

Planning Committee – 28 September 2005

Present: Councillor Mrs Marie Hill (Chairman)
Councillor Mrs Marcia Hill (Vice-Chairman)
Councillors Mrs Allgrove, Miss Cavill, Clark, Croad, Denington,
Guerrier, Henley, C Hill, House, Phillips, Mrs Smith, Stuart-Thorn and
Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area
Planning Officer (West)), Mrs J Moore (Principal Planning Officer
(East)), Mrs J M Jackson (Senior Solicitor) and Mr G P Dyke (Member
Services Manager)

No press were present at the meeting.

(The meeting commenced at 5.00 pm.)

(Councillors Miss Cavill arrived at the meeting at 5.32 pm.)

121. Apologies

Councillors Floyd, Hindley and Lisgo.

122. Minutes

The Minutes of the meeting held on the 7 September 2005 were taken as
read and were signed.

123. 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 **outline planning permission be granted** 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:-

07/2005/021

Erection of two detached houses, Rose Cottage, Bradford on Tone.

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C013 – site levels;
- (d) C010 – drainage;
- (e) C101 – materials;
- (f) C201A – landscaping;

- (g) C207 – existing trees to be retained;
- (h) C208A – protection of trees to be retained;
- (i) C208B – protection of trees – service trenches;
- (j) C215 – walls and fences;
- (k) C307 – access – gates set back;
- (l) C323 – parking;
- (m) The design of the dwellings hereby permitted shall pay careful regard to the setting of the adjacent listed building, with particular attention being paid to detailing, materials and positioning;
- (n) A full and detailed tree survey shall be submitted to, and approved in writing by, the Local Planning Authority and attention paid to the positioning of the new access drive in order to avoid damage to the important trees on the site;
- (o) C917 – services – underground;
- (p) P001A – no extensions;
- (q) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m to the south of the access and 30m to the north of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (r) The access over the first 5m 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;
- (s) The garages shown on the submitted plan, Drawing No 11204/2, shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (t) The gradient of the proposed access shall not be steeper than 1:10;
- (u) 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. Such drainage shall be provided prior to the access first being brought into use.
(Notes to applicant:- (1) Applicant was advised to contact Wessex Water in respect of proposed connections, prior to the commencement of any works on site; (2) N110 – design; (3) N114 – meter boxes; (4) N118 – disabled access; (5) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (6) N091 – trees; (7) Applicant was advised that as the site is adjacent to open countryside, a substantial planting of hedge and trees will be expected on the eastern boundary of the site.)

Reason for granting outline planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S5, H2, EN8, EN12 and EN16 subject to conditions, as the proposed buildings would not cause detriment to the visual amenities of the area, to the listed building or harm to the important trees.

- (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:-

05/2005/037

Retention of walls to side and rear, 16 Stonegallows, Taunton.

Condition

Within six months from the date of this permission, the wall to the eastern boundary shall be finished and thereafter maintained, on both sides, in a protective coating in a colour to match the existing dwelling in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason for granting planning permission:-

When completed, the wall would not have an adverse impact on visual or residential amenity and therefore would not conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

12/2005/008

Erection of dwelling house and new access, land adjacent to Stone Acre, Corfe.

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) C215 – walls and fences;
- (f) C010 – drainage;
- (g) P001A – no extensions;
- (h) P003 – no ancillary buildings;
- (i) P006 – no fencing;
- (j) All new fenestration shall be recessed and timber (unless otherwise agreed in writing by the Local Planning Authority) and details including sections, mouldings, profiles and method of opening shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development;

- (k) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 90m either side of the access. Such visibility splays shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (l) The proposed access over the first 5m 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;
- (m) 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;
- (n) 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 be used for the parking of vehicles only and shall not be used for any other purpose whatsoever.
- (o) 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;
- (p) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (q) The gradient of the proposed access shall not be steeper than 1:10;
- (r) 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;
- (s) Notwithstanding the illustrative road frontage details shown on Drawing No 1705/7, full and proper details of road frontage treatment shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.
(Notes to applicant:- (1) In respect of condition (f), applicant was advised that any soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water Infrastructure; (3) In respect of condition (s), applicant was requested to discuss any proposed road frontage treatment with the Case Officer).

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, road safety or the character and appearance of the Area of Outstanding Natural Beauty. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, H2 and EN10.

29/2005/014

Erection of two storey extension, enlarged porch, alterations to outbuilding to form annex at Higher Howstead, Otterford.

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C404 – single family unit;
- (d) The rooflights hereby permitted shall be flush fitting conservation style roof lights. Once installed, flush fitting rooflights shall be retained thereafter.
(Note to applicant:- N024 – development in accordance with approved plans.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies H17 and H18 and material considerations did not indicate otherwise.

42/2005/029CA

Demolition of bungalow and outbuildings at Sundene, Dipford Road, Trull.

Conditions

- (a) C002A – time limit;
- (b) C653 – no demolition before planning permission granted and contract let;
- (c) Details of any alterations to the front boundary walls for access during demolition and their subsequent reinstatement shall be submitted to, and approved in writing by, the Local Planning Authority prior to demolition commencing.

Reason for Conservation Area consent being granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policy EN15 and material considerations did not indicate otherwise.

46/2005/024

Proposed change of use of double garage to farriers forge workshop at The Forge, Blackmoor, West Buckland, Wellington.

Conditions

- (a) C001 – time limit;
- (b) Noise emissions arising from the workshop or from any part of the land or premises to which this permission relates shall not exceed background levels at any time by more than 5 dB expressed in terms of an A-Weighted 2-minute Leq, between 0800 and 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays when measured at any point 1m from any residential or other noise-sensitive boundary. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above. At all other times, including Sundays and Bank Holidays, noise emissions shall not exceed background levels when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.
- (c) C901 – personal permission;
- (d) The use hereby permitted shall be strictly limited to the use of the site for a farriers forge workshop and for no other purpose including any purpose in Class B2 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;
- (e) Plans showing a parking area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated (not loose stone or gravel) before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) C723 – sound-proofing;
- (g) Full details of any external alterations shall be submitted to, and approved in writing by, the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such alterations shall include doors, windows, flues, vents and any other openings or apertures.

Reason for granting planning permission:-

The proposal was considered acceptable and accorded with Taunton Deane Local Plan Policies S1, EC6 and EC7 as it enabled the employment of a specialist craftsperson, subject to conditions, which should ensure no detriment to the amenities of local residents.

48/2005/036

Retention of single unit portakabin for use in children's Sunday School and Ministerial preparation at land between Bathpool Chapel and 103 Bridgwater Road, Bathpool.

Conditions

- (a) The portakabin hereby permitted shall be removed and the land restored to its former condition on or before the 30 September 2015;
- (b) Noise emissions arising from the playing of amplified music or speech on any part of the land or from any premises to which this permission relates shall not be audible at the boundary of any residential or other noise-sensitive boundary;
- (c) The portakabin hereby permitted shall be used for Sunday Schools and Ministerial preparation only and for no other purpose without the prior written consent of the Local Planning Authority;
- (d) (i) Within one month of the date of this permission, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or as otherwise extended with the agreement in writing by the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Within one month of the date of this permission, details of the finish colour of the portakabin shall be submitted to, and approved in writing by, the Local Planning Authority. The portakabin shall be painted in the approved colour by the 30 November 2005 unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

The proposed portakabin complemented the existing Bathpool Chapel and was considered to be in accordance with Taunton Deane Local Plan Policy S1.

- (3) 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:-

06/2005/033

Erection of one detached dwelling with integral double garage, extension to No 1 Piffin Lane and erection of garages for Nos 1 and 4 Piffin Lane, land adjacent to north side of Piffin Lane, behind 1-4 Church Street, Bishops Lydeard.

Reason

The established character of the site comprises an attractive open-space of landscaped gardens providing a backcloth to the built environment within the village Conservation Area. It is considered that the development of this area as proposed would have an adverse impact on the historic development/settlement pattern and would not preserve or enhance the character and appearance of the Conservation Area and, further, would cause harm contrary to the provisions of Planning Policy Guidance Note No 15 and Taunton Deane Local Plan Policy EN14.

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

The Committee was of the view that the proposed development would have an adverse impact on this part of the village and would not preserve or enhance the character of the Conservation Area.

38/2005/303

Redevelopment to provide four commercial/retail units and 24 flats with associated parking and access into Wood Street at 7-11B Staplegrove Road, Taunton.

Reason

On the basis of the information available, the Local Planning Authority is not satisfied that 24 dwellings can be accommodated on the site without detriment to neighbouring amenity and contrary to the requirements of Taunton Deane Local Plan Policies H2(E) and (G) and S1(E).

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

The Committee was not satisfied that the number of properties proposed could be accommodated on the site without an adverse effect on neighbouring properties.

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

08/2005/012

Erection of five dwellings with garages and parking at Mill Court, Tudor Park, Priorswood, Taunton

31/2005/012

Erection of a detached house and garage and alterations to existing access, on land to the rear of The Hyde, Henlade.

(Councillor Guerrier declared a personal interest in the application covered by Minute No 124 below.)

124. Change of use of land and temporary stationing of a maximum of six gypsy caravans and associated parking at land to the west of Higher Yalham Farm, Culmhead (29/2005/011)

Reported this application.

RESOLVED that subject to the views of the First Secretary of State under the Departure Procedures, 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) C016 – temporary permission;
- (b) The proposal shall provide temporary accommodation for a period of up to three months for gypsies who immediately proceeding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane;
- (c) C215 – walls and fences;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy, weed-free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) C324 – parking;
- (f) Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 900mm from adjoining carriageway level for a minimum distance of 90m on both sides of the point of vehicular access for a depth of 2m measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority.
(Note to applicant:- Applicant was advised that prior to their erection on site, details of the proposed fencing must be agreed in writing with the Local Planning Authority.)

(Councillor C Hill declared a personal interest in the application covered by Minute No 125 below and left the meeting during its consideration.)

125. Erection of extension to provide additional bedroom accommodation to care home, Camelot House, Taunton Road, Chelston, Wellington (part amendment to permission 46/2004/035) (46/2005/025)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Environmental Health Officer, 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) C001A – time limit;
- (b) C102A – materials;
- (c) Prior to the commencement of development, the first 10m of hedgerow, shown coloured pink on the attached plan, shall be removed. A replacement hedge, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority, shall be replanted behind a 4.5m x 29m splay line as indicated. Such hedge shall be planted within 9 months of the commencement of development. There shall be no obstruction to visibility within the splay area in excess of 900mm above adjoining carriageway level;
- (d) C902 – alternate permissions on same site;
- (e) The provision of equipment in the boiler room and laundry shall be carried out in accordance with the details set out in the letter dated the 13 September 2005.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N045 – encroachment; (5) N051B – health and safety; (6) Applicant was advised to give consideration to providing accommodation for nursing staff as part of the proposed development as replacement accommodation for the mobile home on the site; (7) Applicant was advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of their apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. Arrangements should be made with Wessex Water, prior to the commencement of works on site, for the protection of their infrastructure crossing the site; (8) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000. All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.)

126. Application for a Certificate of Lawful Use – Land to the side and rear of Yew Tree Cottage, Wrantage (24/2005/033LE)

Reported that in May 2004, planning permission was granted for the erection of a dwelling on land to the west of Yew Tree Cottage, Wrantage. Works subsequently began and two residential caravans were positioned on adjacent land for occupation by the owners whilst the new house was built.

Complaints were received from a local resident and North Curry Parish Council about the caravans and the owners were advised that if the caravans were to remain on the adjacent land, planning permission would need to be obtained. If however, the caravans were relocated onto the site of the new dwelling, permission would not be required whilst the house was built.

During the course of these discussions, the issue of the use of the adjacent area of land was raised. In order to provide certainty, an application had been made for a Certificate for Lawful Use for the use of an area of open storage on land to the side and rear of Yew Tree Cottage, Wrantage.

Such a certificate was issued by the Local Planning Authority accepting that a use had become lawfully established over a period of time. The decision, which was usually delegated to the Development Control Manager, acting on the advice of the Chief Solicitor, was based entirely on the evidence submitted that the use had taken place.

The application was supported by two statutory declarations from the applicant and his brother who had known the land since the early 1950s. These stated that the land had throughout that period been used for the storage of a variety of items, including building materials and vehicles, and was distinct from the remainder of the area which had been in agricultural use. Three further supporting letters had also been submitted.

The Development Control Manager was satisfied that the evidence submitted passed the test that the use had been continuous for at least the last 10 years and that a Certificate of Lawful Use should be issued.

Noted that the wording of the Certificate would be such that it would prevent a further intensification of the use.

RESOLVED that the decision of the Development Control Manager to grant a Certificate of Lawful Use in respect of the use of an area of land to the side and rear of Yew Tree Cottage, Wrantage for open storage be endorsed.

127. 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 128 below should be dealt with as an urgent matter.

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

Reference Minute No 109/2005, reported on the discussions that had taken place with the Company O2 concerning the possibility of finding an alternative site for the telecommunications mast.

A meeting had taken place with O2, and although the idea of siting the mast on top of an existing street light had been rejected by the Development Control Manager, an alternative site within the vicinity of the approved site,

had been suggested. To date, no response had been received to that proposal. Furthermore, despite an agreement to provide additional information to assist the Development Control Manager in suggesting other acceptable locations, this information had not been received.

In an attempt to facilitate matters, O2 had been notified that if the mast was relocated, the Council would make a reasonable contribution towards the costs of doing so.

However, the response to that proposal had been a letter from solicitors acting for O2 which was at odds with the position that had been taken by the company's agent and other representatives of O2. In short, the letter had stated that O2 had made no commitment to relocate the mast, that no alternative site had been identified and that O2 intended to erect the mast at Shoreditch Road. Although clarification of O2's actual position had been sought, there were doubts that O2 now intended to seek an alternative site.

In terms of trying to establish the level of compensation that might be payable following discontinuance action, reported that this was difficult to assess without knowing whether or not there was a suitable alternative site. Without the co-operation of O2 it might take some time to establish the level of compensation.

However, as the erection of the mast could be imminent, it was considered appropriate to take a decision, in principle, that a Discontinuance Notice should be served. This would make the Council's position clear to O2.

RESOLVED that subject to confirmation that a suitable alternative site was available and as to the likely level of the compensation, a Discontinuance Notice be served in respect of Permission No TEL/1/05 relating to the telecommunications mast at Shoreditch Road, Taunton.

(Councillors Miss Cavill and Mrs Smith left the meeting at 7.30 pm and 8.30 pm respectively. Councillors Henley and Stuart Thorne left the meeting at 8.40 pm.)

(The meeting ended at 8.45 pm.)