

## Planning Committee – 2 July 2008

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

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer  
(Development Control Area Manager – West), Mr A Pick (Principal  
Planning Officer – West), Ms K Marlow (Principal Planning Officer –  
East), Mrs J Jackson (Legal Services Manager), Ms M Casey  
(Planning and Litigation Solicitor) and Mr R Bryant (Democratic  
Services Manager)

Also present:-Councillor Beaven in relation to application No 06/2008/046, Councillor  
Stone in relation to application No 24/2008/021, Councillor Hayward  
and Councillor Mrs Court-Stenning in relation to application No  
25/2006/020, Councillor Murphy in relation to application No  
38/2008/151 and Councillors Coles and Morrell

(The meeting commenced at 5.00 pm)

### 78. Apologies/Substitution

Apologies: Councillors Bowrah and A Wedderkopp.  
Substitution: Councillor Stuart-Thorn for Councillor Bowrah.

### 79. Minutes

The Minutes of the meeting held on 11 June 2008 were taken as read and  
were signed.

### 80. Declarations of Interest

Councillor Hayward declared a personal interest in application No  
25/2006/020 as his property overlooked the site; Councillor Stone declared an  
interest in application No 38/2008/223 as an employee of Somerset County  
Council; Councillor Stuart-Thorn declared a personal interest in Minute No 85  
and left the meeting during consideration of this item; and Councillor Watson  
declared a personal interest in Minute No 86 and also left the meeting during  
consideration of this item.

### 81. 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:-

**06/2008/046**

**Use of land to site 3 no mobile homes and provision of septic tank for one gypsy family at Sunny Dene, Dene Road, Cotford st Luke, Bishops Lydeard (revised siting)**

**Conditions**

- (a) Not more than three mobile homes shall be stationed on the site at any one time;
- (b) No touring caravans shall be stationed on the site without the written permission of the Local Planning Authority;
- (c) The three mobile homes hereby granted shall be occupied solely by Mr Henry Small, the applicant's spouse or dependant relative thereof, together with their children living as one extended gypsy family;
- (d) The siting and dimensions of the mobile homes shall be in accordance with the submitted block plan and no change of unit or siting shall be permitted unless agreed in writing by the Local Planning Authority. The existing mobile homes shall be relocated as per the approved details within one month of the date of this permission and shall thereafter be maintained as such;
- (e) No business activities, including storage of equipment, materials or machinery, shall be conducted at the site other than access and egress necessitated by the adjacent stables unless otherwise agreed in writing by the Local Planning Authority;
- (f) 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 in writing by, the Local Planning Authority;
- (g) No building, structure or tent shall be erected on the land other than in accordance with details submitted to, and approved in writing by, the Local Planning Authority;
- (h) There shall be no external lighting on the site unless otherwise agreed in writing by the Local Planning Authority;
- (i) C203 – landscaping;
- (j) The hedgerow on the north boundary of the site, adjacent to the public highway, shall be retained, supplemented and maintained in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority within one month of the date of this permission. The submitted details shall take into account the requirements of the highway visibility splay;
- (k) Within one month of the date of this permission, details of the foul water drainage system and surface water drainage works shall be submitted to, and approved in writing by, the Local Planning

Authority. The development shall be carried out in accordance with the approved details;

- (l) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2m back from the carriageway edge on the centreline of the access and extending to the extremities of the site frontage. Such visibility splays shall be fully provided within one month of the date of this permission and shall thereafter be maintained;
- (m) The first 6m of the access, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) within three months of the date of this permission in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (n) A recessed entrance 4m wide shall be constructed 4.5m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge. The area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel). The works shall be carried out within one month of the date of this permission;
- (o) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (p) 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 be submitted to, and approved in writing by, the Local Planning Authority within one month of the date of this permission;
- (q) Parking of vehicles within the site shall be restricted to the area of hard standing as identified on the submitted block plan unless any variation to is agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

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

**23/2008/017**

**Erection of bungalow on land adjacent to Queensmead, Silver Street, Milverton**

**Conditions**

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C215 – walls and fences;
- (d) The existing Hawthorn tree shall be retained, and protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (e.g. BS 5837: 1991), for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that the tree becomes damaged or otherwise defective during such period, the

Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that the tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with a tree of such size, species and in such position as may be agreed with the Local Planning Authority;

- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garages to be retained shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation or other use whatsoever;
- (f) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (g) C245 – details of surface water disposal;
- (h) P001A – no extensions;
- (i) P003 – no ancillary buildings;
- (j) P006 – no fencing;
- (k) P010 – no further windows.

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure; (2) Applicant was advised that care should be taken using the narrow access for building materials and equipment during construction; (3) Applicant was advised to ensure that no existing rights of way are blocked as part of this development; (4) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).)

**Reason for granting planning permission:-**

The proposal for residential development, was located within defined settlement limits where new housing was encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or the Conservation Area in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4, 9 and 49 and Taunton Deane Local Plan Policies S1, S2, EN14 and M4.

**38/2007/554**

**Conversion and erection of two storey extension to provide 4 flats at 38 Priory Avenue, Taunton (revised scheme of 38/2007/223)**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;

- (d) C215 – walls and fences;
  - (e) Bin storage shall be provided on site as indicated on the submitted drawing prior to occupation of the units and shall thereafter be so retained;
  - (f) Cycle storage shall be provided on site as indicated on the submitted drawings prior to occupation of the units and shall thereafter be so retained;
  - (g) The internal ground floor levels of the residential buildings shall be constructed no lower than 14.75m above Ordnance Datum;
  - (h) C324 – parking.
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage; (3) Applicant was advised that, in view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation; (4) Applicant was advised that there may be a public sewer crossing the site that would be subject to an easement; (5) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure. It should be noted that attenuation of flows may be required.)

**Reason for granting planning permission:-**

The proposal was not considered to harm the visual or residential amenity of the area and accorded with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

**43/2008/059**

**Reduction in height of existing fence by 300mm, 32 Seymour Street, Wellington**

**Conditions**

- (a) The fence shall be reduced in height by 300mm within two months of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority;
- (b) The fence shall be stained/painted within two months of the date of this permission, in accordance with a colour sample which shall first be submitted to, and approved in writing by, the Local Planning Authority, and no other material shall be used without the written consent of the Local Planning Authority;
- (c) A landscaping scheme, which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or be otherwise extended with the agreement in writing of the Local

Planning Authority. Such scheme shall be submitted within two months of the date of this permission.

**Reason for granting planning permission:-**

The proposed development would not adversely affect visual amenity, nor road safety, and therefore would not conflict with Taunton Deane Local Plan Policies S1 and S2.

- (2) That **planning permission be refused** for the under-mentioned developments, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

**24/2008/021**

**Demolition of public house and erection of a terrace comprising 6 no two bedroom houses and 2 no one bedroom flats with 13 parking spaces at the White Hart Inn, Knapp Lane, North Curry**

**Reason**

The application fails to make on-site provision for Affordable Housing appropriate to the identified needs of the Parish. No reasoned justification has been advanced as to why, in the case of this site, those provisions should be relaxed or varied. The proposal was therefore contrary to Policy H9 of the Adopted Taunton Local Plan.

**38/2008/151**

**Erection of building comprising 10 flats at Cambria House, Plais Street, Taunton**

**Reason**

The proposed development, due to its height, size and proximity to the boundary, would be an over-development and overbearing on neighbouring properties in Compton Close and upon Plais Street, contrary to Taunton Deane Local Plan Policies S1(D) and S2(A).  
(Note to applicant:- Applicant was advised that wildlife issues in terms of a survey is still an outstanding issue that is a material consideration.)

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

The Committee was of the view that the application would be an over-development of the site and would be over-bearing on the properties in Compton Close and Plais Street, Taunton.

- (3) That **no objection be raised** to application No **38/2008/223** for the construction of the Northern Inner Distributor Road (NIDR) linking Staplegrove Road to Priory Avenue including a new bridge at Chip Lane for pedestrians and cycles, new road bridge at Station Road and a road bridge across the River Tone at Priory Park, Taunton subject to:-

- (a) The matters of concern raised by the Committee should be considered by the applicant, namely that the Station Road bridge abutments should be set back for possible future road widening, to allow for proper segregation of cyclists, pedestrians and vehicles, and that there should be a reconsideration of the use of traffic lights rather than roundabouts;
- (b) That matters of concern raised by the Planning Policy Officer should be reconsidered, and further discussions take place as a matter of urgency to resolve these issues, with a further update to this Committee in due course if appropriate. The applicant to have regard to the other comments raised by consultees;
- (c) That full details of the following be submitted to, and agreed in writing by, Taunton Deane Borough Council prior to commencement of any part of the scheme:-
  - (i) Further tree planting in areas identified by the Landscape Officer;
  - (ii) Full details of the proposed lighting of the pedestrian/cycle bridges and their approach;
  - (iii) Full details of the noise mitigation barriers;
  - (iv) Further consideration be given to the design of the approaches to and the structures of the two pedestrian/cycle bridges; and
  - (v) Further surveys be carried out to ascertain whether badgers have moved back onto the site;
- (d) Conditions that landscaping as shown shall be carried out within the first planting season following completion; that the mitigation identified in the various accompanying reports/studies would be incorporated into the contracts; that the archaeological remains to be subject to proper recording as required by the County Archaeologist.

**82. Conversion of garage to utility/study and erection of double garage and store adjacent to 68 Thames Drive, Taunton (38/2008/103)**

Reported this application.

**Resolved** that subject to the comments of Western Power Distribution, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001A – time limit;
  - (b) C102 – materials;
  - (c) C201 – landscaping;
  - (d) C326 – garage – domestic use only;
  - (e) Unobstructed access to the substation shall be maintained at all times.
- (Note to applicant:- Applicant was advised that Western Power Distribution has a substation adjacent to the proposed garage with high and low voltage cables which would appear to be close to foundations. Care must be taken when excavating and excavation in the vicinity should be hand dug.)

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

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 (General Requirements) and S2 (Design).

**83. Development comprising employment, residential (389 dwellings) and village centre (incorporating health care facilities, two village shops, retail unit and public house), part construction of Norton Fitzwarren Relief Road and provision of infrastructure and services, former Cider Factory, Norton Fitzwarren**

Reported that planning permission for the above development had been granted in August 2007, subject to a number of conditions that included the following:- "Built development above existing ground levels within the flood plain as at November 2004 shall not be commenced until such time as the on-site flood risk management infrastructure has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority".

These works included the provision of a flood mitigation channel through the site and the first stage of the works had now been carried out. However, due to the location of key service infrastructure upstream of the railway bridge and delays in the removal of several trees along the line of the channel due to nesting birds, the construction of the remaining part of the new channel was unlikely to be completed until November 2008.

The development was currently under construction and some properties would be ready for occupation by July 2008. The developer had commissioned a report to assess flood risk to both existing properties and the newly constructed properties based upon the partial implementation of the flood mitigation measures. The report demonstrated that there was no increase in flood risk to existing properties, compared with the base line situation, and newly constructed properties would be protected to a standard above the 1 in 100 year (1%) design flood event.

**Resolved that:-**

- 1) The developers be permitted to allow occupation of a maximum of 50 dwelling units in the Mill House area of the site in advance of the completion of the on-site infrastructure works required by the previously imposed planning condition; and
- 2) The developers be informed that the outstanding works should be carried out at the earliest opportunity to secure completion by November 2008.

**84. Alteration, refurbishment and extension to former farm buildings, Trefusis Lodge, Tone Green, Bradford-on-Tone**

Reported that it had come to the Council's attention that conversion works had been carried out at Trefusis Lodge, Tone Green, Bradford-on-Tone without planning permission.

The owner of the building had been requested to submit a planning application in an attempt to regularise the situation, but there had been no response.

**Resolved that:-**

- 1) Enforcement action be taken in respect of the unauthorised works undertaken at Trefusis Lodge, Tone Green, Bradford-on-Tone, 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.

**85. Provision of replacement windows at the former Creech Paper Mill, Creech St Michael**

Reported that it had come to the Council's attention that the provision of replacement windows at the former Creech Paper Mill, Creech St Michael had taken place. Although an application for planning permission had been submitted for the replacement windows, they were considered to be inappropriate on this historic building and, consequently, permission had been refused.

The Development Control Manager has therefore recommended that enforcement action should be taken to replace the 16 pane pattern windows with windows made up of 30 panes.

During the discussion of this item Members took the view that the windows that had been installed were acceptable.

**Resolved that:-**

- 1) Enforcement action be not taken in respect of the unauthorised replacement windows that had been installed at the former Creech Paper Mill, Creech St Michael; and
- 2) The applicants be encouraged to submit a further planning application to regularise the situation.

**86. Depositing of waste and building materials on agricultural field, land adjacent to Fosgrove Cottage, Pitminster**

Reported that it had come to the Council's attention that an agricultural field on land adjacent to Fosgrove Cottage, Pitminster was being used for the depositing of waste and building materials.

The owner of the site had been contacted about the unauthorised change of use of the site but, to date, no application to regularise the situation had been submitted and the use had continued.

**Resolved** that:

- 1) Enforcement action be taken to stop the unauthorised change of use of land adjacent to Fosgrove Cottage, Pitminster; 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.

**87. Erection of flags together with poles and brackets and fascia board at 49 Bridge Street, Taunton**

Reported that three flags, together with poles and brackets, had been displayed at 49 Bridge Street, Taunton without the appropriate consent. A fascia board had also been erected at the property without listed building consent being obtained.

Although the flags had now been removed, the fittings were still in place.

**Resolved** that:-

- 1) Listed building enforcement action be taken seeking the removal of the wall brackets and the fascia board at 49 Bridge Street, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

**88. Extension of garden curtilage into agricultural field at 20 Dyers Close, West Buckland**

Reported that it had come to the Council's attention that a polytunnel had been erected on agricultural land outside the domestic curtilage of 20 Dyers Close, West Buckland without planning permission being obtained.

The owner had supplied photographic evidence confirming that the polytunnel had been on the site for more than ten years and was therefore immune from any further action.

**Resolved** that no further action be taken.

(The meeting ended at 9.20 p.m.)