

Present: Councillor Miss Peppard (Chairman)
Councillors Beaven, Bowrah, Croad, Henley, Hindley, House,
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).

(Councillor Bowrah arrived at the meeting at 5.42 pm).

27. Apologies

Councillor Mrs Hill (Vice-Chairman) and Councillors Miss Cavill, Denington,
Guerrier, Phillips and Weston.

28. Minutes

The minutes of the meeting held on the 2 March 2005 were taken as read and
were signed.

29. Applications for Planning Permission

The Committee received the report of the Development Control Manager on
application 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 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:-

07/2005/003

Demolish dwelling and erect two dwellings at Cosy Nook, Bradford-on-
Tone.

Conditions

- (a) C007 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;

- (h) Soakaways shall be constructed in accordance with Building Research Digest 365 (September 1991)
- (i) P010 – no further windows;
- (j) P001A – no extensions;
- (k) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site beyond the forward-most part of the front of the dwelling houses unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (l) Proposed dwellings shall be constructed as one and a half storey buildings with first floor accommodation provided within the roof space;
- (m) No part of the development hereby permitted shall be carried out until a plan at a scale of not less than 1:500 showing the proposed layout of the site has been submitted to, and approved in writing by, the Local Planning Authority;
- (n) At the proposed accesses, there shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access, and extending to points on the near side carriageway edge 60m either side of the accesses. Such visibility splays shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times;
- (o) Before the accesses hereby permitted are first brought into use, properly consolidated and surfaced turning spaces for vehicles shall be constructed in accordance with details, which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning spaces shall be kept clear of obstruction at all times;
- (p) Plans showing a parking area and/or garage providing for two vehicles for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The said spaces and/or garages shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (q) The proposed accesses over the first 5m of their 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;
- (r) The existing footway, which at present stops at the northern extremity of the site, shall be continued across the entire site frontage for that of the two new dwellings and Stony Croft. This shall be fully provided prior to the new dwellings being occupied;

- (s) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the edge of the carriageway;
- (t) The gradient of the new access shall not be greater than 1:10;
- (u) 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 accesses first being brought into use.
(Notes to applicant: (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (2) N112 – energy conservation; (3) N115 – water conservation; (4) Applicant was reminded that the approved drawing was for illustrative purposes only and the positioning of the garages adjacent to the highway would appear undesirably intrusive. It is recommended that you discuss an appropriate location for the garages prior to the submission of the detailed Reserved Matters application; (5) N061A – Highways Act Section 184 Permit.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged. The proposed accesses would be satisfactory and the development would not have a detrimental impact upon visual amenity, residential amenity or the character and appearance of the Conservation Area and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H1, EN15 and M3a.

49/2005/010

Erection of dwelling and garage with alterations to drive, land at Hartswell House, Wiveliscombe (resubmission of 49/2004/022).

Conditions

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C104 – time limit;
- (d) C101 – materials;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) C917 – services – underground;
- (h) C205 – hard landscaping;
- (i) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back from the carriageway edge on the centre line of the access, and extending to the extremities of the site frontage. Such visibility splays shall be fully provided before the access hereby

- permitted is first brought into use and shall thereafter be maintained at all times;
- (j) The proposed access over the first 4.5m 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;
 - (k) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the edge of the carriageway;
 - (l) Provision shall be made within the site for the disposal of surface water to prevent discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (m) Before the access hereby permitted is first brought into use, the turning space for the new dwelling shown on the submitted plan, shall be properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning space shall be kept free of obstruction at all times;
 - (n) The dwelling hereby permitted shall not be occupied until two parking spaces for the dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access shall not be used other than for the parking of vehicles or for the purposes of access;
 - (o) The gradient of the new access shall not be greater than 1:10;
 - (p) P001A – no extensions;
 - (q) P003 – no ancillary buildings;
 - (r) P006 – no fencing;
 - (s) P011 – no windows on the first floor eastern elevations.
- (Notes to applicant:- (1) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N100 – design.)

Reason for granting outline planning permission:-

The proposal for residential development was located within defined settlement limits where new housing was encouraged and the development would not have a detrimental impact on visual or residential amenity and did not adversely affect the setting of the listed building. It was therefore considered acceptable and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2, H1, M3a and EN17.

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

The Committee felt that although the proposed new dwelling would have an impact on the nearby listed building, Hartswell House, it would not be such to warrant planning permission being refused.

- (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:-

05/2005/008

Erection of two-storey extension with single-storey conservatory and front dormer window to en-suite bathroom above sitting room, at 19 Badgers Close, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C102A – materials;
- (c) The first floor window in the south elevation (bedroom three) shall be obscure glazed and shall thereafter be maintained in obscure glazing, and no other window shall be installed in this elevation;
- (d) P011 – no windows in the south elevations;
- (e) The proposed workshop shall be for domestic purposes ancillary to the dwelling.

Reason for granting planning permission:-

The proposed extension did not give rise to any unacceptable visual or neighbour impact and it was in accordance with Taunton Deane Local Plan Policies H19, S1 and S2.

08/2004/030

Erection of five dwellings with garages and parking at Mill Court, Tudor Park, Priorswood, Taunton.

Conditions

- (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) (including the proposed mortar) 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) Before any part of the permitted development is commenced, a scheme of hard landscaping, including the drive and parking areas, showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) Prior to the commencement of works on site, 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;
- (f) C910B – archaeological investigation;
 - (g) C927 – remediation investigation/certificate;
 - (h) Prior to the commencement of construction works on site, full plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
 - (i) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
 - (j) The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
 - (k) The boundary walls surrounding the parking bays shall not exceed a height of 900mm above road level unless agreed in writing by the Local Planning Authority;
 - (l) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials and shall be recessed into the wall to match the adjacent Maidenbrook Farmhouse barn conversations, 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;
 - (m) Prior to the commencement of works on site, full manufacturer's details of the proposed Velux rooflights and their means of fitment shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (n) C112 – details of guttering, downpipes and disposal of rainwater;
 - (o) All areas of weatherboarding and the wooden windows/door lintels shall be finished to match in all respect those of the adjacent Maidenbrook Farm barn conversations (known as Tudor Court) unless agreed in writing by the Local Planning Authority;
 - (p) P002 – no extensions;
 - (q) P003 – no ancillary buildings;
 - (r) P010 – no further windows;
 - (s) P006 – no fencing.
- (Notes to applicant:- (1) N112 – energy conservation; (2) N114 – meter boxes; (3) N111 – disabled access; (4) N117 – crime prevention; (5) N045 – encroachment; (6) Applicant was advised that if it is intended to drain any surface water from the site into an existing watercourse, the County Highway Authority will require proof of the granting of any rights of discharge into the

watercourse; (7) Applicant was advised that it had come to the County Highway Authority's attention that a 10m high natural stone wall was to be built immediately adjacent to the cycleway running along the eastern boundary of the application site. You are advised to ensure that the wall is set behind all areas of land associated with the cycleway including any verges/service margins. (8) In regard to condition (f), applicant was advised that the County Archaeologist is able to provide a specification for the work and a list of suitable archaeologists to undertake it; (9) N126 – contaminated land; (10) With regard to condition (c), applicant was advised that a landscaping scheme should include details of boundary and inner courtyard planting. You are advised to contact the Council's Landscape Officer.)

Reason for granting planning permission:-

The proposal provided for a development of a good design, respecting the character and setting of the adjacent listed building, in a sustainable location without undue adverse impact upon the amenities of surrounding dwellings. The proposal therefore met the requirements of Taunton Deane Local Plan Policies S1, S2, EN17 and H1.

12/2005/003

Erection of dwelling on land adjacent to Meadows Edge, Corfe.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) C111 – materials – for drives;
- (d) C113 – details of structure and colour of mortar;
- (e) C201 – landscaping;
- (f) C208A – protection of trees to be retained;
- (g) C215 – walls and fences;
- (h) C208B – protection of trees – service trenches;
- (i) The parking and turning as shown on Drawing No 200, Revision A, shall be properly consolidated and surfaced (not loose stone or gravel), before the dwelling is first occupied. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access;
- (j) C306 – access – gradient;
- (k) No entrance gate shall be provided without the prior written approval of the Local Planning Authority;
- (l) At the proposed access, there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access as shown on Drawing No 200, Revision A. Such visibility splays shall be

- constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (m) 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;
 - (n) C416 – details of size, position and materials of meter boxes;
 - (o) C654A – windows;
 - (p) P001A – no extensions;
 - (q) Works on the development hereby approved shall not commence until the access approved by planning permission No 12/2004/009 is implemented to the satisfaction of the Local Planning Authority;
 - (r) There are no public water sewers in the vicinity. No surface water shall be discharged to the public foul sewers. Details of proposed surface water drainage shall be submitted to, and approved in writing by the Local Planning Authority before any works commence;
 - (s) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site edged both red and blue on the submitted drawing (that is, to include Meadows Edge as well as the proposed dwelling) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
 - (t) Before the development hereby permitted is commenced, a type 'A' waiting bay for vehicles shall be formed at the point of access in accordance with the attached diagram and specification. Such bay shall be available for the parking of vehicles at all times. The bay shall at no time be used other than for the parking of vehicles on a short-stay basis.
(Notes to applicant:- (1) Applicant was advised to protect the integrity of Wessex Water's systems and agree, prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Applicant was advised to agree with Wessex Water a connection onto Wessex Water systems; (2) N024 – development in accordance with approved plans; (3) N037 – drainage/water.)

Reason for granting planning permission:-

This revised proposal satisfactorily addressed the previous appeal Inspector's concerns. The proposal was acceptable in highway safety terms, would not have undue impact on neighbouring properties and preserved the character of the Conservation Area. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies H1 and EN15.

38/2005/016

Erection of 2 No two-bedroomed flats at 14 Greenway Road, Taunton.

Conditions

- (a) C001 – time limit;
- (b) C101 – materials;
- (c) Prior to the commencement of works on site, details of the proposed cycle racks incorporating no less than parking facilities for four cycles shall be submitted to, and approved in writing by, the Local Planning Authority. Such cycle parking shall be provided on the site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained;
- (d) Prior to the commencement of works on site, details of the provision of external refuse storage shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided on site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained.

Reason for granting planning permission:-

The proposed development would not adversely affect visual or residential amenity, or road safety, and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, M3a or H1.

52/2005/006

Erection of single-storey extension to rear of The Beeches, Comeytrove Lane, Taunton.

Conditions

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

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.

- (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:-

23/2005/004LB

Retention and erection of woven reed panels fixed to iron railings, Little Fort, St Michael's Hill, Milverton.

Reason

The woven reed panels are considered to have a detrimental effect on the character of the railings that form part of the boundary to the Grade II listed building, within the Milverton Conservation Area, contrary to Taunton Deane Local Plan Policies EN15, EN17 and EN18 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

Also RESOLVED that no enforcement action in relation to the woven reed panels be taken for a period of five years from the date of the decision to refuse listed building consent.

45/2005/002

Demolition of agricultural and equestrian buildings and erection of two-storey dwelling with garaging, stables and stores, Bashford Racing Stables, West Bagborough.

Reasons

- (a) The majority of the application site is identified in the Taunton Deane Local Plan as being outside the limits of a recognised settlement in open countryside, where it is the policy of the Local Planning Policy to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural need or benefits economic activity. The Local Planning Authority is of the opinion that the proposal does not satisfy the above criteria and is therefore contrary to Taunton Deane Local Plan Policy S8. The proposal is also contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6;
 - (b) The proposal would be located where it is remote from adequate services, employment, education and public transport and will, therefore, increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in Planning Policy Guidance Note No.13, Regional Planning Guidance 10 and Somerset and Exmoor National Park Joint Structure Plan Review Policies STR 1 and STR 6.
- (4) That **advertisement consent 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:-

34/2005/006A

Display of signs 3, 4, 5, 6 8, 9 and 10 upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton.

Conditions

- (a)-(f) C801-C805A - standard conditions for advertisements;

- (g) The illumination of the signs shall be constant (not flashing);

Reason for granting advertisement consent:-

This was a split decision having regard to Policy EC21 of the Taunton Deane Local Plan and the Council's Advertisement Control Guidance. Some of the proposed signs fell within the Policy Guidelines and some were contrary to the policy including the illuminated signs, flags and totem/pylon signs.

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

34/2005/006A

Display of signs 1, 2, 7, 11 and 12 upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton.

Reasons

- (a) Proposed signs 1, 2 and 7 are illuminated signage opposite residential properties and would be detrimental to the visual amenities of the area and nearby residential properties contrary to Taunton Deane Local Plan Policy EC21(A) and contrary to Supplementary Planning Guidance 'Advertisement Control';
- (b) Proposed signs 11 and 12 by reason of the size, design and siting would constitute an intrusive element within the street scene to the detriment of the visual amenities of the area, thereby prejudicing the Local Planning Authority's endeavours to achieve good standards for the display of advertisement material, and furthermore, sign 11 appears to be within the visibility splay and could be hazardous to motorists, contrary to Taunton Deane Local Plan Policy EC21(A), (C) and (D) and contrary to Supplementary Planning Guidance 'Advertisement Control'.
30. Continued use of land for the siting of a residential caravan (renewal of 24/1999/001) and the siting of two additional mobile homes for family use at Woodside Caravan, Newport Hill, North Curry (24/2005/002)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 6 April 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) C017 – temporary permission;

- (b) The caravans hereby permitted shall be occupied by Mr J Holland (the applicant) and his spouse and members of their immediate family only and not for the benefit of the land;
- (c) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (d) No more than four commercial vehicles shall be parked on the site at any one time;
- (e) Within one month of the date of this permission, plans showing a parking area providing for four vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained 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;
- (f) The existing hedges and trees on all boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
- (g) No caravans shall be sited within 2m of the southern boundary of the site (with Woodside);
- (h) Within one month of the date of this permission, details of a new fence, not less than 2.5m in height, to be placed between the caravan and southern boundary of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved fence shall be constructed on site within three months of the date of this permission and shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) There shall be no outdoor storage of any materials, linked with landscaping or other business activities of the occupants, on the site;
- (j) No business activities shall be conducted at the site unless otherwise agreed by the Local Planning Authority.

Reason for planning permission, if granted:-

The proposal would allow for occupation of the site by the immediate family of Mr and Mrs Holland (a recognised gypsy family) in accordance with Taunton Deane Local Plan Policy H16.

31. Application to fell two Willows, four Alders, two Poplars, nine Ash Trees and carry out tree work to one Sycamore all the subject of Tree Preservation Orders at Taunton Trading Estate, Silk Mills Road, Taunton (25/2005002T)

Reported this application.

RESOLVED that subject to Norton Fitzwarren Parish Council withdrawing its objection, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if consent to fell were granted, the following condition be imposed:-

CO19 – time limit;

(Councillor Wedderkopp declared a personal interest in the application covered by Minute No 32 below and left the meeting during its consideration.)

32. Residential development, neighbourhood public park, reorganisation of sports pitches, erection of new pavilion extension to existing pavilion, formation of two Astro turf pitches, road junction access, parking,, flood attenuation and landscaping on land north of Greenway Road, Taunton (38/2005/013)

Reported this application.

RESOLVED that subject to:-

- (1) the completion of a satisfactory archaeological survey; and
- (2) the applicants entering into a Section 106 Agreement by 13 April 2005 relating to the donation of the public park area to the Borough Council, provision of community access to the playing field and Astro turf pitches, a capital contribution for play and activity equipment, a commuted sum for the maintenance of the screen and flood restriction device and the provision of 35% affordable housing,

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

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C010 – drainage;
- (d) C014 – time limit;
- (e) C101 – materials;
- (f) No development shall take place until a landscaping scheme, including planting of trees, shrubs, herbaceous plants and areas to be grassed has been submitted to, and approved in writing by, the Local Planning Authority. The landscaping shall be carried out in the first planting season after commencement of the development, unless agreed otherwise, by the Local Planning Authority, and shall be maintained for a period of five years, such maintenance to include the replacement of any trees or shrubs that die;
- (g) C215 – walls and fences;
- (h) Prior to commencement to any works on site, or other development activities, a scheme of tree protection shall be submitted to, and approved in writing by, the Local Planning Authority. Where relevant, such schemes shall also take “off site” trees into consideration. The Local Planning Authority’s Enforcement Officer shall be informed of the proposed commencement date a minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection shall be kept in position throughout the development period until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made, without the written consent of the Local Planning Authority;

- (i) No development approved by this permission shall be commenced until a scheme for the provision and implementation of attenuation of flows in the Mill Lease Stream from the upstream catchment has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include legal and financial provision to ensure the long term maintenance of the volumes within the storage area and shall be implemented in accordance with the approved programme and details;
- (j) No development approved by this position shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include legal and financial provision to ensure the long term maintenance of volumes within the storage area and shall be implemented in accordance with the approved program and details;
- (k) No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run off limitation from the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details;
- (l) The proposed estate roads, footways, footpaths, cycle ways, bus stops/bus lay-bys, 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 in writing by the Local Planning Authority before the 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;
- (m) A design statement relating to new dwellings to be built on the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (n) Details of the height and design of the boundary fencing to the public park, playing fields and footpath shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be implemented and agreed prior to the use commencing or dwellings are occupied;
- (o) Details of a public footpath link through the new housing development to the public park shall be submitted to, agreed and provided prior to the occupation of any dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority;
- (p) No development shall take place until a traffic signal junction on Greenway Road generally in accordance with drawing 6225/10C has been completed to the satisfaction and in accordance with details to be submitted and approved by the Local Planning Authority;
- (q) Details of the position of the 20 parking spaces in association with the sport use and the design of the pavilions to be erected shall be

- submitted to, and approved in writing by, the Local Planning Authority prior to work commencing unless otherwise agreed in writing;
- (r) No service trenches shall be dug within the canopy spread of any existing tree within the site without the prior approval of the Local Planning Authority;
 - (s) Prior to work commencing on site, a wildlife survey of the area shall be undertaken and details of any mitigation measures required to address the findings of the survey shall be submitted to, and agreed in writing and implemented in a scheme to be agreed by the Local Planning Authority;
 - (t) The site is within an area of known archaeological interest and no development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Local Planning Authority;
- (Notes to applicant:- (1) Applicants attention is drawn to the advice in the Environment Agency letter of 9 February 2005 concerning the adoption of pollution prevention measures during construction; (2) Applicant was advised that grey water recycling and other means of achieving no increase in surface water run off over and above the existing situation should be investigated; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) N117 – crime prevention; (7) Applicant was advised of the need to enter a Section 106 Agreement with the County Highway Authority for the proposed highway works.)

Reason for outline planning permission, if granted:-

The site was located in the settlement limits of Taunton, where residential development was considered acceptable in accordance with the Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4. The proposal was considered to meet the requirements of the Taunton Deane Local Plan Policies S1, H1, H12 and C4 and material considerations did not indicate otherwise.

Also RESOLVED that if the Section 106 Agreement was not completed by 13 April 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse outline planning permission.

33. Change of use and conversion of building to 17 residential apartments at The Old Malthouse, Canon Street, Taunton (38/2005/040)

Reported this application.

RESOLVED that subject to the applicants entering into Section 106 Agreement by 2 May 2005 relating to sport and recreation contributions, 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) Any alterations to the external fabric of the building shall be made good in materials to match the existing unless otherwise agreed in writing by the Local Planning Authority;
- (c) Details, including a profile and cross section of the proposed roof glazing, shall be submitted to, and approved in writing by, The Local Planning Authority prior to work commencing;
- (d) The windows and doors of the development hereby permitted shall be timber framed and, thereafter, timber framed windows and doors shall be retained;
- (e) C201 – landscaping;
- (f) C215 – walls and fences;
- (g) Details and samples of the materials to be used for the surfaces of the courtyard, access and parking areas 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;
- (h) The proposed access, parking and turning area shall be constructed and marked out in accordance with details shown on drawing No 0488.102B and shall be available for use before occupation of the dwellings hereby approved;
- (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 be submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided before the development is first brought into use;
- (j) Before the development hereby approved is occupied, a lockable, sheltered, cycle parking facility shall be provided within the site;
- (k) Details of the external appearance of any refuse and cycle storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (l) Details of the means of protection of the conifer tree on site during construction shall be submitted to, and agreed in writing by, the Local Planning Authority and any trenching within the canopy spread of the tree shall be hand dug unless otherwise agreed in writing by the Local Planning Authority;
- (m) C684 – site within known area of archaeological interest;
- (n) Prior to commencement of works on site, further survey work for bats including an emergence 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;
- (o) C926B – remediation investigation/certificate;
- (p) Details of the colour of the external joinery shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site and shall be carried out as agreed;
- (q) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) there shall be

no installation of satellite dishes on the building unless an application for planning permission in that path is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N048A – remediation strategy; (2) N123 – noise emissions; (3) Applicant was advised of the need to contact Wessex Water concerning the protection of their infrastructure and connection to it; (4) N061 – Highways Act Section 184 Permit; (5) Applicant was advised to seek provision of a communal satellite dish to serve flats within the building.)

Reason for planning permission, if granted:-

The development, subject to conditions, was a sustainable town centre use that complied with Taunton Deane Local Plan Policies S1, S2, H1, H4 and EN15 and material considerations did not indicate otherwise.

Also RESOLVED that if the Section 106 Agreement was not completed by 2 May 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission.

34. Erection of six dwellings for the elderly and disabled on site of former tennis courts, Gatchell House, Honiton Road, Trull (42/2005/002)

Reported this application.

RESOLVED that subject to:-

- (1) the receipt of revised proposals to address the concerns of the Landscape Officer; and
- (2) the amendment to the existing Section 106 Agreement to provide affordable housing in accordance with the Housing Officers observations, 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) C201 – landscaping;
- (c) C112 – details of guttering, down pipes and disposal of rainwater;
- (d) C101 – materials;
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. All relevant parts of such a scheme shall be completely implemented before each phase of the development hereby permitted is commenced;
- (f) C2016A – existing and proposed levels;
- (g) Phasing of access works shall be in line with planning permission Nos 42/2003/049 and 42/2004/109;

(Notes to applicant:- (1) N051B – health and safety; (2) N040A – drainage/water; (3) N052 – fire safety; (4) N024 – development in accordance

with approved plans; (5) N123 – noise emissions.)

Reason for planning permission, if granted:-

The proposal respected the character and appearance of Gatchell House and its setting and would not have any adverse impact on nearby dwelling or upon the Trull Conservation Area. The proposal therefore accorded with Taunton Deane Local Plan Policies H1 and EN15.

Also RESOLVED that should the outstanding issues not be RESOLVED satisfactorily by 27 April 2005, the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission.

(Councillor House declared an interest in the application covered by Minute No 35 below and left the meeting during its consideration)

35. Erection of wicker sculpture at the front of Queens College, Trull Road, Taunton (52/2005/004)

Reported this application.

RESOLVED subject to the receipt of no further representations raising new issues by 1 April 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) C102 – materials;
- (c) Prior to the erection of the sculpture hereby permitted, full details of its height and appearance shall be submitted to, and approved in writing by, the Local Planning Authority;

(Note to applicant:- N024 – development in accordance with approved plans.)

Reason for planning permission, if granted:-

The proposal would not harm the setting of the listed building, the appearance of the street scene, or be prejudicial to highway safety. Therefore, the proposal accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policies S1 and EN17.

36. Taunton Deane Borough (Taunton No. 1) Tree Preservation Order 2005

Reported that a Tree Preservation Order had been made earlier in the year in respect of two Normandy Maple trees on land at 63 Normandy Drive, Taunton.

Objections had been received from the owner of the property and the agent acting for the owner, details of which were submitted, together with the Development Control Manager's responses thereto.

RESOLVED that the objections be noted and the Tree Preservation Order be confirmed.

37. Proposed enforcement action in respect of Foxmoor Nurseries, Haywards Lane, Chelston, Near Wellington

Reference Minute Nos 19, 36 and 114/2004, reported on the present position relating to the use of the site at Foxmoor Nurseries, Haywards Lane, Chelston.

There had been various meetings with the owners of Foxmoor Nurseries and their advisors as to what uses were, or were not, authorised at the site and some level of agreement had been reached. Arbitration had also taken place which had further narrowed the issues. There were still however, concerns that unauthorised uses were taking place.

The glasshouse had in part been subdivided into individual lock up units which were occupied by a variety of different users. Information as to the individual uses had been collected by visiting the site and by the service of Planning Contravention Notices. The situation was not, however, static and the exact mix of uses on the site varied.

It had been agreed between the parties that the permitted use, subject to any further restrictions that might be imposed by the Section 106 Agreement, was B1 (light industrial). There was no consent for B8 (storage and distribution) although it was accepted that under permitted development rights, a total of 235 m² of floor space could be used for B8 use.

The question as to whether or not an occupier was an associated user had been resolved through mediation such that occupiers were required to either have a 10% shareholding in Foxmoor Nurseries or be a director of Foxmoor Nurseries with 5% voting rights.

It was also accepted that not more than 50% of the glasshouse area was being used for the non-horticultural use and there was currently no evidence of retailing. However, there were still two main areas of disagreement:-

- (1) It was not accepted that all the users on the site were B1; and
- (2) The Council believed that any B1 user was further restricted by the Section 106 Agreement to a use related to planning permission 46/2000/034, referred to in the Section 106 Agreement as the "permitted user".

Of the 13 units which had been created within the glasshouse, 11 were currently occupied by a range of different companies, seven of whom were undertaking uses considered to fall within the B8 (storage and distribution) category. These uses were unauthorised.

Three companies were carrying out businesses within the B1 category whilst one business was considered to be a mixed B1/B8 use.

Activities being undertaken by Foxmoor Nurseries itself on the site included:-

- Fitting out of ex-shipping containers. This would be considered a B1 use but it was carried out in the yard which was outside the permitted area for B1 use. The use was therefore unauthorised.
- Cleaning and assembly of various item – considered to be a B1 use.
- Horticulture. This use did not require permission.

Reported that as it was accepted that B8 uses were not permitted at Foxmoor Nurseries, action could be taken against all those occupiers carrying out a B8 use provided sufficient evidence existed.

As far as the B1 uses were concerned, the Council believed these to be restricted by the terms of the Section 106 Agreement, whilst the owners of the nursery believed there was an unfettered B1 permission in existence. Noted that if this difference could not be resolved between the parties, an application would need to be made to the courts for a declaration as to the status of the planning permission and Section 106 Agreement.

Further reported the views of the Economic Development Officer, the West Buckland Parish Council and the Vehicle and Operator Services Agency.

A paper in response to the Chief Solicitors report, which had been prepared by Messrs Bond Pearce (Solicitors) on behalf of Foxmoor Nurseries, had been circulated in advance of the meeting to all members of the Committee.

The taking of enforcement action was discretionary and was only taken where such action was considered expedient. In reaching any decision, the impact the taking of action might have on the businesses involved, in term of compliance periods and sufficient times to relocate, had to be considered.

RESOLVED that:-

- (1) The Solicitor to the Council be authorised to serve individual enforcement notices in respect of unauthorised B8 uses at:-

Unit 2 (RH Fibreboard);
Unit 3 (Riverford Organics);
Unit 5 (Scholastic Books);
Unit 6 (Cards and Stationary SW);
Unit 7 (Patrick Simpson);
Unit7a (Beer Direct);
Unit 7b (Details of tenant being sought);
Unit 10 (Aquad);

provided that at the date of service there was sufficient evidence of such unauthorised use. The period for compliance in each case to be six months from the date of service;

- (2) The Solicitor to the Council be authorised to negotiate amendments to the Section 106 Agreement to reflect to the satisfaction of both parties the agreement reached at the time of the granting of planning permission; and
- (3) In the event that no such amendment could be agreed within eight weeks, the Solicitor to the Council be authorised to make an application to the court seeking a determination as to the status of planning permission No 46/2000/034 and the Section 106 Agreement.

38. Proposed enforcement action – Trenchard Park Gardens, Norton Fitzwarren

Reported that at its meeting on 7 July 2004, the Committee refused to grant planning permission for the erection of an extension to form special needs accommodation and a change of use of the property to special needs at Trenchard House and Meadow Court, jointly known as Trenchard Park Gardens, Norton Fitzwarren (application number 25/2004/007).

The Committee also resolved to take enforcement action to ensure compliance with the permitted use of the premises which was as a hotel or bed and breakfast accommodation.

As the Council had an existing contract with the owner of Trenchard Park Gardens to house homeless people which ran until 31 March 2005, the Committee agreed that the enforcement action should not become effective until 1 April 2005.

Noted that an appeal against the refusal of planning permission had been lodged with The Planning Inspectorate and a public inquiry was due to take place later in the year.

Reported that there had been two reasons for refusal of the application. The first related to the proposed extension only, whilst the second related to the proposal being in conflict with the aims of Section 17 of the Crime and Disorder Act 1998 (Taunton Deane Local Plan Policy S8).

In the months since the application was turned down, the Police who had originally strongly objected to the proposal, had been working with the owner of Trenchard Park Gardens to improve the situation. In particular, a house contract has been introduced which set out rules for the residents and prohibited the use of Trenchard Park Gardens as a bail address. This together with a number of other steps had resulted in a dramatic reduction in the number of times the Police had had to attend the property.

In the current circumstances, the Police had recently written to withdraw its objection to the proposed use under Section 17 of the Crime and Disorder Act. In the light of this, the decision to take enforcement action and the reasons for refusal of the planning permission needed to be reconsidered.

Without support from the Police, it was difficult to sustain the decision to pursue enforcement action and refuse planning permission on the grounds of conflict with Section 17 of the Crime and Disorder Act.

Noted that the Norton Fitzwarren Parish Council and the Ward Councillor continued to oppose the use of Trenchard Park Gardens as a hostel for homeless people and felt enforcement action should be pursued.

RESOLVED that:-

- (1) No further enforcement action be taken in respect of the existing use of Trenchard Park Gardens as a hostel: and
- (2) Subject to confirmation from the Police that the withdrawal of their objection would also apply in respect of the proposed extension (application number 25/2004/007), the appellant and The Planning Inspectorate be advised that the reason for refusal based on conflict with the aims of Section 17 of the Crime and Disorder would no longer be pursued.

39. Section 106 Agreement – Hancock’s Brewery, Wiveliscombe (49/2004/042)

Reported that at its meeting on 29 September 2004, the Committee granted planning permission for the partial demolition, partial new build, conversion and restoration of the former Hancock’s Brewery at Wiveliscombe to 14 residential units, subject to a Section 106 Agreement to provide “an agreed sum of money for affordable housing and an agreed sum towards the provision of off site recreational facilities”.

Submitted details of the agreement that had been negotiated with the applicant in relation to the affordable housing based on a contribution being made from the anticipated profits from the scheme. This had been calculated from information contained in a report on the costs of converting the brewery which had been commissioned by the Council in December 2003.

A draft Section 106 Agreement had subsequently been drafted but the following significant queries had been raised by Solicitors acting for the applicant:-

- (1) It appeared from Circular Guidance 1/97 that the basis for requiring the affordable housing payment from the profits of the development were unlawful; and
- (2) The viability of the scheme was questioned if a contribution towards affordable housing was required.

Submitted for information a copy of the December 2003 report which had recently been updated. A calculation of the net profit from the scheme based on the updated figures was also presented. Noted that a net profit of 18% or more would be the usual threshold at which a full affordable housing contribution would be expected.

The Hancock's Brewery was a significant building within the townscape of Wiveliscombe which would be retained and enhanced by its proposed reuse. The need to provide affordable housing therefore needed to be balanced against the contribution that the proposal would make in terms of ensuring a long term use for this important building.

RESOLVED that the resolution of the Committee of 29 September 2004 be varied such that planning permission No 49/2004/042 be granted subject to the applicants entering into a Section 106 Agreement to secure a contribution to off-site recreational provision only.

40. Removal of hedge and erection of fence at 14 Great Mead, Bishops Hull, Taunton

Reported that during the summer of last year, a section of mature hedge was removed from the boundary of 14 Great Mead, Bishops Hull and a number of 1.8 m high fence panels provided in its place. Noted that the boundary of the property ran alongside Waterfield Drive where fencing over 1 m high required planning permission.

Although retrospective planning application to retain the fence was submitted, this had been refused in October 2004.

It had subsequently been agreed with the owner of the property that the fence could remain if it was reduced to a height of 1 m and a replacement hedge planted by the end of March 2005.

Although the fence had not been reduced in height to date, reported that some hedging plants had been planted on the day of the Committee.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised fencing panels which had been installed on the boundary of 14 Great Mead, Bishops Hull, adjacent to the highway; 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

41. Appeals

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

- (a) Removal of grills from ground floor windows at 25 Fore Street, Taunton (38/2004/415LB)
- (b) The display of various internally illuminated and non-illuminated signs at Safeway Superstore, Priory Bridge Road, Taunton (38/2004/557A)

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

- (a) Erection of two sheet advertisement display panels, Bathpool Bridge, Taunton (48/2004/060A)

Decision

The Inspector considered that the panels would stand in isolation and because of their size and exposed siting, would become unduly obtrusive advertising in a semi rural location. He felt the proposed display, together with two existing roadside signs for local businesses would create an impression of advertising clutter on Bathpool Bridge. He concluded that the display of both or either of the proposed panels would be detrimental to the interests of amenity. The appeal was dismissed.

- (b) Relocation and extension of boundary wall to enclose side access to property at 36 Venn Close, Cotford St Luke (06/2004/011)

Decision

Although he acknowledged that the Taunton Deane Local Plan sought to protect the character and appearance of the street scene at Cotford St Luke, the Inspector felt that even with the enclosure of the verge, the open character of this part of the estate would be maintained as the verge made no significant contribution to the character or appearance of the area. The appeal was allowed and planning permission granted subject to conditions.

- (c) Retention of first floor windows at 4 Highland Place, High Street, Wellington (43/2004/034)

Decision

The Inspector considered that the proposed windows would look directly towards the rear windows of Nos 68 and 70 High Street and would also overlook their gardens. Even if the glazing were to be opaque, he felt that occupants would be likely to open them either for fresh air or to look out. He concluded that the proposal would cause significant harm to the privacy of the residents of 68 and 70 High Street. The appeal was dismissed.

- (d) Erection of first floor extension to the rear of 15 Raps Green, Taunton (38/2004/120)

Decision

The Inspector felt that any addition to the height of the existing rear extension would have two adverse effects on the adjoining house and garden. Firstly, the proposal would reduce sunlight to the garden and daylight to the rear windows of No 13 Raps Green, and secondly the proposal would have an overbearing

influence on the neighbouring property. This would have a significantly harmful impact on the outlook and aspect from the rear of the adjoining house. He concluded that the prevailing site conditions, including the orientation of the houses, would cause unacceptable harm to the amenities of adjoining residents. The appeal was dismissed.

- (e) Erection of village hall, formation of access, driveway and car parking for hall, church and school at land to north-east of St Peters Church, Langford Budville (21/2004/004)

Decision

The Inspector noted that although the site would only be visible from three houses in the village, when viewed from Langford Gate, the site lay in the foreground of the Church, which was prominent on the skyline. The Inspector felt the field was an important part of the rural setting. Although the hall would be at a lower level and the parking would also be used by the school and church, he considered that the access road and extensive parking would extend an urban element and built form into the countryside and foreground of the Church, which would have a detrimental effect. The removal of 70 m of hedgerow to form visibility splays would also have a detrimental impact on the enclosed character of the rural lane. The appeal was dismissed.

- (f) Change of use and conversion of barn to form dwelling on land to northeast of Bedruthan, Bull Street, Creech St Michael (14/2004/012)

Decision

The Inspector noted that the appeal site was in a high risk flood area and although there were some flood defences, there was no established warning and evacuation procedure in place. Although the proposed dwelling would have doorway flood protection shields to reduce the risk of internal flooding, the Inspector considered that by preventing the flow of water through the building, there would be a reduction in flood storage volume. Although this might be unquantifiable in scale, every loss of flood storage volume was undesirable and the cumulative effect of many small encroachments was to progressively worsen flood risk. The appeal was dismissed.

- (g) Siting of two mobile homes and two touring caravans for single gypsy family and appeal against enforcement notice at Two Acres, Ford Street, Wellington (44/2003/019)

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

- (h) illuminated and non illuminated fascia signs and projecting sign at Rileys, 1 Kingston Road, Taunton (38/2005/025A)

Decision

The Inspector noted that the appeal site was situated in a generally commercial area and the two storey building was used as a snooker hall. Although several of the signs were acceptable to the Inspector, those to be displayed at first floor level would be, in his opinion, overlarge. The signs would also be visible from either direction and would be sited above the level of commercial activity. He also felt that they would stand out as unduly intrusive features in the street scene, particularly at night when illuminated. He therefore dismissed the part of the appeal that related to signs 11, 12 and 15/16, but allowed the appeal in respect of items 3, 4, 5, 8 and 14.

- (i) Change of use from ancillary accommodation to separate dwelling unit at Bussells Farm, Blackmoor, Wellington (46/2003/035)

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

(Councillors Croad, Henley and Bowrah left the meeting at 7.17pm, 7.50 pm, and 9.53 pm respectively)

(The meeting ended at 10.15 pm)