

Planning Committee – 27 February 2008

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

Officers:- Mr T Burton (Development Manager), Mr J Hamer
(Development Control Area Manager – West), Mr G Clifford
(Area Planning Manager - South), Mr M Roberts (Area Planning
Manager - East), Mr A Pick (Principal Planning Officer - West),
Mrs J M Jackson (Senior Solicitor) and Mrs G Croucher
(Democratic Support Officer).

Also present:- Councillor Farbahi in relation to application No 27/2007/026 and
Councillor Coles.

(The meeting commenced at 5.00 pm.)

18. Minutes

The minutes of the meeting held on 13 February 2008 were taken as read and were signed subject to the resolution of Minute No. 13, Redevelopment of shop and storage/garage to form a dwelling with replacement of shop-front at 24 Silver Street, Wiveliscombe (49/2007/076) being amended to read:-

“**Resolved** that subject to the receipt of:-

- (i) a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation of the building; and
- (ii) no adverse views from the County Archaeologist,”

19. Declarations of Interest

Councillor Bishop declared a personal interest in application No 27/2007/026 as an Oake Village Hall Trustee.

Councillor Mrs Allgrove also declared a personal interest in relation to application No 34/2007/057 as she knew one of the objectors. She left the meeting during consideration of this application.

20. 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:-

29/2007/013

Proposed gypsy caravan site for three mobile homes with touring caravans and portable shower block at Daneswell, adjacent to gypsy site, Culmhead

Conditions

- (a) C001A – time limit;
- (b) C511 - caravans - gypsy occupation;
- (c) Not more than one mobile home and one touring caravan shall be stationed on each pitch on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (d) The existing boundary hedges to the site shall be retained and not lopped, felled or removed without the prior consent of the Local Planning Authority;
- (e) C201 - landscaping;
- (f) No business activities shall be conducted at the site unless otherwise agreed in writing by the Local Planning Authority;
- (g) P006 - no fencing;
- (h) There shall be no external lighting provided on the site unless otherwise agreed in writing by the Local Planning Authority;
- (i) The access drive shall be provided prior to the occupation of any unit and shall be kept clear of obstruction and details of alignment and surfacing shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) C010A - drainage - not commenced until percolation test approved;
- (k) Details of parking and turning facilities within the site shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter shall be provided prior to the occupation of any unit on site.

Reason for granting planning permission:-

The additional pitches were considered to fulfil an outstanding gypsy need in accordance with Taunton Deane Local Plan Policy H14 - Gypsy and Traveller Sites (as amended).

34/2007/057

Erection of building to house indoor netball/tennis court, formation of three outdoor netball/tennis courts, one outdoor netball court and synthetic turf pitch for football and hockey all floodlit by 16 x 10 m high floodlight columns at Taunton Vale Sports Club, Gypsy Lane, Staplegrove

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The floodlights shall not remain on after 22:00 hrs each evening;
- (e) Prior to the installation of the proposed floodlights, details of a scheme to provide shields to all existing floodlights to prevent lights shining into adjacent residential properties, shall be submitted to, and approved in writing by, the Local Planning Authority and such scheme as approved, shall be implemented. Within four weeks of installation and following supervised testing by the Local Planning Authority, any further modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties. Such shields shall be maintained thereafter;
- (f) The proposed new floodlights shall be installed in accordance with the approved details. Within four weeks of installation and following supervised testing by the Local Planning Authority, any modifications required by the Local Planning Authority shall be carried out to ensure light is not shining into adjacent properties.

Reason for granting planning permission:-

The proposal was supported by the provisions of Planning Policy Guidance Note No 17 (Sports and Recreation) and was not considered to adversely affect the amenities of the area and, on balance, would not be contrary to Taunton Deane Local Plan Policies EN13 (Green Wedge) or EN34 (Control of External Lighting).

49/2007/074

Change of use from office to restaurant and takeaway at 3 Silver Street, Wiveliscombe

Conditions

- (a) C001A - time limit;
- (b) 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. The external ducting shall be so designed that the flue discharges not less than one metre above the roof eaves level;
- (c) Noise from any air extraction system shall not exceed background noise levels by more than 3dB(A) for a 2 minute Leq, at any time when measured at the façade of residential or other noise-sensitive premises;
- (d) The property shall not be open for business other than between the hours of 11:00 and 22:00 hrs;

- (e) 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 and all work identified to be undertaken, shall be implemented before the business is open for operation;
- (f) Any building work shall be carried out between the hours of 08:00 and 18:00 hrs on Mondays to Fridays and 08:00 and 12:00 hrs on Saturdays.
(Notes to applicant:- (1) Applicant was advised that any other external alterations or advertisements may require the benefit of planning permission and advertisement consent and you are therefore requested to contact Planning Services to seek advice on these issues; (2) During the planning, design and operation of this establishment, applicant will need to have regard to the requirements of the various Food Safety and Food Hygiene Regulations. Failure to comply with the regulations is a criminal offence. It is strongly recommended that the applicant contacts the Food Safety Team of the Environmental Health Department once plans showing the proposed layout and workflow are available. This is to discuss any details, which may need amending to ensure the premises will comply with current legislation. "Safer Food, Better Business" packs are available from the Food Standards Agency. Applicant was also strongly urged to obtain a copy of the relevant Industry Guide which provides detailed guidance on compliance with these regulations. If this is a new food business, the premises must be registered with the Environmental Health Department at least 28 days prior to opening. Failure to register is a criminal offence; (3) With regard to condition (b), applicant was advised that the provision for carbon filters should be built into the system so that if odours are a problem in the future, carbon filters can be easily installed.)

Reason for granting planning permission:-

The proposal would contribute to the vitality and viability of Wiveliscombe Central Area, would not adversely affect the character and appearance of the Conservation Area, nor the setting of listed buildings and would not unduly affect visual amenity, residential amenity or road safety. Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN16 (Listed Buildings) and WV4 (Shopping and Services).

49/2007/077

Construction of agricultural access (retrospective), Candletrees, Jews Farm, Maundown, Wiveliscombe

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

- (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 conditions as stated:-

27/2007/026

Outline application for residential development of 22 affordable homes and associated parking, together with replacement storage building and relocation of stables at land to south and east of Barton House, Oake

Reasons

- (a) The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that the proposed single tenure, or discounted purchase, does not meet a range of needs for affordable housing and, in particular, from those households in need of social rented accommodation. The proposal is not based on an assessment of local affordable housing needs which is then related to in terms of scale, tenures, types and sizes. Furthermore, insufficient information has been provided to demonstrate that there is a proven local affordable housing need in this instance and the number of houses proposed is considered to be excessive and disproportionate to the village. As such, the proposal would be contrary to the provisions of Taunton Deane Local Plan Policy H11;
- (b) The proposed development does not immediately adjoin the settlement of Oake. As such, the proposal would create a form of unacceptable sporadic development in the open countryside which would be seen as a linear extension of the village towards the B3227 and begin to erode the open space between Oake and Hillcommon. The site is not well-screened and the proposed development would harm the rural character and appearance of the area. The development is therefore contrary to the provisions of Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements), H11 (Rural Local Needs Housing) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

21. **Erection of six dwellings at land off Gay Close, Wellington (43/2007/003)**

Reported this application.

Resolved that subject to the receipt of amended plans which overcome the technical objections of the County Highway Authority, 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) C101 – materials;
- (c) No development shall take place until details of the foul 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;
- (d) C416 - details of size, position and materials of meter boxes;
- (e) C215 - walls and fences;
- (f) P001A - no extensions;
- (g) C201 - landscaping;
- (h) No development shall commence until the means of ensuring that the development is solely for the provision of affordable housing and providing adequate contributions towards leisure and recreation facilities has been entered into and secured in writing with the Local Planning Authority.

(Note to applicant:- Applicant was advised to discuss the requirements of the landscaping scheme with the Council's Landscape Officer.)

Reason for planning permission, if granted:-

The proposed development was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H2 (Housing with Classified Settlements), M4 (Residential Parking Provision), H9 (Affordable Housing with General Market Housing), H10 (Affordable Housing Targets) and C4 (Standards of Provision of Recreational Open Space) and material considerations did not indicate otherwise.

22. Appeal decision relating to the enforcement notice requiring the removal of the 02 mast at Shoreditch Road, Taunton

Members had previously received a copy of the Inspector's decision letter relating to the telecommunications mast erected on land at Shoreditch Road, Taunton.

The appeal lodged by 02, had been dismissed and there was a requirement for the existing mast to be removed by 27 March 2008. A costs application had also been refused.

However, it was common ground between the parties that there was an existing deemed permission for an alternative mast at the site which would be less bulky and have less impact than the current unauthorised mast.

Following the outcome of the appeal, a letter had been sent to 02 asking them to enter into negotiations for the relocation of the mast to an alternative site in the Council's ownership adjacent to the motorway, for which the Council had obtained planning permission.

Noted that 02 had refused to do so on the grounds set out in a letter, copies of which were circulated.

Reported that the only option remaining open to the Council, appeared to be the revocation of the existing deemed consent before it was implemented.

Such a revocation order, if opposed, would be subject to confirmation by the Secretary of State, following a further public inquiry. If unsuccessful, the Council would run the risk of a costs award against it. If successful, there would be an obligation to pay 02 for loss of anticipated future business profits.

With a telecommunications mast generating an income in the region of £40,000 per annum, the amount of compensation payable to 02 would be significant, especially if the company chose not to replace the mast elsewhere in the vicinity.

02 had confirmed in recent days that if revocation took place, a large part of Taunton would lose coverage.

During the discussion of this item, Members requested further investigation of any other courses of action which might be open to the Council which would result in the mast being relocated.

Resolved that:-

- (1) The current situation be noted;
- (2) The Senior Solicitor be requested to consider any other effective measures that could be taken against 02 other than revocation action; and
- (3) If no such other effective measures were available, the likely cost to the Council of taking revocation action be advised to the Chairman, the Ward Councillor (Councillor Denington) and the Development Manager for a decision as to whether the matter should be referred to Executive Councillor Coles for a decision as to whether a supplementary estimate should be sought.

23. 1.8 m High fence with trellis on top erected in the rear garden of 4 Poplar Road, Taunton

Reported that this fence had been brought to the Council's attention in September 2007. A site visit had been made and it was found that the fence, including the trellis, measured 2.1m and therefore required planning permission for it to remain. The owner had been requested to submit an application, but had declined to do so.

In the view of the Development Manager, if an application was to be submitted, it was likely to be approved.

Resolved that no further action be taken.

(The meeting ended at 7.58pm.)