse collections, should not be in vehicle movements across the cycle path.)

Reason for approving detailed plans:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and provided for commercial use of the site in the interests of the local community and was therefore considered acceptable.

Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1, S2, H1 and EC15.

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

20/2007/010

Conversion of building into two units for holiday lets (revision to 20/2006/026) at Swallows Barn, Parsonage Lane, Kingston St Mary.

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as indicated in the application form, as amended by e-mail dated 23 October 2006, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings;
- (d) P001 – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P006 – no fencing;
- (g) Conditions 05 and 06 of planning permission 20/2000/025 shall only be considered to be removed in the event that the building is occupied as holiday lets and does not revert to office use.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation.)

Reason for granting planning permission:-

The building was adequately screened and the proposal was not considered to be harmful to the landscape and had good access to the highway network. The visual and residential amenity of the area would not be detrimentally affected and therefore the proposal was compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

21/2007/009

Demolition of skittle alley and erection of dwelling at the Martlett Inn, Langford Budville.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C416 – details of size, position and materials of meter boxes;
- (d) P001A – no extensions;
- (e) C215 – walls and fences;
- (f) C201 – landscaping;
- (g) P011 – no further windows on the north-west elevation;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or other use whatsoever.

(Notes to applicant:- (1) Applicant was advised to discuss the requirements of the landscaping scheme with the Council's Landscape Officer; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised to contact Wessex Water to ascertain whether there is a public sewer crossing the site. Public sewerage apparatus is covered by a statutory easement and no new building or similar works will normally be allowed within a minimum 3m of this apparatus.)

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2 and M4 and material considerations did not indicate otherwise.

25/2007/003

Erection of an attached dwelling on land adjacent to 12 Manor Park, Norton Fitzwarren.

Conditions

- (a) C001A – time limit;

- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) No windows, other than those shown on the plan(s) hereby approved, shall be constructed in the wall of the building which faces the eastern boundary with Brookside View without the prior written consent of the Local Planning Authority;
- (e) Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no addition or extension to the dwelling nor any garage unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (f) There shall be no construction work within 3m of any Wessex Water sewer which crosses the site, unless prior agreement is reached in writing with the Local Planning Authority. Details of any diversion or protection works shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of any works on site;
- (g) The area allocated for parking on the submitted plan, drawing No 06.90.02, shall be properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority and 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;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the said parking spaces shall remain as parking spaces and no garage/car port shall be erected on the approved site.

(Notes to applicant:- (1) Applicant was advised that the development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage; (2) Applicant was advised that according to Wessex Water records, there is a public 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 may need to be agreed; (3) Applicant was advised to protect the integrity of Wessex systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site; (4) Applicant was advised that with respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (5) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (6) Applicant was advised that the surface water soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (7) Applicant was informed that as there was already a large tarmac area in front of No12, the demolition of the garage and workshop would increase this much further. Applicant was therefore requested to break up this area in some way either with planting and/or using different hard surfaces.)

Reason for granting planning permission:-

It was considered that the proposal was in accordance with Taunton Deane Local Plan Policies S1, S2, H2 and M4 without detriment to the amenities of the neighbourhood and without harm to the character of the area.

38/2007/111

Erection of single storey extension, 72 Whitmore Road, Taunton.

Conditions

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

Reason for granting planning permission:-

The proposed single storey extension would have no material impact on neighbouring amenity and complied with Taunton Deane Local Plan Policy H17.

- (3) 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:-

23/2006/044

Erection of dwelling on land adjacent to Queensmead, Silver Street, Milverton (re-submission of 23/2006/030).

Reason

The proposed dwelling, by reason of its size and relationship with adjacent properties, would be out of scale and character with nearby buildings and detract from the visual amenities of the area. Furthermore, the proposed dwelling is considered over-bearing in relation to adjoining properties, thereby causing loss of outlook to their occupiers to an unreasonable degree.

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

The Committee felt that the proposed dwelling would be too large, over-bearing and out of character with the locality.

- 65. Demolition of pavilions, stands and subsidiary accommodation on south side of ground and erection of cricket school, pavilion, seating stand and 16 flats with commercial ground floor use to St James Street/Priory Avenue, Taunton (38/2007/025)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to secure an off-site contribution towards recreation and children's play facilities of £859

- per one bed unit and £1785 per two bed plus unit (index linked); and
- (2) The receipt of no further representations raising new issues on the amended plans by 24 May 2007, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
- (a) C001 – time limit;
 - (b) C101 – materials;
 - (c) Details of a sample panel of the brickwork including the structure and colour of the mortar to be used shall be constructed on the site, for approval in writing by the Local Planning Authority, prior to the construction of the cricket school or flats commencing and the agreed panel shall be used as a template for the wall construction thereafter;
 - (d) C201 – landscaping;
 - (e) C671 – making good building after demolition of adjoining structure;
 - (f) Details of the ground floor shop frontages onto St James Street/Priory Avenue shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
 - (g) Prior to the new stand being brought into use, the applicant shall provide a Green Travel Plan which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented as agreed in writing;
 - (h) Details of any exterior public art to be provided on the external brickwork shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
 - (i) Development shall not commence until the extant riverside flood defence has been raised to provide flood protection to the 1:100 year standard with an allowance for climate change and freeboard, as identified in the A2 Flood Risk Assessment, Section 5.3. Details of the design and phasing of the uprating works to the flood defences shall be submitted to, and approved in writing by, the Local Planning Authority before implementation;
 - (j) Minimum finished ground floor levels, excluding the “concourse” must be no lower than set at 16.43m AOD;
 - (k) Construction shall not commence to those areas of the development set below 16.43m AOD until the details of flood resistance, resilience and evacuation have been submitted to, and approved in writing by, the Local Planning Authority;
 - (l) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
 - (m) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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%. All

filling points, vents, gauges and sight glasses must be located with the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (n) The foul drainage must be connected to the public sewerage system;
- (o) The foul drainage shall be kept separate from clean surface and roof water;
- (p) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
- (q) Details of the new green roof system to the cricket school and flats shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter so maintained for a minimum period of five years;
- (r) C910B – archaeological programme;
- (s) Details of the provision of bin storage areas shall be provided prior to construction commencing and thereafter provided prior to occupation of the flats;
- (t) Details of external vehicular or pedestrian gates to the ground shall be submitted to, and approved in writing by, the Local Planning Authority prior to being erected;
- (u) Details and samples of the materials to be used for the surfaces of the footpaths, access and parking areas shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (v) Details of the external finish to any electrical substation enclosure shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection and shall thereafter be carried out as agreed;
- (w) C331 – provision of cycle parking;
- (x) C911 – aerials – combined system;
- (y) Details of the making good of the end of the old cricket school following demolition of the Ondaatje Pavilion shall be submitted to, and approved in writing by, the Local Planning Authority prior to demolition;
- (z) Prior to demolition of the timber pavilions on site, enquiries shall be made through the Sports Services Manager over the potential re-use of the buildings for other sport clubs in the District;
- (aa) The access illustrated on the amended plan shall be provided prior to occupation of the flats or the new stand being brought into use whichever is the sooner;
- (bb) Details of the size of timbers and spacing and external finish of the timber screen to the rear of the stand shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection and thereafter erected as agreed;
- (cc) Details of the external finish to the timber screens on the flats shall be

submitted to, and approved in writing by, the Local Planning Authority prior to their installation;

- (dd) The timber screens on the east elevation of the flats shall be fixed and details of the finish, size of timber and sign shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter erected as agreed.

(Notes to applicant:- (1) Applicant was advised that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings should be provided to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes; (2) Applicant was advised that the proposed development appears to lie over the culverted watercourse, the Stockwell Stream which is supplied from the Black Brook. The route of the Stockwell Stream is unclear from the submitted information but the Environment Agency believes that it should be determined and the condition of the culvert investigated. The Environment Agency normally objects to any development, which lies on top of a culverted watercourse. The responsibility for maintaining the watercourse normally rests with the riparian owner. The Environment Agency also looks for opportunities to break out culverts where this is possible provided that the culvert or its habitat is not of ecological or historic interest; (3) Applicant was advised that if off-site waste disposal is utilised, it must be in accordance with the duty of care and the Waste Management Licensing Regulations 1994; (4) Applicant was advised that the Environment Agency owns the land along the back of the cricket club site adjoining the River Tone. Any developments of the site involving the Environment Agency's land will require easements to be granted; (5) Applicant was advised that water mains installed should be of sufficient size to permit installation of hydrants to British Standards. If it is proposed to carry out the burning of materials following demolition, you are requested to notify the Somerset Fire and Rescue Service at least 48 hours before commencement so that the appropriate Fire Station may be made aware of this burning.)

Reason for planning permission, if granted:-

The proposed development was on a site within the settlement limits where re-development would enhance the facilities of the County Cricket Club and provide housing and was considered to accord with Taunton Deane Local Plan Policies S1, S2, H2, C4, M4, EN16 and T33.

- 66. Erection of two storey building comprising 8 No flats with associated communal areas, bicycle parking and bin storage at former Rowbarton Adult School, Harcourt Street, Taunton (38/2007/094).**

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement relating to the provision of leisure and recreation contributions, the Development 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) Windows on the first floor east elevation other than the kitchen shall be glazed with obscure glass and thereafter so maintained;
- (e) Notwithstanding the submitted drawings, details of the siting and design of the cycle and bin storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and thereafter shall be constructed as agreed;
- (f) C416 – details of size, position and materials of meter boxes;
- (g) Details of the colour finish to new railings shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter be carried out as agreed;
- (h) C911 – aerials – combined system;
- (i) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority in writing before the building is occupied. The agreed details shall be fully implemented before the building is occupied.

(Note to applicant:- Applicant was advised that concern has been raised concerning asbestos shards on site and you should therefore comply with health and safety and waste management legislation including the Duty of Care Regulations 1991, Special Waste Regulations 1996 and Waste Management Licensing Regulations 1994. All contaminated materials should be cleared from the site.)

Reason for planning permission, if granted:-

The development was considered not to harm the amenity and privacy of neighbours and was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and C4.

67. Erection of Medical Centre with attached services, including car parks, external works and landscaping and formation of access to Mantle Street, land to south and west of 112B Mantle Street (part of Trinity Farm), Wellington (43/2007/026).

Reported this application.

RESOLVED that subject to:-

- (i) The views of the Secretary of State under the Departure Procedures;
- (ii) The receipt of no further representations raising new issues on the amended plans by 5 June 2007; and

(iii) The receipt of no adverse views from Wessex Water, the Development 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) C205 – hard landscaping;
- (e) C208E – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C210 – no felling or lopping;
- (h) C215 – walls and fences;
- (i) C246 – landscape completion check;
- (j) C247 – temporary site building and storage compound;
- (k) The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by, the Local Planning Authority a wildlife mitigation and biodiversity enhancement plan. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species affected by the development, in particular Great Crested Newts, Badgers, breeding birds and bats and measures for the enhancement of biodiversity through the provision of habitats and features and their future management. The proposed methods shall be informed by up to date surveys;
- (l) C304 – access point;
- (m) Before any development hereby permitted is commenced, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority;
- (n) C324 – parking;
- (o) C917 – services – underground;
- (p) Prior to the commencement of development, 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;
- (q) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
- (r) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (s) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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%. 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 pipework shall be located above ground

- and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (t) No development approved by this permission shall be commenced until details of the use, handling or storage of any hazardous substance included in the Schedule to the Planning (Hazardous Substances) Regulations 1992 has been submitted to, and approved in writing by, the Local Planning Authority;
 - (u) Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

(Notes to applicant:- (1) N118A – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N117 – crime prevention; (5) N051B – health and safety; (6) N052 – fire safety; (7) Applicant was advised that in accordance with the highway works set out on the submitted plan, a Section 278 Agreement will need to be entered into with the County Highway Authority incorporating the provision of double yellow “no waiting at any time” lines between the adjacent access to the east and Trinity Close to the west; (8) With regard to condition (p), applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 and results should be forwarded for agreement before any works commence on site due to the probability that the ground is not suitable. If tests prove that soakaways are not suitable, then means of disposal will have to be investigated and any such means will require on site attenuation of flows before final discharge; (9) Applicant was advised that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, undertakings should be provided to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials, the use and routing of heavy plant and vehicles, the location and form of work and storage areas and compounds and the control and removal of spoil and wastes; (10) Applicant was advised that foul drainage should be kept separate from the clear surface roof water and connected to the public sewerage system after conferring with the sewage undertaking as indicated in the planning application. (11) Applicant was advised that the Environment Agency welcomes the opportunity to consider the findings of the proposed site investigation/design work in due course. With regard to a Sustainable Urban Drainage System (SUDS), it is recommended that specific guidance is employed to maximise pollutant removal and groundwater protection; (12) Applicant was asked to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should ensure that any activity undertaken on the application site (regardless of the need for planning consent, must comply with the appropriate wildlife legislation.)

Reason for planning permission, if granted:-

A site of suitable size was unlikely to become available for the proposed development within the settlement limits in the foreseeable future and therefore an exception to the normal “strict control” of new development in the open countryside in accordance with Taunton Deane Local Plan Policy S7

was considered to be appropriate in the interests of community provision. Furthermore, it was not considered that the integrity of the green wedge, Taunton Deane Local Plan Policy EN13, within which the site lies would be adversely affected by the proposed development.

68. Erection of four holiday chalets, Quantock Roses, West Bagborough (45/2006/025)

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans reducing the depth of the plinth and deleting the masonry chimney, the Development 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) Prior to work commencing on site, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C201 – landscaping;
- (e) Prior to any work commencing on site, a detailed Hedgerow Management Strategy shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) C412 – restriction of occupation for holiday lets in permanent buildings;
- (g) Any holiday let cabin that is unoccupied and not let to holiday makers for more than a 24 month period shall be demolished and/or removed including the removal of any foundations and/or floor slabs;
- (h) 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;
- (i) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. Any lighting shall be installed in a manner which ensures that no light source is visible from the surrounding Area of Outstanding Natural Beauty. Within four weeks of commissioning, the developer shall carry out any modification to the light that may be necessary.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure. It should be noted that attenuation of flows may be required; (3) Applicant was advised to consider the use of energy saving methods (for example solar gain) to heat the swimming pools.)

Reason for planning permission, if granted:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and was therefore compliant with Taunton Deane Local Plan Policy EC24.

69. Taunton Deane Borough (Kingston St Mary No 1) Tree Preservation Order 2007

Reported that a Tree Preservation Order had recently been made in respect of four roadside Oak trees and one Ash tree on the Tetton Estate, west of Quantock Way, Kingston St Mary.

An objection had been received from the manager of the Tetton Estate who was also one of the three trustees of the Estate, details of which were submitted. Also reported the views of the Development Manager, an independent tree specialist, the Manager of the Quantock Hills Area of Outstanding Natural Beauty and Somerset County Council's Arboriculturalist.

The general view was that two of the trees, T2 (Ash) and T3 (Oak) should be omitted from the Tree Preservation Order due to the extent of decay within the trees and the nature of the bank on which they were growing. It was felt however that the other three trees which had undergone either crown reduction or pollarding should be retained and managed as the works undertaken had greatly reduced the risk of these trees falling.

RESOLVED that:-

- (1) The Tree Preservation Order be modified to omit trees T2 (Ash) and T3 (Oak) and confirmed to include the other three Oak trees;
- (2) The Order be reviewed after 12 months following assessment of the reponse of the trees to the pollarding and crown reduction work; and
- (3) A further inspection of one of the Oak trees (T1) be carried out to accurately measure the extent of internal decay within the tree.

70. Hunters Cottage, Hemyock Place, Monument Hill, Wellington

Reported that in July 2000, an enforcement notice had been served requiring the removal of two unauthorised windows at Hunters Cottage, Hemyock Place, Monument Hill, Wellington and the facing off of a wall which formed a boundary with the adjacent property, Hemyock Place.

Unfortunately the owner of Hunters Cottage had been unable to reach agreement with his neighbour to enter onto his land to carry out the required works.

Noted that prosecution action by the Council against the owner of Hunters Cottage for non-compliance with the enforcement notice had failed as the Magistrates Court had felt that the conditions imposed by the owner of Hemyock Place in respect of entering onto his land were unreasonable.

The works had therefore remained undone and a form or fence had been erected at Hemyock Place to “hide” the unfinished wall.

Further reported that Hunters Cottage had recently been placed on the market and the outstanding enforcement notice had had an adverse impact on the potential sale price of the property. Solicitors acting for the owner of Hunters Cottage had therefore written to ask the Council to:-

- Withdraw the enforcement notice to enable the property to be sold unencumbered; or
- To carry out works itself to Hunters Cottage under the provisions of the Town and Country Planning Act and to recover the costs from the owner.

It was clear that the enforcement notice was not being complied with as a consequence of a dispute between the two neighbours.

As the owner of Hemyock Place had indicated that he might be prepared to allow a new owner of Hunters Cottage access to face off the wall, it was felt the Council should not become involved in what was a “civil matter”.

RESOLVED that no further action be taken at the present time either in respect of taking direct action or withdrawing the enforcement notice relating to Hunters Cottage.

71. Occupied caravans/motor home sited on land adjacent to Paddocks, Bickenhall, Taunton

Reported that it had been brought to the Council’s attention that mobile homes and a motor home positioned on land adjacent to Paddocks, Bickenhall were being occupied without planning permission as separate units of accommodation.

The owner had claimed that the use of the land for this purpose had been continuous for more than ten years and that he intended to submit an application for a Certificate of Lawfulness to regularise the situation. To date, no such application had been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the unauthorised use of the land adjacent to Paddocks, Bickenhall for the stationing of mobile homes and the motor home used for residential purposes; 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.

72. Construction of a sand arena at Fairfield Stables, Churchinford, Taunton

Reported that it had been brought to the Council's attention that an arena/manège had been constructed at Fairfield Stables, Churchinford without planning permission.

The owners of the stables had subsequently applied for planning permission but this had been refused.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised sand arena which had been constructed at Fairfield Stables, Churchinford; 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.

73. Provision of a large satellite dish in the rear garden of 14 Thames Drive, Taunton

Reported that it had been brought to the Council's attention that a large satellite dish, well in excess of the permitted 90 cm allowed, had been erected in the rear garden of 14 Thames Drive, Taunton.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised satellite dish from the rear garden of 14 Thames Drive, 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.

74. Unauthorised erection of a "replacement" covered walkway to the rear of the Co-Operative Group store, 9 The Square, Wiveliscombe

Reference Minute No 4(2)/2002, reported that the Committee had previously authorised prosecution and listed building enforcement action in respect of an unauthorised covered walkway to the rear of the Co-Operative Group store at 9 The Square, Wiveliscombe.

Shortly after this decision was taken, a local community group (now the Wiveliscombe Town Hall Trust) expressed interest in the re-use of the first floor of the Town Hall.

As such a re-use would require a second escape route to the rear, temporary planning permission to retain the unauthorised covered walkway was granted to allow the Co-Operative Group and the community to prepare a joint scheme for an acceptable further escape route. Prosecution and listed building enforcement action was therefore placed in abeyance.

Reported that the temporary permission had expired in November 2005 and, since then, very little progress had been made towards resolving the current situation relating to the unauthorised walkway.

The Committee was informed that since publication of the agenda solicitors acting on behalf of the Co-Operative Group had written to confirm that urgent consideration was being given to this matter and that planning and listed building applications for the construction of an extension to the rear of the store in Wiveliscombe would be submitted within six weeks.

RESOLVED that in light of the letter received from the solicitors acting on behalf of the Co-Operative Group, progression of the authorised prosecution and listed building enforcement action be held for six months to allow for progress to be made on the owners development proposals.

(The meeting ended at 10.22 pm).