

Planning Committee – 5 July 2006

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

Officers: Mr T Burton (Development Control Manager), Mr J Hamer
(Development Control Area Manager - West), Mr G Clifford
(Development Control Area Manager - East), Mr R Upton
(Development Control Area Manager), Mrs J Moore (Development
Control Principal Officer – East), Mrs J M Jackson (Senior Solicitor)
and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

72. Apologies

Councillors Denington, Floyd, Guerrier and Henley.

73. Minutes

The minutes of the meeting held on 14 June 2006 were taken as read and were signed.

74. Declarations of Interest

The Chairman (Councillor Mrs Marie Hill) and Councillor C Hill both declared personal interests in agenda item No 9, application No 23/2006/021. Both Councillors left the meeting during the discussion of this item.

Councillor Miss Cavill declared a personal interest in agenda item No 13, application No 38/2006/203, and left the meeting during consideration of this item.

Councillor House declared a prejudicial interest in agenda item No 18, application No 36/2006/009, and left the meeting during consideration of this item.

75. Enforcement action in relation to the O2 Mast at Shoreditch Road, Taunton

Reference Minute No 160/2005, reported that a Planning Contravention Notice had been served on O2. Their response indicated that the mast as erected was in accordance with the deemed permission. However, this was not the case as the mast was bulkier and a different colour and was considered sufficiently different to warrant the taking of enforcement action.

Further reported that an alternative siting for the current mast had been identified and the Committee had granted permission at its last meeting for a mast to be sited on this land.

In the circumstances, Members were now in a position to consider what further action to take.

If an enforcement notice was served, it was likely that O2 would appeal against the notice with a consequent public inquiry being held. If the Council was successful, the Notice would require the current mast to be removed. It would however leave O2 with the option to erect a mast of the type that had deemed permission on the existing site.

However, the Council was now in a position to negotiate with O2 for the erection of a mast at the alternative site, and this could result in the relocation of the mast without the need to hold a public inquiry. If this course of action was not successful in securing the relocation of the mast, Members would still have the option of authorising discontinuance action requiring removal of the mast.

RESOLVED that:-

- (1) the Solicitor to the Council be authorised to serve an enforcement notice on O2 requiring the removal of the unauthorised mast erected at Shoreditch Road, Taunton;
- (2) the Asset Holdings Manager be asked to instigate discussions with O2 as to an agreement being reached for O2 to erect a mast on the alternative site identified on Council owned land and for which Planning permission existed; and
- (3) O2 be advised that the Council was committed to securing the removal of the mast from the existing site and, if the action currently proposed was unsuccessful, further consideration would be given to the service of a discontinuance notice.

76. **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:-

10/2006/007

Subdivision to form two dwellings at the Post Office, Churchinford

Conditions

- (a) C001A - time limit;
- (b) P001A - no extensions.

Reason for granting planning permission:-

The proposal was not considered to significantly affect highway safety and it complied with Taunton Deane Local Plan Policies S1 and H2.

23/2006/021

Retention of bridge and erection of roadside timber fence at Fouracre Sawmills, Station Road, Milverton

Conditions

- (a) The fence hereby approved shall be erected within three months of the date of this permission;
- (b) The existing metal/wire fence and supports shall be removed within three months of the date of this permission;
- (c) There shall be no obstruction to visibility greater than 900 mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided within three months of the date of consent and shall thereafter be maintained at all times;
- (d) C201 - landscaping;
- (e) Full details of the style of fence described in the e-mail dated 3 July 2006 shall be submitted to, and approved in writing by, the Local Planning Authority prior to its erection;
- (f) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum of 4.5 m from the carriageway edge.

(Notes to applicant:- (1) Applicant was advised to contact the Environment Agency in order to discuss any matters required as the site is within 250 m of a known landfill and to discuss any flood risk issues; (2) Applicant was advised that the planting scheme required by condition (d) should comprise three standard trees of native species to the north-east of the new fence, planting to the rear of the gaps in the fence (suggest shrubs in order to maintain some visibility through the gaps), and a grassed area to the front of the fence facing the highway.)

Reason for granting planning permission:-

It was considered essential for the economic well-being of the applicant's operation that a secure fence was erected and this was considered to outweigh the visual impact issues in this instance and was considered to accord with Taunton Deane Local Plan Policies S1, S2 and EC1 without detriment to Policies EN28 and EN29.

27/2006/007

Erection of stable block, land at Frog Street, Hillfarrance

Conditions

- (a) C001A - time limit;
- (b) C102 - materials;
- (c) C201A - landscaping;
- (d) Before the development hereby permitted is commenced, details of the positioning and design of any manure/dung heap shall be submitted to, and approved in writing by, the Local Planning Authority.

(Note to applicant:- Applicant was advised that the timber field shelter currently placed at the southern end of the field does not have the benefit of planning permission.)

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.

38/2006/215

Erection of two storey extension to side of property including car-port at 24 Grafton Close, Taunton

Conditions

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

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, visual or residential amenity or road safety. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, S2 and H17.

- (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:-

20/2006/013

Removal of agricultural occupancy condition 06 imposed by virtue of permission No 20/1991/027 at Millfield House, Parsonage Lane, Kingston St Mary

Reason

The site is in 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. In the opinion of the Local Planning Authority, insufficient evidence has been put forward to show that there will not be a long-term need for the dwelling for occupation by a retired agricultural worker or agricultural worker employed in the locality such as to outweigh that policy. As such, the proposal would be contrary to Taunton Deane Local Plan Policies S7 and H13.

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

38/2006/200

Construction of two all-weather sports pitches with fencing and floodlights together with sports pavilion and ancillary car park for Taunton School at land north of Greenway Road, Taunton

52/2006/010

Erection of first floor extension, installation of dormer window and erection of single storey extension to rear of dwelling at 37 Stonegallows, Taunton

52/2006/021

Erection of two storey extension to side of property at 1 Gill Crescent, Taunton

77. **Erection of dwelling at land adjoining 49 Smithy, Bishops Hull, Taunton (05/2006/015)**

Reported this application.

RESOLVED that subject to the receipt of no adverse comments from the County Highway Authority or the Council's Housing Manager, the Development Control 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) Sufficient space for two parking spaces shall be provided for the dwelling hereby approved, details of which shall be approved in writing by the Local Planning Authority. The said spaces shall be constructed or hard surfaced before the dwelling hereby permitted is occupied and shall not be used other than for the parking of domestic vehicles or for the purposes of access;
- (d) 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.

Reason for planning permission, if granted:-

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.

78. Demolition of dwelling and commercial garage buildings and erection of 24 flats with associated parking at Eastwick Farmhouse and Eastwick Cottage, Eastwick Road, Taunton (38/2006/198)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement regarding leisure and recreation contributions for 11 flats;
- (2) The receipt of a satisfactory amended parking plan; and
- (3) The receipt of no further representations raising new issues by 20 July 2006, the Development Control 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - (c) The second floor windows in the south-west elevation of the development hereby permitted shall be glazed with obscure glass and shall thereafter be retained as such;
 - (d) P011 - no windows on the south-west elevation;
 - (e) The second floor windows in the south-west elevation of the development hereby permitted shall be non-opening other than for emergency escape purposes. No development shall take place until the details of such window opening arrangements have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be retained as such;
 - (f) No development shall take place until a scheme for the details of the access, parking for 14 cars and 24 cycles and manoeuvring arrangements has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the construction, surfacing, gradients (which shall not

- be greater than 1:10) surface water drainage and 2 m x 2 m visibility splays. The scheme shall also include a programme for the implementation and sequencing of the approved details. Development shall be carried out in accordance with the approved details and programme prior to the first occupation of the dwellings hereby permitted. The turning area and visibility splays shall thereafter be kept unobstructed and the parking area shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) No development shall take place until a scheme for landscaping has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
 - (h) No development shall take place until a scheme for bin storage has been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
 - (i) C926B - remediation investigation/certificate;
 - (j) No construction work shall be carried out on the site at any time on Sundays or Public Holidays, or before 0800 hours or after 1800 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays;
 - (k) Prior to the commencement of work on site, all details of the proposed excavation works and retaining walls/slope retention measures shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason for planning permission, if granted:-

The proposal provided for a brownfield development of a good design, acceptable access, situated in a sustainable location in keeping with the street scene. The proposal therefore met the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy No 49 and Taunton Deane Local Plan Policies S1, S2, M4 and H1.

Also RESOLVED that should the Section 106 Agreement not be completed by 1 August 2006 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

79. **Reorganisation of shale hockey pitch to form four tennis/netball courts and replacement floodlighting for Taunton School at land south of Greenway Road, Taunton (38/2006/203)**

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by 12 July 2006, the Development Control 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) The floodlight design shall be carried out as per the consultant's report by Ferguson Brown dated April 2006 and details of any cowls/baffles for light fittings to prevent nuisance shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) The floodlights shall only be illuminated between the hours of 1600 and 2100 hours, Monday to Saturday, and not at all on Sundays.

Reason for planning permission, if granted:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1 and EN34 and material considerations did not indicate otherwise.

80. Erection of 11 No one-bed dwellings on land to the rear of Sans Ombre and Garden House, White Hart Lane, Wellington (43/2006/057)

Reported this application.

RESOLVED that subject to:-

- (1) The applicant entering into a Section 106 Agreement to provide a contribution towards off-site leisure facilities; and
- (2) The receipt of no adverse views from the County Highway Authority or the County Archaeologist, the Development Control 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) C215 – walls and fences;
 - (e) C331 – provision of cycle parking;
 - (f) Before the development hereby permitted is occupied, the new pedestrian access onto the adjoining car park shall be available for use by the occupiers of the dwellings. Any alterations to the access must first be agreed in writing by the Local Planning Authority;
 - (g) The window(s) in the first floor of 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;
 - (h) P010 – no further windows;
 - (i) None of the dwellings hereby approved shall be combined to create a larger dwelling without first submitting an application to the Local Planning Authority;
 - (j) Lockable gates shall be provided in accordance with the details set out in the e-mail dated 5 July 2006 prior to the occupation of any of the

- dwelling hereby approved;
- (k) The proposed pedestrian access onto White Hart Lane 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;
 - (l) Any entrance gates shall be hung to open inwards;
 - (m) 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.
- (Notes to applicant:- (1)N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) Applicant was advised to contact Wessex Water prior to the commencement of works on site to agree connection onto Wessex Water infrastructure; (4) Applicant was advised to protect the integrity of Wessex Water systems and agree prior to the commencement of works, any arrangements for the protection of infrastructure crossing the site; (5) N118A – disabled access; (6) N114 – meter boxes; (7) Applicant was advised to ensure that the highway in White Hart Lane is kept in a clean and tidy condition during the period of construction; (8) Applicant was advised that a condition survey of the existing public highway will need to be carried out before, and agreed with the County Highway Authority, prior to works commencing on site and any damage to the existing highway made as a result of this development is to be remedied by the developer before occupation of the development; (9) N061A – Highways Act – Section 184 Permit.)

Reason for planning permission, if granted:-

The proposal was considered not to harm the visual or residential amenity and accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4.

Also RESOLVED that should the Section 106 Agreement not be completed by 31 July 2006 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policy C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

81. Erection of extension and garage at Four Winds, Slough Lane, Stoke St Gregory (36/2006/009)

Reported that permission for this proposed development was granted under delegated powers on 1 June 2006 subject to conditions of time limit and materials and a note to applicant relating to drainage.

It had now been brought to the attention of the Development Control Manager that the applicant was in fact a Member of Taunton Deane Borough Council.

Details of the proposed extension and garage was submitted for the information of Councillors.

RESOLVED that the decision, previously made under delegated powers, be confirmed.

82. Taunton Deane Borough (Wellington No 4) Tree Preservation Order 2006

Reported that a Tree Preservation Order had recently been made in respect of seven individual fruit trees on land at the rear of 23/33 Fore Street, Wellington.

An objection had been received from the agent acting for the owner of the land, details of which were submitted, together with the Development Control Manager's responses thereto.

It was felt that the fruit trees, which were not exempt from Tree Preservation Order regulations, had a high amenity value and helped to reinforce the character of the Conservation Area. Noted that future development proposals might require that some of the trees were felled but this could be addressed once an application was made and mitigation could be considered.

RESOLVED that the objection be noted and that the Tree Preservation Order be confirmed.

83. Wall built over 2 m in height to the side of 16 Stonegallows, Taunton

Reported that it had been brought to the Council's attention last year that a wall over 2 m high had been built between numbers 16 and 14 Stonegallows, Taunton without the appropriate consent.

The owner was advised that planning permission was needed to retain the wall and an application was submitted.

Permission had subsequently been granted subject to condition requiring the application of a protective coating to the wall and painted to match the existing dwelling.

Although the owner had roughcast and painted the wall on each end, abutting the neighbour's side, there was a portion of the wall with only 260 mm between it and the next door extension where it was impossible to apply roughcast.

In the circumstances, consideration had to be given as to whether it was reasonable to expect this portion of the wall to be finished in accordance with the condition, particularly given the very limited visual impact.

RESOLVED that no further action be taken.

84. **Display of two internally illuminated signs at One Stop Shop, 101-103 Priorswood Road, Taunton**

Reported that despite advertisement consent being refused on 19 May 2006, two internally illuminated advertisement signs installed on the forecourt of the One Stop Shop in Priorswood Road, Taunton currently remained in position.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised internally illuminated advertisement signs that had been installed on the forecourt of the One Stop Shop, 101-103 Priorswood Road, Taunton, unless they were removed within one month.

85. **Appeals**

(1) Reported that the following appeals had been lodged:-

- (a) Display of illuminated fascia sign at 42 Bridge Street, Taunton (**38/2006/046A**);
- (b) Retention of fence to side of 80 Laburnum Road, Wellington (**43/2005/132**); and
- (c) Erection of terrace of four houses, existing buildings to be demolished on land adjoining Wilson's Yard, Priory Bridge Road, Taunton (**38/2006/027**).

(2) Reported that the following appeal decisions had been received:-

- (a) **Change of use of ground floor and basement from retail (A1) to estate agency and surveyor's office, 3 Fore Street, Wellington (43/2005/092)**

Decision

The Inspector did not consider that the proposed use in the heart of the shopping area would sustain and enhance its vitality and viability. He had no grounds to conclude that the appeal site was not in an attractive trading position for retail use at an appropriate rent. Whilst the use of the property for non-retail purposes could help with the upkeep of the building, the Inspector did not consider that this benefit would outweigh the presumption against such proposals in the development plan. He concluded that the proposed use would have a harmful impact on the vitality of Wellington as a shopping centre. The appeal was dismissed.

- (b) **Erection of extension to side and rear of 4 Colesmore, Milverton (23/2005/025)**

Decision

In the Inspector's view the extension would be subservient to the original massing of the house and sympathetic to its overall proportions, materials and asymmetrical design. He took fully into account the views of the neighbouring properties but concluded that the proposal would not be unacceptably detrimental to the adjacent occupier, or detrimental to the character of the surroundings, or the street scene. The appeal was allowed and planning permission granted, subject to various conditions.

- (c) **Display of double sided internally illuminated pole sign at Olds Taunton, Norton Fitzwarren (25/2005/039A)**

Decision

The sign, which was quite large, would be seen with housing to the rear from the south-east, which in the Inspector's opinion would look out of place and it would also be visible from some of the adjacent houses and would stand out as unduly intrusive in this locality. With the existing garage and dealership signs, the Inspector felt the addition of the appeal sign would lead to the impression of excess signage, giving the complex a cluttered appearance. It was concluded that the display of the pole sign would be detrimental to the interests of amenity. The appeal was dismissed.

- (d) **Erection of new dwelling at 7 Orchard Close, Trull, Taunton (42/2005/040)**

Decision

The Inspector considered that the plot would be large enough to accommodate a small dwelling together with adequate amenity, car parking and turning areas. Although the dwelling would be close to the road, he felt that it could be sited here without being too obtrusive or harming the outlook from the houses opposite. He concluded that the proposed development would make full and effective use of the site without harm to the character or appearance of the area or road safety. The appeal was allowed and outline planning permission granted, subject to various conditions.

- (e) **Erection of internally illuminated fascia sign at 6A East Reach, Taunton (38/2005/450LB and 451A)**

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeals were dismissed.

- (f) **Erection of 8 No one-bedroom flats with demolition of three garages on land to rear of 51-53 Cheddon Road, Taunton (38/2005/426)**

Decision

Due the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was allowed and planning permission granted, subject to various conditions.

(The meeting ended at 6.59 pm.)