

Planning Committee – 26 January 2005

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

Officers: Mr T Burton (Development Control Manager), Mr J Hamer (Area Planning Officer (West)), Mr G Clifford (Area Planning Officer (East)), 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 Miss Cavill and Bowrah arrived at the meeting at 5.33 pm and 5.37 pm respectively)

1. Apologies

Councillors Floyd and Weston.

2. Minutes

The minutes of the meetings held on the 15 and 16 December 2004 were taken as read and were signed.

3. Public Question Time

Mr S Robins reminded the Committee that there was a desperate need for a pub and shops in the village of Cotford St Luke. In his view the former chapel, which he owned, was ideal for this purpose. He had suggested that the developer (Robert Hitchens), the Council and himself should work together to bring this Grade II listed building back into use, but this had been rejected by the officers. He asked why this suggestion had been cast to one side?

The Senior Solicitor (Mrs Jackson) informed the Committee that the suggestion had been made subject to current arbitration proceedings in respect of the Clock Tower House Section 106 Agreement being suspended. The Council was not prepared to suspend these proceedings, however, there was nothing else to prevent negotiations as to the future use of the chapel being progressed.

4. 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 **outline planning permission be granted** for the under-mentioned development, subject to the standard conditions adopted by Minute No

86/1987 of the former Planning and Development Committee and such further conditions as stated:-

43/2004/131

Demolition of building, erection of retail A1 food store comprising approximately 2580 m² gross internal floor area with associated parking, servicing and landscaping served by an improved access off Bulford and new pedestrian access via Fore Street, Wellington Medical Centre and Bulford Car Park, Bulford, Wellington.

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C112 – details of guttering, downpipes and disposal of rainwater;
- (f) Before any part of the development hereby permitted has begun, drawings showing the line of the proposed connection to the public sewerage system shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) C201 – landscaping;
- (h) C205 – hard landscaping;
- (i) C206A – existing and proposed levels;
- (j) C207 – existing trees to be retained;
- (k) C208A – protection of trees to be retained;
- (l) C208B – protection of trees – service trenches;
- (m) C209 – protection of hedges to be retained;
- (n) C210 – no felling or lopping;
- (o) C218 – service areas – screening;
- (p) The premises shall be used for a retail food store and for no other purpose (including any other purpose in Class A1 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)
- (q) C917 – services – underground;
- (r) Detailed drawings indicating the height, appearance, intensity of light and manufacturers specification of any external store or car park lighting including the paved terrace shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (s) The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to, and approved in writing by, the Local Planning Authority. Such petrol/oil interceptors shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter;
- (t) C215 – walls and fences;
- (u) The visibility splays from the site onto Bulford, as shown on drawing No 785:PL:02 Revision B, shall be constructed prior to the

development hereby permitted. There shall be no obstructions to visibility within the splay areas in excess of 300 mm above adjoining carriageway level;

- (v) C313 – no vehicular access from Bulford;
- (w) C331 – provision of cycle parking;
- (x) Before the commencement of any works hereby permitted, details and samples of the materials to be used for the hard surfaces 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;
- (y) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied;
- (z) No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of staged archaeological works incorporating evaluation and any further mitigation including preservation in situ and/or by record (ie excavation) in accordance with a written scheme of investigation submitted by the applicants, and approved in writing by the Local Planning Authority;
- (aa)(i) The layout of the site shall be designed to minimise the need for heavy goods vehicles to reverse.
 - (ii) Vehicle mounted refrigeration units shall be turned off within five minutes when delivery vehicles enter the unloading area and reconnected not sooner than five minutes prior to leaving. When it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or wanting to unload.
 - (iii) No deliveries, other than bakery and dairy products shall be made between 0700 hours on any one day and 0800 hours on the following day.
 - (iv) The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc used for the unloading of vehicles.
 - (v) Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than three decibels, expressed in terms of an A-Weighted, one minute Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this position relates, expressed in terms of an A-Weighted, ninetieth percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes.
- (bb) The proposed food store shall be used as a single retail unit and shall not be subdivided into individual shop units without the prior written permission of the Local Planning Authority.

- (cc) No work on the proposed development shall commence until a replacement health centre within Wellington has been provided to the satisfaction of the Local Planning Authority.
- (dd) The submission of the reserved matters shall be accompanied by a Design Statement.
- (ee) Sufficient external power sockets of a suitable type shall be provided to ensure that all refrigerated delivery vehicles can be connected to mains power on arrival. Vehicle mounted refrigeration units shall be switched off within five minutes of a vehicle arriving to unload and shall not be switched on again unless within five minutes of departure.
- (ff) The proposed development shall not be occupied until such time as pedestrian access to Fore Street has been provided to the satisfaction of the Local Planning Authority, in accordance with the approved plan or any other such means that may receive the prior approval of the Local Planning authority.

(Notes to applicant:- (1) Applicant was advised that the proposal should comply with the Food Hygiene (General) Regulations; (2) Applicant was requested to ensure that the distance from the rear doors of vehicles to the warehousing be as short as possible and consideration given to the use of rubber wheeled delivery cages; (3) Applicant was advised that the detailed layout should have regard to the existing rights of way by third parties over the land; (4) With regard to condition (dd), applicant was advised that the layout of the site and the design of the proposed building should be to a high standard in view of the location of the site adjacent to the Conservation Area and listed buildings; (5) N111 – disabled access; (6) N110 – design; (7) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems; (8) N112 – energy conservation; (9) N117 – crime prevention; (10) N115 – water conservation; (11) N075 – Section 106 Agreement; (12) N052 – fire safety; (13) N054 – fire safety; (14) Applicant was advised that provision should be made, as far as possible, for delivery vehicles to unload and depart with the minimum of low speed manoeuvring on the site; (15) Applicant was advised of the need to ensure that no damage is caused to the boundary walls of the site during construction works; (16) Applicant was reminded to either reposition the Remembrance Trees within the site or provide replacement Remembrance Trees as part of the development).

Reason for granting outline planning permission:-

The site was a town centre site, the development of which was in conformity with the retail policies set out in the Structure and Local Plans, in particular Taunton Deane Local Plan Policies S1, EC7, EC8 and W18a.

- (2) 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:-

04/2004/005

Erection of shed at Fordbridge, Dairy House Lane, Bickenhall, Taunton.

Conditions

- (a) C001 - time limit;
- (b) Before the commencement of any works hereby permitted, details of the external finish to the walls 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.
- (c) The building hereby permitted shall be used only for agricultural purposes as defined in Section 336 (1) of The Town and Country Planning Act 1990.

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity or the character or appearance of the surrounding area and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 and S8.

14/2004/041

Erection of conservatory at 6 Kingdon Mead, Creech St Michael.

Conditions

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

(Note to applicant:- NO45 – encroachment).

Reason for granting planning permission:-

The proposed extension complied with Taunton Deane Local Plan Policy H19 in that there was no harm to the residential amenity of other dwellings and no harm to the form and character of the dwelling.

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

15/2004/008

Erection of two storey side extension, Orchard House, Curland.

Conditions

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

(Note to applicant:- N034A – drainage/water).

Reason for granting planning permission:-

The development by reason of its size and design in relation to the existing property, impact on the character of the area and subject to the conditions

imposed, was considered to accord with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policies S1, S2 and H19.

25/2004/032

Conversion of pool house to private dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren.

Conditions

- (a) C001 – time limit;
- (b) The proposed access (or drive) shall incorporate splays on both sides to the rear at the existing public footway based on co-ordinates of 2m x 2m;
- (c) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwelling first being brought into use;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P005 – no garages;
- (g) P010 – no further windows;
- (h) The conversion of the pool house to a dwelling hereby permitted shall not be brought into use until two parking spaces for the dwellinghouse have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles or for the purposes of access.

(Note to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to commencement of any works on site to agree connection onto Wessex Water infrastructure; (3) N118 – disabled access).

Reason for granting planning permission:-

The proposal was considered not to erode the character or residential amenity of the area in accordance with Taunton Deane Local Plan Policy H1.

26/2004/012

Erection of single storey and two storey extensions at 22 Higher Poole, Wellington.

Conditions

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

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was, therefore, considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2 and H19.

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

The Committee felt that the proposed extensions did not detract from the visual amenity of the locality.

43/2004/138

Erection of building for employment use (B1, B2 and B8 uses) and provision of parking area at Unit 18 Rylands Farm Industrial Estate, Bagley Road, Rockwell Green, Wellington.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C201A – landscaping;
- (d) C215 – walls and fences;
- (e) C324 – parking;
- (f) C708 – restricted use – no storage except where stated;
- (g) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A – Weighted two minute Leq when measured at any point 1.5 m from any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time when measured as above. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, ninetieth percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes;
- (h) Other than within the areas used for B1 (light industry) use, no work shall be carried out on the site on any Sunday, Christmas day or bank holiday or other than between 0800 and 1800 hours on Monday to Saturdays;
- (i) Within a period of three years from the date of this permission, details of the arrangements to be made for the disposal of 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.

(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N051B – health and safety; (5) Applicant was advised that the Drainage Officer is not aware of any existing drain in the area, and the details submitted pursuant to condition (i) should ensure that any additional surface water flows do not exacerbate any

existing capacity. There is a history of localised flooding in the area; (6) With regard to condition (c), applicant was advised that tree planting to the western boundary should be sufficient to soften the impact of the new buildings. It is recommended that the proposed planting comprises a single staggered row of native hedging plants at 0.5 m, species to include hazel, hawthorn, field maple and holly, and field maples planted as 1.2 m – 1.8 m, feathered trees at 10 m intervals; (7) Applicant was requested to ensure that the provision of any external lighting does not cause light pollution to the nearby residential properties).

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EC1 in that the site had good transport links and with the conditions imposed neither residential nor visual immunity would be adversely affected.

43/2004/156

Removal of condition 02 attached to planning permission 43/2004/107, The Wheelhouse, Linden, Westford, Wellington.

Condition

Prior to any change of proprietor or change in the nature of the business conducted from the premises, a Travel Plan addressing the proposed change shall be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented on the respective change of proprietor or business.

Reason for granting planning permission:-

The proposal was considered not to harm the residential amenity of the area or harm highway safety in accordance with the Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

49/2004/074

Erection of dwelling at land west of Abottsfield Cottages, West Road, Wiveliscombe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) The new windows and doors 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;
- (d) C201 – landscaping;
- (e) C215 – walls and fences;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;

- (g) C917 – services – underground;
- (h) C306 – access – gradient;
- (i) The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwelling hereby permitted first being brought into use;
- (k) P001A – no extensions;
- (l) P010 – no further windows;
- (m) Prior to the commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law.

(Notes to applicant:- (1) With regard to condition (h), applicant was advised that the submitted drawings do not show an appropriate turning/parking area; (2) N061 – road opening notice; (3) N112 – energy conservation; (4) N115 – water conservation; (5) Applicant was advised to investigate the history of this site and to determine the likelihood of the existence of any contamination resulting from previous use. If contamination is present, a site investigation, risk assessment and remediation strategy should be submitted to the Local Planning Authority prior to the commencement of development on site; (6) Applicant was advised that a solid continuous barrier should be provided on the boundary to the rear of the garden, in between the proposed dwelling and the garage to the south of the dwelling to mitigate noise arising from the garage workshop. The applicant may wish to consult a noise specialist to determine the specifications of such a barrier).

Reason for granting planning permission:-

The proposal for residential development is located within defined settlement limits where new housing is encouraged. The proposed access would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity or the character or appearance of the Conservation Area and is, therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1, S2 H1, EN15 and N3a.

51/2004/007

Erection of two storey rear extension at Clyse Farm, Staith.

Conditions

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

Reason for granting planning permission:-

Whilst strictly contrary to the provisions of Taunton Deane Local Plan Policy H19(c), the proposed extension will not adversely impact on the character of the building or the appearance of the locality. The proposal therefore accords with the requirements of Policy S2.

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

The Committee felt that the proposed extension would not detract from the character of the building or the visual amenity of the locality.

- (3) 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:-

06/2004/062

Retrospective application for use of amenity land as domestic curtilage and erection of railings, 10 Bethell Mead, Cotford St Luke.

Reason

The formation of a domestic curtilage and provision of railings would result in an intrusive feature when viewed from the adjacent public open space area, and would consequently adversely affect the visual amenity of the area. Therefore, the proposal is considered to be contrary to Policies S1 and S2 of the Taunton Deane Local Plan.

Also RESOLVED that enforcement action be taken to stop the unauthorized use of the land taking place and to seek the removal of the area of decking that had been constructed.

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

The Committee felt that this proposal was unacceptable, as the visual amenity of the area would be adversely affected.

38/2004/449T

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

Reason

The tree had a high amenity value.

Reason for consent to fell being refused contrary to the recommendation of the Development Control Manager:-

The Committee felt that the loss of the tree would have an affect on the visual amenity of the area and that it would be preferable for the height of the tree to be reduced instead.

48/2004/074

Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield.

Reason

The proposed building by reason of its bulk and roof height, will detract from the amenities and outlook of adjoining dwellings. The proposal therefore conflicts with Taunton Deane Local Plan Policies S1(D) and (E).

Also RESOLVED that enforcement action be taken seeking the reduction in the size of the garage to that previously approved in June 2003.

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

The Committee was of the view that the height of the garage roof would have a significant visual impact on neighbouring properties.

- (4) Telecommunications Notification No TEL/07/2004. That the notification be refused for the installation of a 12 m monopole mast with three antennas, two transmission dishes, radio equipment and electric meter housing, security chain link fence and ancillary development at Stoneyhead Hill South, Meare Court, Meare Green, Wrantage.

Reasons for the telecommunications notification being refused:-

- (1) The proposed installation would be detrimental to the visual amenities of the area when viewed from Meare Green and would be contrary to Taunton Deane Local Plan Policy S7 (open countryside);
- (2) The Local Planning Authority considers that possible alternative site/mast share sites (especially that at Knights Garage, Thornfalcon) have not been fully investigated in line with Government advice contained within Planning Policy Guidance Note No 8.

Reason for the telecommunications notification being refused contrary to the recommendation of the Development Control Manager:-

The Committee was concerned that the proposed telecommunications mast would have an adverse impact on the visual amenity of the area. The Committee also felt that there was the possibility of mast or site sharing at existing locations nearby.

- (5) That the following application be withdrawn:-

37/2004/520

Erection of apartment block containing 20 social housing units at former Princess Margaret School site, Middleway, Taunton.

5. Erection of two stables (commercial/racing stables) at land at Three Oaks, Ash Priors (02/2004/006)

Reported this application

RESOLVED that subject to the receipt of:-

- (1) No adverse comments from the Environmental Health Officer; and
- (2) No further representations raising new issues by 1 February 2005, 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) C102A – materials;
 - (c) The stables hereby approved shall be used for the purpose of an outlying yard as described in the agents letter dated 16 December 2004, and for no other purpose including livery, where owners look after the horses themselves, or use as a riding stables except for full board livery use;
 - (d) There shall be no obstruction to visibility greater than 900 mm above the adjoining road level in advance of lines drawn 2 m back from the carriageway edge on the centre line of the access, and extending to points on the nearside carriageway edge 33 m either side of the access. Such visibility splays shall be fully provided before works commence on the erection of the proposed equestrian buildings hereby permitted and shall thereafter be maintained at all times;
 - (e) The existing access shall be widened to incorporate a radius of 6 m;
 - (f) Any entrance gates shall be hung to open inwards only and shall be set back a minimum distance of 6 m from the carriageway edge;
 - (g) The proposed access over the first 6 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not looses stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (h) The gradient of the proposed access shall not be steeper than 1 in 10;
 - (i) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (j) C201 – landscaping;
 - (k) Before the development hereby permitted is commenced, details of the positioning and design of any manure/dung heap shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (l) The site shall be drained on a separate system with all clean and surface water being kept separate from foul drainage;
 - (m) All foul drainage including foul surface water run off, shall be disposed of in such a way as to prevent any discharge to any well, spring or water course, including dry ditches with a connection to a water course;

- (n) No refuse or waste materials shall be disposed of by burning on any part of the site.

(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991) (2) Applicant was advised that the subsequent storage and disposal of collected wastes should be undertaken in accordance with the DEFRA code of Practice for the Protection of Water and the Protection of Air)

Reason for planning permission, if granted:-

The principle of the development outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S8 and N3a.

6. Residential development of 23 No dwellings, land at Hill Farm, Kingston St Mary (20/2004/026)

Reported this application

RESOLVED that subject to:-

- (1) The submission of a Design Statement;
- (2) The conclusion of a Section 106 Agreement providing for contributions towards sport, recreation and off site highway works; and
- (3) The receipt of no further representations raising new issues on the amended plans by the 10 February 2005,

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) 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;
- (c) Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority;
- (d) C101 – materials;
- (e) C113 – details of structure and colour of mortar;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) Details and samples of the materials to be used for the surfaces of the courtyards shall be submitted to, and approved in writing by, the Local Planning Authority and no other material shall be used, without the written consent of the Local Planning Authority;
- (h)(i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges which will include details of the species, siting and numbers to be planted, including planting within the

blue line area to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or, as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority
 - (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) C209 – protection of hedges to be retained;
 - (n) C210 – no felling or lopping;
 - (o) The existing hedges on the northern and eastern boundaries of the site shall be retained to the satisfaction of the Local Planning Authority;
 - (p) C215 – walls and fences;
 - (q) 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;
 - (r) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
 - (s) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use;
 - (t) At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum coordinates of 4.5 m x 90 m in each direction. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times;
 - (u) The proposed access shall be constructed in accordance with details shown on the approved plan and shall be available for use before the commencement of the development hereby approved;

- (v) Before any part of the permitted development is commenced, details of a new hedge along the north-east boundary of site shall be submitted to, and approved in writing by, the Local Planning Authority or, in default, by the Secretary of State for the Environment. Such a scheme shall be carried out within nine months of the date of commencement of the development;
- (w) C324 – parking;
- (x) 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;
- (y) C416 – details of size, position and materials of meter boxes;
- (z) Before the development hereby permitted is commenced, unobstructed visibility shall be provided above a height of 900 mm from adjoining carriageway level across the full site frontage. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (aa) C917 – services – underground;
- (bb) P001A – no extensions;
- (cc) P003 – no ancillary buildings;
- (dd) P006 – no fencing;
- (ee) There shall be no street lighting, other than with the prior written consent of the Local Planning Authority;
- (ff) C926B – remediation investigation/certificate;
- (gg) C910B – archaeological investigation;
- (hh) Before the commencement of any work hereby permitted, detailed elevations of the proposed dwellings and garages shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ii) Prior to the commencement of development, a survey shall be carried out to ascertain the importance of the site, including the adjacent trees and hedges, for wildlife. Any necessary mitigation measures shall be submitted to the Local Planning Authority and carried out as part of the development.

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N113 – street names; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N117 – crime prevention; (7) N061A – Highways Act Section 184 Permit; (8) With regard to condition (u), applicant was advised that the proposed pedestrian crossing point should be provided to allow pedestrians to access the village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full Y visibility splay with no obstruction to visibility greater than 300 mm. In order to demonstrate this, a full survey drawing in both horizontal and vertical section should be submitted indicating such visibility at the crossing point; (9) With regard to condition (h), applicant was advised that this should include reinforcement planting for the eastern boundary and planting up of the area of land within the applicants ownership to the west of the site; (10) With regard to condition (d), applicant was advised that in view of the location of the site within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area, natural materials for the walls and roofs should be specified; (11) N024 –

development in accordance with the approved plans; (12) N051B – health and safety; (13) N075 – Section 106 Agreement; (14) N091 – trees; (15) N094 – trees; (16) Applicant was advised to agree with Wessex Water prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (17) N048A – remediation strategy; (18) 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; (19) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (20) With regard to condition (gg), applicant was advised that the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologists to undertake it).

Reason for planning permission if granted:-

The proposed development was on land previously occupied by farm buildings and was allocated for residential development in the Taunton Deane Local Plan. It was not considered that the proposal would have any adverse impact on the character of the area or the amenities of any nearby residential properties. The development was in compliance with Taunton Deane Local Plan Policies S1, S2, H1, EN15, EN17 and KM1.

Also RESOLVED that in the event that the Design Statement was not received by 21 February 2005 and/or the Section 106 Agreement was not concluded by 7 March 2005, planning permission be refused for reasons that the proposal did not have adequate provision for off site children's play and public open space and necessary off site highway works contrary to Taunton Deane Local Plan Policies C4 and KM1(D) and/or it had not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would preserve or enhance the Conservation Area and would therefore be in conflict with Taunton Deane Local Plan Policies KM1(C) and EN15.

7. Erection of 23 dwellings (microflats) with landscaping and associated work at Wood Street, Taunton (38/2004/492)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no adverse views from the Environment Agency, Fire Officer or the County Highway Authority on the amended plans;
- (2) The receipt of no further representations raising new issues on the amended plans by 10 February 2005;
- (3) The completion of a Section 106 Agreement regarding contributions towards local recreational provision,

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

- (a) C001 – time limit;
- (b) Notwithstanding the details on the application, and 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;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;
- (e) The development hereby permitted shall not be commenced until details of the arrangements for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented and maintained to the satisfaction of the Local Planning Authority;
- (f) Prior to the commencement of any development works upon this site, the applicant shall at his own expense appoint a suitably qualified acoustic consultant with a remit to examine that area of land and identify what measures, if any, may be necessary to ensure that noise from traffic sources from the existing highway and the proposed Inner Relief Road will not cause nuisance to the residential occupants of premises on that area of land. The consultant shall submit a written report to the Local Planning Authority which shall contain details of all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which such scheme is based. Such report shall be agreed in writing by the Local Planning Authority prior to the commencement of development works upon this site and all agreed identified measures implemented prior to the occupation of the dwellings upon this site;
- (g) C215 – walls and fences;
- (h) Detailed drawings indicating the height, intensity of light and manufacturers specification of the proposed external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced. Lighting hereby permitted to the rest of the site and building shall not remain on between 2200 and 0730 hours;
- (i) 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; Saturdays 0800 to 1300 hours. At all other times, including public holidays, no noisy working;
- (j) C927 – site contamination;
- (k) C331 – provision of cycle parking;
- (l) The bike sheds shall be completed prior to the occupation of the flats hereby permitted and shall remain available for use solely by occupants of those flats thereafter;
- (m) No occupation of the dwellings shall take place until the provision of the lay-by, associated footway and traffic regulation order have been

carried out in accordance with a Section 278 Agreement with the County Highway Authority;

- (n) The bathroom windows in the northern elevations shall be glazed with obscure glass and such glazing shall thereafter be maintained;
- (o) P011 – no windows on the western elevation;
- (p) The windows hereby permitted shall be recessed into the wall by a minimum of 900 mm;
- (q) C112 – details of guttering, downpipes and disposal of rainwater;
- (r) C414 – no increase in site level;
- (s) Prior to the commencement of works on site, details of the repair/repointing of the existing western boundary wall with Greenbrook Terrace shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed repair/repointing works shall be completed prior to the occupation of the units hereby permitted;

(Notes to applicant:- (1) N041A – drainage/water; (2) N111 – disabled access; (3) N112 – energy conservation; (4) N115 – water conservation; (5) N117 – crime prevention; (6) With regard to condition (h), applicant was advised that future security lighting to the rear of the flats may have a detrimental impact on the amenity of residents of Greenbrook Terrace and is unlikely to be acceptable; (7) Applicant was advised to contact Taunton Deane’s Drainage Officer to discuss the surface water drainage for the site).

Reason for planning permission, if granted:-

The proposed residential development was located within Taunton Town centre and conformed to Taunton Deane Local Plan Policies S1, S2, H1, N3a, C4 and EN34.

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

Reported that following the receipt of the flood risk assessment from the applicant, this item had been withdrawn from the agenda.

9. Section 52 Agreement relating to “Mallow”, Creech Heathfield

Reported that planning permission had been granted in 1975 for the erection of a dwelling on a site adjacent to the property called “Chants”, subject to a Section 52 Agreement preventing the erection of a second dwelling on the land.

At the time, the site had been outside the settlement limits of Creech Heathfield. It appeared though, that an exception had been made to allow the dwelling (now known as “ Mallow”) to be built as the proposal had also provided a car park for the adjacent doctors surgery located within “Chants”.

The settlement limits had since been extended to include the whole area covered by the Section 52 Agreement.

As the justification for the restriction no longer existed, the present owner of the land had requested that the Section 52 requirement be lifted.

RESOLVED that the Section 52 Agreement of 24 September 1975 made between John Caray (1) and the Council (2) relating to the property "Mallow" at Creech Heathfield be varied to release the covenant against the erection of more than one dwelling on the land.

10. Enforcement action in respect of mobile crane business, Creech Paper Mills, Creech St Michael

Reference Minute No 66/2004, reported that an enforcement notice had been served in respect of the unauthorised crane hire business at Creech Mills, Creech St Michael. The notice was currently subject to an appeal.

As part of their appeal submission, the appellants had submitted a detailed argument as to why there had not been a breach of planning control. Firstly, because a crane hire business was not being conducted from the premises and, secondly, that the stationing of four cranes to the rear of Creech Mills fell within the existing authorised use of the land.

The Senior Solicitor (Mrs Jackson) had investigated this submission and had concluded that because the hiring element of the business was being carried out from elsewhere, there was no business being conducted from the site. She added that although a crane hire business would usually be considered sui generis (a distinct and separate planning use), the stationing of four cranes on a yard area used for the stationing and storage of commercial and other vehicles did not constitute a change of use. It was therefore felt that there was insufficient evidence to support the enforcement notice on appeal and it was therefore recommended the notice should be withdrawn.

Mrs Jackson further reported that the cranes undoubtedly did cause noise and disturbance to local residents and, in the circumstances, she had asked Environmental Health to consider whether movement of the cranes constituted a statutory nuisance.

RESOLVED that the enforcement notice served in respect of the unauthorised use of land at Creech Mills, Creech St Michael be withdrawn.

11. Railings erected to front of property at Queens House, The Square, North Curry

Reported that it had been brought to the Council's attention that a set of metal railings had been provided around the front garden area of Queens House, The Square, North Curry. The railings were of traditional design but were over 1 m high adjacent to a highway and therefore required planning permission.

The owner of the property had been invited to submit a planning application to retain the railings but have declined to do so. Both the North Curry Parish Council and the Conservation Officer had indicated that the railings were acceptable.

In the view of the Development Control Manager the railings were in keeping with the period property and the North Curry Conservation Area. Therefore, if an application had been submitted, it was likely to have been granted consent.

RESOLVED that no further action be taken.

12. Appeals

- (1) Reported that the following appeals had been lodged:-
- (a) Use of proposed holiday lodge permitted under planning permission 03/2003/003 for Manager's accommodation, Exmoor Gate Lodges, Waterrow, Wiveliscombe (03/2004/004)
 - (b) Removal of condition 03 of planning permission 10/1988/023 in order to allow the ancillary accommodation to be used as a separate dwelling with new domestic curtilage, North Down House, Churchinford (10/2004/010)
 - (c) Residential development comprising seven dwellings, land to west of Lydeard Mead, Bishops Lydeard (06/2004/025)
 - (d) Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe (49/2004/022)
 - (e) Erect one bedroomed units for special needs accommodation in several one or two storey buildings in association with Trenchard House, Trenchard Park Gardens, Norton Fitzwarren (25/2004/006)
 - (f) Erection of dwelling on land to north of Broomhay, Hyde Lane, Bathpool (48/2004/036)
 - (g) Conversion of barns into two holiday lets at Whipprells Farm Buildings (part Pontispool Farm), Norton Fitzwarren (27/2004/016)
 - (h) Erection of 37 dwellings on site of former South West Egg Packers Factory at Roman Road, Taunton (38/2004/244)
 - (i) Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton (52/2004/037)
 - (j) Erection of extensions to form additional special needs accommodation and change of use of property to special needs at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren (25/2004/007)
 - (k) (i) Demolition of former gymnasium to rear of former Four Alls Public House; and (ii) Alteration and extension of former Four Alls Public House to accommodate Class A3 (food and drink use) together with 19 flats and provision of car parking and cycle storage at The Four Alls, Corporation Street, Taunton (38/2004/261CA and 287)
 - (l) Erection of conservatory at Combe Down Barn, Combe Florey (11/2004/013)
 - (m) Erection of dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren (25/2004/015)
 - (n) Illuminated and non-illuminated fascia signs and projecting sign, Rileys, 1 Kingston Road, Taunton (38/2004/366A)
 - (o) Erection of first floor side extension at Home Cottage, 117 Galmington Road, Taunton (38/2004/247)
 - (p) Erect house and garage, formation of access together with new garage and access to existing house at Meadows Edge, Corfe (12/2004/004)

- (q) Retention of flat roof dormer window with UPVC cladding replaced by tile hanging at 15 Eastbourne Gate, Taunton (38/2004/390)
- (r) Appeal against enforcement notice – unauthorized siting of two mobile homes and two touring caravans for single gypsy family at Two Acres, Ford Street, Wellington.
- (s) Appeal against enforcement notice – change of use of part of property for the purposes of operating a business at 33 Alma Street, Taunton.
- (t) Appeal against enforcement notice – change of use of land for the hire and storage of cranes at Creech Mills, Mill Street, Creech St Michael.
- (u) Erection of eight houses and 53 flats and formation of access at Pollards Way, Wood Street, Taunton (38/2004/324)
- (v) Demolition of chimney stack and thatch over, 24 Mount Street, Bishops Lydeard (06/2004/034LB)
- (w) Erection of four dwellings with associated works, land north of former hospital buildings, Cotford St Luke (06/2004/039)
- (x) Erection of two sheet advertisement display panels, Bathpool Bridge, Bridgwater Road, Taunton (48/2004/060A)
- (y) Change of use of ground floor from massage parlour to two self contained flats at Salisbury Cottage, The Mount, Taunton (38/2004/421)
- (z) Call in by the First Secretary of State – demolition of some existing buildings, repair, refurbishment and conversion of retained existing buildings into 25 self contained dwellings, restoration of the parkland and erection of 45 dwellings at Sandhill Park, Bishops Lydeard;
- (aa) Appeals against enforcement notice – change of use of the land to a permanent gypsy site for 16 mobile homes, 16 caravans and 15 utility day rooms at Greenacres, Oxen Lane, North Curry;
- (bb) Erection of single storey dwelling on land to the rear of 209 Staplegrove Road, Taunton (38/2004/409)
- (cc) Erection of a dwelling on land adjacent to 23 Manor Park, Norton Fitzwarren (resubmission of 25/2004/015)(25/2004/026)

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

- (a) Erection of two storey side extension at 2 Hine Road, Taunton (52/2003/062)

Decision

In the Inspector's judgement the impact of the development would be significant. As the appeal property stood in a slightly elevated position in relation to Queensway and because of its position on a street corner, the extension would be quite prominent. He also shared the Council's concern about the cumulative effect of this type of development, bearing in mind the presence of similar parcels of open space in the area. The appeal was dismissed.

- (b) Demolition of bungalow and erection of two dwellings, Sundown, Curvalion Road, Creech St Michael (14/2004/011)

Decision

In the Inspector's opinion visibility from both junctions with St Michaels Road was so far short of the normal standard as to constitute a positive hazard. He concluded that the additional vehicle movements which would be generated by the scheme would add to the existing hazards to traffic at the two junctions, resulting in a significant risk to road safety. The appeal was dismissed.

- (c) 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)

Decision

The Inspector felt that due to its size, its dominant relationship to the Forge Cottage outbuilding and its close proximity to the road, the proposed new house would be too large for its plot. He also felt that various proposed design elements would cause the dwelling to resemble a volume built, anonymous, large house with few of the features, which marked the local distinctiveness of the Conservation Area. The appeal was dismissed.

- (d) Change of use of land to form residential curtilage and conversion of barn to form dwelling at barn to the east of Higher Chapel Leigh Farm and to the north of Sandings Lane, Chapel Leigh, Lydeard St Lawrence (22/2004/001)

Decision

The Inspector considered that with so little left of the original structure, significant rebuilding would be required. He also considered that in terms of sustainability the new dwelling would be remote from any public transport provision and too far from services to be accessible by walking or cycling. Furthermore, to provide adequate visibility from the access, it would be necessary to cut back the hedge but this would have an unacceptable impact on the rural character and appearance of the lane. The appeal was dismissed.

- (e) Erection of a triple garage at Seaforde Grange, Dairy House Lane, Bickenhall (04/2004/002)

Decision

Although the footprint of the proposed garage was larger than that of the existing garage, the Inspector felt that its massing would be reduced with the proposed hipped roof. By making the maximum use of screening and the lie of the land, the effect of the proposed garage on the character and appearance of the countryside would be acceptable. Although the objective of encouraging sustainable forms of transport was recognised, as there was already ample parking for more than three cars within the curtilage of Seaforde Grange, restricting the size of the garage would not in itself achieve this objective. The appeal was allowed and planning permission granted.

- (f) Erection of a new dwelling in the rear garden of 2 Clifford Avenue, Taunton (38/2004/051)

Decision

The Inspector noted that although the proposal would make a very small contribution towards the overall supply of housing within the town, the requirements for new housing were that they should be provided without compromising the quality of the existing environment. In his opinion the proposal would entail a considerable loss of space from this prominent corner plot and would appear cramped. It would also contrast awkwardly with the spacious qualities and setting of the properties to the north. The appeal was dismissed.

- (g) Erection of two storey rear extension at 9 Willey Road, Stoke St Gregory (36/2004/002)

Decision

The Inspector noted that the property was the only one of the eight dwellings that already had a two storey extension. The current proposal, which involved a further two story extension, would significantly increase the scale of the existing dwelling. When viewed with the approved extension, the proposal would result in an extension that could not be described as being subservient to the existing dwelling. He also felt that the proposal would have a harmful affect on the living conditions of the occupiers of 10 Willey Road. The appeal was dismissed.

- (h) Erection of a dwelling for use as a unit of multiple occupation (six bedrooms) at land adjacent to 14 Greenway Road, Taunton (38/2003/650)

Decision

The Inspector felt that a history of anti-social behaviour by the occupiers of the existing building had influenced the Council's decision to refuse planning permission. No evidence had been produced that the current proposal would be an over-intensive use of the site or that undue nuisance or disturbance to neighbouring properties would be likely to occur. He also felt that six units could be satisfactorily located on the site, which was an appropriate location for multiple occupation. The appeal was allowed with certain conditions.

- (i) Formation of a hardstanding and vehicular access at the front of 79 Queensway, Galmington, Taunton (52/2004/005)

Decision

The Inspector found that there was inadequate room for a vehicle to turn within the site and it would therefore be necessary to reverse onto or from the hardstanding. The new access would be likely to cause hazards to traffic and a permission in this case would make it difficult

for the Council to resist future similar proposals. The appeal was dismissed.

- (j) Appeal against enforcement notice – retention of boundary wall/fence at 2 Meare Green, Stoke St Gregory

Decision

The Inspector acknowledged that various forms of boundary treatment already existed along Meare Green. However, rather than help provide justification for the development, they indicated a need for such items to be carefully controlled if the pleasant rural quality of the area was to be maintained and safeguarded. He considered that the wall/fence was close to the road and appeared as a very strident, unattractive and discordant feature. He also found that the wall/fence caused an impediment to visibility, which constituted a hazard to highway safety. The appeal was dismissed and the enforcement notice upheld.

- (3) Reported that the following informal hearing had been arranged:- Two Acres, Ford Street, Wellington – Old Municipal Buildings, Corporation Street, Taunton – 22 February 2005.

(Councillor Bowrah left the meeting at 8.34 pm. Councillors Henley and Wedderkopp left the meeting at 8.35 pm and Councillor Vail at 8.36 pm)

(The meeting ended at 8.58 pm)