

**Planning Committee – 25 January 2006**

Present: Councillor Mrs Marie Hill (Chairman)  
Councillor Mrs Marcia Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Clark, Croad, Denington, Floyd, C Hill,  
Hindley, House, Lisgo, Phillips, Mrs Smith, Stuart-Thorn 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)), Mr R I Taylor (Chief  
Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

(Councillors Lisgo and Hindley arrived at the meeting at 5.59 pm and 6.37 pm  
respectively.)

1. Apologies

Councillors Guerrier and Henley.

2. Minutes

The minutes of the meeting held on the 14 December 2005 were taken as  
read and were signed.

3. Applications for Planning Permission

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

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

**03/2005/011**

Erection of two-storey extension, 2 The Linhay, Hurstone Farmhouse,  
Waterrow, Wiveliscombe (renewal)

Conditions

- (a) C001A – time limit;  
(b) C102A – materials.

Reason for granting planning permission:-

The proposal was not considered to harm the visual and residential amenity of the area and was considered to be in compliance with Taunton Deane Local Plan Policies S1, S2 and H17.

**10/2005/020**

Change of use and conversion of barn to dwelling adjacent to Churchinford Post Office, Churchinford.

Conditions

- (a) C001A – time limit;
- (b) C106 – second-hand materials;
- (c) Before the commencement of any work hereby permitted, details or samples of the materials to be used for the roof and new walls of the building 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;
- (d) C112 – details of guttering, downpipes and disposal of rainwater;
- (e) C215 – walls and fences;
- (f) 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;
- (g) Work shall not commence until details of the scheme for the provision of a bats' roost within the roof void of the development hereby permitted, together with the provision of access to that roof space for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the loft space and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the provision of the bats' roost and related accesses has been fully implemented. The scheme shall include a programme for the implementation of the development that avoids any building works likely to affect the bats' roost being undertaken between the 31 March and the 1 October in any year;
- (h) No doors or windows shall open out over the public highway at ground floor level;
- (i) The proposed garage door shall be of a sliding or roll-over type to be operated by remote control and details of the finish and materials shall be submitted to, and agreed in writing by, the Local Planning Authority;
- (j) C654A – windows;
- (k) The first floor windows to the bathroom and shower room shall be glazed with obscure glass which thereafter shall be

maintained at all times. There shall be no alteration or additional windows to the rear (south) elevation without the prior written consent of the Local Planning Authority;

- (l) C927 – remediation investigation/certificate;
- (m) P001A – no extensions.

(Notes to applicant:- (1) N126 – land contamination; (2) N096 – bats; (3) Applicant was advised that disturbance to Swallow nests between the 1 April and the 30 September must be avoided. All operators on site must be properly briefed of bat and bird presence as these are protected species under the Wildlife and Countryside Act 1981).

Reason for granting planning permission:-

The proposed development was considered to accord with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

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

**20/2005/023**

Erection of annexe with glazed link/conservatory at Millfield House, Parsonage Lane, Kingston St Mary.

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C404A – single-family unit – link;
- (d) C404 – single-family unit.

Reason for granting planning permission:-

The annexe would have a close functional relationship with the main dwelling and it was considered that the proposal would not significantly harm residential and visual amenity nor would it be damaging to the character of the main dwelling. Accordingly, the proposal complied with Taunton Deane Local Plan Policies S1, S2, S7, H18 and EN6.

**24/2005/057**

Demolition of dwelling and erection of replacement dwelling and new garage at Listock Farm, North Curry.

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the development shall be of stone and natural slate as shown on the application form to match the existing farmhouse and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the garage 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;
  - (d) C113 – details of structure and colour of mortar;
  - (e) C112 – details of guttering, downpipes and disposal of rainwater;
  - (f) C111 – materials – for drives;
  - (g) The proposed access, visibility splay, parking and turning shown on the drawing No 2705/5 shall be provided in full, in accordance with the plan and shall be thereafter maintained and kept unobstructed in accordance with the drawing;
  - (h) The windows and doors hereby permitted shall be of timber only and shall be recessed in the wall to match the existing window and door recesses;
  - (i) Demolition work shall not commence to the existing farmhouse until details of a strategy for the protection of the bats and the provision of an alternative bats' roost within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts has been fully implemented;
  - (j) Demolition shall not commence until details of a scheme for the provision of Swallows' nests sites and accesses in the development hereby permitted (or the provision of alternative new sites and accesses) has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the Swallows' nest site(s) being undertaken between 1 April and 31 October inclusive. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
  - (k) P001A – no extensions;
  - (l) P003 – no ancillary buildings;
  - (m) P005 – no garages;
  - (n) C215 – walls and fences;
  - (o) C326A – garages – for domestic purposes only.
- (Notes to applicant:- (a) Applicant was advised that bats and Swallows are known to use the existing property. Bats and their roost sites are protected under the Conservation (Natural Habitats etc) Regulations 1994 and under these Regulations it is an absolute offence to destroy a bat roost. As evidence of a brown, long-eared maternity roost was found, the development

at Listock Farmhouse will mean demolition of a building that is protected by law. The licensing of the proposed development, which involves European protected species, is administered by the Department for Environment, Food and Rural Affairs (DEFRA). Applicant was further advised that this licence enables developers to undertake work that would otherwise be illegal such as the destruction of a bat roost. DEFRA will issue licences for work of this kind providing certain criteria are met. (2) N111 – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N116 – disabled access; (6) N117 – crime prevention; (7) Applicant was advised to ensure that the existing water treatment plant is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary, its discharge will require the consent of the Environment Agency).

Reason for granting planning permission:-

It was considered that the proposed replacement dwelling would confirm to the requirements of Taunton Deane Local Plan Policy H8.

**26/2005/013**

Change of use of agricultural land to domestic curtilage to the rear of 1-7 Blackdown View, Nynehead.

Conditions

- (a) C001A – time limit;
- (b) C201A – landscaping;
- (c) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, including details of any sub-division of the site hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
- (d) P003 – no ancillary buildings;
- (e) P006 – no fencing.

Reason for granting planning permission:-

The proposal did not constitute an intrusive feature and was in keeping with the character of the rural surroundings in accordance with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

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

The Committee was of the view that the proposal would not be an undesirable intrusion into the open countryside to the detriment of the visual amenities of the locality.

**30/2005/036**

Erection of extension to utility block at Fosgrove Paddock, Shoreditch, Taunton.

Conditions

- (a) C001A – time limit;
  - (b) C101 – materials;
  - (c) C201 – landscaping.
- (Note to applicant:- Applicant was advised of the need to comply with conditions on permission No 30/2002/013 concerning the future use of the site).

Reason for granting planning permission:-

The proposed extension to the utility block to form a day room was considered not to have an adverse impact and to comply with Taunton Deane Local Plan Policies S1 and S2.

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

**43/2004/142CA**

Demolition of Kwiksave Store, 36-46 High Street and buildings to rear of 36-46 High Street, Wellington.

Conditions

- (a) C002C – time limit;
- (b) C653 – no demolition before planning permission granted and contract let;
- (c) C671 – making good building after demolition of adjoining structure.

Reason for granting Conservation Area consent:-

The proposal would maintain/enhance the character and appearance of the Conservation Area. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policy EN15.

**51/2005/013**

Erection of dwelling house at Burrow Farm, Burrowbridge (renewal of 51/2000/014).

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) No windows, other than those shown on the plan hereby approved, shall be constructed in the wall of the building which abuts on the boundary with Burrow Farm without the prior written consent of the Local Planning Authority;

- (e) There shall be no extension/conservatory/garden shed/store or any other building constructed within the 4 m exclusion zone shown adjacent to the river wall boundary shown on Drawing 1A received on the 15 November 2000;
- (f) The demolition of part of the existing farmhouse, as shown on approved Drawing Nos 1005/3B and 1005/5A relating to application 51/1997/005, shall be completed and materials removed from the site (unless re-used) prior to the occupation of the new dwelling the subject of this permission, 51/2005/013;
- (g) C208 – protection of trees to be retained;
- (h) The new access and driveway hereby permitted shall not be used until the completion of the construction, demolition and conversion works on site without the prior written consent of the Local Planning Authority;
- (i) The existing access from the highway shall be blocked up with materials to match the existing wall upon occupation of the three properties in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site, full details of the method of construction of the proposed driveway shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) C010 – drainage;
- (l) Notwithstanding the details shown on the submitted block plan, an alternative scheme shall be submitted to, and agreed in writing by, the Local Planning Authority relating to the provision of more adequate turning facilities. Such a scheme shall be implemented before the new dwelling house is occupied.  
(Notes to applicant:- (1) Applicant was advised that the conditions and notes on planning permission reference No 51/1997/005 are still applicable to this permission and should be implemented; (2) Applicant was advised to contact Wessex Water in respect of necessary consents; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N114 – meter boxes; (6) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (7) Applicant was advised that consent is required from the Environment Agency for the disposal of the generated foul effluent.)

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 or H2.

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

**10/2005/023**

Change of use conversion and extension to form dwelling at The Pound House, Trents Farm, Churchinford.

Reason

The proposed conversion by reason of the extension and link to the garage building would involve a significant extension and alteration that would affect the form, character and local distinctiveness of the barn contrary to Taunton Deane Local Plan Policies S1(D), S2(A), S7, H7 and H17.

**24/2005/053**

Retention of covered link between dwelling and garage, increased height of a south-east boundary wall, swimming pool plant room, additional roof light and substitution of a window for door in the north-east elevation of dwelling, The Olde Canal Barn, Wrantage.

Reason

In the opinion of the Local Planning Authority, the proposed link extension has resulted in an unacceptable loss of outlook and light to the neighbouring property thereby resulting in loss of visual and residential amenity. Accordingly, the proposal is considered contrary to Taunton Deane Local Plan Policies S1, S2 and H17.

(Notes to Applicant:- (1) Applicant was advised that the roof lights and window changes are acceptable in principle and should be reapplied for. A lower wall at the front not tied into the public house may also be acceptable; (2) Applicant was advised that the link should be removed in order to avoid enforcement action being taken.)

Also RESOLVED that enforcement action be taken to seek the removal of the unauthorised covered link between the dwelling and the garage.

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

The Committee felt that the loss of light caused by the link building affected the visual and residential amenity of the adjoining Canal Inn.

**36/2005/025**

Erection of extension to dwelling to replace conservatory at Old Station House, Curload.

Reason

The proposal by reason of its size, scale, design and siting does not respect the form and character of the dwelling and, as such, is contrary to Taunton Deane Local Plan Policies S2 and H17.



**44/2005/019**

Erection of single-storey extension to form covered swimming pool, Higherlands, Ford Street, Wellington.

Reason

The proposed development by reason of its prominent siting, scale and design would have an adverse impact on the visual appearance of the host dwelling and the rural character of the surrounding area which is an Area of Outstanding Natural Beauty. As such, the proposal would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and Policies 3 and Policy 5 and Taunton Deane Local Plan Policies S1, S2 and H17.

- (3) That the following **application be withdrawn:-**

**35/2005/018**

Two-storey extension to barn conversion used as dwelling, erection of cart lodge and roof light to be inserted in existing roof at Oak Barn, Appley.

4. Formation of entrance and drive to serve proposed dwelling east of the Coach House, Corfe (12/2005/010)

Reported this application.

RESOLVED that subject to the receipt of a satisfactory amended plan, 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) The wall shall be made good after demolition and the new sections of wall shall match the existing and a sample panel shall be provided and approved on site prior to construction work commencing;
- (c) The gates shall be erected as indicated on the revised drawings and there shall be no variation thereto without the written agreement of the Local Planning Authority.

Reason for planning permission if granted:-

The proposal was not considered detrimental to the street scene or the visual amenities and character of the Conservation Area and was considered to accord with Taunton Deane Local Plan Policies S1, S2 and EN14.

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

The Committee felt that the proposed access would not be detrimental to the street scene, visual amenities of the area or the character of the Conservation Area.

5. Provision of 'shoulders' to north and south of previously approved dam (permission 25/2001/036 refers), formation of access for maintenance purposes, provision of flood control kiosk and treatment for landscaping and habitat creation, land west of Monty's Lane, Norton Fitzwarren (25/2005/036)

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the County Highway Authority, 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) C001A – time limit;
- (b) C201A – landscaping;
- (c) C208A – protection of trees to be retained;
- (d) C208B – protection of trees – service trenches;
- (e) C210 – no felling or lopping;
- (f) Prior to the commencement of development, an environmental site plan for construction shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed plan shall be implemented during construction works;
- (g) Prior to the commencement of development, an operational management plan incorporating matters such as the timing and frequency of bank and channel maintenance work shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The proposed permanent site access over the first 10 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority and any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5 m from the carriageway edge;
- (i) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) No work shall commence on the development site until the temporary construction access and traffic management measures have been designed and constructed in accordance with a scheme which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) The proposed development shall be carried out generally in accordance with the Environmental Statement submitted with the planning application, together with the addenda thereto;
- (l) No works shall be commenced on the proposed development until such time as Monty's Lane has been widened to 6 m in width in accordance with the approved plans, except as otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (g), applicant was advised that the submitted plan should incorporate matters such as:-

(a) avoidance of accidental pollution to the stream; (b) timing of clearance operations to avoid the bird breeding season; (c) timing of in-channel works to avoid fish spawning seasons; (d) carrying out pre-construction checks for otters and badgers; (e) avoiding obstructing the movements of fish and other wildlife; and (f) the protection of existing features of nature conservation importance; (2) Applicant was advised of the need for the diversion of the public footpath crossing the site; (3) With regard to the proposed pond, applicant was advised that under the provisions of the Water Resources Act 1991, a formal Abstraction Licence may be required from the Environment Agency for the initial filling and subsequent water level maintenance operations. The Abstraction Licence must be obtained from the Environment Agency prior to works commencing. This is dependant on water resource availability and may not be granted; (4) Applicant was advised that an excavated pond, with no abstraction from a stream as a top-up and with a water level simply reflecting general ground water levels in the locality, fed via natural seepage through open base and sides, does not require an Abstraction Licence from the Environment Agency. (5) Applicant was advised to ensure that the development will not affect any existing legal water interests in the area. For information, there is a licensed ground water abstraction nearby. The interests of the holder of this licence must not be derogated as a result of this development; (6) Applicant was advised that during construction the following pollution prevention measures must be adopted, where applicable:- (a) pumps used for pumping out water from excavations should be sited well away from water courses and surrounded by absorbent material to contain oil spillages and leaks; (b) Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed; (c) Storage of fuels for machines and pumps should be well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage; (d) River water should be diverted away from the excavation site using coffer dams. Work should stop immediately the coffer dams are breached or flooded; (e) Construction vehicles should not cross or work directly in a river. Temporary bridges should be constructed for vehicles to cross and excavations carried out from the bank. The Environment Agency must be notified immediately of any incident likely to cause pollution.)

Reason for planning permission, if granted:-

The proposed development was part of a package of comprehensive flood alleviation works which were proposed for Norton Fitzwarren. It was considered that the works would remove the flood plain from the village and protect existing dwellings from flood events. It would also facilitate housing development which met national policy demands. The proposal complied with Taunton Deane Local Plan Policies S1, S8, C16, EN26, EN28 and EN29.

6. Erection of 20 flats and associated site works at Tancred Street, Taunton (38/2005/485)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of no further representations raising new issues by the 7 February 2006; and
- (2) The applicants entering into a Section 106 Agreement for play and recreation provision, 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) C101 – materials;
  - (c) Before the development hereby permitted is commenced, details of the surface treatment to parking and turning areas shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (d) A sample panel of the brickwork and mortar shall be erected on site to be agreed in writing by the Local Planning Authority prior to wall construction commencing;
  - (e) C112 – details of guttering, downpipes and disposal of rainwater;
  - (f) C201 – landscaping;
  - (g) C215 – walls and fences;
  - (h) 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 buildings are occupied;
  - (i) Provision shall be made for the parking of cycles and bin storage in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority;
  - (j) C416 – details of size, position and materials of meter boxes;
  - (k) The windows hereby approved shall be made of timber and of a vertical sliding sash design unless otherwise agreed in writing by the Local Planning Authority;
  - (l) The windows hereby permitted shall be recessed a minimum 80 mm in the wall;
  - (m) Details of the access gates to the adjacent private parking spaces shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (n) Noise emissions during construction shall be limited to the hours of Monday to Friday, 0800 to 1800 hours and 0800 to 1300 hours on Saturdays and no noisy working at other times, including bank holidays;
  - (o) C911 – aerials – combined system;

- (p) There shall be no obstruction to visibility in excess of a height of 300 mm above adjoining carriageway level forward of a line drawn 4.5 m back central to the access and splayed to the north and south site limits;
- (q) The proposed estate road, footways, verges, junctions, street lighting, drains, service routes, visibility splays, accesses, carriageway gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority before 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.
- (Notes to applicant:- (1) N061A – Highways Act – Section 184 Permit; (2) Applicant was advised that the site is near to commercial land that has had uses with the potential to cause contamination, for example the Old Tannery site on Tancred Street. If any contamination or unknown substances/ structures are found during demolition and building works, the developer should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (3) Applicant was advised to ensure the protection of Wessex Water's systems on site and also to agree a point of connection before works commence on the site; (4) Applicant was advised to employ a Landscape Architect to design any landscaping scheme; (5) Prior to the commencement of any development works, applicant was advised to appoint a suitably qualified acoustics consultant with a remit to examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not cause nuisance to the occupants of premises on the completed development. The consultant should submit a written report to the Local Planning Authority which should detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such report should be agreed, in writing, by the Local Planning Authority prior to the commencement of development work.)

Reason for planning permission, if granted:-

The proposal was a brownfield development in a highly sustainable location without undue adverse impact on the amenities of neighbouring dwellings and was considered to comply with Taunton Deane Local Plan Policies H2 and S2.

Also RESOLVED that should the Section 106 Agreement not be completed by the 30 January 2006, the Development Control Manager be authorised to refuse planning permission for the reason of inadequate recreation/open space provision contrary to Taunton Deane Local Plan Policy C4.

7. Redevelopment to provide four commercial/retail units, erection of 19 flats with associated parking and access off Wood Street at 7-11B Staplegrove Road, Taunton (38/2005/506)

Reported this application.

RESOLVED that subject to the receipt of:-

- (1) no further representations raising new issues by the 2 February 2006;  
and
- (2) a satisfactory amended plan relocating the cycle area to the south and surfacing the area to enable two vehicles to park, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-
  - (a) Before any parts of the development hereby permitted is begun, detailed drawings to an appropriate scale of the siting, design and external appearance of the buildings, including details of materials, mortar, venting of roof spaces, guttering and downpipes, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (b) C009 – outline – time limit;
  - (c) C014A – time limit;
  - (d) C010 – drainage;
  - (e) Prior to the submission of a reserved matters application, the applicant shall submit a Development Brief for the site which pays attention to the scale, form, materials and parking associated with any development of the site. Such a development brief shall be approved in writing prior to the submission of a reserved matters application;
  - (f) The proposed dwellings shall be constructed as two-storey buildings with the main eaves line approximately level with the first-floor window heads;
  - (g) Details and samples of the materials to be used for the surfaces of the courtyard, access and drive 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) Plans showing a parking area providing for vehicles and cycles in accordance with Taunton Deane Local Plan Policy M4 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;

- (i) The building(s) shall not be demolished before reserved matters planning permission has been granted for the redevelopment of the site and a contract has been left for the redevelopment work;
- (j) C215 – walls and fences;
- (k) A replacement boundary wall shall be erected on the eastern and western boundaries of the site and along the southern boundary with 45A and 46A Wood Street to a total height of 3 m and this shall include the provision of crime prevention measures as part of the wall. Prior to the commencement of works on the site, details of the wall shall be submitted to, and approved in writing by, the Local Planning Authority. The walls shall be fully constructed in accordance with the plans prior to the commencement of the use of any of the development hereby permitted and shall be maintained as such thereafter;
- (l) There shall be no first-floor windows on the western or eastern boundaries of the site;
- (m) Prior to development works commencing, the history of this site shall be investigated to determine the likelihood of the existence of any contamination resulting from previous use. Should any ground works be carried out, the developer must inform the Local Planning Authority of the likelihood or the presence of any contamination on site. If contamination is present, a full site investigation, risk assessment and remediation strategy shall be submitted to the Local Planning Authority prior to the commencement of further development on the site;
- (n) Noise and vibration arising from any proposed ground floor commercial unit shall be imperceptible at any neighbouring residential flat above or other residential premises created by the permission hereby granted and must comply in full with the requirements of the Building Regulations in respect of airborne and impact sound transmission;
- (o) The ground floor of the buildings fronting Staplegrove Road shall be A1/A2 uses only;
- (p) C013 – site levels;
- (q) Prior to the commencement of works on site, details of any proposed external lighting shall be submitted to, and approved in writing by, the Local Planning Authority. No other external lights shall be installed on site without the prior written consent of the Local Planning Authority;
- (r) The new windows indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material, and shall be recessed in the building to match the adjacent traditional properties in the Staplegrove Road Conservation Area;
- (s) C416 – details of site, position and materials of meter boxes;
- (t) Prior to the commencement of works on site, details of the size and position of bin storage for the proposed units shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter provided prior to occupation;
- (u) Minimum finished floor levels shall be raised 300 mm above existing ground levels;

- (v) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;
- (w) There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either ground water or any surface waters, whether direct or via soakaways;
- (x) C927 – remediation investigation/certificate;
- (y) Notwithstanding the details on the illustrative plan, there shall be no Velux or dormer windows in the roof of the development fronting onto Staplegrove Road;
- (z) No demolition or construction work shall be carried out on the site on any Saturday afternoon, Sunday, Christmas Day or Bank Holiday or other than between 0730 and 1900 hours, Monday to Friday and 0730 and 1300 hours on Saturdays, unless otherwise agreed in writing by the Local Planning Authority;
- (aa) There shall be no windows or doors opening or capable of opening over the Staplegrove Road or Wood Street highway.  
 (Notes to applicant:- (1) Applicant was advised that dwellings created by the permission hereby granted must comply in full with the requirements of the Building Regulations in respect of airborne and impact sound transmission; (2) Applicant was advised that the layout of the site, materials and the design of the dwellings should be to a high standard in view of the location of the site within a Conservation Area; (3) Applicant was advised that any future redevelopment scheme will need to take full account of the surrounding land uses and the location of residential windows to ensure the building is not detrimental to their existing amenity; (4) N111 – disabled access; (5) N112 – energy conservation; (6) N117 – crime prevention; (7) N045 – encroachment; (8) Applicant was advised that the walls, parapet walls and drainage gutters on the boundary of 7 and 7A Staplegrove Road are in joint ownership. No works should take place that effect such structures without the prior permission of the joint owners; (9) N041B – drainage/water; (10) Applicant was requested to take account of the hot food use adjacent to the site when designing the new building especially their need for light and ventilation as exists on the site at the current time; (11) With regard to condition (e), applicant was requested to consult with the Local Planning Authority when compiling the



Development Brief for the site; (12) N110 – design; (13) N123 – noise emissions; (14) N126 – land contamination.)

Reason for outline planning permission, if granted:-

The proposal would be within the central area of Taunton where the principle of residential and commercial development was acceptable. The proposed scheme was considered to be in accordance with Taunton Deane Local Plan Policies S1, S2, M4, C4, EN14 and T12.

(Councillor Mrs Smith declared a personal interest in the application covered by Minute No 8 below.)

8. Erection of supermarket (2,187 sq m) and retail unit with first floor offices with associated car parking and servicing, 36-46 High Street, together with land to the rear between High Street and Scotts Lane, and formation of new access to High Street, Wellington (43/2004/141)

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to secure:-

- (1) The design, construction and funding of the traffic signal junction, together with works to hardware link the new junction to the North Street/South Street junction to enable a SCOOT system to be funded and introduced to maximise the operational capacity of both signal junctions; and
- (2) The provision and installation of CCTV cameras to monitor the traffic at both the new junction and the North Street/South Street junction, 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) C101 – materials;
  - (c) C112 – details of guttering, downpipes and disposal of rainwater;
  - (d) C201 – landscaping;
  - (e) C205 – hard landscaping;
  - (f) C215 – walls and fences;
  - (g) C219 – screening during demolition;
  - (h) C917 – services – underground;
  - (i) Detailed drawings indicating the height, appearance, intensity of light and manufacturer's specification of any external building or car park lighting, including the access thereto shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
  - (j) The development hereby permitted shall not commence until details of all petrol/oil interceptors have been submitted to, and

- approved in writing by, the Local Planning Authority. Such petrol/oil interceptors shall be installed in the surface water disposal system and permanently retained and maintained to the satisfaction of the Local Planning Authority thereafter;
- (k) Provision shall be made for the parking of 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 commences;
  - (l) C324 – parking;
  - (m) C330 – internal road to be kept free from obstruction;
  - (n) The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties;
  - (o) C910B – archaeological investigation;
  - (p) Before any works are commenced on the replacement building on the High Street frontage, sectional drawings showing details of all timber mouldings to include traditional detailing/ construction of shop fronts, fascias, doors and windows shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (q) The windows in the replacement building on the High Street frontage shall be recessed with timber, vertically sliding sashes, unless otherwise agreed by the Local Planning Authority;
  - (r) Before any works on the replacement building on the High Street are commenced, details of brick and render details to the window heads shall be submitted to, and approved in writing by, the Local Planning Authority;
  - (s) The bollards indicated on the approved plan at the southern end of the main car park shall be provided before the use of the car park hereby permitted commences and shall remain locked at all times other than for providing access to those properties with a right of access across the site from Scotts Lane;
  - (t) Details of the length of stay for vehicles parking in the proposed car park shall be submitted to, and approved in writing by, the Local Planning Authority. Any change to this approval shall be submitted to the Local Planning Authority for written approval;
  - (u) Details of measures to control the use of the car park outside the times of opening for the supermarket shall be submitted to, and approved in writing by, the Local Planning Authority and provided before the use of the car park hereby permitted is commenced;
  - (v) No demolition or construction work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or other than between 0730 and 1900 hours, Monday to Friday and 0730 to 1300 hours on Saturdays, unless otherwise agreed in writing by the Local Planning Authority;
  - (w) C206A – existing and proposed levels;

- (x) The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket, unless otherwise agreed in writing by the Local Planning Authority;
- (y) Before the use hereby permitted is commenced, the loading bay area shall be sound-proofed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (z) Prior to the commencement of development, a Code of Practice in relation to all vehicles accessing at the site during demolition and construction of the development and operation of the supermarket shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed code shall include details of delivery times and provision for vehicle-mounted refrigeration units and a wheel wash-down facility;
- (aa) Noise emissions arising from the air handling plant, refrigeration or other machinery on any part of the land to which this permission relates shall not exceed background levels at any time by more than three decibels, expressed in terms of an A-Weighted, one minute Leq when measured at any point on the boundary of any residential or other noise-sensitive premises. For the purposes of this permission, background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (bb) No deliveries, other than bakery, dairy and other perishable products, shall be made between 2000 hours on any one day and 0800 hours on the following day unless otherwise agreed in writing by the Local Planning Authority. No delivery of bakery, dairy and other perishables products shall be made other than between 0700 and 2000 hours;
- (cc) Details of the arrangements to be made for the disposal of surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced.  
 (Notes to applicant:- (1) Applicant was advised that the proposal should comply with the Food Hygiene (General) Regulations; (2) Applicant was advised of the need to have regard to the existing rights of way by third parties over the land; (3) N111 – disabled access; (4) N112 – energy conservation; (5) N115 – water conservation; (6) With regard to condition (o), applicant was advised that the County Archaeologist would be willing to provide a specification for this work and a list of suitable contractors to undertake it; (7) N117 – crime prevention; (8) N024 – development in accordance with the approved plans; (9) With regard to condition (t), applicant was advised that the length of stay should be restricted to 2-3 hours to ensure that the car parking spaces are available for shoppers; (10) N051B –

health and safety; (11) N052 – fire safety; (12) N054 – fire safety; (13) Applicant's attention is drawn to the Conservation Area consent relating to this property, No 43/2004/142CA; (14) N075 – Section 106 Agreement; (15) Applicant was requested to ensure that the appointed contractors subscribe to the 'Consideration Contractors' Programme'; (16) Applicant was advised that the existing building contains asbestos panels which will need careful removal. If the asbestos is contained within something like cement, that is roof or wall sheeting and is in good condition, it is not normally necessary to utilise a specialist contractor. If the sheeting is to be broken up for any reason, a specialist contractor must be used. If the asbestos is in a more friable condition/material for example lagging or water tank insulation, then a licensed specialist contractor must be used. Either way, materials containing asbestos must be double-bagged in special asbestos waste bags, sealed and disposed of at a licensed tip. You are advised to contact the Environmental Health Officer in this respect.)

Reason for planning permission, if granted:-

The site was a town centre site, the development of which was in conformity with the retail policy framework set out by Central Government in PPS6 and in the retail policies contained in the County Structure Plan and adopted Local Plan. The proposal is considered to be in general compliance with the criteria set out in Taunton Deane Local Plan Policy W11.

9. Erection of 18 dwellings, formation of access and demolition of dwelling at New Barn, 41 Comeytrowe Lane, Taunton (52/2005/044)

Reported this application.

RESOLVED that subject to the receipt of no further representations raising new issues by the 31 January 2006, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if the detailed plans were approved, the following conditions be imposed:-

- (a) The alternative bat roost provision shall be constructed on site according to the conclusions, recommendations and mitigation proposals of Michael Woods Associates' Report dated August 2005, prior to any demolition works on the existing dwelling commencing. The development shall not be occupied until the scheme for the provision of the bat roost and accesses has been fully implemented and thereafter the roosting places and openings shall be permanently maintained.
- (b) The front boundary walls to the properties hereby approved shall be retained at all times;
- (c) P005 – no garages;  
(Note to applicant:- Applicant was advised to comply with outstanding conditions on the outline approval No 52/2003/014.)

Reason for approving detailed plans, if granted:-

The proposed development was considered acceptable and to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and EN5 and material considerations did not indicate otherwise.

10. Erection of Conservatory to rear of 4 Larch Close, Taunton (38/2005/457)

Reported that permission for this proposed development was granted under delegated powers on the 22 November 2005 subject to conditions of time limit and materials.

It had now been brought to the attention of the Development Control Manager that the applicant's wife was in fact an employee of Taunton Deane Borough Council.

Details of the proposed conservatory were submitted for the information of Members.

RESOLVED that the decision, previously made under delegated powers be confirmed.

11. Erection of boundary fence at 1 Burch's Close, Taunton

Reported that despite two applications for planning permission being refused, to retain an unauthorised boundary fence at 1 Burch's Close, Taunton, no action to date had been taken to remove the fence.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised boundary fence at 1 Burch's Close, Taunton; 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.

12. Appeals

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

- (a) Erection of extension to side and rear of 4 Colesmore, Milverton **(23/2005/025)**
- (b) Retrospective application for the change of use, conversion and alteration to building to form holiday accommodation together with erection of wind turbine at Higher House Farm, Helland, Stoke St Gregory **(36/2005/017)**

- (c) Erection of 8 No one-bedroom flats with demolition of three garages, on land to rear of 51-53 Cheddon Road, Taunton **(38/2005/426)**
  - (d) Erection of two-storey extension at Yeomans, East Combe, Bishops Lydeard **(06/2005/041)**.
- (2) Reported that the following appeal decisions had been received:-

- (a) Display of various signs upon and around Kings of Taunton, Cook Way, Bindon Road, Taunton **(34/2005/006A)**

Decision

The Inspector considered that fascia signs 1, 2 and 7 which would replace existing signs, would fit neatly at fascia level as an integral part of the main showroom. He felt that they would not stand out and would be seen in the commercial context of the other premises on the same side of the road. However, he felt that the proposed free-standing pylon sign and the group of three flags proposed would be positioned away from the main building and would stand out as unduly intrusive features in the street scene. The appeal was allowed in part.

- (b) Removal of grills from ground floor windows at 25 Fore Street, Taunton **(38/2004/415LB)**

Decision

The Inspector considered that the substantial contribution the grills made to the building's history outweighed the small amount to which they could be argued to detract from the architectural interest of the original building. He felt the removal of the grills would harm the special interest of the listed building and the Conservation Area. The appeal was dismissed.

- (c) Replacement of wooden windows with new UPC double glazed windows at Larkspur Court, Gypsy Lane, Taunton **(38/2004/554)**

Decision

The appeal property was a substantial detached building with the original part forming a Victorian villa. The Inspector considered that the modern style of the UPVC windows proposed would be out of keeping with the character of the original part of the building and would not be an appropriate replacement for the sash windows. He concluded that the proposal would be harmful to the attractive appearance of Larkspur Court and would detract from the contribution that the property made to the locality. The appeal was dismissed.

- (d) Display of various internally illuminated and non-illuminated signs at Morrisons Supermarket, Priory Bridge Road, Taunton (38/2004/557A)

Decision

The Inspector felt that the appeal signs, which would be sited on different sides of a tower feature at the north end of the superstore, would not conflict with the horizontal aspects of the design of the tower. In his opinion, the signs, when illuminated would not cause unnecessary disturbance to occupants in properties in Station Road and Bridge Street as the signs would be quite a distance from those properties. The appeal was allowed and express consent was granted for the signs subject to conditions.

- (e) Erection of stables for DIY Livery and improvements to access at Field NG ST1123/2308, east of Langford Budville (21/2004/026)

Decision

The Inspector noted that the new access would require the removal of 25 m of the existing hedge, which consisted mainly of bramble and hazel with the occasional small tree, with a further 25 m requiring trimming to provide visibility on the bend. He considered that the planting of a new hedge would have no real impact on local field patterns or the character of the lane. The Highways Authority had no objection to the reduction in the normal 45 m visibility splays and the Inspector noted that because of the location on the outside of a bend, the access would not be dangerous. The appeal was allowed.

- (f) Erection of a two-storey extension to the side and rear of 5 Ardwyn, Wellington (43/2004/165)

Decision

The Inspector felt that because the new extension would be flush with the main front elevation, it would not appear as a subordinate feature. He felt that the extra width created by the extension would give an unbalanced effect on the front elevations of this pair of houses, detracting from the character of the whole row. The appeal was dismissed.

- (g) Erection of a dwelling at Yalham Barton, Culmehead (29/2005/010)

Decision

The Inspector considered that the limited economic benefits claimed for the proposal failed to satisfy the stringent sustainability requirements. He also considered that the site had limited access to public transport and, combined with the practical limitations of cycling, the occupants of the proposed dwelling would be heavily dependent on the private car. He concluded that the proposal would amount to inappropriate and unsustainable development in the countryside harmful to the character and beauty of the Blackdown Hills. The appeal was dismissed.

- (h) Demolish agricultural building and erect single dwelling, utilise barn to provide garaging at Ham Farm, Ham, Creech St Michael (14/2005/020)

Decision

From his observations, the Inspector felt that the mix of agricultural and residential uses contributed to the character and distinctiveness of Ham. The loss of this section of agricultural road frontage and its conversion to residential use would establish a more urban streetscape, which would detract from the settlements form and setting. He also noted that Ham did not benefit from public transport services and the occupiers of any new dwelling would be dependent on private motor vehicles on a regular basis. The proposal would foster growth in the need to travel, which added to the Inspector's concerns. The appeal was dismissed.

- (i) Erection of a dwelling on land adjacent to 63 Normandy Drive, Taunton (38/2004/582)

Decision

The Inspector felt that the proposed dwelling would not appear cramped nor detract from the character and appearance of the area. In coming to this decision, he had considered the two Norway Maple trees within the site, which were the subject of a Tree Preservation Order. The tree that would be lost if the proposed dwelling was built had an inclusion union which would lead to its failure in any event. The Inspector noted that there was more than adequate space retained within the site for replacement planting. Although the proposed dwelling would project to the rear of No 63, it would be of limited depth and would not cause unacceptable loss of light. The appeal was allowed.



- (j) Removal of condition 03 of planning permission 10/1998/023 in order to allow ancillary accommodation to be used as a separate dwelling at Northdown House, Churchinford (10/2004/010)

Decision

The justification put forward by the appellant was that there was an approved residential use, which had commenced and that the proposed separate use would not cause visual harm. In the Inspector's view, the original application had been for an extension of the existing domestic use. Permission had been granted on the basis that that would be consistent with the rural settlement policy as long as the converted building was not used as a separate dwelling. He saw no reason to take a different view even though permission had recently been granted that would allow the building to be used as holiday accommodation. The appeal was dismissed.

- (k) Residential development comprising seven dwellings on land to the west of Lydeard Mead, Bishops Lydeard (06/2004/025)

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.

- (l) Erection of units for Special Needs accommodation and proposed extensions at Trenchard House, Trenchard Park Gardens, Norton Fitzwarren (25/2004/006, 25/2004/007 and 25/2005/007)

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 appeals were dismissed. A partial award of costs was made against the Council.

(Councillor Mrs Smith left the meeting at 8.30 pm.)

(The meeting ended at 9.48 pm.)

