

Present:- (27 September 2006)

Councillor Mrs Marcia Hill (Vice-Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Croad, Henley, C Hill, Phillips, Mrs Smith, Stuart-Thorn and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr G Clifford (Development Control Area Manager - East), Mrs J Moore (Development Control Principal Officer – East) Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

(The meeting commenced at 5.00 pm.)

Present:- (2 October 2006)

Councillor Mrs Marcia Hill (Vice Chairman) (In the Chair)
Councillors Mrs Allgrove, Bowrah, Miss Cavill, Guerrier, Henley, C Hill, House and Wedderkopp

Officers:- Mr T Burton (Development Control Manager), Mr J Hamer (Development Control Area Manager – West), Mrs J M Jackson (Senior Solicitor) and Mr R Bryant (Review Support Manager)

109. Apologies

27 September 2006:- Councillor Mrs Marie Hill (Chairman) and Councillors Denington, Floyd, Guerrier, Hindley, House and Lisgo.

2 October 2006:- Councillor Mrs Marie Hill (Chairman) and Councillors Croad, Denington, Floyd, Hindley, Lisgo, Philips, Mrs Smith and Stuart-Thorn.

110. Minutes

The minutes of the meeting held on 6 September 2006 were taken as read and were signed.

111. Enforcement action in respect of unauthorised gypsy site at Oxen Lane, North Curry

Considered report previously circulated, concerning the unauthorised gypsy site at Oxen Lane, North Curry.

The site had been set up with 16 plots being laid out over a weekend in October 2004. An enforcement notice and stop notice were subsequently served.

Following the refusal of planning permission for the use of the land at Oxen Lane as a residential gypsy site in December 2004 (Minute No 163/2004

refers), an application was lodged in the High Court for an injunction seeking the removal of all the occupiers and caravans from the land and its reinstatement.

Although the proceedings were served, they were held in abeyance pending the holding of a Public Inquiry in June 2005 into an appeal against the enforcement notice.

An appeal against the refusal of planning permission was lodged immediately after the Public Inquiry. The Inspector decided however that he had heard sufficient evidence at the Inquiry to enable him to report to the Secretary of State on both appeals.

In September 2005, the Secretary of State confirmed that the enforcement notice would be upheld and the appeal against the refusal of planning permission dismissed. He did however vary the enforcement notice to allow 12 months for compliance – the site was to be vacated by 26 September 2006.

Since these decisions, the site had been monitored regularly to establish who was living on site. At the Inquiry it was stated that 16 families were either living, or intending to live, at the site. However, of the families who were appellants at the Inquiry, only four had remained on the site since then.

Although other families had moved onto and off the site in the intervening period, only one further family was on the land at Oxen Lane.

Further reported that an application for planning permission had been received during August 2006 from a former occupant of the site in respect of the stationing of a caravan at Oxon Lane. Individual applications had now also been received from the families currently living on the site. All applications received would be considered in the usual way and would be reported to a future meeting of the Planning Committee.

In the light of the recent guidance in Office for the Deputy Prime Minister Circular 1/2006, the Committee had to consider whether it was likely that temporary planning permissions would be granted in response to such applications either by the Council or the Secretary of State. If there was a reasonable prospect that temporary permissions would be granted, it was unlikely that a Court would grant an immediate eviction injunction.

The Circular required Local Planning Authorities to carry out an assessment of the need for gypsy sites in their areas. Results from these assessments would be submitted to the Regional Planning Authority which, through the Regional Spatial Strategy, would impose quotas for the provision of sites in each district. The Local Planning Authority would then be expected to make allocations through the new Development Plan Document process to allocate suitable land.

As this process was likely to take considerable time, the Government had included transitional arrangements within Circular 1/2006, particularly in respect of granting temporary planning permission.

Reported that there was recent case law (South Cambridgeshire District Council v Flynn) on the approach that the Courts would take to a claim for an eviction injunction in a case like Oxen Lane where there was a very recent decision of the Secretary of State refusing planning permission. Submitted for the information of Members details of the Flynn case.

The matters relevant to this judgement when compared to Oxen Lane were:-

- The present position with regards to the assessment of the need for gypsy sites in the district;
- The personal circumstances of the occupants;
- The present position with regard to the allocation of land for gypsies; and
- The planning assessment of the development made by the Inspector/Secretary of State.

(1) **Needs assessment**

At the time of the Public Inquiry there was no quantitative assessment of the need for gypsy sites across Somerset, although the Secretary of State did comment on the Council's good record with regard to site provision.

Since then, work had commenced on a County-wide Housing Needs Assessment prepared by the ARK Consultancy, which would include a continuing assessment of the needs of gypsy and traveller families. This work was likely to be completed within the next 12 months.

As at January 2006, four unauthorised gypsy or traveller sites had been identified with a total of 22 caravans (although not all were occupied). Reported on the current position in relation to these sites.

(2) **Personal circumstances of families on the site**

All those currently living on the site at Oxen Lane had been visited to assess their current needs. Details of the "make up" of each family, any special medical conditions that prevailed and the educational arrangements that had been made for the children on the site were reported.

(3) **Alternative provision**

The Council's Gypsy and Traveller Working Group had been working with Somerset County Council to identify suitable alternative sites for residential use in Taunton Deane. Whilst the Council was not yet in a position to identify any specific sites, progress was being made.

Additionally, in the light of other recent Government guidance, the Council's policy in relation to the prohibition of gypsy sites within Areas of Outstanding Natural Beauty had been relaxed so that formerly unacceptable sites might now be acceptable.

Further reported that it had come to the Council's attention that space currently existed on the gypsy sites at both Ilton and Tintinhull in the South Somerset District. Written confirmation of this was currently being sought.

(4) Relevant findings of the Inspector/Secretary of State

The following points had emerged from the Inspectors report/Secretary of States decision letter:-

- As a consequence of the development, the visual amenities of No 6 Oxen Lane had been reduced to a level far below that which ought reasonably to be expected;
- The development was a major encroachment in the countryside;
- The substandard junction at Oxen Lane/Greenway was a material highway objection to the development;
- The Secretary of State specifically considered and rejected the grant of temporary planning permission;
- It was implicit in the decision of the Secretary of State that he did not consider that the injury to amenity could be acceptably overcome by conditions – even if only a temporary planning permission was to be granted;
- The Council was unable to identify any alternative site so that if moved on immediately, the residents would be likely to be on the roadside with the consequent disruption to the education of the children and the health care associated with having a settled base;
- Although the Secretary of State recognised the good work done by the Council in assessing need and seeking land to allocate, there was no suggestion in the decision letter that the occupants should be allowed to remain at Oxen Lane until an alternative site was found for them by the Council;
- The period of one year allowed in the enforcement notice (as varied) “gave an adequate period for the appellants to seek an alternative site or sites”. It was noteworthy that the Secretary of State placed the onus on the appellants; and
- It was implicit in the decision that the Secretary of State considered that it would be unacceptable for the occupation of the land at Oxen Lane to continue beyond September 2006.

It was considered that eviction was now justified in planning terms, despite the present inability of the Council to offer an alternative site.

In making a decision as to whether or not to pursue injunction proceedings, the Committee needed to consider the rights of the occupiers under Article 8 of the Convention on Human Rights and whether the taking of such action

would be proportionate.

The prospect of homelessness of the occupiers (and the consequent hardship) needed to be balanced against the harm which arose from the continuance of the unauthorised development. In the balance, Members needed to weigh the factors identified by the Secretary of State as detailed above.

Noted that the number of occupants was now far less than at the time of the Inquiry. It therefore followed that eviction of the current occupants would cause less hardship in total than the Secretary of State must have had in mind when upholding the enforcement notice. If injunction proceedings were resumed, they were unlikely to come before the Courts until early in the new year.

There was little doubt that having a settled base had assisted the children on the Oxen Lane site in terms of education and all in terms of health care. However, balanced against this had to be the harm to the landscape and the amenity of neighbours which had arisen from the continued presence of the unauthorised development and the fact that the Secretary of State judged that the harm from the unauthorised development should not be tolerated beyond the 12 month period. Clearly as only four of the original appellants families remained on site, some 12 families had either relocated or not taken up occupation.

A letter received from solicitors acting on behalf of the gypsies had been received immediately prior to the meeting commencing. Its contents were verbally reported by the Senior Solicitor, Mrs J Jackson, in so far as the representations related to the reinstatement of proceedings.

After a lengthy discussion, Members came to the unanimous conclusion that further action should be taken which would result in the removal of all the occupiers and caravans from the land at Oxen Lane, North Curry together with its reinstatement to its former condition as agricultural land.

RESOLVED that an application be made to reinstate proceedings HQ05X00297 in the High Court against Packman and Others seeking an injunction to secure compliance with the Enforcement Notice.

112. **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:-

24/2006/034

Two replacement dwellings at 1 and 2 Oakehill Cottages, Lillesdon Lane, North Curry

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P005 – no garages;
- (g) P006 – no fencing;
- (h) Plans showing a parking area (providing for four vehicles) shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) The dwellings hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been constructed within the site, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (j) All fenestration shall be recessed in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences.

(Notes to applicant:- (1) Applicant was advised to agree with Wessex Water any points of connection onto their systems prior to the commencement of any works on site; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that Consent to Discharge is required from the Environment Agency for any foul sewage discharge.)

Reason for granting planning permission:-

The proposed development would not adversely affect visual amenity, or road safety and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and H8.

38/2006/334

Conversion of house into two flats at 95 St Augustine Street, Taunton

Conditions

- (a) C001A – time limit;
- (b) Full details of the proposed cycle parking and refuse facilities shall be submitted to, and approved in writing by, the Local

Planning Authority before any work is commenced and the details hereby approved shall be provided before the development hereby permitted is occupied, unless otherwise agreed in writing by the Local Planning Authority and thereafter be kept free of obstruction;

(Note to applicant:- Applicant was advised that this permission does not authorise any external alterations to the property for which the separate grant of planning permission is required.)

Reason for granting planning permission:-

The proposed development would not adversely affect residential amenity and there was safe and convenient access by foot to facilities and employment. The proposal did not therefore conflict with Taunton Deane Local Plan Policies S1, H4 and H2.

(2) That the following applications be withdrawn:-

14/2006/029

Erection of detached garage and store with hobby room above at Lashpool Bungalow, Creech Heathfield, Taunton

19/2006/025

Erection of garden building in parkland opposite Hatch Court, Hatch Beauchamp, Taunton

113. **Erection of two storey extension to provide for function room and additional 13 bedrooms to existing hotel, together with landscaping work and new sewage treatment plant at The Mount Somerset Hotel, Henlade (31/2006/018)**

Reported this application.

RESOLVED that subject to the applicant entering into a Section 106 Agreement to secure the off-site landscape improvements, 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) C201 – landscaping;
- (d) C111 – materials – for drives;
- (e) C205 – hard landscaping;
- (f) C207A – existing trees to be retained;
- (g) C208E – protection of trees to be retained;
- (h) C324 – parking;
- (i) The access visibility at the junction of the drive with the adjoining road shall be maintained as agreed in writing with the Local Planning Authority;

- (j) The extension shall not be occupied until the proposed sewage treatment plant has been installed and is in operation;
- (k) C112 – details of guttering, down pipes and disposal of rain water;
- (l) Details of a Landscape Management Plan for the hotel and surrounding parkland and a timescale for implementation shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (m) Details of the planting for the green roof and plan for its future maintenance shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter complied with.

(Note to applicant:- N115 – water conservation).

Reason for planning permission, if granted:-

The proposal was considered to secure the future viability of the listed building and the proposed extension and landscape works were considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations did not indicate otherwise.

114. Demolition of Coach House and side addition to the east elevation, erection of a two storey extension to provide for a multi purpose function room and 13 additional bedrooms at The Mount Somerset Hotel, Henlade (31/2006/019LB)

Reported this application.

RESOLVED that subject to:-

- (i) amendments to, or clarification of, the views of the Conservation Officer; and
- (ii) receipt of no adverse views from the Secretary of State, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if listed building consent was granted, the following conditions be imposed:-
 - (a) C002B – time limit – listed building;
 - (b) C101 – materials;
 - (c) The Coach House to be demolished shall be properly recorded by means of photographic and measured survey prior to demolition;
 - (d) C653 – no demolition before planning permission granted and contract let;
 - (e) C671 – making good building after demolition of adjoining structure;
 - (f) All new windows in the existing building shall be timber only and details of the size, sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;
 - (g) C664 – windows recessed;
 - (h) C662B – openings, doors, linings and architraves;
 - (i) C663 – details of fire precautions/means of escape;

- (j) Details of a landscape management plan for the hotel and surrounding parkland and a timescale for implementation shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site;
- (k) Details of all new windows and doors in the new extension shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation;
- (l) Details of the glazed lantern over the central court including cross sectional plans shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation;
- (m) A disabled access statement for the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing;
- (n) Prior to work on the extension commencing, details of the internal fireplaces to be unblocked shall be submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) N115 – water conservation; (2) N075 – Section 106 Agreement).

Reason for listed building consent, if granted:-

The proposal was considered to secure the future viability of the listed building and the proposed extension and landscape works were considered to be acceptable and in compliance with Taunton Deane Local Plan Policies S1, S2, EN6, EN16, EN17 and EN18 and material considerations did not indicate otherwise.

(Councillor Miss Cavill declared a prejudicial interest in the application covered by Minute No 115 below and left the meeting during its consideration.)

115. Erection of 22 No one bedroomed flats, cycle and bin stores at Nos 5 and 7 Compass Hill, Taunton (38/2006/316)

Reported this application.

RESOLVED that subject to the receipt of a revised landscape plan, 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 windows on the eastern and south-eastern side elevations (indicated elevations B and E) shall be fixed and obscure glazed which shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority. There shall be no alteration of additional windows in these elevations.
- (b) The first floor kitchen window to Plot 18 shall be obscure glazed and restricted opening and details of the means and extent of the restriction shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented and retained as agreed.
- (c) The windows hereby permitted shall be recessed a minimum of 80 mm

unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicants attention is drawn to the conditions for outline planning permission No 38/2005/356 which must be complied with before development commences; (2) N117 – crime prevention; (3) N075 – Section 106 Agreement.)

Reason for approving detailed plans, if granted:-

The proposal was considered to be an appropriate redevelopment and complied with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

116. Change of use of land for the siting of ten pitches to accommodate gypsies and travellers at Slough Green Caravan Park, West Hatch (47/2006/004)

Reported this application.

RESOLVED that subject to:-

- (1) The receipt of an acceptable location plan and a new unilateral agreement updating occupants and residential caravan/vehicle numbers to reflect the additional two pitches; and
- (2) The withdrawal of the objection from English Nature, 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) The site shall not be used other than as a caravan site for persons of nomadic habit of life or travelling people as defined in the Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policy 14 or any subsequent alteration or modification to those policies.
 - (b) This use hereby permitted shall enure for the benefit of Elizabeth Lirette, Vanessa Larkin, Anna Miller, Martine Croenen and Andy Borghs, Becky Davies, Harriet Doyle, James and Loll Gelding, Coriander Helen Pandora Smith, Bernard Bayldon and Haydon Thomas and their dependent children only and not for the benefit of the land. The numbers and location of towing vehicles, cars, structures, residential mobile homes/caravans on site shall be in strict accordance with the approved plan attached to this permission. At no time shall any additional vehicles, structures or residential units be located on the site.
 - (c) No trade, business or storage of goods or materials in connection with any trade or business shall take place at the site at any time.
 - (d) The fence along the western boundary of the site, between points A and B on the approved appeal site plan shall be maintained in good repair at all times in order to prevent penetration by persons or dogs, at a height of not less than 1.25m.

- (f) The existing hedges on the north and east boundaries of the site shall be retained to a minimum height of 5m.
- (g) The vegetation between the boundary fence and the highway in the vicinity of the site access shall be cut back to the line of the fence within four weeks of the grant of this permission and thereafter maintained in that state.
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates, walls, buildings or structures including any required by the condition of a Caravan Site Licence, shall be erected on the land without a prior grant of planning permission.

(Notes to applicant:- (1) Applicants were reminded of the need to comply strictly with the conditions relating to vehicle numbers and the Local Planning Authority wishes to encourage arrangements that would lead to a regular dialogue between the owner, the travellers and the Parish Council; (2) Applicants were advised that Thurlbear Wood, adjacent to the site, is a Site of Special Scientific Interest. You are requested not to take wood or other living plants from the site and not to allow any pets to have uncontrolled access to the site as they may damage the features of special importance; (3) Applicants are reminded of the details of the unilateral undertaking attached to this permission; (4) Applicants were advised that sanitary provisions on the site should have an adequate number of effective male and female toilets and wash hand basin with hot and cold running water maintained in a hygienic condition. The site should be provided with at least one shower unit with a sufficient supply of hot and cold running water. The septic tank should be of adequate capacity to suitably and sufficiently treat all foul waste discharged from the toilet block and any other appliances on site that may produce foul water. The septic tank should be maintained so as to effectively treat foul waste produced on site and should be emptied by an appropriate contractor at suitable time intervals; (5) Applicants were advised of relevant fire precautions. The site should be provided with a sufficient number of fire points such that no caravan or site building is more than 30m from a fire point. They should be housed in weatherproof structures, easily accessible and clearly and conspicuously marked "fire point". A water supply of sufficient pressure and flow to give a jet of at least 5m at 30 litres per minute from the hose nozzle at each fire point should be available and should include a permanently connected hydraulic hose reel that complies with the appropriate sections of British Standards 5274 and 5306 Part 1. Hoses should not be less than 30m long terminating in a small hand control nozzle and shall be housed in boxes painted red and marked "hose reel". Where stand pipes are not provided but there is water supply of sufficient pressure and flow, fire hydrants should be installed within 100m of every caravan standing. Hydrants should conform to the current relevant British Standard. A means of raising the alarm in the event of a fire should be provided at each fire point by way of manually operated rotating bells, other manually operated

sounders or an electrically operated alarm bell or siren. The alarm should be loud enough to be heard clearly inside all caravans on site; (6) Applicants were requested to avoid excessive noise from the site to protect the amenity of neighbours; (7) Applicants were advised that this planning permission supersedes any previous decision of the Local Planning Authority relating to any additional mobile residential units permitted or tolerated on the site; (8) Applicants were advised that any parts of vehicles, vehicles, residential mobile homes, caravans, touring vehicles or other structures on site and not shown on the plan referred to in condition (c) must be removed within 3 months of the date of this permission to avoid enforcement action by the Local Planning Authority.)

Reason for planning permission, if granted:-

The proposal was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies 1, 38 and 49 and Taunton Deane Local Plan Policies S1, H14, EN2 and EN12.

(The Vice-Chairman adjourned the meeting at 8.23 pm).

(The meeting recommenced at 5.00 pm on 2 October 2006).

117. Applications for planning permission

The Committee continued its consideration of the following 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:-

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

21/2006/007

Demolition of barn and erection of holiday chalet at Wellisford Farm, Lower Wellisford, Langford Budville, Wellington (re-submission of 21/2005/010)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C412 – restriction of occupation for holiday lets in permanent buildings;
- (e) Any holiday let cabin that is unoccupied and not let to holiday makers for more than a 24 month period shall be demolished

- and/or removed including the removal of any foundations and/or floor slabs;
- (f) Development shall not commence until details of a scheme for the retention of swifts/swallows/house martins nest site(s) and their accesses (or the provision of alternative new sites or 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 swifts/swallows/house martins nest site(s) being undertaken between March and September 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.
 - (g) No site clearance works or development (or specified operations) shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority.
 - (h) Prior to the demolition of the existing barn, an emergence survey of bats undertaken by a qualified environmental consultant between 1 April and 31 August, in any one year, shall be undertaken and the survey and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. Once these measures are approved, the works shall take place in accordance with the agreed scheme to protect bats and their roosts and thereafter the scheme 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 developed;
 - (i) C927 – remediation investigation/certificate.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) N126 – ground contamination; (4) Applicant was advised that bats and nesting birds may be present on site and all operatives on site should be appropriately briefed on their potential presence. If bats are found on site then work must stop and English Nature should be informed. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and, if discovered, must not be disturbed; (5) N034A – drainage/water.)

Reason for granting planning permission:-

The site was adequately screened and the proposal was not considered to be harmful to the landscape and therefore was compliant with Taunton Deane Local Plan Policy EC24.

22/2006/008**Extension of dwelling and works to existing boundary banks to provide new retaining walls and drive with subterranean garage, Coursley Cottage, Lydeard St Lawrence.****Conditions**

- (a) C001A – time limit;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) C326 – garages – domestic use only;
- (e) C305 – access and driveway to be hard surfaced;
- (f) C306 – access – gradient;
- (g) Any gate(s) provided shall be hung to open inwards;
- (h) Provision should be made within the site for the disposal of surface water to prevent discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) Prior to rendering of the new extension, a sample panel of render shall be erected on site for the approval of the Local Planning Authority and thereafter the rendering shall be applied strictly in accordance with the approved render panel;
- (j) Thatching shall be carried out in best quality combed wheat reed, with a flush built-up ridge being applied;
- (k) Prior to roofing of the extension, a sample slate shall be submitted to, and approved in writing by, the Local Planning Authority as shall the details of venting the roof. Following approval of these details, the roofing shall be undertaken strictly in accordance with the approved details;
- (l) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- roof lights; doors – external only; protection measures/barriers of the unprotected drop above the subterranean garage; windows – including adapted; glazed screens and finished treatment for joinery.

(Note to applicant:- Applicant was advised that the works must not affect the footpath, for example to the retaining walls. The footpath must be clear at all times).

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity and did not adversely affect the character of the listed building and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, H17 and EN16.

22/2006/009LB**Refurbishment and extension, Coursley Cottage, Lydeard St Lawrence**

Conditions

- (a) C002B – time limit – listed building;
- (b) C103 – materials – listed building;
- (c) Prior to the works for which consent is hereby granted are commenced, a structural engineers report encompassing analysis of structural defects and appropriate recommendations for rectification of such defects shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
- (d) Prior to rendering of the new extension, a sample panel of render shall be erected on site for the approval of the Local Planning Authority and thereafter the rendering shall be applied strictly in accordance with the approved render panel;
- (e) Thatching shall be carried out in best quality combed wheat reed, with a flush built-up ridge being applied;
- (f) Prior to roofing of the extension, a sample slate shall be submitted to, and approved in writing by, the Local Planning Authority as shall the details of venting the roof. Following approval of these details, the roofing shall be undertaken strictly in accordance with the approved details;
- (g) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details:- roof lights; doors – external and internal; protection measures/barriers of the unprotected drop above the subterranean garage; architraves; skirtings; staircase; windows – including adapted; glazed screens and finished treatment for joinery;
- (h) Following investigative works to re-open the principal fireplace, the means by which it shall be made good shall be approved on site by the Council's Conservation Officer and thereafter made good strictly in accordance with the agreed details.

Reason for granting listed building consent:-

It was considered that the proposal was in line with Taunton Deane Local Plan Policies EN16 and EN17 in respect of proposals relating to listed buildings.

44/2006/021

Change of use of land for residential gypsy site for 2 No mobile homes and 2 No touring caravans at Two Acres, Ford Street, Wellington

Conditions

- (a) The mobile homes to be stationed on the site shall not be used other than for the purpose of providing accommodation for gypsies as provided by Part 2 of the Caravan Sites Act 1968;

- (b) Not more than two mobile homes and two touring caravans shall be stationed on the site at any one time, in accordance with details to be submitted to the Local Planning Authority;
- (c) No business activities shall be conducted at the site unless otherwise agreed in writing by the Local Planning Authority;
- (d) There shall be no open storage of any material used in connection with business activities;
- (e) The use of the site hereby permitted shall be carried out solely by Mr J Isaacs and his spouse, together with their children and Mr Isaacs' sister, Louise Isaacs and her daughter;
- (f)
 - (i) Within three months of the date of this permission, a scheme of planting of trees and shrubs which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (g) Within a period of three months from the date of this permission, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be put in place within six months of the date of this permission unless otherwise agreed by the Local Planning Authority;
- (h) Specific details of the second mobile home shall be submitted to the Local Planning Authority prior to its positioning of the site;
- (i) The existing hedge(s) on the boundaries of the site shall be retained except at the point of access to the satisfaction of the Local Planning Authority;
- (j) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) With regard to condition (f) (i), a hedge should be provided along the frontage of the site comprising native hedge plants for example, hawthorn, dogwood, guelder rose or buckthorn and should be planted in two staggered rows 450mm apart with each plant separated a distance of 600mm; (2) With regard to condition (g), applicant was advised to provide a septic tank provided the ground

conditions are suitable. Percolation tests should be carried out to establish the situation. You are advised to seek advice from the Drainage Officer in this regard; (3) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that septic tank drainage is preferable to a sealed system in order to reduce the risk of nuisance being caused to which recourse for remedial action could be taken through Environmental Health legislation. If such a system is installed, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to an underground strata would also be required and their advice should be sought regarding the location of any irrigation drainage installed in relation to the open watercourse through the site.)

Reason for granting planning permission:-

It was considered that the proposal would have limited impact on the visual amenity of the Area of Outstanding Natural Beauty and furthermore the proposal was in line with Central Government advice contained in Office of Deputy Prime Minister Circular 1/2006.

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

09/2006/012

Conversion of barn to dwelling at Venn Farm, Waterrow, Wiveliscombe

Reason for refusal

The site lies within open countryside, outside the defined limits of settlements, where it is the policy of the Local Planning Authority to only allow the conversion of existing buildings to residential use where such a building to be converted is of permanent and substantial construction, is in keeping with its surroundings and has a size and structure suitable for conversion without major rebuilding or significant extension and alteration. In the opinion of the Local Planning Authority the building the subject of the application, is not of a structure which is of permanent and substantial construction, having regard to the details submitted in the structural report, and needs major rebuilding and significant alteration to form living accommodation. In addition there has been no marketing to assess whether business use may be suitable. The proposal is therefore contrary to Taunton Deane Local Plan Policies H7 (A)(2) and (3) and furthermore the proposed creation of the access drive would result in harm to the rural character of Venn Farm contrary to Taunton Deane Local Plan Policy H7 (B)(2).

118. **Demolition of buildings and erection of 57 residential retirement apartments, renovation of two cottages to form one residential cottage**

and one wardens cottage at Beauford Park and Fitzwarren House, Norton Fitzwarren, Taunton (25/2006/018)

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to provide for a contribution of £846 per flat towards local community facilities and provision for affordable housing; and
- (2) The receipt of the views of the Nature Conservation Officer on the bat survey and any additional conditions resulting therefrom, 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) C013 – site levels;
 - (c) C101 – materials;
 - (d) C201 – landscaping;
 - (e) C205 – hard landscaping;
 - (f) C208A – protection of trees to be retained;
 - (g) C208B – protection of trees – no service trenches;
 - (h) C210 – no felling or lopping;
 - (i) C215 – walls and fences;
 - (j) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction, shall be submitted to the Local Planning Authority;
 - (k) C324 – parking;
 - (l) C415 – elderly persons dwellings restriction;
 - (m) C416 – details of size, position and materials of meter boxes;
 - (n) No buildings shall be demolished until a contract has been let for the re-development work;
 - (o) C926B – remediation investigation/certificate;
 - (p) Prior to the demolition of the existing buildings on the site, a survey shall be carried out to ascertain the importance of the buildings for bats and nesting birds, including barn owls, all species of which are legally protected under the Wildlife and Countryside Act 1981. If bats and nesting birds are to be affected, mitigation measures shall be submitted and carried out as part of the development;

- (q) None of the flats shall be occupied until provision has been made as part of the development for the associated bin storage area;
- (r) Details of the arrangements to be made for the disposal of surface water on the adjacent B3227 shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced. Such works shall be provided prior to the commencement of any works pursuant to this permission and shall include a surface water attenuation system and the laying of a new 375mm diameter pipe through the site to outfall into Norton Brook, the drain to run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to connect the existing highway drainage into it;
- (s) The visibility splays onto the B3227 shown on the submitted plan shall be constructed prior to the commencement of the use of premises and visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (t) Within the site, visibility splays of 2m x 33m with no obstructions in excess of 300mm shall be provided at each new access onto the estate road prior to the occupation of the new dwellings.

(Notes to applicant:- (1) N048A – ground contamination; (2) N118A – disabled access; (3) N112 – energy conservation; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N051B – health and safety; (7) N075 – Section 106 Agreement; (8) Applicant was advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. You are required to protect the integrity of Wessex Water systems and agree, prior to commencement of works on site, any arrangements for the protection of infrastructure crossing the site. Connections to Wessex Water systems need to be agreed with them; (9) Applicant was advised that noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday to Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. At all other times, including public holidays, no noisy working; (10) With regard to condition (r) applicant was advised that the details shall include the provision of a new 375mm diameter pipe through the site and the adjoining Park Home site to outfall into Norton Brook. It should run from an agreed point in the vicinity of the site entrance and have provision for the Highway Authority to subsequently connect the highway drainage into it; (11) Applicant was advised that the provision of a Community Hall does not form part of this application; (12) Applicant was advised that guidance notes from developers on surface water issues should be used for the design of the required attenuation system; (13) Applicant was advised of the requirement for a Section 278 Agreement with the County Highway Authority to provide variable message signs.)

Reason for planning permission, if granted:-

The proposal was considered to be compatible with national and local planning policies which encouraged development on previously developed land. Furthermore, the proposal was considered not have a detrimental impact upon the visual or residential amenity of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2.

Also RESOLVED that should the Section 106 Agreement not be completed by 16 October 2006 the Development Control Manager, in consultation with the Chairman, be authorised to refuse planning permission due to the proposal being contrary to Taunton Deane Local Plan Policies H9 and C4 or to grant planning permission with an additional condition requiring the applicant to enter into a Section 106 Agreement prior to the commencement of development.

119. Erection of 2 storey extension at Bella Vista, Stawley (35/2006/014)

Reported that an application for planning permission for this development had been received towards the end of July 2006.

Following the usual consultation exercise, only one objection appeared to have been lodged in respect of the proposal. As a result, a report was prepared and referred to the Chairman for a decision as to whether permission should be granted.

On receipt of the Chairman's approval, the planning permission was issued on 15 September 2006.

However, shortly afterwards, it had come to the attention of the Development Control Manager that due to an administrative error details of seven further objection letters, including one from Stawley Parish Council and two letters of support had not been taken into account before the application was determined. If they had, the application would have been referred to the Planning Committee for a decision to be made. Submitted full details of the objection received from the Parish Council.

Noted that the relevant planning issues of the case had been fully explored and addressed in the report prepared for the Chairman. One other issue raised though related to the impact of the proposal on the setting of Stawley Church. However, in the view of the Development Control Manager it was considered that the distance between the application site and the church was such that the proposed works would not harm the setting of the church.

Noted that the agent acting for the applicant had also submitted a letter in response to all of the objections received, details of which were reported.

RESOLVED that the decision made by the Development Control Manager, in consultation with the Chairman, to grant planning permission for the erection of a 2 storey extension at Bella Vista, Stawley be endorsed.

120. Erection of additional extension at Pippins, 31 Wellington Road, Taunton

Reported that this item had been withdrawn from the agenda.

(The meeting ended at 6.45 pm.)