

## **Planning Committee – 31 October 2007**

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

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

Also present:- Councillor Coles and Councillors Thorne and Edwards in  
relation to application No 30/2007/006.

(The meeting commenced at 5.00pm.)

### **120. Apologies/Substitutions**

Apologies:- Councillors Henley, Watson and Woolley.  
Substitutions:- Councillor Miss Wood for Councillor Henley and  
Councillor Stuart-Thorn for Councillor Watson.

### **121. Minutes**

The minutes of the meeting held on 26 September 2007 were taken as read  
and were signed.

### **122. Declaration of Interest**

Councillor Bishop declared a prejudicial interest in application No 43/2007/107  
and left the meeting during its consideration.

### **123. 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:-

**09/2007/020**

**Erection of temporary agricultural workers dwelling at Bobshaws, Waterrow.**

**Conditions**

- (a) The permission hereby granted shall be for a limited period expiring on 1 October 2010, on or before which date the temporary dwelling shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority or at such time that the enterprise ceases or there is no longer a clear functional requirement for a mobile home on the site;
- (b) C401 – agricultural tying condition;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) P006 – no fencing;
- (f) Prior to the commencement of development, details of the water supply to serve the temporary mobile home shall be submitted to, and approved in writing by, the Local Planning Authority. Furthermore, the development itself shall not be occupied until the required works have been provided to the satisfaction of the Local Planning Authority;
- (g) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
- (h) C010A – drainage – not commenced until percolation tests approved.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) If it was intended to extract water from a borehole, applicant was advised to contact the Environment Agency prior to any works commencing to discuss the requirements and ascertain whether any additional licence or consent is required; (3) Applicant was advised that percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to underground strata is also required; (4) Applicant was advised that the site is served by a private water supply and any increased usage from the proposed barn should be notified to the Environmental Health Department.)

**Reason for granting planning permission:-**

The justification submitted for a temporary workers' dwelling for an agricultural worker was considered acceptable and would not detract from the visual or residential amenity of the area. The scheme therefore accorded with Taunton Deane Local Plan Policies S1, S2,

S7, H12 and EN12 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

Also RESOLVED that enforcement action be taken seeking the removal of the existing unauthorised gates at the entrance to the site.

**26/2007/014**

**Retention of change of use of area of playing field to domestic curtilage adjacent to Kinvara, Nynnehead.**

**Condition:-**

The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31 October 2012.

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

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

The Committee felt that this proposal would safeguard and enhance the local playing field and open space and would contribute towards its maintenance.

**36/2007/016**

**Retention of barn for holiday use including blocking up of windows, retention of wind turbine and other renewable energy provision on roof at Higher House Farm, Helland Lane, Stoke St Gregory.**

**Conditions:-**

- (a) C001A – time limit;
- (b) Materials for the blocking up of the unauthorised window openings shall match the adjacent wall finish and the windows shall be removed, openings permanently blocked up and the works shall be carried out within one month of this permission, unless otherwise agreed in writing by the Local Planning Authority;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P006 – no fencing;
- (g) P010 – no further windows or doors;
- (h) Prior to the use commencing on site, a Wildlife Survey shall be carried out by a qualified environmental consultant and a report

submitted to, and approved in writing by, the Local Planning Authority. The report shall include any necessary mitigation for any protected species present and the mitigation including provision of bat roosting opportunities shall be provided on site prior to the use commencing.

**Reason for granting planning permission:-**

The proposal was considered not to harm the visual amenity in this rural location and was considered to comply with Taunton Deane Local Plan Policies S1, S2, EC6, C12, C13 and EN4 and material considerations did not indicate otherwise.

**38/2007/138**

**Demolition of attached garage and erection of two storey dwelling adjoining 2 Eastbourne Terrace, Taunton.**

**Conditions:-**

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) Provision shall be made for the parking of one cycle space internally in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied;
- (d) Provision shall be made for the storage of refuse internally in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and permanently retained as such;
- (e) The ground floor window on the rear elevation shall be permanently retained as obscure glazed and non opening;
- (f) P010 – no further windows.

**Reason for granting planning permission:-**

The proposal for residential development was located within defined settlement limits where new housing was encouraged and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

**43/2007/107**

**Extension and conversion of public house into 11 No flats, Sanford Arms, 57 South Street, Wellington.**

**Conditions:-**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rain water;

- (d) Before any part of the permitted development is commenced, details of a new hedge along the southern boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the date of commencement of the development;
- (e) C215 – walls and fences;
- (f) The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility capable of accommodating 11 bicycles has been provided within the site in accordance with a design and specification to be submitted to, and approved in writing by, the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.
- (g) No windows at ground floor level shall open onto or over the adjoining footway/highway;
- (h) No work shall commence on the development until details of the design, specification and construction of the basement light has been submitted to, and approved in writing by, the Local Planning Authority and be constructed to the satisfaction of the said Authority;
- (i) The existing vehicular access to the site to be stopped up shall have full height kerbs reinstated on the footway crossing in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall be completed within one month of the flats being occupied;
- (j) C201 – landscaping;
- (k) The rear area/garden shown on the submitted plan shall be laid out to the satisfaction of the Local Planning Authority within six months of the date of commencement of the development and shall thereafter be used solely for the purpose of amenity open space;
- (l) C416 – details of size, position and materials of meter boxes;
- (m) C917 – services – underground;
- (n) No development shall commence until a Section 106 Agreement has been agreed with the Local Planning Authority and executed to secure a contribution of £1023 for each dwelling to be made towards the provision of facilities for active outdoor recreation and an additional contribution of £1785 for each two bed dwelling towards children’s play provision;
- (o) Waste bins shall be provided in accordance with the details incorporated in the amending email dated 5 October 2007.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N114 – design; (4) N115 – water conservation; (5) N024 – development in accordance with the approved plans; (6) N051B – health and safety; (7) Applicant was advised to formulate all physical design features of the flat in accordance with the Area Crime Prevention Officers ‘Secured by Design’ Award Scheme; (8) Applicant was advised to contact Wessex Water with regard to

connection to water supplies and the system for the satisfactory disposal of foul flows generated by the proposal; (9) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a Licence under Section 171 of the Highways Act 1980 must be obtained from the County Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (10) Applicant was advised that the hours of construction work should have regard to the proximity of adjacent residential properties and unreasonable noise and disturbance should be avoided.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2. Furthermore, the proposed development provided for car free development in a location close to town centre facilities in accordance with the wishes of the Highway Authority and therefore provided a sustainable form of development.

**43/2007/133**

**Erection of two storey building to incorporate 2 No one bedroom units and 2 No two bedroom units at land adjacent to Humphreys Road, Wellington.**

**Conditions:-**

- (a) C001A – time limit;
- (b) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied;
- (c) C101 – materials;
- (d) C324 – parking;
- (e) C331 – provision of cycle parking;
- (f) No development shall take place until details of arrangements for the storage of refuse have been submitted to, and approved in writing by, the Local Planning Authority. The approved refuse storage facilities shall be made available before any of the approved flats are occupied and retained thereafter;
- (g) C215 – walls and fences;
- (h) C416 – details of size, position and materials of meter boxes;
- (i) P001A – no extensions;
- (j) C201 – landscaping;
- (k) The windows on the north-west and the south-east elevations at first floor level shall be glazed with obscure glass which shall thereafter be retained in perpetuity. 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). No windows (other than those expressly authorised by this planning permission) shall be formed within the north-west and south-east elevations of the building;

- (l) No development shall take place until details of the design and specification of the lighting scheme to be used for the amenity/open space area has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason for granting planning permission:-**

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4, H9 and H10 and material considerations did not indicate otherwise.

- (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:-

**30/2007/006**

**Change of use of agricultural land for the provision of four pitches for gypsy occupation to provide up to one caravan and one touring caravan for each pitch and associated car parking at Fosgrove Paddock, Shoreditch, Taunton.**

**Reason:-**

The potential impact of the development on the balance of the local community in the area and highway safety is considered to outweigh the benefits of the proposal and the personal needs that have been proffered in support of the application and the proposal is therefore considered to be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49, Taunton Deane Local Plan Policies S1, S7 and H14 and Government advice as contained within Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites.

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

The Committee was of the view that the proposal would adversely affect the balance of the local community and would affect highway safety too. It was felt these factors outweighed the personal needs of the applicants.

- 124. **Change of use of offices to restaurant with manager's flat, Hamwoods, Bishops Hull Hill, Bishops Hull (05/2007/035).**

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Forward Plan Officer within 14 days from the date of the meeting, 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) C201 – landscaping;
- (c) C215 – walls and fences;
- (d) Plans showing a parking area providing for 11 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, surfaced, marked out and drained before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (e) No take-away food shall be offered for sale from the premises;
- (f) The restaurant shall not open other than between 1200-1400 hours and 1800-2330 hours;
- (g) Prior to commissioning, specific details and the location of a permanent refuse store shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter strictly implemented and maintained in accordance with the approved details;
- (h) The existing outbuilding shall only be used for the parking of private vehicles by the occupier of the manager's flat and shall remain available in perpetuity;
- (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 will ensure that no light source will be visible from the adjoining properties. Any external lighting shall not be in use 20 minutes after the restaurant closes;
- (j) C719B – noise – air extraction;
- (k) Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extraction equipment shall be regularly maintained to ensure its continued satisfactory operation;
- (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no external alterations to the building unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N024 – development in accordance with the approved plans; (2) N118A – disabled access; (3) Applicant was advised that this approval does not include any flue or extraction system that may be required for the restaurant. Any such system would require a planning



application (see condition (l)). Any external ducting should be so designed that the flue discharges not less than one metre above the roof eaves level of the two storey building.)

**Reason for planning permission, if granted:-**

The proposal was considered to provide a new service within the associated settlement of Bishops Hull and was not considered to harm the amenity of the neighbouring properties in accordance with Taunton Deane Local Plan Policies S1 and EC15.

**125. Erection of CB Aerial over permitted height at 32 Lyngford Place, Taunton.**

Reported that it had been brought to the Council's attention that a large CB aerial had been erected at 32 Lyngford Place, Taunton without planning permission.

The owner of the property had been advised that planning permission was required, but to date no application to regularise the situation had been received.

RESOLVED that:-

- (1) Enforcement action be taken requiring the removal of the unauthorised CB aerial which had been erected at 32 Lyngford Place, 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.

**126. Erection of garden shed at first floor level for storage purposes at North Curry Post Office and Stores, 4 Queen Square, North Curry.**

Reported that despite an application for planning permission being refused on 26 September 2007, no action had been taken to remove a garden shed constructed at first floor level for storage purposes together with an external staircase at North Curry Post Office and Stores, 4 Queen Square, North Curry.

RESOLVED that:-

- (1) Enforcement action be taken seeking the removal of the garden shed constructed at first floor level together with the external staircase at 4 Queen Square, North Curry; 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.

**127. Untidy site and vehicles parked on the highway at Moor Cottage, Stathe Road, Burrowbridge.**

Reported that investigations had previously been made into an alleged car repair business being operated from Moor Cottage, Stathe Road, Burrowbridge.

At the time, it had been found that no business activity was being conducted from the premises. However, over the past 12 to 18 months the site had become extremely cluttered and untidy with vehicle parts stored on the site together with what appeared to be scrap vehicles.

Due to the limited curtilage of the property the use of space on the land to store the various items had resulted in the vehicles owned by the property having to be parked on the highway significantly reducing the width of what was already a narrow road.

RESOLVED that the Solicitor to the Council be authorised to serve a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the owner to clear the site of unsightly items.

**128. Increased height of roof and provision of first floor at Barn C, Upcott Farm, Nynehead, Wellington.**

Reported that planning permission was granted in October 1991 for the conversion of Barn C at Upcott Farm, Nynehead into a single storey holiday let.

Although work started on the conversion within the five year commencement period, much of the conversion work had occurred over the last 12 months.

In order to comply with current Building Regulation legislation, additional strengthening work had to be carried out to the barn. A concrete ring beam had to be installed at wall plate level.

This work had resulted in an increase to the height of the roof sufficient to enable a first floor to be included in the building.

The owner of the converted barn had been contacted on numerous occasions requesting a planning application to be submitted in an attempt to regularise the current situation. However, to date, no such application had been received.

RESOLVED that:-

- (1) Enforcement action be taken requiring further works to be carried out to Barn C, Upcott Farm, Nynehead so that it accorded with the originally approved plans; 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.

129. **Appeal against enforcement notice served in respect of unauthorised uses at Foxmoor Nurseries, Haywards Lane, Chelston.**

Reported that Foxmoor Nurseries had successfully appealed against the enforcement notice served in respect of alleged unauthorised uses at the site at Haywards Lane, Chelston.

Although the Inspector found that the unauthorised uses were taking place, she allowed the appeal on the basis that the current use of the site which was a mixture of B1 (light industrial), B2 (industrial) and B8 (storage and distribution) was no more detrimental than the existing authorised B1 use. A copy of the Inspector's decision letter had been submitted for the information of Members of the Committee.

Further reported that the Inspector had referred to the Section 106 Agreement relating to Foxmoor Nurseries which sought to limit the type of operations at the site and referred to enforcement of the terms of this agreement as 'the only recourse available to the Council' to restrict the uses.

Noted that Counsel's advice was being sought as to the extent to which the agreement could be enforced in the light of the Inspector's decision. A report would be made to a future meeting of the Planning Committee.

Also noted that a partial award of costs had been made against the Council by the Inspector which was currently under negotiation.

RESOLVED that the report be noted.

(The meeting ended at 8.56pm.)