

Planning Committee - 28 July 2004

Present: Councillor Miss Peppard (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Miss Cavill, Denington, Floyd, Henley, Hindley, House, Phillips,
Mrs Smith, Stuart-Thorne and Vail

Officers: Mr N T Noall (Head of Development), Mr T Burton (Area Planning Officer
(East)), Mr J Hamer (Area Planning Officer (West)), Mrs J M Jackson (Senior
Solicitor) and Miss M Rumsey (Review Support Officer)

(The meeting commenced at 5.00 pm).

(Councillor Mrs Smith arrived at the meeting at 5.05 pm)

75. Apologies

Councillors Beaven, Bowrah, Croad and Wedderkopp

76. Minutes

The minutes of the meeting held on 7 July 2004 were taken as read and were signed.

77. Applications for Planning Permission

The Committee received the report of the Chief Planning Officer 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:-

36/2004/011

Removal of Condition 04 (36/2002/030) restricting the use of garage ancillary to the farmhouse at Lovells Farm, Stoke St Gregory.

Reason for granting planning permission:-

The proposal was considered to be in accordance with the Taunton Deane Local Plan Revised Deposit Policies M2 and M3(a).

36/2004/012

Change of use of holiday unit to form private dwelling at Lovells Farm, Dark Lane, Stoke St Gregory.

Conditions

- (a) C001 – time limit;

- (b) C324 – parking;
- (c) P001A – no extensions;
- (d) P003 – no ancillary buildings;
- (e) P006 – no fencing.

Reason for granting planning permission:-

The proposal resulted in the re-use of a building in the countryside in accordance with Taunton Deane Local Plan Revised Deposit Policy H9.

46/2004/022

Erection of single storey extension to link garage to house (amended scheme) and erection of porch, The Old Piggery, Gerbestone Manor, Wellington.

Conditions

- (a) C001 – time limit;
 - (b) C102 – materials;
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water).

Reason for granting planning permission:-

It was considered that the proposal complied with Taunton Deane Local Plan Revised Deposit Policies H19, S1 and S2 in that neither residential nor visual amenity would be adversely affected.

78. Demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings into 25 self-contained dwellings, restoration of parkland and erection of 45 dwellings, Sandhill Park, Bishops Lydeard (06/2004/013)

Reported this application.

RESOLVED that subject to:-

- (i) the views of the First Secretary of State under the Departure Procedures;
- (ii) the receipt of no further representations raising new issues on the amended plans by the 13 August 2004; and
- (iii) the applicants entering into a Section 106 Agreement to provide for the following:-
 - (1) Bonds – 2 No bonds to be provided by Gradeclear Limited:-
 - (a) A “repair bond” to cover the cost of the repair of the external fabric, including the roof and remedying damage caused to the interior by damp penetration, dry rot and timber infestation treatment to the Mansion House including the Orangery but not the walled gardens or other existing outbuildings (called “the Mansion House”) in the sum of £750,000.
 - (b) A “conversion bond” as a contribution to cover the cost of the conversion of the Mansion House in the sum of £1,000,000.

- (c) The bonds to be exclusive of each other, that is with no overlap.
 - (d) Both bonds to be reducing term bonds, the trigger point for reduction in bond value to be agreed with the Council, for example the certified completion of works to the roof would be one trigger point for the “repair bond”; the certified completion of first fix works would be one trigger point for the “conversion bond”.
 - (e) Certification of staged practical completion of works to be undertaken by an appointed supervisor (at Gradeclear Limited’s cost) and would be subject to a standard disputes procedure.
 - (f) The “repair bond” to be put in place upon commencement of works of repair. The “conversion bond” would be put in place upon commencement of works for conversion or new build, whichever was the sooner.
 - (g) Both bonds would run for a period of 5 years from commencement of works (repair and conversion) to the Mansion House unless the works were completed beforehand. If the works of repair and conversion were not completed within the 5 years, then the Council would be able to utilise the balance of the bond monies to complete the works.
 - (h) Not more than 7 No (plots 26–33) new build housing units to be occupied before the approved works of repair/conversion to the Mansion House have commenced.
- (2) Contractor – (Mansion House) – Gradeclear Limited to agree to consult the Council about the choice of contractor (main contractor) to be appointed to carry out the works of repair and conversion to the Mansion House – the Council’s Agreement not to be unreasonably withheld.

The Management Agreement (Mansion House and converted outbuildings) – Gradeclear Limited to prepare and enter into a Management Agreement relating to the Mansion House, converted outbuildings, the immediate curtilage of both and the two walled gardens (including the walls), such Agreement to be agreed by the Council, in consultation with English Heritage, both acting reasonably. The management and maintenance works contained within the Management Agreement to be financed by contributions from occupiers of the Mansion House and converted outbuildings and the apartments (but not the new build housing). The Management Agreement to prescribe an appropriate financing structure and scope of management responsibilities, particularly for communal areas and communal facilities; specify a quality standard of materials to be used reasonably consistent with the Heritage Asset and set the frequency of maintenance and repairs.

The Management Agreement (Mansion House and converted outbuildings) to be agreed with the Council, in consultation with English Heritage, both acting

reasonably before the first unit within the Mansion House or converted outbuildings is occupied.

The Management Agreement (Mansion House and converted outbuildings) to enure in perpetuity, that is for 80 years.

- (3) The Management Agreement (new build) – Gradeclear Limited to prepare and enter into a Management Agreement for the maintenance of the immediate surrounds of the new build housing (that is, that part north of the northernmost walled garden). The content of the Agreement to be similar to the Management Agreement (Mansion House, etc) but would not involve any heritage assets and would refer mainly to the maintenance of trees and incidental open space and the access drive between the existing drive (south-east of the Mansion House) and the new build houses.
- (4) The Management Agreement (new build) to be financed from contributions from the occupiers of all the new build houses.
- (5) The Management Agreement (new build) to be agreed with the Council before the first new build unit was occupied, such Agreement not to be unnecessarily withheld.
- (6) The Management Agreement (new build) to enure in perpetuity, that is for 80 years.
- (7) Restoration of “rest of parkland” (including pleasure grounds) – this area was defined as all that part of the parkland outside the immediate curtilage of the Mansion House, converted outbuildings and new build housing.
- (8) Gradeclear Limited to undertake to complete the works for the restoration of the pleasure grounds, as approved, within two years of the first occupation of any apartment or new build dwelling.
- (9) Gradeclear Limited to undertake to complete the works for the restoration of the remainder of the parkland, as approved, within three years of the first occupation of any apartment or new build dwelling.
- (10) Management Agreement for “rest of parkland” (including pleasure grounds) – Gradeclear Limited to prepare and enter into a Management Agreement for the long-term maintenance of the rest of the parkland (including the pleasure grounds) including annual works, cleaning, upkeep of driveway and footpaths, upkeep of lakes, etc and the Agreement to contain the scope of annual works together with a quality standard of materials to be used reasonably consistent with the heritage asset.
- (11) These works of maintenance to be financed by:-
 - (i) annual contributions from occupiers of the Mansion House/converted buildings and the new build units (say £150 pa at current values);

- (ii) it was explicitly acknowledged that within this Management Agreement, the outer parkland would include appropriate animal grazing and woodland management regimes the net income from which would be applied by Gradeclear Limited (together with the annual contribution by residents) to the future maintenance of the rest of parkland including the pleasure grounds;
 - (iii) Gradeclear Limited to undertake to use its reasonable endeavours to obtain appropriate Government or other grants (subject to there being a net gain of income) for the upkeep/management/husbandry of the rest of parkland and to apply such income to its maintenance in accordance with the Management Agreement.
- (12) Both the annual contribution by residents and the grazing rental income to be linked to an appropriate cost index.
 - (13) Gradeclear Limited to provide the Council with a copy of the Annual Report and Accounts of the Management Company each year.
 - (14) The Management Agreement for the rest of parkland including the pleasure grounds to be agreed with the Council, in consultation with English Heritage, before the first new build unit was occupied, such Agreement not to be unreasonably withheld.
 - (15) The Management Agreement to enure in perpetuity, that is for 80 years.
 - (16) Any changes to the Management Agreement for the rest of the parkland (including the pleasure grounds) (other than index linking of charges) to be agreed by the Council beforehand, in consultation with English Heritage, such agreement not to be unreasonably withheld.
 - (17) Removal of hospital buildings – Gradeclear Limited to undertake to demolish, remove the material arising and make good the site of the existing hospital buildings to the west of the Mansion House, in accordance with details to be submitted to, and approved by the Council, and those works to be implemented before any apartment or new build dwelling was occupied.
 - (18) Prior to the commencement of works, detailed specifications including the extent and standard of the retention, conversion and landscape restoration shall be submitted for approval by the Local Planning Authority, and these specifications shall be adhered to throughout the development;

the Chief Planning Officer 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) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced. Such schemes shall

- be implemented in accordance with an approved programme and details;
- (c) Before any works hereby permitted are commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (d) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority. Natural materials shall be used for the roofs of the proposed new dwellings. A sample panel of brick and render shall be erected on site prior to approval;
 - (e) The external surfaces of the buildings shall be retained as existing and, where necessary, repaired and/or renewed with salvaged materials from its existing building/matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Planning Authority is obtained to any variation;
 - (f) C112 – details of guttering, downpipes and disposal of rainwater;
 - (g) C113 – details of structure and colour of mortar;
 - (h) C241 – landscaping;
 - (i) C205 – hard landscaping;
 - (j) C207 – existing trees to be retained;
 - (k) C208A – protection of trees to be retained;
 - (l) C208B – protection of trees – service trenches;
 - (m) C210 – no felling or lopping;
 - (n) C215 – walls and fences;
 - (o) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (p) Prior to the commencement of development, a scheme and programme of works as necessary for the driveway and adjacent footway, together with details of the future maintenance arrangements (for the drive and estate road) shall be submitted to, and approved in writing by, the Local Planning Authority. The necessary works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, and shall thereafter be maintained in accordance with the agreed programme;
 - (q) None of the dwellings hereby permitted shall be occupied until a footway has been provided between the site access and the entrance to the Greenway Estate 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 said Authority;

- (r) There shall be no vehicular access to the site other than from South Drive and Station Road;
- (s) The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings which they are to serve are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (t) C416 – details of size, position and materials of meter boxes;
- (u) The new doors and windows indicated on the approved plans shall be made of timber only and no other materials, 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;
- (v) C917 – services – underground;
- (w) Detailed drawings indicating height, design, intensity of light and manufacturer’s specification of any external lighting in non-private areas shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (x) C926B – remediation investigation/certificate;
- (y) P001A – no extensions;
- (z) P003 – no ancillary buildings;
- (aa) P006 – no fencing;
- (bb) P010 – no further windows;
- (cc) Details of the appearance of any substations for utility provision shall be submitted to, and approved in writing by, the Local Planning Authority;
- (dd) C924 – building materials compounds;
- (ee) The mitigation measures for protected species and other wildlife, set out in the submitted “Report on Ecological Survey”, shall be carried out as part of the development;
- (ff) C664 – windows recessed;
- (gg) Prior to commissioning, specific details of windows and external doors, including finished treatment shall be submitted to, and approved in writing by, the Local Planning Authority;
- (hh) C666 – no bell casts;
- (ii) C911 – aerials – combined system.
 (Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N114 – meter boxes; (5) N048A – remediation strategy; (6) NO51B – health and safety; (7) NO66 – listed buildings; (8) Applicant was advised that the dwellings to be erected should be built of good quality materials in view of the location of the site adjacent to a listed building; (9) N075 – Section 106 Agreement; (10) With regard to condition (b), applicant was advised to use the principles of sustainable drainage methods (SUDs) as set out in the attached notes; (11) Applicant was advised that a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA) in respect of the protected species on the site; (12) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours

if nuisance is likely at neighbouring premises:- Monday to Friday, 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including Public Holidays, no noisy working. Applicant was further advised to ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition; (13) Applicant was advised of the following from the Somerset Fire Brigade:-

- (i) Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage;
- (ii) Access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000;
- (iii) All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards;

(14) Applicant was advised of the following from the Environment Agency:-

- (i) The Environment Agency recommends that because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, the applicant should provide undertakings to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds, and the control and removal of spoil and wastes.
- (ii) The Environment Agency must be notified immediately of any incident likely to cause pollution;

(15) Applicant was advised to contact Wessex Water with regard to connection to their infrastructure).

Reason for planning permission, if granted:-

The proposed development would bring significant benefit to the area in terms of securing the conservation of the Grade II* listed Mansion and its associated outbuildings and parkland. The new development proposed represented the minimum enabling development and was therefore considered to meet the exception criteria set out in Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S8 of the Taunton Deane Local Plan Revised Deposit.

79. Demolition of parts and conversion of retained buildings into 25 dwellings, Sandhill Park, Bishops Lydeard (06/2004/014LB)

Reported this application.

RESOLVED that subject to the views of the First Secretary of State, the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if listed building consent were granted, the following conditions be imposed:-

- (a) C002 – time limit – listed building;
- (b) The surfaces of the works for which consent is hereby granted shall be of materials as indicated in the application form, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) Prior to the works of demolition and conversion, for which consent is hereby granted are commenced, a photographic record and measured survey of those elements of the historic complex to be demolished, removed or compromised shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C107 – second-hand materials – for repairs to parts of listed buildings retained after partial demolition;
- (e) Prior to the works for which consent is hereby granted are commenced, specific details of the means of venting recovered roofs and enclosed bathrooms/en-suites shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced, specific details of the means by which fire separation and sound transmission measures are to be accommodated shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced, a schedule of repairs on a room by room basis shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) Prior to the works of conversion of the Mansion, for which consent is hereby granted, are commenced a schedule of existing doors/linings/architraves which are to be relocated shall be submitted to, and approved in writing by, the Local Planning Authority;
- (i) All additional doors, linings and architraves required as part of the approved conversion works to the Mansion shall accurately match those details appropriate to the relevant order of the building, specific details of which shall first be approved in writing by the Local Planning Authority;
- (j) No damp proofing methods shall be installed in the Mansion complex unless prior written approval is first given by the Local Planning Authority;
- (k) C658 – partitions;
- (l) C659 – cornices, skirtings and other features;
- (m) C660 – cornices, skirtings and other features;
- (n) Prior to the commissioning, specific details of new staircases, the en-suites to units 6, kitchen fitments to units 5 and 6, the rear glazed making-good (including fire surrounds) to reopened fireplaces in the mansion shall be submitted to, and approved in writing by, the Local Planning Authority;
- (o) Prior to the commissioning, specific details of all windows, doors (internal and external), staircases, skirtings and architraves, including finished treatments for the converted outbuildings shall be submitted to, and approved in writing by, the Local Planning Authority;
- (p) Rooflights shall be flush fitting;
- (q) C676 – listed building – schedule of proposed structural works;
- (r) C679 – listed building – new works – damp proofing – heating, lighting and plumbing.

Reason for listed building consent, if granted:-

The proposed development would bring significant benefit to the area in terms of securing the conservation of the Grade II* listed Mansion and its associated outbuildings and parkland. The new development proposed represented the minimum enabling development and was therefore considered to meet the exception criteria set out in Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S8 of the Taunton Deane Local Plan Revised Deposit.

(Councillor Miss Cavill declared a prejudicial interest and left the meeting during consideration of Minute No 80 below. Councillor Mrs Smith declared a personal interest.)

80. Redevelopment comprising employment and residential development, part construction of Norton Fitzwarren Relief Road, provision of other infrastructure and services, structural landscaping and open space provision, Taunton Trading Estate, Norton Fitzwarren (25/2002/018)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 28 October 2004 to include the following:-

(1) Affordable Housing

Within each phase of residential development, 20% of the proposed dwellings should be affordable housing provided at nil public subsidy, provided for and maintained by a Registered Social Landlord (RSL). If the relevant land within each phase is not sold to an RSL (or another provider where it can be adequately demonstrated that appropriate housing needs are being met) within 3 years of commencement of development of the relevant phase, the land shall pass to the Borough Council at no cost, together with a sum equivalent to the subsidy lost in respect of such land, to be linked to the building cost index. 80% of the affordable housing to be rented and 20% shared ownership, the mix of types to be initially as indicated in "Proposals for Affordable Housing Provision" (dated the 18 June 2004). Provision to be made for the tenure split and mix of dwelling types to be reviewed over time to reflect changing circumstances and dwelling numbers.

(2) Employment land

The provision of 7.5 hectares gross (5.2 hectares net) of employment land to allow for a mix of employment uses, including small start-up units and larger units for manufacturing, warehousing and storage. B1 office development would not be acceptable.

(3) Flood alleviation

- (i) No development shall commence on land below the 22.7m AOD level until such time as the agreed on-site flood scheme has been fully implemented, unless otherwise agreed in writing by the Local Planning Authority. This area to be retained as private undeveloped land and

managed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before any development commences in such areas. This area shall not be within the employment areas.

- (ii) No development shall take place on the land proposed for on-site flood storage, as indicated on the Flood Risk Assessment Addendum A issued May 2004, until such time as off-site flood alleviation of the site has been provided to the satisfaction of the Local Planning Authority.
- (iii) The agreed flood storage area at the eastern end of the site shall be provided prior to the commencement of the proposed relief road.
- (iv) In the event of the area, the subject of item (3)(ii) above being released for development, the developer shall make a contribution towards off-site flood alleviation equivalent to the following formula:-

Amount of land within flood plain on Taunton Trading Estate (TTE) released for employment development times (x) 25% (to reflect relative land values), divided by (+) total land (weighted to reflect relative land values) released for development within the flood plain on the Major Development Site (comprising TTE, caravan site and cider works).

This would give a percentage contribution from the TTE Development.

The said contribution to be paid to the Borough Council within 14 days of a notice from the Council to the developer that the Council has let the contract for the work.

(4) Transport

- (i) Prior to the submission of any future reserved matters applications, a Transport Strategy will be submitted to, and approved in writing by, the Local Planning Authority. The Strategy will be prepared in consultation with the local bus operators and shall include provision for the phased introduction of a bus service to the development and for the payment, where necessary by the developer, of contributions towards initial operating costs (such sums and time period to be agreed) together with provision for walking and cycling. The provision and timing of the Strategy to be strictly adhered to as the development proceeds.
- (ii) A contribution equating to 65% of total costs to be provided towards delivery of a traffic calming scheme on Blackdown View, outside Norton Fitzwarren Community School.
- (iii) No dwellings to be occupied prior to a link to, and provision of, the relief road link to Silk Mills Lane via a signal controlled junction. The design of the relief road shall be in accordance with details to be

submitted to, and approved by, the Local Planning Authority as reserved matters and be to a standard to allow the road to be adopted as maintainable at public expense. The vertical and horizontal alignment shall allow for the future extension of the road onto adjoining land to the west. The road to be constructed to the limit required to provide access to the development hereby approved and land reserved for the future extension of the road to the site boundary. The road shall be extended to the site boundary within 6 months of the issue of outline planning permission for development of land to the west of the site which required vehicular access to the road.

- (iv) The relief road to be linked to the B3227 prior to the occupation of the 300th dwelling.
- (v) A Code of Practice for Construction Traffic shall be submitted to, and approved in writing by, the Local Planning Authority. Such Code to provide for any access for construction traffic from the B3227 to be via the existing entrance to the TTE only and to provide for an approved “best endeavours” approach route for vehicles. The approved Code shall be adhered to throughout the construction period.

(5) Recreation

(i) Playing field

The developer shall acquire and donate to the Borough Council 2.25 hectares of land, at a location to be agreed by the Local Planning Authority and contribute £389,900 in lieu of laying out the playing field and its facilities and a sum in lieu of 20 years’ maintenance. These figures to be subject to review in the event of the number of dwellings exceeding 500 and to allow for inflation. 5% of the contribution shall be paid by the developer to the Local Planning Authority prior to the commencement of any of the dwellings, a further 50% on occupation of the 125th dwelling and the remaining 45% on occupation of the 250th dwelling. Provision shall also be made for any necessary diversion of overhead lines and provision of access to other potential areas for further playing fields. The dimensions must be a minimum of 120m x 180m.

(ii) Children’s Play

- (a) A Neighbourhood Equipped Area for Play (NEAP) level play facility of 1,000 sq m shall be provided within the eastern part of the housing area. This should be located to be highly visible, but a minimum of 30m from the nearest dwelling.
- (b) A Local Equipped Area for Play (LEAP) shall be provided in accordance with current standards within the western part of the housing area. A commuted sum shall be provided for future maintenance associated with these areas.

- (c) Prior to the occupation of any of the dwellings, a prominent sign shall be provided on the sites for the NEAP and LEAP. Both sites shall be shown on all plans displayed for potential purchasers. The LEAP and NEAP shall be fully provided prior to the occupation of the 125th dwelling.
- (d) Provision shall be made for an artist/designer to consult with local children and young people to agree the design of the two play areas on the site.
- (iii) An area of land adjacent to the Back Stream shall be made available for informal recreation and be the subject of a Management Agreement to be submitted to, and approved in writing by, the Local Planning Authority.
- (iv) A contribution from the developer towards improvements to the Village Hall shall be made in the sum of £20,000. Payment shall be made prior to the occupation of the first dwelling.
- (v) A site of approximately 1 hectare shall be identified on the Master Plan for possible community uses, (as set out in Policy T13 of the emerging Taunton Deane Local Plan Revised Deposit and its supporting text) and reserved for such uses, pending adoption of the Taunton Deane Local Plan Revised Deposit. If the Adopted Plan includes a Community Use site elsewhere on the Major Development Site, then the reserved site may be released for residential use. If the Adopted Plan does not include such a site elsewhere, the developer shall deliver proposals for the Community Uses site which provides facilities for Norton Fitzwarren which will be implemented to an agreed programme.

(6) Education

A contribution shall be made by the developer of £1,433 per dwelling towards primary and secondary school accommodation (figure to be reviewed at end of September 2004). Contributions to be made on market dwellings only (that is, not affordable units). Phased payment shall be on the basis of 30% paid when the 150th dwelling is occupied, the next 30% when the 300th dwelling is occupied, the next 20% when the 400th dwelling is occupied and the final 20% when the 450th dwelling is occupied. Any change to the approved number of dwellings beyond that time shall require an appropriate adjustment to the contribution.

(7) Master Plan

Prior to, or along with the submission of the first reserved matters application, a Master Plan which shall be approved by the Local Planning Authority, shall be submitted to the Local Planning Authority. The Master Plan shall indicate the location of the following:-

- (i) residential development (private and affordable), to include a full cross-section of housing requirements, including provision for the elderly;
- (ii) employment development;
- (iii) full and comprehensive indication of the highway, cycleway and footpath networks and bus routes to and through the proposed development;
- (iv) on-site equipped LEAP's and NEAP's (areas to be indicated);
- (v) area for community facilities;
- (vi) on-site flood storage areas.

The reserved matters applications shall adhere to the principles of the Master Plan unless otherwise agreed in writing.

(8) Phasing

Prior to, or along with the submission of the first reserved matters application, a phasing scheme shall be submitted to, and approved in writing by, the Local Planning Authority for:-

- (i) the release of residential and employment land (to allow for the early delivery of a Phase 1 employment site and the remainder to be delivered before the final housing phase);
- (ii) the affordable housing provision (including tenures and sizes);
- (iii) on-site flood storage areas;
- (iv) demolition of existing buildings;
- (v) construction of the highways, cycleways and footways (to have regard to the timing of the provision of the proposed Silk Mills Bridge);
- (vi) community facilities.

The development shall proceed strictly in accordance with the approved phasing scheme, or any variation thereto as may have been agreed in writing by the Local Planning Authority.

(9) Design Brief

Prior to, or along with the submission of the first reserved matters application, a Design Brief for the development shall be submitted to, and approved in writing by, the Local Planning Authority.

(10) Inflation

All financial contributions to be index-linked to cover inflation.

(11) Increased Dwelling Numbers

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All the above sections (where applicable) to make allowance for any increase in dwelling numbers over 500;

the Chief Planning Officer be authorised to determine the application in consultation with the Chairman and, if outline planning permission were granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C007 – outline – reserved matters;
- (c) C009 – outline – time limit;
- (d) C010 – drainage;
- (e) C013 – site levels;
- (f) C014 – time limit;
- (g) C101 – materials;
- (h) C241 – landscaping;
- (i) C207 – existing trees to be retained;
- (j) C208A – protection of trees to be retained;
- (k) C208B – protection of trees – service trenches;
- (l) C209 – protection of hedges to be retained;
- (m) C210 – no felling or lopping;
- (n) C215 – walls and fences;
- (o) C219 – screening during demolition;
- (p) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (q) C302 – highways – roads, footpaths and turning spaces to be surfaced;
- (r) The proposed roads, turning spaces and parking areas shall be constructed in such a manner as to ensure that each industrial building before it is occupied shall be served by a properly consolidated carriageway, turning space and parking area;
- (s) C314 – visibility splays;
- (t) C324 – parking;
- (u) Before any of the industrial buildings hereby permitted are occupied, provision shall be made for the loading/unloading and the turning of vehicles within the curtilage of the premises in accordance with a plan to be approved in writing by the Local Planning Authority, and the

- areas so provided shall thereafter not be used for any other purpose other than loading/unloading and turning of vehicles;
- (v) Provision shall be made for the parking of bicycles at the industrial buildings in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development/use hereby permitted is occupied/begun.
 - (w) Details of the design and appearance of the abutments to the proposed road bridge over the Back Stream shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (x) C416 – details of size, position and materials of meter boxes;
 - (y) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the industrial buildings or within the storage areas as may at any time be approved in writing by the Local Planning Authority.
 - (z) C712 – restricted use – no burning on site;
 - (aa) C924 – building materials compounds;
 - (bb) C926B – remediation investigation/certificate;
 - (cc) P005 – no garages;
 - (dd) P007 – no fencing in front of dwellings;
 - (ee) No development hereby approved shall be commenced until such time as a scheme for the provision and implementation of compensatory on-site flood storage works and its future maintenance has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be implemented in accordance with the approved programme and details;
 - (ff) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles shall be passed through trapped gulleys with an overall capacity compatible with the site being drained;
 - (gg) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order revoking or re-enacting that Order), no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwellinghouse unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The discharge system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected where possible from accidental damage;
 - (hh) Prior to the commencement of any development works, the applicant shall at his own expense, appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing road and rail sources will not cause noise or vibration nuisance to the occupants of premises on the completed development. The consultants shall submit a written report to the Local Planning Authority which shall detail all measurements taken and results obtained, together with

- any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works;
- (ii) The mitigation measures for protected species set out in the submitted Environmental Statement shall be carried out as part of the development;
 - (jj) A survey for water voles shall be carried out prior to the commencement of development. If water voles are to be affected, mitigation measures shall be submitted and carried out as part of the development;
 - (kk) Parking provision in respect of the development shall be made in accordance with the Council's approved standards and such parking shall be constructed or hard-surfaced before the relevant part of the development is occupied.

(Notes to applicant:- (1) N118 – disabled access; (2) N024 – development in accordance with approved plans; (3) N104 – public art; (4) Applicant was advised that the submitted Master Plan is for illustrative purposes only; (5) N111 – disabled access; (6) N112 – energy conservation; (7) N113 – street names; (8) N114 – meter boxes; (9) N041B – drainage/water; (10) N115 – water conservation; (11) N048A – remediation strategy; (12) N051B – health and safety; (13) N075 – Section 106 Agreement; (14) Applicant was advised that the layout of the site should take into account trees which are the subject of a Tree Preservation Order; (15) N091 – trees; (16) N119 – Design Guide; (17) Applicant was requested to consider the inclusion of some sheltered accommodation for the elderly in the mix of proposed dwellings; (18) With regard to condition (d), applicant was advised to use the principles of sustainable drainage methods (SUDs) including the use of swales and water recycling. The proposed details must avoid positive discharge to the Back Stream; (19) Applicant was requested to communicate the dates of commencement of construction to Transco. Care should be exercised when working in the vicinity of gas mains (see plan attached). A schedule prepared by Transco, which indicates the minimum requirements for the protection of their underground plant is also enclosed; (20) Applicant was advised that there are a number of high and low voltage cables and sub-stations within the site which will require diversion. You are advised to contact Western Power in this regard; (21) With regard to condition (ii), although no bat roosts were found, bats can use buildings as hibernation sites during the winter months. Care should therefore be taken during demolition of the buildings – any soffits and barge boards being removed by hand with extreme caution. If possible, it would be best to do the work in April or October so that if bats are found they can disperse naturally at dusk. Bats are protected under Regulation 39 of the Conservation (Natural Habitats etc) Regulations 1994 and it is an offence to damage or destroy a breeding site or nesting place of any wild animal of a European protected species. For that reason, if bats are found, a licence may be required from the Department for Environment, Food and Rural Affairs (DEFRA). Otters are known to

use the Back Stream. The contractors need to ensure that no damage is done to the banks by machinery and to ensure that debris is not allowed to end up in water. To avoid disturbing the otters that travel along the watercourse, construction work should not be done at night. Otters are protected under Regulation 39 of the Conservation (Natural Habitats etc) Regulations 1994, which states that it is an offence to deliberately disturb any such animal. For that reason, a licence may be required from DEFRA to do so lawfully. Slow worms are protected under Section 9 of the Wildlife and Countryside Act 1981. To avoid possible offences under the Act, English Nature guidelines should be followed; (22) With regard to condition (jj), although water voles were not found in the 2002 survey, it is possible that they may move into the Back Stream again before development starts. Water voles have legal protection under the Wildlife and Countryside Act 1981 and it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place, which water voles use for shelter or protection; (23) Applicant was advised of the following from the Environment Agency:- (i) The foul drainage must be kept separate from the clean surface and roof water, and connected to the public sewerage system; (ii) All foul drainage including contaminated surface water run-off, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including dry ditches with connection to a watercourse. During construction:- (a) Pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed. (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. In addition, the Environment Agency further comments:- (d) Summary of the site investigation data provided in the Environmental Statement, May 2002, indicates a desk study and intrusive investigations have been undertaken to identify/confirm the presence of potential contaminants and assess the risk associated with contamination. While the summary indicates low expected impact from contamination, the Environment Agency would agree with the proposal to specifically investigate areas associated with overground and underground fuel storage tanks which have not been investigated to date. This investigation should be undertaken prior to the start of site clearance and new construction to avoid spreading potential contamination ahead of assessing its location. The Environment Agency note that while the Risk Assessment considers groundwater as a potential receptor, it does not clearly acknowledge the potential impact on the Back Stream from potential contamination or sediment during construction activities. This impact should be considered to ensure all precautions to avoid impact on the Back Stream are taken. (e) If off-site waste disposal is

utilised, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994. (24) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday – Friday 0800 – 1800 hours; Saturday 0800 – 1300 hours. At all other times, including Public Holidays, no noisy working. Applicant was further advised to ensure that all reasonable precautions are taken to prevent dust nuisance at residential and commercial premises arising from demolition. (25) Applicant was advised of the following by Railtrack (now Network Rail):- (a) No alterations or additions to the existing fence can be undertaken without prior agreement in writing from Network Rail. Where children's play areas, open spaces, amenity areas, garage blocks or parking areas are to be sited adjacent to any railway line as in the current proposal, a 3m high palisade fence is generally considered to be the minimum safe standard. It is therefore strongly recommended that such a fence be provided. (b) The Department of Transport has recommended provision of a safety barrier adjacent to the line side fence, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of development and, in the interests of safety, this should be adopted. The safety barrier must be designed to cater for specific loadings dependent on the road traffic anticipated, and Network Rail is able to supply details of the requirements upon receipt of the type and speed of vehicles anticipated. (c) Additional or increased flows of drainage or surface water should not be discharged onto Network Rail's property nor into Network Rail's culverts or drains except by prior agreement with them. In the interests of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10m of Network Rail's boundary. In certain circumstances, this distance may be varied and the developer is advised to provide Network Rail with full details of all drainage proposals likely to effect Network Rail's property. (d) No works should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of existing buildings or other structures must be carried out in accordance with an agreed Method Statement. Care must be taken to ensure that no debris or other materials can fall onto the railway or within Network Rail's property. (e) No overall lowering of existing ground levels is to be carried out near Network Rail's boundary, where the railway is on an embankment or on the same level as the adjoining land, and no excavations are to be carried out near the toe of embankments or the base of retaining walls or in the vicinity of other structures. In any event, alterations in levels must not reduce the effective height of Network Rail's fencing nor undermine its stability. (f) Common boundary or support walls must be of reinforced concrete. Sheet piling will not be acceptable due to early corrosion. Vibro compaction of the use of driven piles will not be permitted in the vicinity of Network Rail's structures including tunnels, embankments and cutting slopes. (g) It is recommended that all buildings be situated at least 2m from

Network Rail's fence, to allow construction and any future maintenance works to be carried out without involving entry onto Network Rail's land. Where trees exist on Network Rail's land, the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines. Network Rail accept no liability for any damage to new buildings arising from root penetration. (h) The design and siting of buildings within the site should take into account possible effects of noise and vibration and the generation of airborne dust resulting from the operation of a railway under statutory powers. The developer should undertake their own investigations to establish the ambient levels originating from the railway and design attenuation and mitigation measures accordingly. (i) If external lighting schemes or illuminated signs are proposed, these may conflict with Network Rail's signalling system and may require additional screening to the railway boundary. In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to them for prior approval, bearing in mind that certain trees such as poplars and other broad-leaved deciduous varieties near railway land may be unacceptable. In addition, any hedge (Cornish hedge or Devon bank) planted adjacent to Network Rail's boundary fence should, when fully grown, neither prevent maintenance being carried out or provide a means of scaling the fence or reduce its effective height.)

Reason for outline planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encourage sustainable, mixed use development on previously developed land and, in particular, the proposal met the requirements contained in Taunton Deane Local Plan Revised Deposit Policies T10-T13.

In the event that the Section 106 Agreement was not concluded by the 28 October 2004, outline planning permission be refused for the reason that the proposal did not make adequate provision for the delivery of the key elements set out in Taunton Deane Local Plan Revised Deposit Policy T10 which, in the opinion of the Local Planning Authority, were necessary to ensure the provision of a satisfactory overall development.

81. Appeals

- (1) Reported that the following appeals have been lodged:-
 - (a) Demolition of existing dwelling and erection of two dwellings on site of The Jays, Stoke Road, North Curry (**24/2003/008**).
 - (b) Erection of single-storey extension towards the road at Buttles Lodge, Hatch Beauchamp (**19/2002/027** and **028LB**).

- (c) Call-in by the First Secretary of State – Erection of industrial units, land adjacent to Chelston Manor, Chelston, Wellington **(46/2002/032 and 46/2003/016)**.
- (d) Erection of single-storey extensions and two-storey extension to the rear of Ridge House, Parsonage Lane, Milverton **(23/2003/018)**.
- (e) Erection of Health Centre with car parking, 42-46 High Street together with rear land between High Street and Scotts Lane, Wellington **(43/2000/134)**.
- (f) (i) Erection of 45 dwellings/apartments for the elderly and disabled, conversion of part existing house to provide support accommodation, together with rear extension accommodating health facilities at Gatchell House, Honiton Road, Trull **(42/2002/057)** and (ii) Demolition of former Squash Club buildings, outbuildings within walled gardens, together with other walls and enclosures, Gatchell House, Honiton Road, Trull **(42/2002/058CA)**.

(Both Gatchell appeals since withdrawn.)
- (g) Replacement of existing entrance door and additional window to the shop front, HSBC Bank, 17 North Street, Taunton **(38/2003/207 and 208LB)**.
- (h) Erection of eleven houses and three flats on site of former Whites Garage, South Street, Taunton **(38/2003/420)**.
- (i) Formation of vehicular access at 10 Crown Hill, West Buckland **(46/2003/024)**.
- (j) Erection of extension to form granny annex and conservatory at 10 Lodwells Orchard, North Curry **(24/2003/014)**.
- (k) Change of use of former Veterinary Clinic to Class B1 industrial/office use at Acorn Veterinary Clinic, Pool Farm, Mountfields Road, Taunton **(38/2003/230)**. (Appeal since withdrawn.)
- (l) Retention of bay window at ground floor level, 3 Park Street, Taunton **(38/2003/215LB)**.
- (m) Change of use of part of ground floor living accommodation to hairdressing salon, 15 Greenway Crescent, Taunton **(38/2003/176)**.
- (n) Erection of a free-standing 48 sheet advertisement board, 3.39m (h) x 6.45m (l) at Lidl Car Park, off Wood Street, Taunton **(38/2003/497A)**.
- (o) Erection of replacement dwelling and detached garage with converted loft, Church Drive, West Buckland **(46/2003/019)**.

- (p) Erection of two houses and garages at the garden of 4 Rydon Lane, off Crowcombe Road, Taunton **(38/2003/515)**.
- (q) Erection of two-storey rear extension, single-storey side extension, rear conservatory and detached store building, 5 Ilminster Road, Taunton **(38/2003/448)**.
- (r) Use of land for siting of agricultural worker's mobile home at Triangle Farm, Churchstanton **(10/2003/022)**.
- (s) New vehicle entrance at 37 Holford Road, Taunton **(38/2003/390)**.
- (t) Display of various non-illuminated signs in connection with Wickes, Priory Fields Retail Park, Taunton **(38/2003/525A)**.
- (u) Conversion of barn to dwelling at Yalway Farm, Broomfield, West Monkton **(48/2003/057)**. (Appeal since withdrawn.)
- (v) Demolition of existing double garage and erection of bungalow and two double garages on land at 18 Homefield Close, Creech St Michael **(14/2003/046)**.
- (w) Replacement windows at 1 Heathfield Farmhouse, Creech Heathfield **(14/2003/045LB)**.
- (x) Application of paint to exterior render of east and west wings at North Lodge, Sandhill Park, Bishops Lydeard **(06/2003/046LB)**.
- (y) Appeal against enforcement notice – Unauthorised garage/shed on land at Fordbridge, Dairy House Lane, Bickenhall **(04/2002/004)**.
- (z) Erection of new dwelling adjoining Allerford Cottages, Allerford, Oake **(25/2003/026)**.
- (aa) Erection of two-storey extension at 9 Rosebery Street, Taunton **(38/2003/447)**.
- (bb) Erection of two-storey rear extension at 8 Rosebery Street, Taunton **(38/2003/446)**.
- (cc) Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St Luke **(06/2003/052)**.
- (dd) Erection of two dwellings and two garages at the former car park of The Crown Inn, Creech Heathfield **(14/2003/043)**. (Appeal since withdrawn.)
- (ee) Retention of graphics/vinyl applied to first-floor windows at Virgin Megastore, 27-27A Fore Street, Taunton **(38/2003/640A)**.

- (ff) Change of use from ancillary accommodation to separate dwelling unit, Bussells Farm, Blackmoor, West Buckland **(46/2003/035)**.
- (gg) Siting of two mobile homes and two touring caravans for single gypsy family, 2 Acres, Ford Street, Wellington **(44/2003/019)**.
- (hh) Erection of two-storey rear extension at 9 Willey Road, Stoke St Gregory **(36/2004/002)**.
- (ii) Display of internally illuminated signs at Carpetright, Priory Fields, Taunton **(38/2004/065A)**.
- (jj) Erection of dwelling for use as a unit of multiple occupation (6 bedrooms) at land adjacent to 14 Greenway Road, Taunton **(38/2003/650)**.
- (kk) Erection of two-storey side extension at 2 Hine Road, Taunton **(52/2003/062)**.
- (ll) Erection of new dwelling in the rear garden of 2 Clifford Avenue, Taunton **(38/2004/051)**.
- (mm) Change of use and conversion of building to form nine flats and one maisonette, Hunts Court, Corporation Street, Taunton **(38/2003/627 and 628LB)**.
- (nn) Erection of triple garage at Seaforde Grange, Dairy House Lane, Bickenhall **(04/2004/002)**.
- (oo) Call-in by the First Secretary of State – Extension to retail store, cladding of existing building and revision to parking layout at ASDA Store, Creechbarrow Road, Taunton **(38/2003/505)**.
- (pp) Erection of house and garage and formation of access together with provision of new access and garage to existing dwelling at Meadows Edge, Corfe **(12/2004/001)**.
- (qq) Conversion of barn to dwelling and change of use of land to form residential curtilage at barn to east of Higher Chapel Leigh Farm, north of Sandings Lane, Chapel Leigh, Lydeard St Lawrence **(22/2004/001)**.
- (rr) Demolition of bungalow and erection of two dwellings, Sundown, Curvalion Road, Creech St Michael **(14/2004/011)**.
- (ss) Formation of hardstanding and vehicular access at the front of 79 Queensway, Galmington, Taunton **(52/2004/005)**.
- (tt) Retention of first floor windows, 4 Highland Place, High Street, Wellington **(43/2004/034)**.

- (uu) Relocation and extension of boundary wall to enclose side access to property, 36 Venn Close, Cotford St Luke **(06/2004/011)**.
 - (vv) Erection of part two, part three, and part four-storey building accommodating 24 flats and provision of garages at County Garage, Priory Avenue, Taunton **(38/2004/139)**.
- (2) Reported that the following appeal decisions had been received:-
- (a) Erection of 2 non-illuminated signs, 23-29 Silver Street, Taunton (38/2002/201A).

Decision

The Inspector felt that the proposed signs would be out of scale with the buildings which would create a cluttered appearance to the street scene. He concluded that the signs would be unsympathetic to the character of the listed building and would dominate the side elevations to the detriment of the visual amenity of the host building and the street scene. The appeal was dismissed.

- (b) Call-in by the First Secretary of State – Extension to existing five-screen multiplex cinema to provide eight screens with associated highway works and parking, land at the Odeon Cinema, Heron Gate, Riverside Retail Park, Taunton (48/2001/028).

Decision

Due to the complexity of the First Secretary of State's Decision Letter, a full copy was submitted for the information of Members of the Committee. The First Secretary of State granted planning permission for the development subject to conditions.

- (c) Erection of dwelling on land adjacent to 8 Crimthorne Cottages, Hatch Beauchamp (19/2003/002).

Decision

It was clear to the Inspector that the proposed dwelling would appear out of scale and character with that part of the village as the house would occupy almost the full width of the plot. She noted that outline permission had already been granted for the erection of a dwelling on the plot. However this new proposal was sufficiently different to make the outline permission of no direct relevance to the decision in this case.

The Inspector concluded that the proposed dwelling would represent insensitive development on the edge of this attractive village. The appeal was dismissed.

- (d) Erection of a two-storey dwelling, 9 Willey Road, Stoke St Gregory (36/2003/004).

Decision

The Inspector felt that although the proposed dwelling would be contained within the curtilage of the existing dwelling, she was concerned that contrary to the development plan policies for the area and Government guidance, the proposal would result in the erection of an additional dwelling in open countryside outside the defined limits of Stoke St Gregory.

She was also concerned that if the proposal was allowed, it would set a precedent for further developments in similar countryside locations, which the Council would have difficulty in resisting, to the detriment of the rural character of the area. The appeal was therefore dismissed.

- (e) Retention of 2 projecting banners, Nightingale House, East Reach, Taunton (38/2003/082A)

Decision

The Inspector felt that because of the size, form and projection at high level, the banners were obtrusive on the building. They also detracted from the architectural integrity of the building and appeared as incongruous afterthoughts. The appeal was dismissed.

- (f) Demolition of existing building and redevelopment of land for residential use at The Jays, Stoke Road, North Curry (24/2003/008)

Decision

The Inspector noted the relative spaciousness of the site and the neighbouring property to the east which helped to maintain the transition from the built-up character of the village to the open countryside.

She felt that replacing the existing small bungalow with the two 2-storey houses would markedly change the character of the area and lead to a greater sense of urbanisation in the locality. The Inspector also noted that the proposed shared access would necessitate the removal of the existing mature hedgerow which would have a harmful impact on the appearance of the rural area.

It was concluded that there was no justification for allowing an additional house on the site. The appeal was therefore dismissed.

- (g) Erection of a bungalow at Eldon, Silver Street, Wiveliscombe (49/2003/008)

Decision

The Inspector noted that the appeal site lay at the end of a lengthy and winding private drive leading off Silver Street. He felt that a suitably designed bungalow on the open end of the site would not adversely impact upon the trees and would have an acceptable relationship with neighbouring development.

However, the Inspector was of the view that the connection of the private access drive with Silver Street was the material factor. The junction was inherently sub-standard and presented a risk to persons walking and driving along it. He acknowledged that a new dwelling would lead to an increase in traffic movements and that this greater usage would be prejudicial to safety to a degree which militated against the grant of permission. The appeal was dismissed.

- (h) Erection of a single-storey extension – Buttles Lodge, Village Road, Hatch Beauchamp (19/2003/027 and 028LB)

Decision

The Inspector considered that the extension would harm the balanced composition of the listed building and would make it appear as a sprawling, incoherent built form. She also felt that the extension would appear as an incongruous addition that would undermine the building's elegant, simple form and would harm its distinctive, compact appearance which was characteristic of its original use as a lodge.

It was concluded that the proposal would harm the special architectural and historic interest of the listed building and its setting. The appeals were therefore dismissed.

- (i) Demolition of an outbuilding and erection of a private dwelling at Lodge Barton, Wood Street, Milverton (23/2003/037)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was allowed and planning permission granted subject to conditions.

- (j) Appeal against enforcement notice – Erection of a 15m high telecommunications mast with 4 No antennae and equipment including a generator, in a fenced compound on land at the rear of Hele Manor Farm, Hele

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed and the enforcement notice was upheld.

- (k) Extension to form a granny annex and conservatory at 10 Lodwells Orchard, North Curry (24/2003/014)

Decision

The Inspector considered that the two structures which were the subject of the appeal proposal were both modest in scale and had very limited visibility from any public place. He noted that concerns had been expressed that further accommodation at the property would result in parking problems in the vicinity. However as the property would retain a garage, a car port and two

hard-surfaced, off-street parking places, as well as a gravel area in front of the house, he considered that the proposal would not result in any additional hazard or inconvenience to drivers or pedestrians.

The appeal was allowed and planning permission granted subject to conditions.

- (l) Development of a new vehicular access at 10 Crown Hill, West Buckland (46/2003/024)

Decision

The Inspector considered that the banks on either side of the proposed access and any retaining wall would constitute a significant obstruction to visibility for vehicles manoeuvring out from the access. He also felt that the dimensions of the proposed development would not appear to be adequate to accommodate a suitable off-street turning area for vehicles.

In the Inspector's view, the restricted visibility and proximity of the brow of the hill would make reversing in or out of the appeal site a hazardous manoeuvre and would jeopardise highway safety. The appeal was dismissed.

- (m) Development of Health Centre with associated car parking 42-46 High Street, together with land at rear between High Street and Scotts Lane, Wellington (43/2003/134)

Decision

Due to the complexity of the Inspector's decision letter, a full copy was submitted for the information of Members of the Committee. The appeal was dismissed.

- (n) Erection of a 48 sheet panel advertisement in the car park, Lidl Store, off Wood Street, Taunton (38/2003/497A)

Decision

Although the proposed position of the panel would have very little visual impact on Goodlands Gardens, in an area generally devoid of signs and obvious commercial features, its display in isolation would be particularly prominent. The Inspector considered that the promotional display panel would be unduly obtrusive and would be counter to the improvements to the amenity of the Wood Street area.

He also noted that planning permission had also been given to develop the area opposite the road entrance to the store with residential flats. If these were built they would be overlooked by the proposed panel, further increasing the objections to its display. For these reasons, he felt the size and exposed siting of the panel would not respect the setting and outlook of the neighbouring residential area. The appeal was therefore dismissed.

- (3) Reported that the following informal hearings had been arranged:-

- (a) Two Acres, Ford Street, Wellington – Committee Room No 1 – 19 January 2005; and
 - (b) Bussells Farm, Blackmoor, West Buckland – Committee Room No 1 – 20 January 2005.
- (4) Reported that the following Public Inquiries had been arranged:-
- (a) ASDA Call-in – Principal Committee Room – 1 March 2005 (for three days); and
 - (b) Hunts Court, Corporation Street, Taunton – Principal Committee Room – 8 March 2005 (one day).

(The meeting ended at 6.53 pm).