

Planning Committee – 14 December 2005

Present: Councillor Mrs Marie Hill (Chairman)
Councillors Mrs Allgrove, Clark, Croad, Denington, Guerrier, Henley,
C Hill, Hindley, House, Lisgo, Phillips, Mrs Smith and Stuart-Thorn

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

(The meeting commenced at 5.00 pm)

153. Apologies

Councillor Mrs Marcia Hill (Vice-Chairman) and Councillors Miss Cavill, Floyd
and Wedderkopp.

154. Minutes

The minutes of the meeting held on 23 November 2005 were taken as read
and were signed.

155. 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 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:-

38/2005/352

Erection of 1 No. dwelling to rear of 191 and 193 Staplegrove Road,
Taunton.

Conditions

- (a) C005 - outline - reserved matters;
- (b) C009 - outline - time limit;
- (c) C104 - materials to match existing;
- (d) C101 - materials;
- (e) C010 - drainage;
- (f) C215 - walls and fences;
- (g) Plans showing a parking area/garaging providing for three
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;

- (h) The parking shall be provided so that the existing garage off Dowell Close is retained solely for use in connection with 193 Staplegrove Road and one garage is provided solely for the use in connection with the new dwelling. The third parking area shall be available for visitors to either dwelling;
- (i) Provision shall be made for the parking of two cycles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be made before the development hereby permitted is occupied/use hereby permitted is commenced;
- (j) Prior to the commencement of works on site, details showing a footpath link from 193 Staplegrove Road to the court of Dowell Close shall be submitted to, and approved in writing by, the Local Planning Authority. The approved footpath link shall be provided in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained;

(Notes to applicant:- (1) Applicant was advised that the dwelling should be designed in such a way as to minimise the effect of overlooking onto adjacent residential properties. In this respect you are advised that a 10m rear garden should be provided for adequate separation between the existing and proposed dwellings; (2) Applicant was advised that the proposed dwelling should be designed in keeping with properties in Dowell Close and ensure that space is retained around the dwelling to avoid a cramped appearance; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N117 – crime prevention.)

Reason for granting outline planning permission:-

The proposed development lay within the limits of a classified settlement where the principle of development was considered acceptable and the proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1 and H2.

(Councillor Mrs Smith declared a personal interest in the following application.)

38/2005/439

Erection of two new buildings (1 x 6 storey and 1 x 3 storey) to be used as new Surgical Centre with car parking and landscaping and erection of IT/telecom building at Musgrove Park Hospital, Taunton.

Conditions

- (a) C007 - outline - reserved matters;

- (b) C009 - outline - time limit;
- (c) C013 - site levels;
- (d) C014A - time limit;
- (e) C101 - materials;
- (f) Details of the surface treatment of the new parking and turning areas shall be submitted to, and approved in writing by, the Local Planning Authority prior to it first being brought into use;
- (g) C201 - landscaping;
- (h) Details of the means of protection to the Eisenhower Tree during construction shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing and shall be provided during the entire construction works;
- (i) Prior to its laying out on site, 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. Such a scheme shall be completely implemented before the development hereby permitted is occupied;
- (j) Details of the level of the revised access road through the site and the new landscape bank to the rear of the Ashley Road properties shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on site commencing;
- (k) Details of the layout and number of parking spaces to be provided shall be submitted to, and approved in writing by, the Local Planning Authority and shall be provided on site prior to the buildings being brought into use;
- (l) Details of the first and second floor windows to the three storey block facing north and east together with means of obscure glazing and restricted opening shall be submitted to, and approved in writing by, the Local Planning Authority prior to the window installation and shall thereafter be maintained unless otherwise agreed in writing;
- (m) Details of any external lighting of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (n) Details of shuttering to the windows of the three storey building and the six storey building facing north and east shall be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented prior to the building being brought into use;
- (o) Construction time working shall be restricted to weekdays 0700 – 1900 hours and Saturdays 0800 – 1300 hours. There shall be no working on Sundays or public holidays;
- (p) The height of the six storey building facing the new car park shall be no greater than 24m above ground level;
- (q) Details of the means of surface water disposal from the site shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented;

- (r) The height of any three storey building shall not exceed 12m above the 21m datum level unless otherwise agreed in writing by the Local Planning Authority;
(Notes to applicant:- (1) N118A – disabled access; (2) N051B – health and safety; (3) Applicant was advised that the Local Planning Authority will expect a high quality of design and materials which respect the character and amenity of the adjacent residential areas; (4) Applicant was advised of the need to investigate sustainable drainage systems for the disposal of surface water from the site; (5) Applicant was advised that any reserved matters submission should be designed in such a way to minimise the impact of the proposal on nearby properties; (6) Applicant was advised that no approval is hereby granted or implied in respect of the illustrative drawings submitted; (7) Applicant was advised that any reserved matters submission should include a Constraints Analysis Plan which should have been subject to consultation with the local community; (8) Applicant was advised that the access to the hospital off Wellington Road must be maintained at all times and the development must not affect the operation of the traffic signal junction.)

Reason for granting outline planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and C14 subject to a landscaping condition, as it was considered that the proposal was not visually intrusive.

- (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:-

10/2005/017

Agricultural building for livestock rearing, land opposite Triangle Farm, near Stapley Cross, Churchstanton.

Conditions

- (a) C001A - time limit;
(b) C102 - materials;
(c) The proposed access over the first 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;
(d) 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;

Reason for granting planning permission:-

The building was required for agricultural purposes and the visual impact would be reduced by existing and proposed vegetation. It was considered that the proposal did not conflict with Policies S7 and EN10 of the Taunton Deane Local Plan.

23/2005/026

Erection of new dwelling to side and of two garages to rear of 8 Fairfield Terrace, Milverton.

Conditions

- (a) C001A - time limit;
 - (b) C102 - materials;
 - (c) C111 - materials – for drives;
 - (d) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before the building is occupied;
 - (e) The area allocated for parking and turning to the front and rear on the attached plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with No 8, Fairfield Terrace and the development hereby permitted;
 - (f) The dwelling hereby permitted shall not be occupied until the access, parking and turning area on the attached plan is properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such access, parking and turning space shall be kept free of obstruction at all times;
 - (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the parking of vehicles only and shall not be used for any other purpose whatsoever;
 - (h) The garage marked "Garage 1" on the approved plans shall not be used other than for the parking of domestic vehicles serving No 8 Fairfield Terrace;
 - (i) The windows on the west and east elevation glazed with obscure glass shall thereafter be retained. There shall be no alteration or additional windows in these elevations without the prior written consent of the Local Planning Authority;
- (Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N118A – disabled access; (4) N112 – energy conservation; (5) N115 – water conservation; (6) N114 – meter boxes; (7) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (8) Applicant was advised that prior to the

commencement of works you should contact Wessex Water regarding the necessary easements and protection measures to their public surface water sewer; (9) Applicant was advised that the footpath to the side of the property is a public right of way and should not be obstructed at any time during the construction phase; (10) Applicant was advised that any building to be undertaken on or over the footpath may require permission from the Rights of Way Officer, Somerset County Council.)

Reason for granting planning permission:-

The proposal was considered to be acceptable having regard to its location within the settlement limits and it would have no adverse effects on the amenities of neighbouring properties. It was therefore considered to accord with Policies S1, S2 and H2 of the Taunton Deane Local Plan.

23/2005/043

Erection of two storey extension to replace existing single storey extension, Little Fort, St Michaels Hill, Milverton.

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C910B - archaeological investigation;
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N066 – listed building).

Reason for granting planning permission:-

The proposed development would not adversely affect residential or visual amenity, nor harm the form, character and appearance of the dwelling and accordingly did not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and EN17.

23/2005/044LB

Erection of two storey extension and demolition of single storey lean-to, Little Fort, St Michael's Hill, Milverton.

Conditions

- (a) C002B - time limit – listed building;
- (b) C103A – materials – listed building;
- (c) Prior to the construction of the extension for which consent is hereby granted, a sample panel of stonework shall be constructed on site for the approval of the Local Planning Authority and thereafter implemented in accordance with the approved panel;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning

Authority:- Spiral staircase; doors – internal and external; windows; skirtings and architraves;

- (e) Prior to the works for which consent is hereby granted are commenced, details of venting the roof shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) The finished treatment for the reinstated inglenook shall first be approved in writing by the Local Planning Authority;
(Notes to applicant:- (1) N067 – listed building).

Reason for granting listed building consent:-

The proposed development would not harm the form, character and appearance, architectural and historic integrity and did not conflict with Taunton Deane Local Plan policies EN14, EN16 and EN17.

24/2005/051

Erection of two storey side extension, erection of detached double garage and extension of residential curtilage into paddock, The Lodge, 7 Knapp Lane, North Curry.

Conditions

- (a) C001A - time limit;
- (b) C102A - materials;
- (c) C201 - landscaping;
- (d) A visibility splay shall be provided in accordance with the area coloured green on the attached plan. There shall be no obstruction above 900mm within the splay at any time;
(Note to Applicant:- Applicant was advised to agree with Wessex Water, prior to commencement of any works on site, a point of connection onto Wessex systems)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the building, the character and appearance of the open countryside or residential amenity or road safety and, therefore, did not conflict with Taunton Deane Local Plan Policies H17, F1 or S2.

42/2005/047

Erection of two detached dwellings and garages on site of bungalow to be demolished at Sundene, Dipford Road, Trull.

Conditions

- (a) C001A - time limit;
- (b) C101 - materials;
- (c) C201 - landscaping;
- (d) C654A - windows;
- (e) The windows shall be recessed a minimum 80mm in the wall;

- (f) Details of the exterior finish of the lintols shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter so implemented;
- (g) P010 - no further windows;
- (h) The guttering and downpipes shall be metal only and in a colour finish to be agreed in writing by the Local Planning Authority unless otherwise agreed before works commenced;
- (i) C416 - details of size, position and materials of meter boxes;
- (j) C110 - materials - for hard surfaces;
- (k) The surface water shall be disposed of via soakaways constructed in accordance with Building Research Digest 365 unless otherwise agreed in writing by the Local Planning Authority;
- (l) A sample panel of the stone work illustrating the mortar jointing shall be constructed on site for approval prior to construction commencing, and the walls shall be so constructed as per the agreed panel thereafter;
- (m) The dwellings hereby permitted shall not be occupied until the access, parking and turning area shown on the submitted plan, drawing No 1335/1, has been properly consolidated and surfaced (not loose stone or gravel) to the satisfaction of the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of vehicles only and shall not be converted into living accommodation at any time;
- (o) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (q) 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;
(Notes to Applicant:- (1) Applicant was advised that construction traffic should be kept clear of the highway if possible for safety reasons; (2) N061 – Highways Act – Section 184 Permit.)

Reason for granting planning permission:-

The proposal was considered to comply with Policies S1, S2, H2, N4 and EN14 of the Taunton Deane Local Plan and material considerations did not indicate otherwise.

43/2005/127TEL

Erection of 15m slimline monopole mast with 3 No antennas, one radio equipment housing and ancillary development at land at Perry Elm Farm, Perry Elm, Rockwell Green.

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;

Reason for granting planning permission:-

The proposal was considered to accord with Taunton Deane Local Plan Policies S1, S2 and C14 subject to a landscaping condition, as it was considered that the proposal was not visually intrusive.

- (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:-

14/2005/040

Erection of two storey rear extension at Wortheys Farm, Wortheys Lane, Creech St Michael.

Reason

The proposed extension by reason of its size, design and external appearance would be out of keeping with the existing dwelling house and, if allowed, would have a detrimental impact on the character of the building and on the visual amenities of the area. Accordingly, the proposal is considered contrary to Policies S1, S2 and H17 of the Taunton Deane Local Plan.

27/2005/019

Formation of access and revised siting of workshop to that approved by application No 27/2002/018 at land adjacent to Taurus Motors, Hillcommon, Taunton.

Reasons

- (a) The proposal seeks to derive direct access from a County Route and no overriding special need has been substantiated for the proposed development on this specific site. As such, the proposal is contrary to Taunton Deane Local Plan Policy 1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy S1;
- (b) The proposed access and required visibility splay would result in the removal of a substantial section of hedgerow and formation of a highly engineered development to the detriment of the area's landscape, character, street scene and visual amenity and, as such, would be contrary to Taunton Deane Local Plan

Policies S1, S2 and EN12.

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

38/2005/422

Redevelopment to provide 48 sheltered housing apartments for the elderly with community amenity space, car parking and access at 2 and 4 Compass Hill, Taunton.

Reasons

- (a) The Council is not satisfied on the basis of the evidence submitted that the limited level of parking proposed will not give rise to highway danger on the adjacent Class 1 Road. The proposal is therefore considered to be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49;
- (b) The proposed development represents an overdevelopment of the site out of keeping with the character and general scale of development in the area. Furthermore, the proposal is considered to result in a loss of privacy for neighbouring occupiers to the north-west and south-east of the site, contrary to the requirement of Taunton Deane Local Plan Policies S1, S2 and H2.

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

The Committee took the view that the proposed development would be an overdevelopment, overbearing, would affect the privacy of neighbouring properties and access to and from the proposal would present highway safety implications.

156. Conversion and extensions of existing guesthouse to provide 14 x 2 bedroomed flats (dwellings) at Blorengue Guest House, 57/59 Staplegrove Road, Taunton (38/2005/430)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement by the 21 December 2005 in respect of contributions towards recreation and open space, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – 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) for which a sample panel shall be erected on site 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;
- (c) Prior to any works commencing, 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;
 - (d) C325 – parking;
 - (e) C331 – provision of cycle parking;
 - (f) C304 – access point;
 - (g) Details of the stone piers and reinstatement of the stone detail to the wall shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence. The stone walling and piers hereby approved shall be completely constructed on site prior to the occupation of the flats hereby permitted and retained as such thereafter;
 - (h) Details of gates to secure the rear garden of the premises shall be submitted to, and approved in writing by, the Local Planning Authority before any works commence;
 - (i) The windows hereby permitted shall be constructed of timber and recessed in the wall to match the existing window recesses;
 - (j) C112 – details of guttering, downpipes and disposal of rainwater;
(Notes to applicant:- (1) Applicant was advised that the materials used in the extension should be a scrupulous match to the existing building;
(2) Applicant was advised that the integrity of Wessex Water systems should be protected and agreement should be reached prior to the commencement of works on site for any arrangements for the protection of infrastructure crossing the site.)

Reason for planning permission, if granted:-

The proposal was located within the settlement limits of Taunton where the principle of the proposed flats was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1, H2, H4, C4 and N4. Furthermore, it was considered that the proposal would maintain and enhance the character of the Conservation Area in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and Taunton Deane Local Plan Policy EN14.

Also RESOLVED that if the Section 106 Agreement was not completed by the 21 December 2005, the Development Control Manager be authorised to REFUSE planning permission due to the lack of recreation/open space provision contrary to the requirements of Policy C4 of the Taunton Deane Local Plan.

(Councillor C Hill declared a prejudicial interest in the application covered by Minute No 157 below and left the meeting during its consideration.)

157. Demolition of commercial building and erection of 14 dwellings and associated works at Taylors, Richmond Road, Taunton (38/2005/462)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement by 18 January 2006 in respect of contributions towards recreation and open space, the ownership of the wildlife corridor and commuted sums for its maintenance; and
- (2) The receipt of no adverse views from the Environment Agency, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-
 - (a) C001 – time limit;
 - (b) C101 – materials;
 - (c) The access and parking shown on the approved plan shall be provided on site prior to the occupation of the dwelling hereby approved and thereafter maintained;
 - (d) 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;
 - (e) C331 – provision of cycle parking;
 - (f) The cycle and footpath link shall be fully constructed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained for use by the public;
 - (g) C201 – landscaping;
 - (h) C926B – remediation investigation/certificate;
 - (i) C409 – fenestration – no additional windows;
(Notes to applicant:- (1) N041B – drainage/water; (2) N111 – disabled access; (3) N112 – energy conservation)

Reason for planning permission, if granted:-

The proposed development lay within the limits of a classified settlement where the principle of development was considered acceptable and the proposal was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, C4 and H2.

Also RESOLVED that should the Section 106 Agreement not be completed by the 18 January 2006, the Development Control Manager be authorised to REFUSE planning permission due to the lack of recreation/open space and maintenance details for the wildlife corridor.

158. Application to fell 12 oak trees and carry out tree work on 10 oak trees within West Bagborough Conservation Area along the roadside of the cricket pitch, West Bagborough (45/2005/009T)

Reported that a notification had been received proposing to fell 12 oak trees and carry out tree work to 10 further oak trees in the village of West Bagborough along the roadside of the cricket pitch. The trees to be felled,

which were within the Conservation Area, had been identified by the applicant as being unsafe.

Although the West Bagborough Parish Council had initially supported the application, following a public meeting during early November 2005 it was agreed that a further opinion about the health of the trees should be obtained from Heartwood Arboricultural Consultants.

Of the 12 trees that the applicant had asked to fell, the consultants had concluded that:-

- Five were unsound and should be felled on safety grounds;
- Three were small and insignificant and did not warrant being protected;
- Four of the remaining trees should be protected; and
- The tree management work, described in the application to be carried out to the remainder of the trees, was excessive, unclear and should be refused.

In the circumstances, it was considered that a Tree Preservation Order should be served on all the trees that formed part of the notification with the exception of the eight trees identified as being unsound on safety grounds or of limited amenity.

Due to the Parish Council's and Forestry Commission's support for the application, the consent of the Vice-Chairman had been sought to serve the Tree Preservation Order. Noted that six letters of objection from local residents to the proposed felling had been received, details of which were submitted.

RESOLVED that the action taken by the Development Control Manager, in consultation with the Vice-Chairman of the Committee, to serve a Tree Preservation Order be endorsed.

159. Application for a Certificate of Lawful Use – The use of buildings for artist's studios with associated exhibition, displays, workshops and events, Hurstone Farm, Waterrow, Wiveliscombe (03/2005/009LE)

Reported that an application had recently been received for a Certificate of Lawful Use in respect of the use of a number of former farm buildings at Hurstone Farm, Waterrow, Wiveliscombe as artist's studios and a further building for exhibitions and workshops.

The granting of such a certificate was dependant on the applicants supplying evidence that the use had been carried on continuously for a period of 10 years and, unlike an application for planning permission, was not based on the merits of the proposal.

The application had been supported by a range of brochures, leaflets and newspaper articles dating back to 1994 indicating the use of the buildings at Hurstone Farm. There were also statements from 17 tenants who had rented

the studios again dating back to 1994, and advertisements offering the studios to let from 1992. Also reported that at various times throughout the period, grants had been awarded to some of the artists by the Council.

The Development Control Manager was satisfied that the evidence submitted showed that the use of the outbuildings as artist's studios and for associated exhibitions had been continuous for a period of at least 10 years and that a Certificate of Lawful Use should be issued.

Noted that the Certificate would restrict uses to the buildings as shown in the application.

RESOLVED that the decision of the Development Control Manager to grant a Certificate of Lawfulness in respect of the use of outbuildings at Hurstone Farm, Waterrow, Wiveliscombe as 14 artist's studios and the use of an associated outbuilding for exhibitions, displays and events be endorsed.

160. Enforcement action in respect of the O2 mast at Shoreditch Road, Taunton

Reference Minute 128/2005, reported that a Telecommunications Engineer engaged by the Council in connection with the possibility of a Discontinuance Notice being served on O2, had identified that an alternative location for the mast erected at Shoreditch Road, Taunton did exist. The engineer had also established that the current mast was not in accordance with the submitted plans, being thicker and a different colour.

On the basis of this additional information, Counsel's further advice had been sought and it was now thought that enforcement action might be appropriate.

However, before deciding on this course of action, Counsel had advised that a Planning Contravention Notice should be served on O2 to ascertain the extent to which the mast did not comply with the submitted plans.

Counsel had also noted that a suitable alternative location had been identified which was relevant to the course of action Taunton Deane would ultimately pursue. In order to add certainty to this consideration, the Council had been advised to submit a planning application for the erection of the mast at the alternative site. This would assist decisions relating to discontinuance and compensation.

RESOLVED that:-

- (1) The advice to date be noted and that a Planning Contravention Notice would be served on O2; and
- (2) The submission of an application for the erection of a telecommunications mast in an alternative position, as advised by the Telecommunications Engineer, be authorised.

161. Display of advertisements and directional signs at various locations in connection with Langford Lakes Christmas Tree Farm, Middle Hill Farm, Langford Budville

Noted that this item had been DEFERRED to allow further discussions to take place.

162. Erection of boundary wall adjacent to highway at Feltham House, Feltham, Taunton

Reported that a complaint had been received several months ago about a wall being constructed adjacent to the highway at Feltham House, Feltham. The wall was over 1m in height and allegedly protruded onto the highway.

The owner of the property had been contacted and action was taken to reduce the height of the wall. However, it had been noted during a recent site inspection that a portion of the coping to the wall was still over 1m in height due to the slope of the road. Further reported that the owner also intended to reduce the height of the existing pier located at the start of the access to the property.

The County Highway Authority had confirmed that the wall had not been built on highway land.

In the view of the Development Control Manager, as only a small proportion of the wall was over 1m in height, if an application was submitted, permission to retain the wall would be granted.

RESOLVED that no further action be taken.

(Councillor Phillips declared a personal interest in the matter covered by Minute No 163 below and left the meeting during its consideration.)

163. Erection of sign and air conditioning units on flank wall, change of use of first floor to retail and removal of staircase and installation of new stairs in different location at 5 The Bridge, Taunton

Reported that these matters had been brought to the Council's attention during October 2004. The owners had been contacted regarding the unauthorised works but to date, no application for either advertisement, planning or listed building consent had been received to regularise the situation.

Noted that the change of use of the first floor from storage to retail was considered to be acceptable.

RESOLVED that:-

- (1) Listed building enforcement action be taken to seek the removal of the unauthorised advertisement, air conditioning units and the current staircase;
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with; and
- (3) The Solicitor to the Council be also authorised to institute legal proceedings in respect of the unauthorised work undertaken to the listed building.

164. Appeals

- (1) Reported that the following appeals had been lodged:-
 - (a) Erection of a two storey extension at 5 Ardwyn, Wellington **(43/2004/165)**;
 - (b) Retention of detached garage at 4 Kyrenia Cottage, School Road, Monkton Heathfield **(48/2004/074)**;
 - (c) Appeal against enforcement notice – site at Rebmit House, Ladylawn, Trull;
 - (d) Residential development at Pollards Yard, off Pollards Way, Wood Street, Taunton **(38/2004/570)**;
 - (e) Erection of dwelling adjoining 63 Normandy Drive, Taunton **(38/2004/582)**;
 - (f) Appeal against non-determination – residential development on former Gas Storage Site, Castle Street, Taunton **(38/2004/493)**;
 - (g) Display of various signs at Kings of Taunton, Cook Way, Bindon Road, Taunton **(34/2005/006A)**;
 - (h) Replace existing timber window frames with UPVC at Larkspur Court, Gypsy Lane, Taunton **(38/2004/554)**;
 - (i) Erection of stables for DIY livery and improvement to access at Bindon Farm, Langford Budville **(21/2004/026)**;
 - (j) Use of amenity land as domestic curtilage and erection of railings at 10 Bethell Mead, Cotford St Luke **(06/2004/062)**;
 - (k) Erection of units for special needs accommodation at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren **(25/2005/007)**;
 - (l) Erection of flats and parking at Eastwick Farm Cottage, Eastwick Road, Taunton **(38/2005/052)**;
 - (m) Erection of block of five flats on land to rear of 87 Staplegrove Road, Taunton **(38/2005/121)**;
 - (n) Residential development following the demolition of existing industrial buildings, Kings Yard, Taunton Road, Bishops Lydeard **(06/2005/015)**;
 - (o) Erection of dwelling on land adjacent to 28 Longforth Road, Wellington **(43/2005/055)**;
 - (p) Erection of dwelling on site at Yalham Barton, Culmhead **(29/2005/010)**;

- (q) Demolish agricultural building and erect single dwelling, utilising barn to provide garaging at Ham Farm, Ham, Creech St Michael **(14/2005/020)**;
- (r) Formation of vehicular access to 4 Greenway Road, Taunton **(38/2005/251)**;
- (s) Change of use of ground floor and basement from retail (A1) to estate agency and surveyors office, 3 Fore Street, Wellington **(43/2005/092)**;
- (t) Erect extension and garage and extend residential curtilage into paddock, The Lodge, 7 Knapp Lane, North Curry **(24/2005/028)**;
- (u) Retention of change of use from holiday let to separate permanent dwelling and formation of access and parking area, The Retreat, Sampford Moor, Wellington **(32/2005/007)**;
- (v) Demolition of dwelling and erection of replacement dwelling and garage at Listock Farmhouse, Helland, North Curry **(24/2005/045)**; and
- (w) Erection of a dwelling on land to the west of Maidenbrook Farm House, Cheddon Fitzpaine, Taunton **(08/2005/014)**.

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

- (a) Erection of a dwelling to the rear of 9 Jeffreys Way, Taunton **(52/2004/037)**

Decision

The Inspector considered that a single infill case like this would impact upon the character of the area and upon the living conditions of the adjoining residents. He was concerned that the new dwelling would appear cramped and out of place with other properties. Although 9 Jeffreys Way would not be overlooked or lose any light, he thought the proposed dwelling would appear too close in the context of the general pattern of development. The appeal was dismissed.

- (b) Erection of a dwelling on land to the north of Broomhay, Hyde Lane, Bathpool **(48/2004/036)**

Decision

The appeal site was within the settlement limits of Bathpool and within the flood plain of Allen's Brook. Due to the flooding in 2000, there was some uncertainty about the existing flood defence works and the Inspector felt that no further residential development should be permitted until the uncertainty concerning flood defences was resolved. 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 the design of the house would resemble a volume built, anonymous, large house with few of the features which marked the local distinctiveness of the Conservation Area. He concluded that the cramped nature of the proposed house would not enable the character or appearance of the Conservation Area to be preserved or enhanced. The appeal was dismissed.

- (d) Use of proposed holiday lodge permitted under planning permission 03/2003/003 for manager's accommodation, Exmoor Gate Lodges, Waterrow, Wiveliscombe (03/2004/004)

Decision

The Inspector considered the reasons given by the appellant for requiring accommodation on site but did not feel that these amounted to a need to live on the site. He felt that the activities could be carried out from an office within the scheme. He felt that use of the proposed building as manager's accommodation was quite different to the consent for a holiday lodge. The appeal was dismissed.

- (e) Creation of two ground floor flats at Salisbury Cottage, The Mount, Taunton (38/2004/421)

Decision

The ground floor of the building formed an "L" shape around a large storage building. The Inspector felt that the presence of this store would affect the outlook from, and the light reaching, the two flats. In his opinion, all of the rooms he identified would be extremely gloomy and the outlook would be restricted to the blank walls of the store. He considered that this would be a poor standard of accommodation. The appeal was dismissed.

- (f) Retention of flat roof dormer window with UPVC cladding replaced by tile hanging at 15 Eastbourne Gate, Taunton (38/2004/390)

Decision

The Inspector noted that the use of the large dormer window was out of scale and character and upset the unity and architectural integrity of the original design at roof level. The proposal to replace the UPVC cladding with hanging tiles would not address the problem of the excessive scale and bulk of the roof extension. The appeal was dismissed.

- (g) Removal of condition 02 of planning permission 10/2000/022 to allow garage to be used for residential accommodation at Ford Barton, Moor Lane, Churchinford (10/2004/008)

Decision

Although the removal of condition 02 would allow the ground floor of the building to be formed into residential accommodation, there was already such use at first floor level. The Inspector felt that the increased scale of residential use would not breach Policy H20 and therefore removal of the condition would not be in conflict with that policy. The Inspector felt that the removal of the condition would reduce the availability of garaging on the site although there was a substantial area of driveway and parking which was set back from the road. It was therefore unlikely that cars would park in the road. He therefore concluded that the condition was not necessary. The appeal was allowed and planning permission granted.

- (h) Demolition of a redundant non-original chimney stack and thatch over 24 Mount Street, Bishops Lydeard (06/2004/034LB)

Decision

The Inspector noted the appellant's anxiety about the stability of chimney and rainwater. However, he saw no obvious evidence of instability and no information to suggest structural monitoring had taken place. As far as the ingress of rainwater was concerned he considered that appropriate expertise was available to resolve the problem without recourse to removing any part of the chimney. In conclusion, the Inspector felt that the proposal to remove the chimney would harm the listed building and the Conservation Area. The appeal was dismissed.

- (i) Proposed erection of 21m high lattice tower, with up to six aerials and two dish antenna at south-west end of Green's Covert, near Thistlewood Bridge, Walcombe's Farm, Bishops Lydeard (22/2004/004)

Decision

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

(Councillors Henley and Mrs Smith left the meeting at 9.30 pm and 10.21 pm respectively.)

(The meeting ended at 10.37 pm)