

Planning Committee –27 July 2005

Present: Councillor Miss Peppard (Chairman)
Councillors Mrs Allgrove, Miss Cavill, Croad, Denington, Floyd, Guerrier, Henley, C Hill, House, Lisgo, Phillips, Stuart-Thorn and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area Planning Officer (West)), Mr G Clifford (Area Planning Officer (East)), Mr S Hughes (Sports Services Manager), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

No press were present at this meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Denington, Wedderkopp, Phillips, Miss Cavill and Lisgo arrived at the meeting at 5.05 pm, 5.08 pm, 5.18 pm, 5.34 pm and 6.09 pm respectively)

86. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillors Hindley and Mrs Smith.

87. Minutes

The minutes of the meeting held on the 6 July 2005 were taken as read and were signed.

(Councillor Floyd declared a personal interest in the matter covered by Minute No. 88 below.)

88. Erection of 144 dwellings and associated roads and open space, Taunton Vale Sports Club, Lisieux Way, Taunton (38/2000/237)

Reported that the Planning Committee had granted the above application in April 2001. The approved plans had indicated the position of five play areas on the Boundary Park Development – four Local Equipped Areas for Play (LEAP's) and one Neighbourhood Equipped Area for Play (NEAP) (the latter being for older children).

The developer, Persimmon Homes, had completed the NEAP and two of the LEAP's during 2004, although none had yet been adopted.

In addition to undertaking to provide the five play areas, the developer had also entered into a Section 106 Agreement to provide £48,456 towards an extension to the Hamilton Gault Pavilion. However, in recent months it had become evident that this contribution would not be sufficient to carry out the Pavilion extension.

Further negotiations had therefore taken place with the developer who had suggested that they would supplement the funds available for the Hamilton Gault project if they were not required to construct the remaining two play areas.

Reported that the Council's current Local Plan Policy for play provision was 20 m² of play space per family dwelling. On this basis five play areas were required on the Boundary Park site.

However since drafting the Local Plan Policy, the Council had developed a Greenspaces Strategy which included work on the reasonable and actual walking distance from a child's home to a play area. This had been calculated at 300 m.

Noted that currently a development such as Boundary Park would only be asked to provide equipped play areas to ensure that every home was within 300 m walking distance of one. In these circumstances, only two play areas would be required.

A cost of £53,500 had been agreed as the value of the two outstanding play areas, which combined with the earlier contribution would mean that just over £100,000 would be available to fund improvements to sports and leisure facilities in the immediate area for the benefit of the wider community.

A consultation exercise had been undertaken with local residents which had shown that most respondents felt that the development already had sufficient play areas. Most also wished to see the other two ear-marked areas left as grass for casual recreation.

RESOLVED that the Section 106 Agreement of the 31 May 2000 and made between Taunton Deane Borough Council (1), Beazer Homes (2), Taunton Vale Sports Club (3) and Somerset County Council (4) be varied such that the obligation to provide two play areas on site be replaced by the obligation to pay a sum of £101,956 to be used to provide/enhance sports and play facilities in the vicinity of the development.

89. 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:-

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

23/2005/019LB

Installation of solar panels at Fort Gate, St Michaels Hill, Milverton.

Condition

- (a) C002 – time limit – listed building;

Reason for granting listed building consent:-

It was considered that the proposal was in line with Taunton Deane Local Plan Policy EN16 in respect of proposals relating to listed buildings.

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

The Committee was of the view that the proposal would not detract from the character or appearance of the listed building.

24/2005/017

Retention of field access with new field gate and stone entrance at Broad Lane, North Curry.

Conditions

- (a) Within one month of the date of this permission, the access over the first 4.5 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 be submitted to, and approved in writing by, the Local Planning Authority;
- (b) The gradient of the access hereby approved shall be no steeper than 1:10 and shall be amended accordingly within one month of the date of this permission;
- (c) Within one month of the date of this permission, 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 be submitted to, and approved in writing by, the Local Planning Authority;
- (d) Any entrance gates or barriers erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge and thereafter maintained as such;
- (e) Within one month of the date of this permission, no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2 m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 20 m either side of the access shall be provided. The visibility splay shall thereafter be maintained;
- (f) Within one month of the date of this permission, the access onto Stoke Road shall be permanently closed by the creation of a

bank across the gap and details of native hedge planting shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed hedge planting shall be carried out within the first available planting season and shall be maintained for a period of five years.

(Notes to applicant:- (1) Applicant was advised that the piping of the ditch needs approval under the Highways Act 1980. There are concerns that the pipe installed is inadequate for the purpose and you are requested to contact the Highway Services Manager to discuss the matter further; (2) Applicant was advised that in order to provide the necessary visibility splay you will need to cut back the roadside hedge and keep it trimmed to make sure there is adequate visibility in both directions; (3) NO61A – Highways Act – Section 184 Permit.

Reason for granting planning permission:-

The access provided a safer entrance/exit into the field than existing, in accordance with the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A).

26/2005/003

Erection of single storey extension at rear of 3 Court Cottages, Nynehead.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) Details of any extraction from the breakfast room/kitchen shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) P010 – no further windows.

(Notes to applicant:- (1) NO24 – development in accordance with the approved plans; (2) NO40A – drainage/water.

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity and was therefore considered to be acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

38/2005/213

Erection of inflatable Sports Hall on tennis courts at Richard Huish College, South Road, Taunton.

Conditions

- (a) The inflatable Sports Hall hereby permitted shall be removed and the land restored its former condition on or before the 31 July 2010;

- (b) Before the commencement of any works hereby permitted, details/samples of the colour of the lower part of the hall shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the commencement of any development works, the applicant shall at his own expense appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise nuisance to neighbouring premises will not be caused. The consultant shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works;
- (d) C201A – landscaping;
- (e) The inflatable Sports Hall shall not be used, or internally illuminated, between the hours of 9 pm and 9 am the following day;
- (f) Before the commencement of any works hereby permitted, full details (including colour) of the proposed chain link/wire mesh fence shall be submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) NO24 – development in accordance with approved plans; (2) Applicant was informed that the proposal will be reassessed at the end of five years. This does not mean that renewal will be automatic.)

- (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:-

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

20/2005/007

Erection of dwelling at land adjacent to Millfield House, Parsonage Lane, Kingston St Mary.

Reasons

- (a) The site is located outside the limits of a settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor vehicle and would compromise sustainable development, which is contrary to advice contained within Planning Policy Guidance Note No 13 and Regional Planning Guidance 10 and to the provisions of the Somerset and Exmoor National Park Joint Structure Plan

Review Policies STR1 and STR6 and contrary to Taunton Deane Local Plan Policy S1(a);

- (b) The site is located outside the limits of a settlement within the open countryside, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need and would therefore be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S7.

- (3) That the following application be **deferred** for the reason stated:-

38/2005/227

Residential development of 24 one bedroomed flats on site of dwelling to be demolished at 5-7 Compass Hill, Taunton.

Reason

For further discussions with the County Highway Authority.

90. Erection of extension above study and garages at Willow Gardens, Hillcommon (27/2005/009)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 1 August 2005, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
(b) C102A – materials;
(c) P011 – no windows on the eastern elevations;
(d) The window in the wall to serve bedroom 6 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;
(Note to applicant:- N024 – development in accordance with the approved plans).

Reason for planning permission, if granted:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H17, subject to conditions as no detriment would be caused by the proposal.

91. Erection of 2 No one bedroomed flats on land to rear of 99/101 Station Road, Taunton (38/2005/248)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No further representations raising new issues by the 9 August 2005;
and
- (2) No adverse views from the Environment Agency, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-
 - (a) C005 – outline – reserved matters;
 - (b) C009 – outline – time limit;
 - (c) C014 – time limit;
 - (d) C101 – materials;
 - (e) The site levels on the site shall not be increased without the prior written consent of the Local Planning Authority;
 - (f) Before any part of the development hereby permitted is begun, detailed drawings showing a fully sheltered lockable cycle parking facility for six to eight bicycles shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the units. Such cycle parking shall be provided on site for use by 99/101 Station Road and the properties hereby permitted;
 - (g) There shall be no first floor windows inserted into the eastern or southern elevations of the proposed building.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N116 – disabled access; (5) N114 – meter boxes; (6) Applicant was advised that the reserved matters design will need to ensure that the amenity of the existing occupants is protected.)

Reason for outline planning permission, if granted:-

The proposal would constitute infilling within an existing settlement limit in accordance with Taunton Deane Local Plan Policies S1, S2, H2, H4 and M4.

92. Demolition of agricultural building and erection of domestic garage to be used in connection with former barn to be converted to dwelling (Pound House), Trents Farm, Royston Road, Churchinford (10/2003/018)

Reported that planning permission for this development was granted in September 2003.

In recent weeks an application for a minor amendment had been received to allow the approved garage to be turned through 90° to enable the ridge to line-up with the proposed extension thus creating more of a courtyard area.

Details of the minor amendment had been circulated to the Churchstanton Parish Council and details of its strong objection to the proposal were submitted.

In the view of the Development Control Manager however, the rotation of the previously approved garage block through 90° was not considered to adversely affect the character of the proposed barn conversion on the site. No neighbouring amenity was affected by the change and the alteration was therefore considered to be an acceptable one.

RESOLVED that the minor amendment be approved.

93. English Heritage “Buildings at Risk Register 2005”

Reported that the latest edition of the Buildings at Risk Register had recently been published by English Heritage.

Noted that England had 30,491 buildings or groups of buildings listed either Grade I or Grade II*. Nationally, 34% of these buildings were included in the Register.

It was pleasing to note that within Taunton Deane only four properties were included on the Register. These were:-

Sandhill Park, Bishops Lydeard – Grade II*;
Gatehouse at Cothelstone Manor, Cothelstone – Grade I;
Cloth Finishing Works at Tone Mills, North Range, Langford Budville – Grade II*; and
Tonedale Mills (West Complex), Wellington – Grade II*.

It was further noted that three of these buildings had recently been subject to positive planning proposals which, if implemented, would secure the futures of the buildings concerned.

RESOLVED that the report be noted.

94. Unauthorised erection of timber buildings for storage purposes at the Taunton Motor Company Limited, Priory Bridge Road, Taunton

Reported that despite a retrospective planning application for the retention of a covered storage area at the rear of Taunton Motor Company Limited, Priory Bridge Road, Taunton being refused during May 2005, no action to remove the unauthorised structures had been taken to date.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised timber buildings used for storage purposes at the Taunton Motor Company Limited, Priory Bridge 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.

95. Erection of fence and change of use of land at 45 Venn Close, Cotford St Luke, Taunton

Reported that a complaint had been received concerning the removal of vegetation and the erection of a fence around an area of land to the front of 45 Venn Close, Cotford St Luke.

Although the owners of the property were in possession of a letter from the Council informing them that no planning permission was required for the work, further investigation had revealed that the change of use of the land and the erection of a fence did, after all, require planning permission.

The owners of the property had therefore been asked to submit a planning application but to date this had not been received.

In the view of the Development Control Manager, neither the impact on neighbouring properties of the change of use and the fence, or the character of the adjacent open space was such to warrant enforcement action. Indeed, if a retrospective application were to be submitted, it was likely to be viewed favourably.

RESOLVED that no further action be taken.

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

The Chairman reported that she had certified that the item covered by Minute No 98 below should be dealt with as an urgent matter.

97. Exclusion of press and public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 98 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

98. Enforcement item – Notification to install Telecommunications Mast on land at Shoreditch Road, Taunton (Application No TEL/1/05)

Considered report previously circulated, concerning the proposed installation of a Telecommunications Mast on land at Shoreditch Road, Taunton.

A notification under Part 24 of the General Permitted Development Order 1995 had been received in early January 2005 from the company 02 stating their intention to erect a Telecommunications Mast on highways land at Shoreditch Road, Taunton.

On the 14 February 2005 the Council, well within the 56 days it had to consider the application, forwarded its decision to refuse the notification to the Agents acting for 02.

In early March 2005, shortly after the expiry of the 56-day period, the Agents contacted the Council to say that as no Decision Notice had been received, 02 would therefore be proceeding with the proposal. The Council made it clear to the Agents that the notification had been refused and that if work did proceed, enforcement action would be taken.

As a result, a meeting with the Agents took place where the possibility of other sites was discussed.

Nothing further was heard in respect of this matter until earlier in the month when the contractors McAlpines appeared on the site and began preparatory works in advance of the mast being installed.

Faced with this situation, the Development Control Manager, in consultation with the Chairman, authorised the service of a Temporary Stop Notice. The Notice was served on the 20 July 2005 and work had now stopped for the period of up to 28 days.

Since then, communications had been received from solicitors acting for 02 reiterating that a Decision Notice from the Council had not been received and, in the circumstances, requesting the withdrawal of the Temporary Stop Notice.

Reported in detail on the three options now open to the Council. Members were strongly of the view that the Council had acted entirely properly in this matter. As such, it was felt that action to prevent the mast being erected should be taken, even if it meant that the Council could leave itself open to claims for compensation.

RESOLVED that:-

- (1) The authorisation by the Development Control Manager, acting in consultation with the Chairman, to serve a Temporary Stop Notice on 02 to stop works to erect a mast at Shoreditch Road, Taunton be endorsed; and
- (2) The Solicitor to the Council be authorised to serve a further Stop Notice and an Enforcement Notice to ensure that the Telecommunications Mast would not be erected on the site at Shoreditch Road, Taunton pending the determination of any appeal made against the service of the Enforcement Notice.

(The meeting ended at 8.06 pm)