

## **Planning Committee – 15 December 2004**

Present: Councillor Miss Peppard (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Beaven, Bowrah, Croad, Denington, Floyd, Guerrier, Hindley,  
House, Phillips, Mrs Smith, Vail and Wedderkopp

Officers: Nr N T Noall (Head of Development), Mr T Burton (Development Control  
Manager), Mr J Hamer (Area Planning Officer (West)), Mrs J M Jackson  
(Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillors Denington and Bowrah arrived at the meeting at 5.14 pm and 5.30 pm  
respectively)

### 152. Apologies

Councillors Miss Cavill, Henley, Stuart-Thorn and Weston.

### 153. Minutes

The minutes of the meeting held on the 24 November 2004 were taken as read and  
were signed.

### 154. 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:-

#### **19/2004/015**

Change of use of land from parking bays to pallet storage area, Hatch Mews  
Business Park, Hatch Beauchamp.

#### Conditions

- (a) The height of the pallets shall not exceed 2m above the adjoining  
ground level at any time.
- (b) A drawing identifying an area for pallet storage together with an  
identified fire safety zone around, shall be submitted to, and approved  
in writing by, the Local Planning Authority within one month of the  
date of this permission. The areas must be clearly marked out within  
one month of the approval of these details. No pallets shall be stored  
at any time outside of the areas identified on the submitted drawing

without the prior written permission of the Local Planning Authority. There shall be no storage of any kind or parking of vehicles within the identified safety zone at any time.

(Note to applicant:- Applicant was advised that the existing Fire Risk Assessment should be reviewed to ensure that a robust mechanism for the control of combustible materials is in place. The risk assessment should also consider the risk of arson and specify appropriate control measures to combat this risk. A leaflet on the commercial disposal of waste, which contains appropriate information, is enclosed).

Reason for granting planning permission:-

In the absence of other suitable locations within the site, it was considered that the visual impact and the potential noise and disturbance would be acceptable (subject to suitable conditions) when weighed against the needs of the business. The proposal therefore accorded with Taunton Deane Local Plan Policies S1 and EC1 and guidance on such matters in paragraph 13 of Planning Policy Guidance Note No 4.

**23/2004/030**

Formation of new access to Butts Way and upgrading and extension of existing vehicular access track into premises from Butts Way, The Organic Herb Trading Company Limited, Court Farm, High Street, Milverton.

Conditions

- (a) C001 – time limit;
- (b) C201A – landscaping;
- (c) No development shall take place until Butts Way has been widened to 6.75m for a length of 50m in the vicinity of the proposed access as shown on drawing No 041041-R03B;
- (d) A passing place shall be provided on Butts way in a position shown on drawing No 041041-R03B; the passing place to be provided prior to the development taking place;
- (e) There shall be no obstructions to visibility in excess of 300 mm above adjoining carriageway level within the splays of 4.5m x 16m in each direction from the centre line of the access. Such visibility splays to be provided prior to the access coming into use. The access for the first 20m shall be no steeper than 1 in 10 and the first 5m of the access to be a maximum gradient of 1 in 20;
- (f) The first 20m of the access drive from the edge of the carriageway shall be hard surfaced (not loose stone or gravel) prior to its use commencing;
- (g) Positive drainage shall be provided at the junction of the access road and Butts Way to prevent surface water discharging onto the highway;
- (h) All work in cutting back overhanging vegetation, managing adjacent hedges and removing the roadside section of hedge shall only be carried out in the period October to November inclusive to avoid damage and disturbance to badgers (not December to June) and nesting birds (not April to September). Such work could also be carried out

- during the period December to March inclusive if there are no occupied badger setts within 20m of the proposed work, that is work on removing the roadside hedge could be carried out at this time;
- (i) Work on upgrading, extending and altering the track shall be carried out during the period July to November inclusive but only once a method of working has been agreed with English Nature and a licence has been granted with relation to measures regarding the badger setts.
  - (j) The existing access onto Butts Way shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced.

(Notes to applicant:- (1) Applicant was advised that the requirements of conditions (c) and (d) will need to be the subject of a Section 278 Agreement with the County Highways Authority; (2) With regard to condition (b), applicant was advised that a suggested planting mix for the required hedge would be 40% Hawthorn (*Crataegus Monogyna*), 40% Blackthorn (*Prunus Spinosa*), 10% Hazel (*Corylus Avellana*) and 10% Field Maple (*Campestre*), Common Dogwood (*Cornus Sanguinea*), Guelder Rose (*Viburnum Opulus*) and Spindle (*Euonymus Europaeus*). These trees/shrubs should be obtained from local stock if possible. Alternatively consideration could be given to attempting to transplanting the existing hedgerow; (3) Applicant was advised that if slow worms or other species of reptile or amphibian are found during the work they should be carefully moved to a suitable safe location in local habitats that will not be disturbed by the work. The relocation of these creatures shall be carried out by a qualified by a licensed ecologist; (4) Applicant was advised that if door mice or any other legally protected species are discovered during the construction process, work should be immediately stopped and a qualified ecologist should be called in for advice; (5) With regard to condition (h), applicant was advised that because of the presence of active badger setts where animals may be rearing young, it is generally accepted that work on the track should not be carried out during the period December to June inclusive unless other measures are taken to avoid damage and disturbance to these animals. It is also generally accepted that although “earth works or machinery associated with road construction or maintenance should not encroach within 20m of any entrance to an (active) sett”, it is reasonable that “where badgers have made setts in existing road embankments or cuttings, machinery may have to approach more closely and a license is likely to be required” (road is used here in its widest sense of any vehicular access way). (Reference: ”Badgers and Development” (English Nature)).

Reason for granting planning permission:-

The proposal was considered to provide for a safe access and not to harm the rural character of the area or wildlife and was therefore in compliance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(C) and (D).

**38/2004/480LB**

Alterations to form five flats and five maisonettes at Hunts Court, Corporation Street, Taunton.

### Conditions

- (a) C002 – time limit – listed building;
- (b) Prior to the works for which consent is hereby granted are commenced, the external surfaces of the works shall be submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, historic paint/finishes analysis shall be undertaken by a qualified/recognised expert in this field, of the existing stairs, lobbies and other common areas and submitted to The Local Planning Authority for approval, with a view to reinstatement of finishes sympathetic to the original;
- (d) Prior to the works for which consent is hereby granted are commenced, specific details of all new joinery shall be submitted to, and approved in writing by, the Local Planning Authority. Such new joinery to include doors, linings, architraves, skirtings and staircases and provide for accurate representation or original detailing to enable the accurate restoration of original joinery details and new detailing consistent with historic prototypes;
- (e) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which fire separation, sound insulation and limitation of reverberation in common areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which the main staircase can be positively adapted to comply with Health and Safety/Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority, such details to include the removal of the “extended” hand rail;
- (g) Prior to commissioning, specific details of new/adapted windows, venting of enclosed baths/en-suites and kitchen fittings shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
- (i) C670 – no removal of fire place/chimney breast;
- (j) C679 – listed building – new works – damp proofing – heating, lighting, plumbing;
- (k) C658 – partitions;
- (l) C659 – cornices, skirtings and other features;
- (m) C660 – cornices, skirtings and other features.

(Notes to applicant:- (1) N067 – listed building; (2) N075 – Section 106 Agreement).

### Reason for granting listed building consent:-

The Council was satisfied that the detailed conversion proposals preserved the character, appearance and integrity of this Grade II listed building in

accordance with Taunton Deane Local Plan Policy EN18 and guidance on such matters in Planning Policy Guidance Note No 15.

**42/2004/036**

Conversion of barn into dwelling and demolition of adjacent barn, Mill Lane, Trull.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) C201A – landscaping;
- (d) Before any part of the permitted development is commenced, details of a new hedge (and bank) around the boundaries of the lay-by (except at the point of access) shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out within the first available planting season from the date of commencement of the development;
- (e) The new windows indicated on the approved plans shall be made of timber only and no other materials and shall be recessed into the wall to match the existing traditional windows unless the written consent of the Local Planning Authority is obtained to any variation thereto, and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (f) Prior to the commencement of works on the conversion hereby permitted, the adjacent modern barn shown on the location plan No 2822A shall be demolished and all materials removed from the site to the satisfaction of the Local Planning Authority;
- (g) Prior to the commencement of the conversion works hereby permitted, full details of the passing bay shall be submitted to, and approved in writing by, the Local Planning Authority and fully constructed to the satisfaction of the Local Planning Authority. The lay-by shall thereafter remain clear of obstruction and shall be maintained in accordance with the approved details;
- (h) The area allocated for parking and turning of cars on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences, or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) The garage/workshop/store hereby permitted shall be used for private and domestic purposes only;
- (j) C601 – schedule of works to ensure safety and stability of structure;
- (k) No site works, demolition works or development works shall take place between 31 March and 1 October without the prior written approval of the Local Planning Authority;
- (l) Development shall not commence until details of a scheme for the provision of swallows nest sites and accesses within the converted building (or the provision of alternative new sites and accesses) has been submitted to, and approved in writing by, the Local Planning

Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the nest sites and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the nesting sites and related accesses has been fully developed;

- (m) Prior to the commencement of works on site, full details of the proposed foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority;
- (n) C926B – remediation investigation/certificate;
- (o) P001A – no extensions;
- (p) P003 – no ancillary buildings;
- (q) P005 – no garages;
- (r) P006 – no fencing;
- (s) P010 – no further windows.

(Notes to applicant:- (1) Applicant was advised that all operatives on site must be appropriately briefed on the potential presence of bats and nesting birds and recommendations from the Country Contracts Survey for Wildlife June 2004, should be followed with regard to checking of wall cavities for the presence of bats, before the cavities are filled in. If bats are found on site then work must stop and English Nature must be informed; (2) N048A – remediation strategy; (3) N112 – energy conservation (4) N114 – meter boxes; (5) N116 – disabled access; (6) N117 – crime prevention; (7) N025 – conversion; (8) N066 – listed building; (9) Applicant was advised that any work to the access track may affect a public footpath. If so, it must meet the standards of the County Highways Authority. Any new gates will require permission from the Somerset County Council's Rights of Way Office; (10) With regard to condition (m), applicant was advised that prior to installation contact must be made with the Environment Agency to obtain the necessary consents).

#### Reason for granting planning permission

The proposed barn conversion was considered to be in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H9, EN4 and EN4a.

#### **42/2004/037LB**

Conversion of existing disused barn into a dwelling and the demolition of adjacent farm buildings at Haygrove Barn, Mill Lane, Trull.

#### Conditions

- (a) C002 – time limit – listed building;
- (b) C103A – materials – listed building;
- (c) Prior to commissioning, specific details of windows, glazed screens, doors (external and internal), means of venting enclosed bathrooms, means of venting and insulating recovered roofs, skirtings, architraves, staircase and ridge and hip tiles shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) No horizontal ceilings shall be introduced, unless first approved in writing by the Local Planning Authority;

- (e) Notwithstanding the details submitted in the application form, specific details of the finished treatment for all timberwork (internal and external) shall first be approved in writing by the Local Planning Authority;
- (f) Rooflights shall be flush fitting only.

Reason for granting listing building consent:-

The listed building was considered worthy of retention and the approved scheme was considered to respect the character and design of the buildings. The proposal was therefore considered to be in accordance with the requirements of Taunton Deane Local Plan Policies EN17 and EN18.

- (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:-

**14/2004/036**

Erection of a 20m high monopole mast, 4 No antennae enclosed within a shroud, 2 No transmission dishes, radio equipment housing and ancillary development, Creech Mills Industrial Estate, Mill Lane, Creech St Michael.

Reason

The site lies within an area of high landscape quality where it is the policy of the Local Planning Authority to carefully control all development that might damage those features which give the area its special character. In the opinion of the Local Planning Authority, the proposal would constitute an unacceptable visual intrusion which would be detrimental to the visual amenities of the area and therefore be contrary to Taunton Deane Local Plan Policies S1, S2, S8, C13, EN13 and EN27 and Somerset and Exmoor National Parks Joint Structure Plan Review Policy S5.

- (3) That the following **application be deferred** for the reason stated:-

**38/2004/449T**

Application to fell one ash tree the subject of a Tree Preservation Order at 16 Killams Crescent, Taunton.

Reason

To clarify which tree was covered by the Tree Preservation Order.

- 155. Erection of single storey village hall, associated parking and access road and upgrading of footpath, land at Ritherdons (OS Reference ST 107227) Langford Budville (21/2004/017)

Reported this application.

RESOLVED that subject to the submission of additional, satisfactory access and visibility improvements, 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) C001 – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C207 – existing trees to be retained;
- (e) C208A – protection of trees to be retained;
- (f) C208B – protection of trees – service trenches;
- (g) C209 – protection of hedges to be retained;
- (h) C210 – no felling or lopping;
- (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;
- (j) C215 – walls and fences;
- (k) No work shall commence on the development site until the widening and realignment of Ritherdons Lane has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority, and to be fully implemented to the satisfaction of the said Authority;
- (l) The area allocated for parking 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;
- (m) The proposed access shall be provided in accordance with the approved plan;
- (n) The proposed access over the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be 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;
- (o) The gradient of the proposed access shall not be steeper than 1 in 10;
- (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 have been submitted to, and approved in writing by, the Local Planning Authority;
- (q) At the proposed access there shall be no obstruction to visibility greater than 300 mm above adjoining road level within visibility splays indicated on the approved plans. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
- (r) Prior to the commencement of development, 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. Such arrangements shall be fully provided prior to any occupation of the development;
- (s) The upgrading of the path to the village and school as indicated on the approved plan, shall be carried out prior to any occupation of the development.

(Notes to applicant:- (1) Applicant was advised to contact Wessex Water with regard to connections for water supply; (2) Applicant was advised of the need



to obtain separate written permission from the Rights of Way Officer to change the surface of the footpath and the installation of barriers; (3) Applicant was advised that this permission does not give any commitment by the Local Planning Authority to any development on the potential affordable housing site; (4) N111 – disabled access; (5) N112 – energy conservation; (6) N115 – water conservation; (7) N051B – health and safety; (8) Applicant was advised that the proposed highway works will need to be the subject of a legal agreement in the form of a Section 278 Agreement under the Highways Act 1980; (9) Applicant was advised to obtain a licence issued under Section 171 of the Highways Act 1980 before any of the highway works commence. It is the responsibility of the applicant to apply for any licences in advance, as requests to start without the licenses will be refused; (10) Applicant was advised to erect information signs within the site boundary but clearly visible from the adopted highway indicating the name and contact telephone number of a responsible person for the site. The named person and contact telephone number should be available 24 hours a day, 7 days a week, should the engineer or engineers representative need to advise the applicant and/or contractor of a serious or dangerous situation. Further advanced warning signs should be erected a minimum of 7 days in advance of any agreed temporary traffic control; (11) Applicant was advised to submit a programme of works, stating the start date and duration of the works along with a traffic management layout required prior to approval being given for commencement of works on the highway; (12) Applicant was advised that all the necessary guarding, signing and safety requirements to ensure the safe passage of vehicular and pedestrian traffic whilst executing the works should be in accordance with Section 65 of the New Roads and Street works Act 1991. The Safety at Street Works and Road Works Code of Practice should be used; (13) With reference to condition (r), applicant was advised that the existing highway drainage is at full capacity and is unable to accept any additional discharge. You are further advised that some form of on-site attenuation system is likely to be required).

Reason for planning permission, if granted:-

Any minor impact of the proposal upon highway safety was not such as to override the obvious community benefits derived in this instance. The proposal accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 37 and Taunton Deane Local Plan Policy 58.

Reason for planning permission being granted contrary to the recommendation of the Development Control Manager:-

The Committee felt the community benefits which would be derived from the proposed development outweighed the need to meet all the requirements of the County Highway Authority.

156. Change of use and conversion of building to form five flats and five maisonettes at Hunts Court, Corporation Street, Taunton (38/2004/479)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide contributions towards off-site sport and recreation facilities, the Development

Control Manger be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 - time limit;
- (b) Prior to the works for which consent is hereby granted are commenced, the external surfaces of the works shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) Prior to the works for which consent is hereby granted are commenced, specific details of the means by which the main staircase can be positively adapted to comply with Health and Safety/Building Regulations shall be submitted to, and approved in writing by, the Local Planning Authority, such details to include the removal of the "extended" handrail;
- (d) No suspended/horizontal ceilings shall be introduced without the prior written approval of the Local Planning Authority;
- (e) C670 – no removal of fireplace/chimney breast;
- (f) No development hereby approved shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicants and approved by the Local Planning Authority.

(Notes to applicant:- (1) N066 – listed building; (2) N075 – Section 106 Agreement; (3) N118A – disabled access; (4) N051B – health and safety; (5) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (6) Applicant was advised that according to Wessex Water records, a public foul sewer crosses the site. A copy of the sewer records indicating the approximate position of the apparatus is attached. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for maintenance and repair. Diversion or protection works may need to be agreed; (7) Applicant was advised to protect the integrity of Wessex Water systems and agree in writing, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.)

Reason for planning permission, if granted:-

The site represented a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan Policy H1. The Council was satisfied that the detailed conversation scheme preserved the character, appearance and integrity of this Grade II listed building in accordance with Taunton Deane Local Plan Policy EN18 and guidance on such matters in Planning Policy Guidance Note No 15.

157. Demolition of existing buildings and erection of 21 flats together with car parking and associated external works, Normandy Windows, Wilfred Road/Gloucesterc Street, Taunton (38/2004/521)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse observations from the Environment Agency or the County Highways Authority;
- (2) The receipt of satisfactory details of the cycle/bin store; and
- (3) The applicants entering into a Section 106 Agreement in relation to off-site sports/play provision, 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) C001 – time limit;
  - (b) C101 – materials;
  - (c) C110 – materials – for hard surfacing;
  - (d) C111 – materials – for drives;
  - (e) C113 – details of structure and colour of mortar;
  - (f) C201 – landscaping;
  - (g) C215 – walls and fences;
  - (h) C219 – screening during demolition;
  - (i) C324 – parking;
  - (j) C331 – provision of cycle parking;
  - (k) C414 – no increase in site level;
  - (l) C416 – details of size, position and materials of meter boxes;
  - (m) C905 – removal of all other buildings from the site.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N075 – Section 106 Agreement; (4) N118A – disabled access; (5) N104 – public art; (6) N051B – health and safety).

Reason for planning permission, if granted:-

The proposal represented a suitable redevelopment of a town centre site without undue adverse impact upon existing dwellings nearby. The proposal therefore met the requirements of Taunton Deane Local Plan Policy H1.

158. Erection of two dwellings on land to rear and of combined access, 218 Staplegrove Road, Taunton (34/2004/010)

Reported that planning permission had been granted for this development during May 2004.

Following commencement of building works, a complaint had been received that unit 1 was being built closer to number 218 Staplegrove Road than had been approved. The agent had been requested to submit plans for consideration as a minor amendment, showing the revised position.

The amended plans had now been measured and measurements had also been taken on site, which had shown relatively small variations when compared with the approved plan.

The new plan had been circulated and details of an objection received and the comments of Staplegrove Parish Council were submitted.

In the view of the Development Control Manger, given that the distances between the boundary fence and the rear of number 218 Staplegrove Road were greater than approved, any slight change in the orientation “tilt” in positioning of the new dwelling was marginal and was not considered to result in any material harm to adjacent residents.

RESOLVED that the minor amendment be approved.

159. Section 106 Agreement – Hancocks Brewery, Wiveliscombe (49/2004/013)

Noted that this item had been withdrawn from the agenda to allow further negotiations with the developers to take place.

160. Display of 2 No Flags at Tournedos, Number One, 41 Bridge Street, Taunton

Noted that this item had also been withdrawn from the agenda because the flags and brackets had been removed from the building.

(Councillors Croad and Vail both left the meeting at 9.32pm).

(The meeting ended at 9.56pm).

## **Planning Committee – 16 December 2004**

Present: Councillor Miss Peppard (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Beaven, Croad, Denington, Floyd, Guerrier, Henley, Hindley,  
House, Phillips, Mrs Smith, Vail and Wedderkopp

Officers: Mr T Burton (Development Control Manager), Mrs J Moore (Principal  
Planning Officer (East)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant  
(Review Support Manager)

(The meeting commenced at 7.30 pm).

(Councillors Henley and Denington arrived at the meeting at 7.34pm and 7.41pm  
respectively).

### 161. Welcome

The Chairman welcomed everyone to the meeting, the first time the Planning  
Committee had met at St Andrews Church Hall in Taunton.

### 162. Apologies

Councillors Bowrah, Miss Cavill, Stuart-Thorn and Weston.

### 163. Application for Planning Permission

The Committee received the report of the Development Control Manager on an  
application for planning permission.

RESOLVED 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:-

#### **24/2004/042**

Change of use of agricultural land to form permanent gypsy site, including the  
stationing of 16 mobile homes, 16 touring caravans and 16 utility day rooms, land on  
Oxen Lane, North Curry.

#### Reasons

- (a) The proposed development, by reason of its scale and appearance, will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN13.
- (b) The site is location in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H16 of the Taunton Deane Local Plan. The Local Planning Authority considers that the proposal does not comply with

criteria (A), (B), (C), (D), (E), (G), (I) and (J) and the proposal would therefore be contrary to Taunton Deane Local Plan Policy H16.

- (c) The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Windmill Hill and Greenway, and the County Highways Authority considers this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Policy 49 and Taunton Deane Local Plan Policy S1(A).
- (d) The use of the site for the provision of 16 mobile homes and 16 touring caravans, by reason of its scale, appearance and close proximity to surrounding properties would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, contrary to the requirements of Taunton Deane Local Plan Policy S1(E) and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H16(D), (E) and (G).

Having taken the decision to refuse the application, the Chairman announced that the Committee would need to retire to receive a briefing from the Senior Solicitor (Mrs J M Jackson) as to whether it was appropriate to take further enforcement action.

164. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the item of business covered by Minute No 165 below because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A of the Local Government Act 1972.

The Committee retired to a side room at 8.55pm.

Members reconvened in the main hall at 9.18pm.

165. Proposed further enforcement action in relation to the unauthorised occupation of land at Oxen Lane, North Curry.

The Senior Solicitor informed the Committee that it had three possible options to consider. These were:-

- (1) To seek an injunction to secure removal of the caravans from the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (an eviction injunction);
- (2) To seek an injunction to prevent any further occupation of the site pending determination of the enforcement notice appeal and any appeal against the refusal of planning permission (a status quo injunction); and
- (3) To take no action until the appeal against the enforcement notice and any appeal against the refusal of planning permission had been determined.

The Senior Solicitor then outlined the relevant issues that the Committee needed to take into account in reaching its decision.

RESOLVED that, subject to all necessary evidence being available, the Senior Solicitor be authorised to seek an eviction injunction (option (1) above) to secure the removal of the caravans from the site at Oxen Lane, North Curry pending the determination of any appeals lodged against the enforcement notice or the refusal of planning permission.

166. Formation of Steering Group

The Chairman announced that having taken a decision to seek an injunction, it was appropriate to set up a Steering Group to monitor and oversee that process.

RESOLVED that an Oxen Lane Steering Group be formed comprising the Leader of the Council, the Executive Councillor for Planning Policy and Transportation, the Chairman of the Planning Committee and one representative from both the Labour Group and the Liberal Democrat Group.

(The meeting ended at 9.28pm).