

Planning Committee –13 October 2004

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

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

(The meeting commenced at 5.00 pm).

(Councillors Bowrah and Guerrier arrived at the meeting at 5.18 pm and 5.20 pm
respectively)

117. Apologies

Councillors Henley and Mrs Smith.

118. Minutes

The minutes of the meeting held on the 29 September 2004 were taken as read and
were signed.

119. Public Question Time

Miss D Robins asked a number of questions in connection with her father's
relationship with the Council's Planning Department.

The Chairman (Councillor Miss Peppard) thanked Miss Robins for her questions
which would be dealt with appropriately.

120. 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:-

14/2004/033

Erection of two dwellings with garages and access drives on plots 3 and 4 the
former Crown Inn Car Park, Creech Heathfield.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) The surface water drainage shall be fully installed and in working order prior to the occupation of the dwellings hereby permitted and it shall thereafter be maintained in full working order;
- (d) C213 – hedges to be retained;
- (e) C209 – protection of hedges to be retained;
- (f) Notwithstanding the details shown on the submitted plans, before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development for which it relates takes place;
- (g) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority;
- (h) C324 – parking;
- (i) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed in the western elevation of the new dwellings;
- (k) The bathroom and stairwell windows on the south and west elevations of both units A and B shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (l) P001A – no extensions;
- (m) The new access shall maintain a level connection with the existing access lane;
- (n) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 to 1800 hours; Saturday 0800 to 1300 hours. At all other times, including public holidays, no noisy working;
- (o) The applicant shall investigate the history of this site and determine the likelihood of the existence of any contamination from unknown filled ground on site. If contamination is present, a site investigation, risk assessment and remediation strategy shall be submitted to the Local Planning Authority prior to the commencement of development on the site.

(Notes to applicant:- (1) Applicant was advised that Crown Lane, adjacent to the application site, is a public right of way and should not

be obstructed in any way by vehicles. The access is maintained by local residents and they request any subsequent owners/occupiers of the dwellings hereby approved to contribute to its upkeep/maintenance; (2) Applicant was advised that a public footpath runs along Crown Lane. Any change to the surface of this footpath will require the County Highway Authority's permission. Any unauthorised alterations may result in the surface being removed/reinstated at the installer's costs. Any surface would not be maintained by the public unless the lane was adopted; (3) Applicant was advised that the drainage channel to the east of the site is in private ownership and the application site has no rights to drain into it; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) NO45 – encroachment; (7) Applicant was advised that level access is required to the dwellings; (8) Applicant was advised that private drainage ditches may cross the site. Matters relating to these ditches are private legal matters and the granting of this permission does not override the need to reach any other agreements; (9) In regard to condition (g), applicant was requested to contact the County Archaeologist for further advice; (10) Applicant was advised that a public sewer is shown to cross the site and you are advised to contact the Wessex Water Authority to determine the location of their underground apparatus; (11) With regard to condition (f), applicant was advised that due to the proximity of the site to the listed building and the visual prominence of that boundary, a fence will not be acceptable. Either a boundary wall and/or hedge is required).

Reason for granting planning permission:-

The proposal was for two dwellings within the settlement limits of Creech Heathfield where new development was permitted in accordance with Taunton Deane Local Plan Policy S7. The proposals were considered to have an acceptable impact on the adjacent listed building, highway and neighbouring amenity in accordance with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1 and Somerset and Exmoor National Park Joint Structure Plan Review Policies 9, 11 and 49.

25/2004/020

Erection of detached double garage at Willow Barn, Harnham Court, Norton Fitzwarren.

Conditions

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

Reason for granting planning permission:-

The proposal accorded with Taunton Deane Local Plan Revised Deposit Policies S1, S2 and S8 and was not considered to cause harm to the local character or surroundings of the adjacent barn conversions or any residential amenity.

- (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:-

11/2004/014

Increase in height of boundary wall to 2m, Fairview, Seven Ash

Reason

The proposed wall to be increased in height is attached to an access onto the A358 County Route. The access is at an angle at this point, whereas it should be at right angles to the carriageway. The speed of the road will be increased to 50 mph where increased visibility will be required. A 2m wall would virtually eliminate any visibility to the south. As the splays are inadequate to secure visibility necessary for the safety and convenience of the traffic associated with the proposed development, the proposal is contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

14/2004/028

Erection of two-storey side extension at 26 West View, Creech St Michael.

Reason

The proposed extension is of unsatisfactory standard of design and would result in adverse impacts upon the amenities of the neighbouring property, in terms of loss of privacy and overbearing impact and is, therefore, considered contrary to Taunton Deane Local Plan Revised Deposit Policies S1 and H19 and the advice given in the Taunton Deane Design Guide.

25/2004/015

Erection of dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren

Reasons

- (a) The proposal represents an overdevelopment of the site out of keeping with the general scale and character of the existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity of the area contrary to Taunton Deane Local Plan Revised Deposit Policies S1, S2 and H1.
- (b) In the opinion of the Local Planning Authority the proposed dwelling is considered overbearing in relation to the adjoining property thereby causing loss of light and outlook to its occupiers to an unreasonable degree contrary to Taunton Deane Local Plan Revised Deposit Policies S1 and H1.

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

The Committee was of the view that the new dwelling would be an overdevelopment which would have an adverse affect on the neighbouring properties.

- (3) Telecommunications Notification No TL/04/2004. That the notification be approved for the installation of a 15m high monopole mast with 6 No aerials, 2 No dish antenna up to 600m in diameter, radio equipment housing and ancillary development, at Roofing Supplies of Taunton, Cornishway North, Galmington Trading Estate, Taunton.

Reason for the Telecommunications notification being approved:-

The proposed mast was required to facilitate the growth of new and existing telecommunications systems and the impact on the visual amenity of the surrounding area was not considered to be detrimental, in accordance with Policy 62 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011 and Policies S1 and C13 of the Taunton Deane Local Plan Revised Deposit.

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

43/2004/107

Change of use of dwelling with bed and breakfast and ancillary holiday let to adult care home, extensions to dwelling and use of outbuildings as ancillary to care home, The Wheelhouse, Linden, Westford, Wellington.

Reason

For further negotiations.

121. Planning (Listed Buildings and Conservation Areas) Act 1990 – Proposed Urgent Works Notice in respect of Church of St Luke, Cotford St Luke, Bishops Lydeard Civil Parish

Noted that this item had been withdrawn from the agenda.

122. 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)

Reference Minute No 80/2004, reported that discussions in respect of the Section 106 Agreement were still continuing and that conclusion of the agreement would not be completed by the 28 October 2004.

Although a draft agreement had been prepared, this needed to be agreed with the applicants and the Somerset County Council. In order for the outstanding items and

wording to be agreed, it was recommended that an extension of the time period be agreed.

RESOLVED that:-

- (1) The period for the conclusion of the Section 106 Agreement be extended to the 28 January 2005; and
- (2) In the event that the Section 106 Agreement was not concluded by the above date, outline planning permission be refused for the same reasons as set out in Minute No 80/2004.

123. Unauthorised erection of a summerhouse at Court Place Barn, Ashbrittle, Wellington

Reported that following receipt of a complaint, the owner of Court Place Barn, Ashbrittle had submitted a planning application to retain a summerhouse that had been erected in the garden of the property. Permission was required as the summerhouse was adjacent to a number of converted listed barns and was also within the Ashbrittle Conservation Area.

Despite planning permission being refused, no action to dismantle the summerhouse had been taken to date.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised summerhouse at Court Place Barn, Ashbrittle; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

124. Unauthorised change of use of agricultural land at Minsters Edge, Pitminster

Reported that since 2002, a number of complaints had been received concerning the change of use of a piece of agricultural land adjacent to Minsters Edge, Pitminster into domestic use.

In the past various uses, including quad bike racing and bouncy castles, had taken place on the land, which had now been closely mown giving it a domestic type appearance.

The owner of the land had been advised that the change of use required planning permission but, to date, an application had not been received.

RESOLVED that:-

- (1) Enforcement action be taken to stop the current change of use of land at Minsters Edge, Pitminster continuing; and

- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

125. Unauthorised non-illuminated sign at Cash Converters, 5 Eastgate, Taunton

Reported that a large, non-illuminated sign advertising “Cash Converters” had been displayed on the eastern side of 5 Eastgate, Taunton without advertisement consent.

The occupier of the property had been advised that consent to retain the sign was required but, to date, an application had not been received.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised non-illuminated sign being displayed at Cash Converters, 5 Eastgate, Taunton, unless it was removed within one month.

126. Unauthorised vehicular access at 90 South Road, Taunton

Reported that following the receipt of a complaint earlier in the year, a site visit had shown that a vehicular access serving 90 South Road, Taunton had been formed without planning permission.

The owner of the property had been advised that planning permission was required to retain the access but, to date, an application had not been received.

Further reported that since drafting the report, there appeared to be doubt as to whether the access was, in fact, “new” or whether it had been in existence for many years.

RESOLVED that:-

- (1) Enforcement action be taken to stop the use of the vehicular access that had been created at 90 South Road, Taunton;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with; and
- (3) Such enforcement action be deferred for one month from the date of the meeting to allow further investigations to be made in connection with the history of the vehicular access.

127. Unauthorised erection of illuminated sign at Aura, 2 Church Square, Taunton

Reported that despite applications for both advertisement and listed building consent being refused, an illuminated sign comprising individual illuminated letters on a solid bar was still being displayed at Aura, 2 Church Square, Taunton.

RESOLVED that:-

- (1) Listed building enforcement action be taken to secure the removal of the unauthorised illuminated sign at Aura, 2 Church Square, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

(The meeting ended at 6.39 pm).