

## Planning Committee – 3 September 2008

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Mrs Copley, Mrs Court-Stenning,  
Denington, Mrs Floyd, C Hill, House, Miss James, McMahon, Watson,  
and D Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer  
(Development Control Area Manager - West), Mr B Kitching (Area  
Planning Manager), Mr G Clifford (Area Planning Manager - South),  
Miss C Nute (Planning Officer – South and West), Miss M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic  
Services Officer)

Also present:- Councillors Coles and Morrell

(The meeting commenced at 5.00 pm)

### 101. Apologies/Substitution

Apologies: Councillors Critchard, Mrs Smith, Ms Webber, Miss Wood and  
Woolley.

Substitution: Councillor Mrs Court-Stenning for Councillor Ms Webber.

### 102. Minutes

The Minutes of the meeting held on 13 August 2008 were taken as read and  
were signed.

### 103. 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:-

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:-

#### **06/2008/058**

#### **Erection of detached dwelling with garage, 26 Church Street, Bishops Lydeard**

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C201 – landscaping;
- (d) Details of the arrangements to be made for the disposal of foul and  
surface water drainage from the proposed development, shall be

submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;

- (e) C215 – walls and fences;
  - (f) P001A – no extensions;
  - (g) P003 – no ancillary buildings;
  - (h) P006 – no fencing;
  - (i) The area allocated for parking/turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
  - (j) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the area of land shown coloured green on the attached plan. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
  - (k) 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 limited to the parking of domestic vehicles only and shall not be used for further ancillary residential accommodation or other purpose whatsoever;
- (Note to applicant:- Applicant was advised of the following Wessex Water requirements:- (1) The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. It should be noted that a number of non-return valves have been fitted in the vicinity of the site, suggesting previous operational problems with Wessex Water assets; (2) The developer has not disclosed how they propose to dispose of surface water flows. As there are no existing public/separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from site (for example soakaways). Surface water should not be discharged to the foul sewer; (3) With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage; (4) Applicant was recommended to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (5) The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus).

**Reason for granting planning permission:-**

The proposed development would not adversely affect visual and residential amenity, nor road safety, nor the character and appearance of the designated Conservation Area, nor the setting of the adjacent listed building.

Accordingly, the proposal did not conflict with Taunton Deane Local Plan

Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), Somerset and Exmoor National Park Joint Structure Plan Review policy 9 and PPG15.

**27/2008/026**

**Siting of one mobile home for gypsy family and transit pitch for touring caravan at Altona Park, Hillfarrance**

- (a) C511 – caravans – gypsy occupation;
- (b) No business activities shall be conducted at the site unless otherwise agreed by the Local Planning Authority;
- (c) C010A – drainage;
- (d) P006 – no fencing;
- (e) 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), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority;
- (f) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time (including those allowed by planning permission 27/2006/019), in accordance with details to be submitted to the Local Planning Authority;
- (g) There shall be no open storage of any material used in connection with business activities;
- (h) (i) Within three months of the date of this permission a scheme of planting of trees and shrubs, 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 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;
- (i) The existing hedges on the boundaries of the site shall be retained except at the point of, access, to the satisfaction of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata was required.)

**Reason for granting planning permission:-**

It was considered that the proposal would cause a modest rise in daily vehicle movements and have limited impact on the local roads and visual amenity of the rural area and furthermore the proposal was in line with Central Government advice contained in ODPM Circular 01/06.

**38/2008/237**

**Conversion and extension of former shop and accommodation to form two flats, demolition of outbuildings and erection of attached dwelling at 44-46 Staplegrave Road, Taunton**

- (a) C001A – 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 roof of the dwelling hereby permitted, including sample slate and ridge tiles have been submitted to, and approved in writing by, the Local Planning Authority and a sample panel of brickwork 1m x 1m minimum has been erected on site to show the size, colour and type of brick, along with its bonding pattern, type of mortar and recessed pointing. The panel shall be agreed in writing and shall be retained on site until the completion of the works.  
Development shall be carried out in accordance with the approved details;
  - (c) All windows, doors, fascias and soffits hereby approved shall be of timber and shall thereafter remain as such, unless otherwise agreed in writing with the Local Planning Authority. The windows shall be traditional side hung balanced casements (with equal sized panes of glass) and shall be located within the wall thickness so as to provide a minimum external reveal of 100mm;
  - (d) The rooflights hereby approved shall be flush fitting Conservation Style and shall thereafter remain as such, unless otherwise agreed in writing;
  - (e) The development hereby approved shall not be occupied until bicycle storage has been provided in accordance with the plans submitted, which shall thereafter remain available and not be used for any purpose, other than for the storage of cycles in connection with the development hereby permitted;
  - (f) The area allocated for the storage of bins, as shown on the amended floor plan shall be made available for this purpose prior to occupation of the flats, and shall thereafter remain available and not be used for any purpose, other than for the storage of bins in connection with the development hereby permitted;
  - (g) P001A – no extensions;
  - (h) P010 – no further windows;
  - (i) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed;
  - (j) The internal ground floor level(s) of the building(s) shall be constructed no lower than 15.68m above Ordnance Datum for the existing building and 15.76m above Ordnance Datum for the new building;
  - (k) No development approved by this permission shall be commenced until a scheme for flood resilience, (to a level of 16.1m above Ordnance Datum), to be incorporated into the development has been submitted to, and approved in writing by, the Local Planning Authority;
- (Notes to applicant:- (1) Applicant was advised that it will be necessary, if required, to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows and surface water flows; (2) It was

noted that the applicant has not disclosed how they propose to dispose of surface water flow. As there are no existing public/separate surface water sewers in the vicinity of the site, applicant was advised to investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer; (3) Applicant was advised that although not shown on the public sewer record drawing, there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus; (4) Applicant was advised that according to Wessex Water records, there is a public water main near the site. Wessex Water normally requires a 3m easement width on either side of the apparatus for maintenance and repair and therefore diversion or protection works may need to be agreed. Any such works should be agreed in writing with Wessex Water, prior to the commencement of development on site; (5) Applicant was advised that the developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect it's apparatus; (6) Applicant was advised that the alteration of the footway will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager; (7) Applicant was advised there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.)

**Reason for granting planning permission:-**

The proposed flats and new dwelling were considered appropriate in this location and the level of car parking provided was acceptable due to its close proximity to the town centre facilities. Cycle storage would be provided to encourage sustainable transport methods. The proposed extensions and new dwelling would not result in detriment to the amenities of the occupiers of neighbouring properties or the character and appearance of the Conservation Area. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

**38/2008/292**

**Erection of 4 storey arts and design building, 3 storey temporary accommodation building, single storey store, electrical substation, reconfigured service yard, landscaping and demolition of buildings at Somerset College of Arts and Technology, Wellington Road, Taunton**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) A programme for the installation of art within the design of the building and external on the campus shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction commencing, unless otherwise agreed by the Local Planning Authority and the programme shall be carried out as agreed;
- (f) The existing Travel Plan shall be updated and agreed in writing by the Local Planning Authority and shall be implemented prior to the new development coming into use;
- (g) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse and/or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (h) No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following: 1) Site Security; 2) Fuel oil storage, bunding, delivery and use; 3) How both minor and major spillages will be dealt with; 4) Containment of silt/soil contaminated run off; 5) Disposal of silt/contaminated water pumped from excavations; 6) Site induction for workforce highlighting pollution prevention and awareness;
- (i) No development shall commence until a scheme for the provision and implementation of surface water limitation through Sustainable Drainage Systems has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the agreed details and programme;
- (j) The temporary office accommodation shall be removed following occupation of the new building and the car parking spaces reinstated;
- (k) No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority;
- (l) If the period of time between Wessex Ecological Consultancy's Survey dated May 2008, and the commencement of the development extends more than one year beyond the date of the report, then a further survey must be commissioned and submitted to, and agreed in writing by, the Local Planning Authority to ascertain any changes in the use of the site by protected species;

- (m) Details of covered cycle parking provision on site shall be submitted to, and agreed in writing by, the Local Planning Authority and provided prior to occupation of the building;
- (n) C671 – making good building after demolition of adjoining structure;
- (o) Before demolition of the existing Art and Design building takes place a measured survey and photographic record of the building shall be provided and agreed in writing by the Local Planning Authority;
- (p) Details of the means of protection during construction of existing trees to be retained on site shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so provided.

(Notes to applicant:- (1) Applicant was advised that nesting birds may be present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. The protection afforded to species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised to contact Wessex Water to discuss the protection of Wessex Water infrastructure crossing the site and the discharge rate of surface water flows; (3) Applicant was advised that exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities; (4) Applicant was advised that all waste disposed of off-site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulation 2007. If any waste is brought onto site then the appropriate exemption must be applied for; (5) Applicant was advised that it is recommended that the use of Sustainable Drainage Systems (SuDs) for surface water drainage on this site should be investigated in order to reduce the rate of run-off and to reduce pollution. These methods consist of controlling the sources of surface water, and include a) Infiltration techniques; b) Detention/attenuation; c) Porous paving/surface; d) Wetlands.)

**Reason for granting planning permission:-**

The proposal was not considered to harm the residential amenity or character of the area and not to create additional flood risk and was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Non-Residential Car Parking Outside Taunton and Wellington), C12 (Renewable Energy) and EN28 (Development and Flood Risk) and material considerations did not indicate otherwise.

**38/2008/326**

**Erection of two storey extension to rear in place of conservatory and extension to front of garage at Fairhaven, The Avenue, Taunton**

- (a) C001A – time limit;
- (b) Before the commencement of any works hereby permitted, samples of the bricks and tiles to be used on the external surfaces of the buildings shall be submitted to, and be approved in writing by, the Local Planning

Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) P011 – no further windows on south elevation;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation.

(Note to applicant:- Applicant was advised to be aware that the proposed extension falls within a flood zone and therefore floor levels within the proposed development should be set no lower than existing levels and appropriate flood proofing should be incorporated.)

**Reason for granting planning permission:-**

The proposed extensions had been designed to be in keeping with the existing style of the property and would not compromise its character. The character and appearance of the surrounding Conservation Area would be preserved and there would be no adverse impact upon the amenities of the neighbouring properties nor highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

**104. Erection of construction and motor vehicle workshop, a replacement sports hall, and new infant nursery building at Somerset College of Arts and Technology, Wellington Road, Taunton (38/2008/280)**

Reported this application.

**Resolved** that subject to the receipt of no further representations raising new issues by 5 September 2008, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) The existing Travel Plan shall be updated and agreed in writing by the Local Planning Authority and shall be implemented prior to the new development coming into use;
- (e) Details of the trees to be retained on the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement;
- (f) C238 – tree protection in relation to construction;
- (g) No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority;
- (h) If the period of time between Wessex Ecological Consultancy's Survey dated May 2008 and the commencement of the development extends beyond the date of the report, then a further survey must be commissioned

- and submitted to, and agreed in writing by, the Local Planning Authority to ascertain any changes in use of the site by protected species;
- (i) Prior to commencement of the development a Community Use Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the sports hall;
  - (j) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 minute Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Monday to Friday, 0800 to 1800 hours and Saturday 0800 to 1300 hours. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time, 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;
  - (k) Details of surface water disposal for the site, including sustainable drainage systems, shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of the development. The scheme agreed shall be carried out in accordance with the approved programme and details;
  - (l) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
  - (m) Details of the solar panel provision on the site if they differ from the submitted plans shall be submitted to and approved in writing by the Local Planning Authority and the solar panels shall be provided prior to the commencement of use of the buildings;
  - (n) Finished floor levels shall be raised 600mm above 1 in 100 year flood levels plus climate change, ie 17.56m Above Ordnance Datum, and there shall be no variation thereto without agreement in writing from the Local Planning Authority;

(o) Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles shall be passed through an oil interceptor designed and constructed to have a capacity and detail compatible with the site being drained. Roof water shall not pass through the interceptor;

(p) Details of any new storage shed and boundary fencing adjacent to the southern boundary shall be submitted to and approved in writing by the Local Planning Authority prior to their erection.

(Notes to applicant:- (1) Applicant was advised that nesting birds may be present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. The protection afforded to species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001; (3) Applicant was advised that nothing other than uncontaminated excavated natural materials shall be deposited on the site; (4) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system; (5) Applicant was advised that there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (6) Applicant was advised that all waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site then the appropriate exemption must be applied for; (7) Applicant was advised to contact Wessex Water to discuss the protection of Wessex Waterinfrastructure crossing the site and the discharge rate of surface water flows.)

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

The proposed development was not considered to have any significant detrimental affects on the amenity of neighbours, flood risk, highway safety or the openness of the green wedge and was considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Non-Residential Car Parking Outside Taunton and Wellington), C3 (Protection of Recreational Open Space), C12 (Renewable Energy), EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows), EN13 (Green Wedges) and EN28 (Development and Flood Risk) and material considerations did not indicate otherwise.

**105. Stationing of mobile home outside the curtilage of barn, Frog Lane Barn, Frog Lane, Stoke St Gregory**

Reported that earlier in the year, an application for planning permission to site a mobile home outside the curtilage of Frog Lane Barn, Frog Lane, Stoke St Gregory had been received.

Although the application had been refused under delegated powers on 7 April 2008, the mobile home continued to be stationed on the site.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised mobile home outside the curtilage of the barn at Frog Lane Barn, Frog Lane, Stoke St Gregory; 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.

(The meeting ended at 7.20 p.m.)