

Planning Committee – 25 July 2007

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Critchard, Denington, Floyd, Henley, C Hill,
House, Miss James, McMahon, Mrs Smith, Ms Webber,
A Wedderkopp, D Wedderkopp and Woolley

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

Also present:- Councillor Coles, Councillor Mrs Lewin-Harris in relation to
application Nos 18/2007/012 and 013LB, Councillor Ms Herbert in
relation to application No 38/2007/258 and Councillor Mrs
Whitmarsh in relation to application No 49/2007/030.

90. Apologies/Substitution

Apologies:- Councillors Bowrah and Watson.

Substitution:- Councillor Stuart-Thorn for Councillor Watson.

91. Minutes

The minutes of the meeting held on 4 July 2007 were taken as read and were signed.

92. Declarations of Interest

Councillor Denington declared a personal interest as he knew the applicant in relation to application No 38/2007/258. Councillor Floyd also declared a personal interest as he knew the family of the applicant in respect of application No 49/2007/030.

93. 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 **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:-

18/2007/012

Installation of four windows at Blakes Farm, Halse.

Conditions

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

(Applicant's attention is drawn to the conditions of listed building consent 18/2000/013LB which must be complied with before development commences.)

Reason for granting planning permission:-

The proposal was considered not to affect the character of the listed building, in line with Taunton Deane Local Plan Policies S1, S2 and EN16.

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

The committee felt that the proposal would not be out of keeping with the character of this Grade II listed building.

18/2007/013LB

Installation of four new windows and internal alterations to form en-suite bathroom at Blakes Farm, Halse.

Conditions

- (a) C002B – time limit listed building;
- (b) The extractor fan in the new en-suite bathroom shall discharge through an in-line vent positioned in the roof slope, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (c) The rooflight for which permission has been granted, shall be a flush fit, cast conversion rooflight, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (d) The materials and detailing to be used in the construction of the three windows to be fitted into the sides of the building shall match those used in the existing windows.

Reason for granting listed building consent:-

The proposal was considered not to affect the character of the listed building, in line with Taunton Deane Local Plan Policies S1, S2 and EN16.

Reason for granting listed building consent contrary to the recommendation of the Development Manager:-

The Committee felt that the proposal would not be out of keeping with the character of this Grade II listed building.

22/2007/010

Erection of workshop to rear of Thorne House, Handy Cross, Lydeard St Lawrence.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted, five minute Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or other noise sensitive boundary:- Monday – Friday 0800-1800 hours; Saturdays 0800-1300 hours. At all other times, including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, for example, hum, drone or whine shall not exceed background levels at any time when measured as above;
- (e) The use hereby permitted shall be strictly limited to the use of the site as a hand crafted joinery business and for no other purpose including any purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order;
- (f) C706 – restricted use – no retail sales;
- (g) C708 – restricted use – no storage except where stated;
- (h) The use of the workshop hereby permitted on this site shall remain attached to the dwelling;
- (i) P010 – no further windows.

(Note to applicant:- Applicant was advised that 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 ten minutes.)

Reason for granting planning permission:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC4 and EC7.

38/2007/208

Conversion and extension of dwelling to form five flats at 1 Peter Street, Taunton.

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C722 – sound proofing;
- (d) The provision shown for the parking of cycles shall be made available prior to occupation of any flat hereby approved and kept available for that purpose;

- (e) None of the dwellings hereby permitted shall be occupied until the sewage disposal/drainage works have been completed in accordance with the plans hereby approved.

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the dwelling or area as a whole. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, H2, H4, H17 and M4.

49/2007/030

Erection of holiday chalet at the Old Quarry, Abbotsfield, Wiveliscombe.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) No works shall commence on site until the Environment Agency's Consent to Discharge Certificate for the septic tank has been issued and a copy submitted to the Local Planning Authority. Any works thereby required shall be implemented prior to the first occupation of the holiday chalet;
- (d) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (e) C917 – services – underground;
- (f) The timber holiday chalet shall be used for holiday purposes only, and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification);
- (g) C413 – restriction of occupation for holiday lets in permanent buildings;
- (h) The measures set out in the mitigation recommendations of the Ecological Survey dated June 2007 shall be carried out as described in the report. Any variation to those measures shall be agreed in writing by the Local Planning Authority prior to any work commencing on site.

(Notes to applicant:- (1) Applicant was advised that approval will be required from the Environment Agency by way of them issuing a Consent to Discharge Certificate for the septic tank; (2) Applicant was advised that the surface water soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that all visitors to the holiday let should be made aware of the dangers of exiting the private drive onto the B3227; (4) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should therefore ensure that any activity undertaken on the application site must comply with the appropriate wildlife legislation.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policy EC24 and it was not considered the proposal was so prejudicial to road safety to warrant refusal.

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

The Committee felt that the junction of the access with the B3227 was not so prejudicial to road safety to warrant refusal of the application.

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

26/2007/007

Erection of dwelling on land south of 7 Blackdown View, Nynehead.

Reason

The scale of development is out of keeping with the character of existing dwellings and therefore contrary to Policies S1 and S2 of the Taunton Deane Local Plan.

(Note to applicant:- Applicant was advised that a scheme more in keeping with the area might be considered favourably.)

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

The Committee felt that the scale of the development proposed would be out of keeping with the existing development.

- (3) That the following application be **withdrawn**:-

43/2006/165

Erection of a pair of dwellings to rear of 52 High Street, Wellington

94. **Change of use of building to Dental Surgery and Laboratory and erection of two storey extension at 4 Mountfields Road, Taunton (38/2007/258)**

Reported this application.

RESOLVED that subject to the submission of a satisfactory Bat Survey, 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) C102A – materials;
- (c) The windows at first floor level in the south-west 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;

- (d) C324 – parking;
- (e) C201 – landscaping;
- (f) The development hereby permitted shall not be commenced until all contractors working on the site are made aware that Bats are fully protected by law under the Wildlife and Countryside Act 1981 and under European legislation. Roof tiles (particularly those over the gable ends and the ridge) shall be removed by hand and individually checked for roosting Bats before stacking. They should be lifted clear without sliding. The tree to be felled on site must be taken down in sections and each section carefully lowered to the ground. Should a Bat or Bats be encountered while work is being carried out on the property, work must stop immediately and advice obtained from Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ and gently covered, until advice is obtained;
- (g) No site clearance works or development (or specified operations) shall take place between 1 March and 30 September without the prior written approval of the Local Planning Authority;
- (h) If the period of time between Caroline Munns' report dated July 2007 and the commencement of development extends more than one year beyond the date of the report, then a further survey must be commissioned and then submitted to, and agreed in writing by, the Local Planning Authority, to ascertain any changes in the use of the site by protected species.

(Note to applicant:- Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should therefore ensure that any activity undertaken on the application site must comply with the appropriate wildlife legislation.)

Reason for planning permission, if granted:-

It was considered that the proposed change of use would not have an unacceptable impact on the vitality and viability of the local centre and that the proposed extension would not give rise to an unacceptable visual and neighbour impact. The proposal was therefore in accordance with Taunton Deane Local Plan Policies EC11, T25, S1, S2, EN4 and EN5.

95. **Retention of block of ten flats and associated parking and works at British Red Cross Centre, Wilton Street, Taunton (revised scheme 38/2005/160) (38/2007/284).**

Reported this application.

RESOLVED that subject to the previous Section 106 Agreement for contributions for the provision of a children's play area and recreation open space being applied to the current scheme, 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) The proposed access and visibility splays shown on drawing No 16 revision A, and provided on site shall be maintained as such thereafter;
- (b) C330 – internal road to be kept free from obstruction;
- (c) The area allocated for car parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (d) Provision shall be made for the parking of ten cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this permission. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
- (e) The bin storage facilities shall be provided in accordance with the submitted plans and thereafter maintained to the satisfaction of the Local Planning Authority;
- (f) C306 – access – gradient;
- (g) There shall be no additional gates attached to the access or drive without the prior written consent of the Local Planning Authority;
- (h) The ground and first floor windows and the second floor bathroom window on the northern elevation shall be provided to open to a maximum of 300 mm from the closed position. Such windows shall be thereafter maintained;
- (i) The windows on the southern elevation, as indicated on the approved plan No 0038/19/A as amended by the Agents' letter dated 12 May 2007 shall all be obscure glazed and fixed opening to a maximum of 300 mm and thereafter maintained as such. There shall be no alteration to, or additional windows in, this elevation without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N117 – crime prevention; (5) NO41B – drainage/water.)

Reason for planning permission, if granted:-

The proposal was for residential development in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

96. **Siting of two marquees for conferences and functions at Woodlands, Ruishton.**

Reported that it had been brought to the Council's attention that two marquees used for conferences and functions had been erected without planning permission on land at Woodlands, Ruishton.

Although a planning application to retain the marquees had been submitted, this had recently been refused under delegated powers.

RESOLVED that:-

- (1) Enforcement action be taken to secure the removal of the unauthorised marquees that had been erected at Woodlands, Ruishton; 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.

97. **Use of flat roof area as roof terrace in connection with Cunninghams Restaurant, 14-18 North Street, Wellington.**

Reported that it had been brought to the Council's attention that the roof area of 14-18 North Street, Wellington was being used as an extension to the restaurant known as Cunninghams.

The owner of the restaurant had been informed that planning permission to continue to use the roof terrace was required. However, to date no application had been received.

Members were concerned about the use of the roof terrace which was very close to the adjoining property. As such, they felt that if circumstances warranted it, a stop notice as well as an enforcement notice should be served on the owner of the restaurant.

RESOLVED that:-

- (1) Enforcement action be taken to secure the cessation of the use of the roof area at 14-18 North Street, Wellington;
- (2) Following further assessment of the situation, the Solicitor to the Council be authorised to serve a stop notice, if such service was in accordance with Government guidance, in respect of the unauthorised change of use of the roof area at 14-18 North Street, Wellington; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice, and any stop notice, not be complied with.

(The meeting ended at 8.23 pm.)