

## **Planning Committee – 18 August 2004**

- Present: Councillor Miss Peppard (Chairman)  
Councillors Beaven, Bowrah, Miss Cavill, Croad, Denington, Floyd, Henley, Hindley, House, Phillips, Mrs Smith, Stuart-Thorn, Vail and Wedderkopp
- Officers: Mr T Burton (Development Control Manager), Ms K Marlow (Principal Planning Officer (West)), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm).

(Councillor Miss Cavill arrived at the meeting at 5.39 pm)

### 82. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillor Guerrier.

### 83. Minutes

The minutes of the meeting held on 28 July 2004 were taken as read and were signed.

### 84. Public Question Time

Councillor Beaven, as a member of the public, submitted a number of questions on behalf of Mr S Robins. Most of the questions related to the Section 106 Agreement for the former Chapel at Cotford St Luke.

In response, the Senior Solicitor (Mrs Jackson) commented that many of the issues raised were currently the subject of arbitration proceedings. It would therefore be wrong to reply to those issues. Where it was appropriate to respond to any of the other remaining matters, a written reply would be sent to Mr Robins.

### 85. Applications for Planning Permission

The Committee received the report of the Development Control Manager on applications for planning permission and it was RESOLVED that they be dealt with as follows:-

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

#### **11/2004/012**

Erection of a conservatory at Combe End, Combe Florey.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and, accordingly, did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

**20/2004/017**

Erection of two-storey extension at Epworth, Kingston St Mary.

- (a) C001 – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and, accordingly, did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

**27/2004/015**

Erection of single-storey extension at 1 Pontispool Cottage, Norton Fitzwarren.

Conditions

- (a) C001-time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity and, accordingly, did not conflict with Taunton Deane Local Plan Revised Deposit Policies S1, S2 or H19.

**38/2004/277**

Demolition of garage and erection of two-storey building to form office and garage/store on land to east of 3 Northfield Road, Taunton.

Conditions

- (a) C001 – time limit;
  - (b) C101 – materials;
  - (c) The ground floor garage hereby permitted shall be constructed only in accordance with the approved plans and shall remain in perpetuity for the parking of motor vehicles;
  - (d) P010 – no further windows;
- (Notes to applicant:- (1) NO24 – development in accordance with the approved plans; (2) Applicant was reminded of the need to comply with the provisions of the Party Wall Act 1996; (3) Applicant was reminded that should

the scheme involve land outside of the applicant's ownership, the permission of the relevant landowner would be required).

Reason for granting planning permission:-

The design of the proposal was considered to be in keeping with the area and it was not thought that the scheme would significantly harm neighbouring amenity. The proposal was considered to accord with Taunton Deane Local Plan Revised Deposit Policies S1, S2, EC1, M1 and M2.

**42/2004/026**

Erection of conservatory at The Barn, Sweethay, Trull.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials.

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building nor the visual amenity and therefore did not conflict with Taunton Deane Local Plan Revised Deposit Policy S1.

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

The Committee was of the view that the conservatory would have no adverse impact on the character of the barn.

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

**10/2004/018**

Change of use and conversion of agricultural building to form dwelling at Ford Farm, Moor Lane, Churchinford.

Reason

The building cannot be converted without major rebuilding and significant alteration and the proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policies H9 and EN10.

**12/2004/004**

Erection of house and garage, formation of access together with new garage and access to existing house at Meadows Edge, Corfe.

Reason

The Local Planning Authority considers that a dwelling of this design, together with the siting proposed, fails to respect the established character and appearance of the Corfe Conservation Area. The proposal is therefore contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure

Plan Review, Policy EN15 of the Taunton Deane Local Plan Revised Deposit and relevant guidance in Planning Policy Guidance Note No 15.

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

The Committee was of the view that the proposed dwelling would not respect the character and appearance of the Conservation Area.

(Councillor Miss Cavill declared a prejudicial interest in the following application and left the room during its consideration).

**38/2004/244**

Erection of 37 dwellings on site of former South West Egg Packers Factory, Roman Road, Taunton.

Reason

The proposal results in the loss of an important employment site. In the light of a shortage of other available employment sites, it is concluded that this loss outweighs any benefits resulting from a residential use. The Local Planning Authority is not satisfied on the basis of the information submitted that the site could not now be successfully marketed for employment use. The proposal is therefore contrary to Taunton Deane Local Plan Revised Deposit Policy EC6.

The Senior Solicitor (Mrs Jackson) reported that she was aware the applicants would lodge an appeal against a decision to refuse this application. She therefore requested approval to negotiate the terms of a draft Section 106 Agreement (affordable housing and a contribution towards sport and recreation), in accordance with current Taunton Deane Local Plan Revised Deposit Policies, which would come into effect should the appeal be successful.

RESOLVED that authority be granted for a draft Section 106 Agreement relating to this site at Roman Road, Taunton to be negotiated with the applicants.

86. Erection of single-storey extension and erection of garage, 20 Feversham Way, Taunton (38/2004/198)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues on the amended plans by the 19 August 2004, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) C101 – materials.

Reason for planning permission, if granted:-

The proposed extensions complied with the requirements of Taunton Deane Local Plan Revised Deposit Policy H19.

87. Erection of 61 flats and ancillary works on land at the former SWEB site, Priorswood Road, Taunton (38/2004/243)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) No adverse views from the Leisure and Recreation Officer;
- (2) A unilateral undertaking for the provision of eight social housing units at nil subsidy; and
- (3) Acceptable amended highway plans,

the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the applicant be advised of the following note:-

In respect of the outline planning permission, applicant was reminded of the need to submit reserved matters in connection with outstanding condition numbers 01 and 07 (landscaping), 05 (site levels), 13 (public open space), 14 (children's play area), 15 (full highway details including street furniture), 19 (contaminated land) and 20 (noise details – technical specifications).

Reason for approval, if granted:-

The proposal was in accordance with the Taunton Deane Local Plan Revised Deposit Allocated Site T24.

(Councillor Mrs Smith declared a personal interest in the application covered by Minute No 88 below).

88. Erection of two-storey community building with associated parking on land to rear of St Peters Close, Lyngford Park, Taunton (amended proposal) (38/2004/260)

Reported this application.

RESOLVED that subject to further discussions with the Somerset County Council about the suitability of the “drop-off” arrangements, and the receipt of amended car parking and access plans, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-

- (a) C001 – time limit;
- (b) 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 be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority. Notwithstanding the materials shown on the submitted plans;

- (c) The car park spaces to the north of the building hereby permitted shall be retained for the use of staff using the building or visitors to the local church only;
- (d) The car parking and servicing area shown on the submitted plan shall be fully constructed and available for use by cars prior to the commencement of the use within the building. Such areas shall thereafter be maintained and be kept free from obstruction;
- (e) Prior to its construction on site, full construction details for the proposed car parking areas shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) Prior to the commencement of works on site, full details of the replacement toilet and youth shelter shall be submitted to, and agreed in writing by, the Local Planning Authority. Such details must include a timetable for the construction of these facilities on site. Such facilities shall then be erected in accordance with the timetable unless otherwise agreed in writing by the Local Planning Authority;
- (g) The use hereby permitted shall be strictly limited to the use of the site as a Community Building and for no other purpose including any 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;
- (h) C207 – existing trees to be retained;
- (i) C208A – protection of trees to be retained;
- (j) C215 – walls and fences;
- (k) C201 – landscaping;
- (l) Prior to the commencement of work on site, a tree survey shall be undertaken on the large poplar tree lying to the south of the site. Such a survey must include details of the existing health of the tree, the impact of the development on the tree, any tree works necessary to ensure the long-term retention of the tree in a safe condition and thereafter carrying out appropriate tree management works in consultation with the Local Authority's Parks Manager;
- (m) P006 – no fencing;
- (n) The replacement parking for the library shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (o) The proposed building shall be available for community use outside of the Surestart operating hours;
- (p) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

(Note to applicant:-

Having regard to the powers of the County Highway Authority under the Highways Act 1980, applicant was advised that a Road Opening Notice must be obtained from the Highway Services Manager, Taunton Deane Area before access works commence.)

Reason for planning permission, if granted:-

The proposal would not cause demonstrable harm to the amenities of nearby properties. Levels of parking provision were considered acceptable and community benefits outweighed the loss of public open space. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 45 and Taunton Deane Local Plan Revised Deposit Policies S1, M1, M2 and C3.

89. Erection of two three-storey buildings accommodating 11 flats on land off Eastleigh Road, Taunton (38/2004/267)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) A satisfactory response from the applicants to the Police Architectural Liaison's comments; and
- (2) The applicants entering into a Section 106 Agreement relating to financial contributions towards sport and recreation by the 3 September 2004, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission were granted, the following conditions be imposed:-
  - (a) C001 – time limit;
  - (b) C101 – materials;
  - (c) Before the development hereby permitted is commenced, details of the surface treatment to the access and parking area shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (d) C201 – landscaping;
  - (e) C215 – walls and fences;
  - (f) C324 – parking;
  - (g) C408 – flats – completion of development;
  - (h) C416 – details of size, position and materials of meter boxes;
  - (i) C926B – remediation investigation/certificate;
  - (j) C911 – aerials – combined system;
  - (k) C331 – provision of cycle parking;
  - (l) The windows on the north-west elevation of Block A shall be fixed and obscured glazed and shall not be altered thereafter without the prior written approval of the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water a point of connection onto Wessex Systems prior to the commencement of any works on site; (2) Applicant was reminded of the requirement to protect the integrity of Wessex Systems and agree, prior to the commencement of any works on site, any arrangements for the protection of infrastructure crossing the site; (3) N048A – remediation strategy; (4) 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 properties:- Monday to Friday, 0800 – 1800 hours; Saturdays, 0800 – 1300 hours. At all other times, including Bank Holidays, no noisy working; (5) N024 – development in accordance with the approved plans; (6) N051B – health and

safety; (7) N118A – disabled access; (8) Applicant was reminded of the need to prevent mud being spread onto the public highway during construction.

Reason for planning permission, if granted:-

The proposed flats were considered to be in accordance with the requirements of the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and 4 and Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.

90. Erection of single-storey extensions to the side of Church Cottage, Hillfarrance (27/2003/007)

Reported that planning permission for this development was granted during May 2003.

An application for a minor amendment had recently been received to insert a rooflight to the roof of one of the single-storey extensions. The rooflight was proposed to be obscure glazed.

Details of the proposal had been circulated and three letters of objection, one from Oake Parish Council, had been received, details of which were reported. One letter of support and two further letters raising no objection had also been received.

Further reported that the dwelling to the rear of Church Cottage was approximately 22m distant and, given the height and position of the rooflight, the Development Control Manager considered that there would be no significant overlooking.

Noted that permission to amend the application was required as the extensions were not yet complete. As permitted development rights had not been removed at the planning application stage, once the extension was occupied the rooflight could be inserted as permitted development.

RESOLVED that the minor amendment be approved.

91. Discharge of Section 52 Agreements relating to Hele Manor Farm

Reported that in December 2003, planning permission was granted for the change of use of the yard and buildings to use as workshops, stores for agricultural machinery repairs, base for mobile mechanic and display of machinery and sale of tractors at land at Hele Manor Farm, Hele. The proposal was considered acceptable as farm diversification in accordance with Policy EC5 of the Taunton Deane Local Plan Revised Deposit.

However, it had now become apparent that in the past when policies had been more restrictive, the use of the same land was restricted in various ways by three separate Section 52 Agreements which now conflicted with the above permission.

The owner had therefore requested that the Section 52 Agreements be discharged so there was no doubt as to the authorised use of the land.

RESOLVED that the three Section 52 Agreements restricting the uses at Hele Manor Farm and dated 5 July 1978, 4 January 1979 and 2 September 1982 respectively and made in each case between Taunton Deane Borough Council (1) and P R Thomas and J E Kilford (2) be discharged.

92. Unauthorised erection of building for car sales and repairs and display of flags at Riverside Car Sales, Bathpool

Reported that due to the recent receipt of an application for planning permission to regularise the situation at Riverside Car Sales, Bathpool, RESOLVED that the item be deferred.

93. Appeals

(1) Reported that the following appeals had been lodged:-

- (a) Erection of 12 dwellings and formation of access on site of New Barn, 41 Comeytrove Lane, Taunton **(52/2004/018)**.
- (b) Erection of first-floor extension to rear at 15 Raps Green, Taunton **(38/2004/120)**.
- (c) Change of use and conversion of barn to form dwelling on land to north-east of Bedruthan, Bull Street, Creech St Michael **(14/2004/012)**.
- (d) Appeal against Enforcement Notice – Unauthorised erection of a front boundary wall/fence over 1m high, adjacent to highway at 2 Meare Green, Stoke St Gregory **(36/2003/030)**.
- (e) Erection of 21m lattice tower with associated telephone works on land near Thistlewood Bridge, Walcombes Farm, Riches Holford **(22/2004/004)**.

(2) Reported that the following appeal decisions had been received:-

- (a) Resiting of a 1.9m high boundary wall at 45 Farm View, Taunton **(38/2002/072)**

Decision

The Inspector felt that a wall immediately adjoining the pavement opposite the gardens in Blackthorn Gardens would present an unbalanced aspect to the street scene. The uncharacteristic sense of enclosure created would be an intrusive feature within the area. It was concluded that the proposal would be harmful to the character and appearance of the area, in conflict with emerging Local Plan policy. The appeal was dismissed.

- (b) Erection of dwelling on land between “Hillcrest” and “Highfield”, Maundown, Wiveliscombe (49/2002/035)

Decision

The Inspector felt that the site was remote from any settlement and a new dwelling would generate extra traffic. If permission was granted, it was likely to set a very harmful precedent. The Inspector concluded that the benefits of utilising this land as an infill site with future occupiers contributing to local funds did not outweigh the very cogent objection. The appeal was dismissed.

- (c) Replacement of existing entrance door and additional window to the shopfront, HSBC Bank, 17 North Street, Taunton (38/2003/207 and 208LB)

Decision

The Inspector accepted that the works to the entrance door were needed mainly to improve access for disabled persons. He understood the Council’s concerns about the affect of the proposed new window, bearing in mind that the appeal building was listed and was located within the town centre.

However, the Inspector felt that a further window in the position proposed would counterbalance the projecting sign and night safe at the northern end. He concluded that the creation of the new window would be seen as adequately preserving the visual amenities of the locality and the character and special architectural and historic interest of the listed building. The appeals were allowed and planning permission and listed building consent were granted subject to conditions.

- (d) Erection of house on land adjoining Little Garth, Dipford Road, Trull, Taunton (42/2003/015)

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. An application by the appellant for an award of costs against the Council was refused.

- (e) Erection of replacement dwelling and detached garage with converted loft at Church Drive, West Buckland (46/2003/019)

Decision

The Inspector noted that the position of the proposal had kept the visual impact to a minimum and the siting and general form of the building was considered to be acceptable on this substantial site.

The Inspector was concerned that this quite large building and garage might intrude into the setting of the listed St Mary's Church on the approach to it from the village and from the churchyard, unless some screening, which currently existed along the boundaries of the appeal site, was either retained or reinstated. He was content though that this could be achieved by imposing a planning condition.

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

- (f) Erection of two-storey rear extension, single-storey side extension, rear conservatory and detached store building at 5 Ilminster Road, Taunton (38/2003/448)

Decision

The Inspector considered that the design made no attempt to achieve subservience and, if permitted, would create a marked change in the scale of the existing dwelling which already projected further to the rear than its immediate neighbours. In his opinion, the proposal would be out of scale and character with the existing dwelling and other houses in the area and would cause serious damage to the pleasant character of the locality. He added that the significant depth and height of the two-storey extension would result in material loss of sunlight and daylight to No 7 Ilminster Road. The appeal was dismissed.

- (g) Demolition of existing double garage and erection of bungalow and two double garages on land at 18 Homefield Close, Creech St Michael (14/2004/046)

Decision

The Inspector considered that the layout of the area gave a perception of relative spaciousness. In his view, the proposed development would fail to reflect the overriding special character of development in the locality and would give the impression of inappropriately constrained development with the effect visible both from Homefield Close and neighbouring properties. He also found the dwelling totally lacking in design quality.

The Inspector was also of the opinion that with vehicles using a new access, immediately adjacent to the north boundary of No 16 Homefield Close, this would severely erode the residential amenities that occupiers of this neighbouring dwelling would reasonably expect to enjoy. The appeal was dismissed.

- (h) Retention of graphics/vinyl applied to first-floor windows at Virgin Megastore, 27-27A Fore Street, Taunton (38/2003/640A)

Decision

The Inspector felt the advertisements added visual interest to the building without detracting from the architecture. He also felt that the trees in front of the building would reduce the visibility of the signs at most times of the year and that they added vitality to the street scene without appearing too assertive or dominant. The appeal was allowed and consent granted for the display of the advertisements.

- (i) Display of internally illuminated signs at Carpetright - Site at Priors Fields Retail Park, Taunton (38/2004/065A)

Decision

The Inspector felt that because there was a good deal of ambient light in the immediate foreground, the impact of the illuminated signage would be minimal and that the appeal signs would not be unduly conspicuous in the general street scene. The appeal was therefore allowed and consent was granted for the display of the advertisements.

- (j) Use of land for siting of agricultural workers mobile home at Triangle Farm, Churchstanton, Taunton (10/2003/022)

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 temporary planning permission granted subject to conditions.

- (k) Erection of 11 houses and 3 flats on site of former Whites Repair Garage, South Street, Taunton (38/2003/402)

Decision

The Inspector noted that there was strong policy support for car-free housing schemes on sites that adjoined Taunton Town Centre. He was happy that, during the day, there was capacity for short-term parking on local streets with longer-term parking available in Duke Street Car Park. In the evenings and overnight, parking would be available within 300m of the appeal site.

The Inspector could see no reason why the development would cause highway safety problems in the area. Vehicles parking in South Street for short periods of time would be a common characteristic of sites in inner urban areas. The carriageway was sufficiently wide enough to allow traffic to flow safely and no concerns had been expressed by the Highway Authority.

The Inspector acknowledged the views expressed by residents in Alma Street but was of the opinion that the replacement of an unsightly

building with new two-storey dwellings would be a considerable visual improvement and would not have a significant affect on light or appear unduly oppressive. He concluded that this car-free residential development, which accorded with local and national planning policies, was acceptable in this location. The appeal was allowed and planning permission granted subject to conditions. An application by the appellants for an award of costs was successful.

- (l) Appeal against Enforcement Notice – Retention of garage/shed on land at Fordbridge, Dairy House Lane, Bickenhall (04/2002/004)

Decision

The Inspector noted that the storage building had been erected in open countryside outside any town, rural centre or village and without any claimed agricultural justification. The structure which was sited next to the driveway, seemed more like an ancillary residential building – an impression not assisted by its domestic scale and appearance. He concluded that the structure, in such a prominent position, had an adverse affect on the character and appearance of the surrounding rural area and the special landscape area. The appeal was dismissed and the Enforcement Notice upheld.

- (m) Erection of a new dwelling on land adjoining Allerford Cottages, Allerford, Oake (25/2003/026)

Decision

In the Inspector's opinion disused railway tracks did not fall into the category of previously developed land. He doubted whether the proposed dwelling, in its raised position, could be successfully screened. He added that the increased use of the narrow and unlit access road and the sub-standard junction with the B3227 would create an additional hazard to road safety.

The Inspector concluded that the appeal proposal would be in harmful conflict with national and local policies for the protection of the countryside and the prevention of development in unsustainable locations. The appeal was dismissed.

- (n) Replacement windows at 1 Heathfield Farmhouse, Creech Heathfield (14/2003/045LB)

Decision

The Inspector felt that the replacement windows would create an appearance materially different from the existing, with the delicacy of details in the original windows being lost. He also thought that secondary windows would be more effective than double-glazed units at reducing sound transmission and could, if properly designed and installed, provide a level of security equivalent to that of double-glazed windows. He concluded that the proposal would materially detract

from the character and appearance of the listed building. The appeal was dismissed.

- (o) Retention of 1.85m fence to rear and side of 99 Burge Crescent, Cotford St Luke, Taunton (06/2003/052)

Decision

The Inspector felt that the fence that had been erected alongside the footpath had eroded the openness within this part of the development and, should the opposite open space be similarly enclosed, the path would be turned into a short but narrow alley. He concluded that the fence was an intrusive feature, the retention of which would significantly harm the attractive and open appearance of the immediate area. The appeal was dismissed.

(Councillor Miss Cavill left the meeting at 7.35 pm)

(The meeting ended at 8.59 pm)