

## **Planning Committee – 10 December 2008**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Critchard, Denington, C Hill, House,  
Miss James, Watson and Ms Webber

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

(The meeting commenced at 5.00 pm)

### **131. Apologies**

Councillors Mrs Floyd, McMahon and D Wedderkopp.

### **132. Minutes**

The Minutes of the meeting held on 19 November 2008 were taken as read and were signed.

### **133. Demolition of farm buildings and the erection of a residential development of 8 dwellings (5 market housing and 3 affordable housing), Newberry Farm, Taunton Road, Churchinford (10/08/0030)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure affordable housing and leisure and recreation contributions the Development Manager in consultation with the Chairman be authorised to determine the application and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, appearance, and landscaping of the site (reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby

- permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development, excluding site works, shall begin until a panel of the proposed stone has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
  - (e) (i) Before any part of the permitted development is commenced 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; (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;
  - (f) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied or, in accordance with a timetable agreed in writing with the Local Planning Authority, and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
  - (g) The windows and doors hereby permitted shall be timber and thereafter maintained as such in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
  - (h) The windows hereby permitted shall be recessed in the wall a minimum of 80mm unless otherwise agreed in writing by the Local Planning Authority;
  - (i) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
  - (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
  - (k) No structure or erection exceeding 0.9m in height shall be placed within the visibility splay identified on the layout drawing and the visibility splay of 2.4m x 43m to the north and 2.4m x 30m to the south shall be provided prior to occupation and thereafter maintained;

- (l) No dwelling shall be occupied until space has been laid out within the site for two cars to be parked in respect of each dwelling and for vehicles to turn so that they may enter and leave the site in forward gear;
- (m) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath and details of the surfacing materials shall be agreed in writing by the Local Planning Authority prior to the surfacing being laid;
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;
- (o) The layout and alignment, widths and levels of the proposed roads, road junctions, points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (p) The proposed roads, footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath unless otherwise agreed in writing by the Local Planning Authority and details of the final surface finish of any road or footway shall be agreed in writing prior to the surface being laid;
- (q) Development shall not commence until details of a scheme for the retention of Swallow nest sites and its accesses, (or the provision of alternative new sites or accesses) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the Swallow/House Martin nest sites being undertaken between March and August inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
- (r) 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;
- (s) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall;
  - (i) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination is present on the site;
  - (ii) if the report indicates that contamination is present on or under the site, or if evidence of contamination

- is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment; (iii) if remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (t) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no window/dormer windows shall be installed in the first floor side elevations of plots 1, 2 and 3 of the development hereby permitted without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that a landscaping area of 8m should be provided to the northern boundary area to soften the countryside/development interface. The proposed layout should consider lessening the highway impact on the character of the scheme with buildings abutting the highway; (2) Applicant was advised to consider the translocation of the existing roadside hedge if possible to limit the initial visual impact of the new access to the scheme; (3) Applicant was advised that, regarding potential ground contamination, commercial/agricultural buildings were often used for storage of material and fuels that could lead to contamination of the ground in and around the buildings. There was also a potential risk from areas of filled ground (old ditches/ponds or slurry pits) as the fill could contain hazardous materials, or could generate gases as any waste breaks down. If a detailed site investigation is required this should be carried out in line with the latest guidance. Sources of such guidance would include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs, the Environment Agency, and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land that gives more details to the relevant sources of information available; (4) Applicant was advised to be aware that the property was served by a private water supply and any increased usage from the proposal should be notified to the Environmental Health Department; (5) Applicant was advised of the need to take care to ensure there are no risks from asbestos in demolishing existing structures on site.)

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

The proposal, for residential development, was partly located within the defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H11 (Affordable Housing) C4 (Leisure and Recreation provision), M4 (Residential Parking Provision) and EN10 (Area of Outstanding Natural Beauty).

**134. Banner signs along access road, Morrisons Supermarket, Station Road, Taunton**

Reported that it had come to the Council's attention that banner signs had been displayed at Morrisons Supermarket, Station Road, Taunton without the necessary advertisement consent.

The owners had been contacted and advised to submit an application for advertisement control but, to date, no such application had been received. However, the Development Manager reported that within the past couple of days the banner signs had been removed.

**Resolved** that:-

- (1) The current situation relating to the unauthorised banner signs at Morrisons Supermarket, Station Road, Taunton be noted; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the banner signs be reinstated and were then not removed within the following 28 day period.

**135. Continued occupation of mobile homes following expiry of temporary permission, Combe Farm, Ford Street, Wellington**

Reported that planning permission had been granted for the stationing of a mobile home at Combe Farm, Ford Street, Wellington on a temporary basis between 1985 and 2000. However, since then no further application for the retention of the mobile home had been received.

Noted that an application for an agricultural workers dwelling on the site had been submitted earlier in the year but this had been withdrawn because the Council's independent appraisal of the agricultural holding did not support the applicant's case. No further application had been submitted.

**Resolved** that:-

- (1) Enforcement action be taken to remove the mobile home at Combe Farm, Ford Street, Wellington within a period of 18 months; 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.

**136. Stationing of caravan outside the permitted area of the Slough Green site for residential purposes Slough Green Caravan Park, Burnt House Copse, West Hatch**

Reported that it had come to the Council's attention that a caravan had been stationed for residential purposes outside the permitted area of the Slough Green Caravan Park, Burnt House Copse, West Hatch.

The owner of the site had been contacted and requested to arrange the removal of the caravan from the site within 21 days. This had not occurred as the family using the caravan had no where else to go.

**Resolved** that:-

- (1) Enforcement action be taken to remove the caravan stationed outside the permitted area of the Slough Green Caravan Park, Burnt House Copse, West Hatch; 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.

### **137. Appeals**

Reported that five appeal decisions had been received, details of which were submitted. Four appeals had been dismissed and one appeal allowed.

(The meeting ended at 6 p.m.)

## Planning Committee – 7 January 2009

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

Officers:- Mr T Burton (Development Manager), Mr B Kitching (Area Planning Manager), Mrs J Moore (Development Control Principal Officer – East), Mr A Pick (Principal Planning Officer – West), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors Stone and Thorne in relation to application No 29/08/0015; Councillor Morrell in relation to application No 38/08/0443; Councillor Stuart-Thorn in relation to application No 52/08/0019 and Councillor Coles

(The meeting commenced at 5.00 pm)

### 1. Apologies

Councillors Mrs Smith and Miss Wood.

### 2. Declarations of Interest

Councillor Morrell declared a prejudicial interest in application No 38/08/0443 and left the room during the consideration of this item; Councillor Mrs Allgrove declared an interest in application Nos 52/08/0019 and 52/08/0034 as a member of Comeytrove Parish Council but considered she had not “fettered her discretion” and Councillor C Hill declared an interest in application Nos 52/08/0019 and 52/08/0034 as past pupil of Queens College.

### 3. 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 development, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

#### **29/08/0015**

**Change of use to form permanent, short stay, emergency stopping facility for gypsies comprising six pitches with individual amenity block; creation of vehicular and pedestrian accesses; construction of internal access road, footpath and hard standing areas to pitches; and provision of on-site services at Higher Yalham Farm, Culmhead, Otterford**

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the amenity blocks hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006;
- (d) The proposal shall provide temporary accommodation for a period of up to 6 months primarily for gypsies who immediately preceding occupation of the site have been evicted from unauthorised sites within the Borough of Taunton Deane
- (e) No more than 2 caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each pitch at any time;
- (f) No trade or business shall be carried on at the site and no materials associated with any trade or business shall be stored on the site at any time;
- (g) No work shall be commenced on the site until a hedgerow and landscape management plan has been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall include an internal landscaping scheme for the site, any replacement /reinforcement planting that may be deemed necessary for the existing hedgerows and details of works to ensure the regeneration of the hedge sited on the boundary with the highway and associated temporary fencing. Such a plan shall thereafter be implemented and maintained on site unless a variation thereto is first submitted to, and approved in writing by, the Local Planning Authority;
- (h) Before any part of the permitted development is commenced, full details of all boundary walls, fences or temporary fences forming part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall or fence so approved shall be erected before any such part of the development to which it relates takes place;
- (i) 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 points on the nearside carriageway edge 90m either side of the access to the nearside carriageway edge. Such visibility splays shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
- (j) No commencement of the use shall take place until a plan showing the internal site arrangement including turning shall be submitted to, and agreed in writing by, the Local Planning Authority. Once agreed the said



area shall be marked out in accordance with the approved plan prior to the change of use being brought into use or unless otherwise agreed with the Local Planning Authority;

- (k) The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (l) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (m) A recessed entrance 3m 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) for which details shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (n) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act, 1980 a Section 184 Permit must be obtained from the Highways Department. Application for such a Permit should be made at least three weeks before access works are intended to commence; (2) Applicant was advised that with regard to condition (j) the internal site arrangement should be generally in keeping with the amended submitted plan; (3) Applicant was advised that asbestos may be present on the site and was advised to check the situation and take any appropriate action of remediation prior to undertaking any development works on the site.)

### **Reason for granting planning permission:-**

The proposed emergency facility would enable the Local Planning Authority to accommodate gypsies or traveller's whilst alternative sites were identified and planning permission granted as required by ODPM Circular 1/2006. In addition the proposal was considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would cause material harm to neither visual nor residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policy EN10 (Areas of Outstanding Natural Beauty).

**52/08/0034**

**Change of use of land and buildings at Civil Service Sports Club, Trull Road, Taunton from assembly and leisure use (Class D2) to non-residential institution (Class D1) in order to incorporate it into the adjacent Queens College campus**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The premises shall be used for non-residential education and training, except for the provision of sports facilities and changing rooms as set out within the accompanying application, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless agreed in writing by the Local Planning Authority;
- (c) Prior to the implementation of the permitted use, details of the footway/cycleway shall have been submitted to, and approved in writing by, the Local Planning Authority. The land identified as required for the provision of footway/cycleway shall then be made available for its construction and dedication;
- (d) Prior to the implementation of the permitted use, details of the access, parking and turning shall be submitted to, and approved in writing by, the Local Planning Authority taking into account the footway/cycleway provision.

(Note to applicant:- Applicant was advised that it would be necessary to enter into a formal agreement with the Highway Authority to facilitate all off-site works and the applicant is recommended to contact the Planning Liaison Officer so that these works can begin.)

**Reason for granting planning permission:-**

The proposed development would meet the requirements of Taunton Deane Local Plan Policies C3, C5 and EN24 in so far as the applicant had demonstrated that the loss of the bowling facility would not be detrimental as sufficient capacity was available elsewhere within the Borough. The change of use formed part of a wider redevelopment of the Civil Service Sports Club site and the incorporation of the application site and change of use in connection with Queens College was considered acceptable and there would be no significant loss of amenity to neighbouring properties or residential uses.

(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:-

**31/08/0023**

**Erection of replacement dwelling and garage following demolition at Sarsden, Lipe Lane, Henlade (amended scheme to 31/2008/003)**

**Reason**

The proposed development, by reason of its design and massing, is considered out of scale and character with existing nearby properties and would be detrimental to the visual amenities of the area and contrary to Taunton Deane Local Plan Policies S1 and S2.

**4. Construction of a bridge in connection with the Tangier residential redevelopment at the former Gas Storage Site, Castle Street, Taunton (38/08/0372)**

Reported this application.

**Resolved** that subject to the Section 106 Agreement being amended to enable the provision of a footbridge as proposed in Option C, the Development Manager in consultation with the Chairman be authorised to determine the application and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) No development approved by this permission shall be commenced until a scheme for the provision and implementation of the method of working has been approved by the Local Planning Authority;
- (d) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with;
- (e) 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;
- (f) All works shall comply fully with the Environmental Management Plan submitted and approved in association with planning permissions 38/2007/0183 and 38/2007/0184 and referred to in the letter dated 31st July 2008 unless a variation is first submitted to, and agreed in writing by, the Local Planning Authority;
- (g) (i) Before any part of the permitted development is commenced 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; (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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;
- (h) Prior to the commencement of construction works on site a public health and safety review shall be undertaken on the proposed bridge structure, its findings submitted to, and approved in writing by, the Local Planning Authority;
  - (i) Prior to the completion and use of the bridge, a detailed signage scheme to prohibit cyclist use and restrict the use of the bridge to pedestrians only shall be submitted to, and approved in writing by, the Local Planning Authority and the approved signs shall be erected on site prior to the commencement of the use of the bridge.

(Notes to applicant:- (1) Applicant was advised to refer to Pollution Prevention Guidelines for Works in or near the Watercourse (PPG5). If coffer dams and pumping activity is to be used the applicant must ensure appropriate pump rates are used to avoid disturbance of the bed or bank. The maximum rate should be set after consideration of the flow of the river, the location of the discharge and the risk of erosion; (2) Applicant was advised that the minimal amount of ground should be exposed, as soil stripping and vegetation removal at the start of the project can increase the volume of contaminated surface water run-off; (3) Applicant was advised that pollution prevention measures should be taken to ensure that minimal amount of debris enters the watercourse by using crash decks and nets to catch falling debris; (4) Applicant was advised that storage of fuels for machines and pumps should be sited well away from any watercourses; (5) Applicant was advised that all waste disposed of off-site must be taken to appropriately licensed waste management sites in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. Carriers transporting waste from the site must be registered waste carriers; (6) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, Flood Defence Consent (previously known as Land Drainage Consent) is required from the Environment Agency prior to any proposed works or structures in, under, over or within 8m of the top of the bank of a designated 'main river'; (7) Applicant was advised to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways" (i) The final bridge details must be confirmed with British Waterways; (ii) The construction of this bridge may require a stoppage of the navigation during main lifting/construction operations and this will need further investigation. It may be possible to close the navigation if necessary for a period; (iii) Environmental impacts of the bridge crossing should be considered and all works must comply with the Code of Practice; (iv) Care must also be taken to ensure that no contaminants are allowed to enter the watercourse during construction works. Cement in particular is very damaging to aquatic life and great care is needed to ensure that no materials are washed or blown into the watercourse during construction; (8) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway a licence under

Section 171 of the Highways Act 1980 must be obtained in writing from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion; (9) Applicant was advised to ensure, prior to commencement of works on site, that there is sufficient access in relation to the existing gas pipe to ensure adequate health and safety; (10) Applicant was advised to ensure that the bridge conforms to the requirements of the Disability Discriminations Act 1995 (as amended by the DDA 2005.)

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

The proposal, in combination with the Third Way, would result in the provision of a comprehensive cycle and pedestrian network within the Tangier site as required by the Taunton Deane Local Plan policy T2(B).

**5. Change of use to A5 (A3 consent granted) at Unit B, Aspect, Corporation Street, Taunton (38/08/0443)**

Reported this application.

**Resolved** that subject to no comments raising new issues being received by 8 January 2009, the Development Manager in consultation with the Chairman be authorised to determine the application and, if planning permission was granted, the following conditions be imposed:-

- (a) Noise from any air extraction system should 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;
- (b) C001A – time limit;
- (c) The cafe/take-away food outlet shall not open other than between the hours of 12.00hrs – 22.00hrs Mondays to Saturdays and 12.00hrs - 21.00hrs on Sundays and Bank Holidays;
- (d) Details of the external ventilation terminal in terms of its size, height and colour shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (e) 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 should be so designed that the flue discharges not less than 1m above the roof eaves level.

(Note to applicant:- Applicant's attention was brought to conditions 6 and 7 on permission 38/06/0582 which should be complied with to ensure there are no adverse amenity impacts on the new flats.)

**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).

**6. Erection of sports centre comprising indoor and outdoor facilities with parking, access, footpath/cycle route and associated works at Civil Service Sports Club ground, College Way, Taunton (52/08/0019)**

Reported this application.

**Resolved** that subject to confirmation by the Highways Authority regarding the wording of the proposed condition setting out the specific off-site works and the completion of a Section 106 Agreement requiring the following or as amended by the Council's Solicitor:-

(1) The external playing pitches comprising two external winter sports pitches, one multi-use, all-weather court, archery and one cricket pitch, be maintained, available with changing facilities and only used for the purposes of outdoor sports;

(2) Subject to the requirements of the Civil Service Sports Club for the use of the sports pitches and changing rooms, any surplus availability would be offered to local community groups to be agreed between the Council and the Civil Service Sports Club at a rate comparable to the rate charged by the Council for similar facilities; and

(3) The Civil Service Sports Club not to occupy the development until a joint use scheme had been submitted to, and approved by, the Local Planning Authority to provide a scheme to allow for the use of an alternative cricket pitch which would be lost as a result of the development and the multi-use, all weather court with changing facilities would be maintained and available with immediate effect,

the Development Manager in consultation with the Chairman be authorised to determine the application and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) (i) Before any part of the permitted development is commenced 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; (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 each landscaping scheme the trees and

- shrubs shall be protected and maintained in a healthy, weed free condition 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;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
  - (d) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (e) Prior to the use hereby permitted commencing a security barrier to the car park shall be provided in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority;
  - (f) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
  - (g) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
  - (h) Before any part of the permitted development is commenced details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
  - (i) The development hereby permitted shall not be commenced until a Management and Maintenance Scheme for the remaining sports pitches at the Civil Service Sports Club site has been submitted to, and approved in writing by, the Local Planning Authority after consultation with Sport England. The Management and Maintenance Scheme shall be for a period of at least 10 years and shall include management responsibilities and a maintenance schedule. The measures set out in the approved scheme

shall be complied with in full with effect from commencement of use of the development, and shall include a mechanism for review;

- (j) The premises shall be used as a sports centre with crèche, café and sports bar ancillary to the use of the building as a sports centre to the extent as set out within the accompanying application and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) unless agreed in writing by the Local Planning Authority;
- (k) No development shall commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority;
- (l) Before works commence details of the means of access to the site (including locations, layout, visibility splays, gates, etc.) shall have been submitted to, and approved in writing by, the Local Planning Authority. The agreed access shall then be fully implemented to the satisfaction of the Local Planning Authority before the development is occupied;
- (m) Before works commence details of the footway/cycleway shall have been submitted to, and approved in writing by, the Local Planning Authority. The agreed works shall then be fully implemented to the satisfaction of the Local Planning Authority before the development is first brought into use;
- (n) Before works commence details of the offsite highway works shall be submitted to, and approved in writing by, the Local Planning Authority: (i) upgrading of the existing pedestrian crossing on Trull Road to a Toucan crossing; (ii) New footpath links on College Way to link to the existing footpath and bus stop; (iii) Upgrading of the bus stop on College Way by provision of new improved kerbs; and (iv) Extension of parking restrictions on College Way. The highway works as approved shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the approved development;
- (o) Details of the parking, turning and servicing shall be submitted to, and approved in writing by the Local Planning Authority, taking account of the access detail to be agreed as part of this consent. Such parking, turning and servicing shall then be provided as per the agreed layout;
- (p) Before works commence a Travel Plan shall have been submitted to, and approved in writing by, the Local Planning Authority. The works agreed within the Travel Plan shall then be implemented in full before the development is first brought into use.

(Notes to applicant:- (1) Applicant was advised that condition (k) required the submission of proposals for a scheme of surface water drainage. As detailed within the submission, the Local Planning Authority would expect sustainable urban drainage system (SUDS) to be utilised to deal with surface water drainage. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over



conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity; (2) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager and an application for such a permit should be made at least four weeks before access works are intended to commence. It will be necessary for the applicant to enter into a formal agreement with the Highway Authority to facilitate all off-site works, and the applicant is therefore recommended to contact the Planning Liaison Officer as soon as possible so that these works can begin.)

#### **7. 24 Silver Street, Wiveliscombe**

Reported that planning permission had been granted in March 2007 for the conversion of 24 Silver Street, Wiveliscombe. During the works it had become evident that the building was not in good structural order and a considerable amount of the building had to be demolished.

Due to the large amount of demolition that had taken place it could no longer be considered as a conversion of an existing building and enforcement action was authorised.

A new planning application had been submitted and planning permission had been granted in principle on 13 February 2008 subject to the receipt of a satisfactory amended plan that indicated the restoration of a rubble wall on the southern elevation of the building.

The plan had not been received and the planning application had therefore been refused. An enforcement notice was served and the applicants had lodged an appeal against the notice. However, The Planning Inspectorate had indicated that the notice was insufficiently precise in its wording and the notice was subsequently withdrawn.

A further notice had been served which stipulated in detail the works required to replace the rubble wall. The applicants again lodged an appeal against the notice. Details of the grounds of appeal were submitted.

In the view of the Legal Services Manager, it would not be expedient to continue with the enforcement action.

**Resolved** that having reviewed the grounds of appeal the decision be taken not to continue the enforcement action relating to 24 Silver Street, Wiveliscombe as it would not be expedient to do so.

#### **8. Various unauthorised works at Taunton School, Staplegrove Road, Taunton**

Reported that a number of contraventions had been reported at the Taunton School campus, Staplegrove Road, Taunton. These comprised:-

- (i) Wills West and East – unauthorised windows, guttering and downpipes;
- (ii) Services and Events Building – unauthorised windows, guttering and downpipes;
- (iii) Southern section of Loveday – unauthorised windows, guttering and downpipes;
- (iv) Whittaker – guttering and downpipes; and
- (v) Thorne – guttering and downpipes.

These contraventions had been brought to the attention of the school but, to date, no action to carry out remedial works or submit retrospective applications to retain the works had been taken.

**Resolved** that:-

- 1) Listed building enforcement action be authorised in respect of the contraventions at Taunton School listed above;
- 2) Enforcement action be suspended for three months to enable a programme of works to be agreed;
- 3) An enforcement notice to be served only with the approval of the Chairman; and
- 4) Subject to being satisfied with the evidence, the Solicitor to the Council be also authorised to commence prosecution action in respect of the unauthorised works to this listed building.

**9. Retention of shed to be used for agricultural storage purposes at Venncroft Farm, Churchstanton**

Reported that a planning application had been refused for the retention of a shed being used for agricultural storage purposes at Venncroft Farm, Churchstanton. Despite this, no action to stop the unauthorised use had since been taken by the owners of the property.

**Resolved** that:-

- 1) Enforcement action be taken to remove the shed being used for agricultural storage purposes at Venncroft Farm, Churchstanton; 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.

**10. Appeals**

Reported that five appeal decisions had been recently received, details of which were submitted. Two appeals had been dismissed, two appeals had been allowed and one had been withdrawn.

(The meeting ended at 8.12 p.m.)

