

Planning Committee – 1 November 2006

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

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

Also present:- Councillor Bishop

(The meeting commenced at 5.00 pm.)

128. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillors Floyd, Guerrier,
C Hill and Lisgo.

129. Minutes

The minutes of the meetings held on 27 September and 2 October 2006 and
on 11 October 2006 were taken as read and were signed.

130. Declarations of Interest

Councillor Stuart-Thorn declared a personal interest in Agenda Item No 19,
application No 46/2006/022, and left the meeting during consideration of this
item.

131. 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:-

09/2006/007

Erection of agricultural livestock building at Hele Vale Farm, Waterrow

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) Prior to the commencement of the building hereby approved, the proposed earthwork levels shall be inspected on site and agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that there appears to be planting adjacent to the footpath. The applicant will be responsible for ensuring that the vegetation is kept back from the footpath and that it is free from obstruction at all times.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity or the landscape character of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

09/2006/008

Retention of temporary agricultural worker's dwelling at Hele Vale Farm, Waterrow (Resubmission of 09/2005/006)

Conditions

- (a) The caravan hereby permitted shall be removed and the land restored to its former condition on or before 1 November 2009;
- (b) C102A - materials;
- (c) C201 – landscaping;
- (d) C401 – agricultural tying condition;
- (e) The proposed access over the first 8m 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;
- (f) Plans showing a parking area providing for two vehicles shall be submitted to, and approved in writing by, the Local Planning Authority, before the development is commenced. This area shall be properly surfaced and drained before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) Prior to the commencement of the building hereby approved, the proposed earthwork levels shall be inspected on site and agreed in writing by the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that there appears to be planting adjacent to the footpath. The applicant will be responsible for ensuring that the vegetation is kept back from the footpath and that it is free from obstruction at all times; (2) Applicant was advised that the mobile home currently on the holding should be moved to the approved position as early as possible to avoid enforcement action being instigated by the Local Planning Authority.)

Reason for granting planning permission:-

The proposed mobile home for an agricultural worker had a proven functional need in connection with a viable business and, as such, provided suitable justification for its location outside the limits of a settlement. The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity or the landscape character of the area. The scheme therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7, H12, EN12 and M4.

20/2006/026

Conversion of building into two units for holiday lets and removal of conditions 05 and 06 of planning permission 20/2000/025, Swallows Barn, Parsonage Lane, Kingston St Mary

Conditions

- (a) C001A – time limit;
- (b) The external surfaces of the development hereby permitted shall be of materials as indicated in the application form, as amended by email dated 23 October 2006, and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) C413 – restriction of occupation for holiday lets in permanent buildings;
- (d) P001A – no extensions;
- (e) P003 – no ancillary buildings;
- (f) P006 – no fencing;
- (g) Conditions 05 and 06 of planning permission 20/2000/025 shall only be considered to be removed in the event that the building is occupied as holiday lets and does not revert to office use.
(Notes to applicant:- (1) N111 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation.)

Reason for granting planning permission:-

The building was adequately screened and the proposal was not considered to be harmful to the landscape and had good access to the highway network. In addition, the visual and residential amenity of the area would not be detrimentally affected and therefore the proposal was compliant with Taunton Deane Local Plan Policies S1, S7 and EC6.

23/2006/029CA

Demolition of garages at Queensmead, Silver Street, Milverton

Condition

C002C – time limit – conservation area.

Reason for granting conservation area consent:-

It was considered that the part demolition of the building and its replacement building would preserve or enhance the wider conservation area and, as such, the proposal complied with Taunton Deane Local Plan Policies S1, S2, EN14 and EN15 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 and guidance with Planning Policy Guidance Note No 15.

31/2006/022

Erection of detached two-storey 20 bedroom block at land west of Premier Travel Inn (Ruishton Lodge), Ruishton Lane, Ruishton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C208 – protection of trees to be retained;
- (e) The area allocated for parking on the submitted plan, shall be property consolidated, surfaced, drained and marked out before the use commences or the building hereby permitted is occupied and shall not be used other than for the parking of vehicles in connection with the hotel business within the red line on the location plan.

(Notes to applicant:- (1) With regard to condition (c), applicant was advised that details of improvement to the western boundary screening should be submitted. Also there would appear to be scope for further specimen tree planting; (2) Applicant was advised that surface water should be kept separate from foul drainage. If soakaways are proposed, these should not interfere with tree roots.)

Reason for granting planning permission:-

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and was considered not to have a detrimental impact upon visual amenity, residential amenity or the landscape character of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, M4, EN6, EN12 and EC2.

34/2006/014

Erection of two new semi-detached dwellings at land between 17 and 21 Cresswell Avenue, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) Plans showing a parking area providing for two vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is commenced. This area shall be properly consolidated, surfaced and drained before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) 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;
- (g) The access, hereby permitted, shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site, for the width of the access;
- (h) Before the development hereby permitted is occupied, unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level across the full site frontage for a depth of 3m measured from the nearside edge of the adjoining carriageway. Such visibility shall thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) The recommendations of the survey for Protected Wildlife Species, dated April 2006, shall be carried out prior to the completion of the development hereby approved to the satisfaction of the Local Planning Authority. Any variation to the recommendations shall be agreed, and approved in writing by, the Local Planning Authority;
- (j) Work shall not commence until details of a strategy for the protection of the badgers and their habitat within the development 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;
- (k) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (l) P001A – no extensions;
- (m) P003 – no ancillary buildings;
- (n) The proposed first floor windows on the east and west elevations shall be glazed with obscure glazing and fitted with restricted openers in accordance with details to be submitted to,

and approved in writing by, the Local Planning Authority which shall thereafter be maintained.

(Note to applicant:- Applicant was advised that the consent of the County Highways Authority may be required to connect into the highway and/or to lower the kerb.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where new housing was encouraged and the development would not have a detrimental impact upon visual or residential amenity and would not detrimentally harm protected trees or wildlife species. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1, S2, H2, EN5, EN6 and M4.

38/2006/382

Erection of a detached dwelling and double garage on land south-west of Savery Row, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) The windows hereby approved shall be timber only and recessed a minimum 80mm from the front wall unless otherwise agreed in writing by the Local Planning Authority;
- (d) C215 – walls and fences;
- (e) C206A – existing and proposed levels;
- (f) The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of a motor vehicle(s) for domestic purposes only;
- (g) The forecourt turning area, shown on the submitted plan, shall be properly consolidated and surfaced prior to completion and kept clear of obstruction at all times, with no gates or obstruction erected at any time. The turning area shall be kept clear during construction for the turning of vehicles;
- (h) The treatment of the parking area shall be of permeable construction unless otherwise agreed in writing by the Local Planning Authority;
- (i) The first floor windows in the south-west and north-east elevations shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in the these elevations without the prior written consent of the Local Planning Authority;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed on any elevation;

- (k) P001A – no extensions;
- (l) C203 – landscaping;
- (m) C927 – remediation investigation/certificate;
- (n) C208E – protection of trees to be retained;
- (o) No construction work shall be carried out on the site other than between 0800-1800 hours Mondays to Fridays and 0800-1300 hours on Saturdays;
- (p) No site clearance works or development (or specified operations) shall take place between April or September without the prior written approval of the Local Planning Authority.
(Notes to Applicant:- (1) N126 – ground contamination; (2) N040A – drainage/water; (3) N114 – meter boxes.)

Reason for granting planning permission:-

The proposal was considered to be the suitable reuse of a brown field site and to be in compliance with Taunton Deane Local Plan Policies S1, S2 and H2 and material considerations did not indicate otherwise.

38/2006/388T

Application to carry out management work to one Elder tree, the subject of a Tree Preservation Order on land between Savery Row and Holland Mews, Taunton

Conditions

- (a) C019 – time limit - trees;
- (b) Work shall be carried out in accordance with British Standard BS3998:1989.
(Note to applicant:- Applicant was advised that all British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and, if discovered, must not be disturbed.)

42/2006/034

Erection of entrance canopy to front elevation of Menevia, 7 Patricks Way, Staplehay

Conditions

- (a) C001A – time limit;
- (b) C102 – materials;

Reason for granting planning permission-

The proposed porch would have no material impact on neighbours or the street scene and complied with Taunton Deane Local Plan Policy H17.

46/2006/022

Erection of porch, The Stable House, Manleys Farm, West Buckland

Conditions

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

Reason for granting planning permission-

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

- (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:-

332006/002

Erection of six units of holiday let accommodation and associated stabling on land adjacent to the Greyhound Inn, Staple Fitzpaine

Reasons

- (a) The proposed development would constitute a new build proposal in the countryside outside settlement limits, contrary to Taunton Deane Local Plan Policies S7, EC23 and EC7(C) and Somerset and Exmoor National Park Joint Structure Plan Review Policy STR6;
- (b) The proposal would adversely affect the openness and character of the conservation area to the rear of the listed building contrary to Taunton Deane Local Plan Policies EN14 and EN16 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 9;
- (c) The increased use of the existing substandard access, which does not incorporate the necessary visibility splays, such as would result from the proposed development would be prejudicial to road safety. As a consequence, the proposed development would be contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

- 132. **Erection of dwelling and double garage on land to the side of 8 Fairfield Terrace, Milverton (Revised Scheme of 23/2005/026) (23/2006/031)**

Reported this application.

RESOLVED that subject to the receipt of no adverse views from the County Highways Authority, 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) C102 – materials;
- (c) C111 – materials – for drives;
- (d) Detailed proposals for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of the development. The agreed details shall be fully implemented before the building is occupied;
- (e) The area allocated for parking and turning to the front and rear on the attached plan, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with 8 Fairfield Terrace and the development hereby permitted;
- (f) The dwelling hereby permitted shall not be occupied until the access, parking and turning area on the attached plan is properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such access, parking and turning space shall be kept free from obstruction at all times;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garages hereby permitted shall be limited to the parking of vehicles only and shall not be used for any other purpose whatsoever;
- (h) The windows on the west and east elevations shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in these elevations without the prior written consent of the Local Planning Authority.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N040A – drainage/water; (3) N118A – disabled access; (4) N112 – energy conservation; (5) N115 – water conservation; (6) N114 – meter boxes; (7) Applicant was advised to contact Wessex Water prior to the commencement of any works to agree connection points onto the Wessex Water system; (8) Prior to the commencement of works, applicant was advised to contact Wessex Water regarding the necessary easement and protection measures to its public surface water sewer; (9) Applicant was advised that the footpath to the side of your property is a public right of way and should not be obstructed at any time during the construction phase; (10) Applicant was advised that any building to be undertaken, on or over the footpath, may require permission from Somerset County Council's Rights of Way Officer.)

Reason for planning permission, if granted:-

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

133. **Erection of five detached dwellings and three low cost ownership dwellings and access at land off White Street, North Curry (24/2006/040)**

Reported this application.

RESOLVED that subject to:-

- (1) the views of the Secretary of State under the Departure Procedures; and
- (2) the applicants entering into a Section 106 Agreement in respect of the following:-
 - (i) the provision of affordable housing;
 - (ii) the timing of the provision of affordable housing in relation to the provision of the market housing;
 - (ii) the timing of the provision of recreational facilities; and
 - (iv) the provision of satisfactory access proposals,

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

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C013 – site levels;
- (e) C010 – drainage;
- (f) C101 – materials;
- (g) C111 – materials – for drives and courtyards;
- (h) C112 – details of guttering, downpipes and disposal of rainwater;
- (i) C416 – details of size, position and materials of meter boxes;
- (j)
 - (i) Before any part of the permitted development is commenced, a landscaping scheme which shall include details of the species, siting, numbers to be planted, details of the existing hedgerow and any necessary reinforcement planting 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 in a healthy, weed free condition 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;
- (k) C207A – existing trees to be retained;
 - (l) C208E – protection of trees to be retained;
 - (m) C208B – protection of trees – no service trenches;
 - (n) The existing hedges, other than those internal hedges shown on the illustrative plan, on all the boundaries of the site shall be retained (except at the point of access), to the satisfaction of the Local Planning Authority;
 - (o) C209 – protection of hedges to be retained;
 - (p) C215 – walls and fences;
 - (q) C224 – children’s play area;
 - (r) Prior to the commencement of works on site, a full wildlife survey shall be undertaken following the appropriate, standard protocol for the species by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;
 - (s) Work shall not commence until details of a 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;
 - (t) Prior to the felling of, or works to, any of the trees on the boundary of White Street, all the trees shall be surveyed by a licensed bat ecologist for the presence of bats and a written report of the findings and, if appropriate, mitigation measures that may be necessary for any bats shall be submitted to, and approved in writing by, the Local Planning Authority. All agreed mitigation works shall be undertaken in full compliance with the agreed details;
 - (u) Development shall not commence until details of a scheme for the retention of Swallows/Swifts/House Martin nesting sites (or the provision of new nesting sites) 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, engineering or other operations likely to affect the nesting site or replacement site being undertaken between 1 March and 31 August 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;
 - (v) C323 – parking;
 - (w) C326 – garage – domestic use only;
 - (x) C331 – provision of cycle parking;
 - (y) P001A – no extensions;
 - (z) P003 – no ancillary buildings;

- (aa) P006 – no fencing.
(Notes to applicant:- (1) With regard to Condition (p), applicant was reminded that particular care will need to be taken when proposing a boundary treatment with Thatchers (a Grade II listed building) in order to protect and maintain its setting; (2) Applicant was advised that protected species such as bats, badgers, dormice, nesting birds and amphibians may be present on the site and you are reminded that it is an offence to disturb, remove or harm these and their habitats at any time. In the event that any of these are seen on the site you are advised to contact Natural England for further advice immediately; (3) N110 – design; (4) N100 – design; (5) N111 – disabled access; (6) N112 – energy conservation; (7) N114 – meter boxes; (8) N116 – disabled access; (9) N117 – crime prevention; (10) N115 – water conservation.)

Reason for outline planning permission, if granted:-

Notwithstanding the location of the site outside the development limits of North Curry, the need for both low cost housing and additional recreational facilities for the village was such as to warrant permission being granted.

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

The Committee recognised the need for both low cost housing and additional recreational facilities in the village of North Curry and, in the exceptional circumstances that existed, decided to grant permission.

134. **Change of use of agricultural land to recreational use at land off White Street and Stoke Road, North Curry (24/2006/041)**

Reported this application.

RESOLVED that subject to the applicants entering into a Section 106 Agreement to provide for a satisfactory access to the recreational facilities, the Development Control Manager would be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) C005 – outline – reserved matters;
- (b) C009 – outline – time limit;
- (c) C014 – time limit;
- (d) C013 – site levels;
- (e) C010 – drainage;
- (f) C101 – materials;
- (g) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting, numbers to be planted, details of the existing hedgerow and any necessary reinforcement planting 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 in a healthy, weed free condition 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;
 - (h) C207A – existing trees to be retained;
 - (i) C208E – protection of trees to be retained;
 - (j) C208B – protection of trees – no service trenches;
 - (k) The existing hedges, other than those internal hedges shown on the illustrative plan, on all the other boundaries of the site shall be retained (except at the point of access) to the satisfaction of the Local Planning Authority;
 - (l) C209 – protection of hedges to be retained;
 - (m) C215 – walls and fences;
 - (n) C224 – children’s play area;
 - (o) Prior to the commencement of works on site, a full wildlife survey shall be undertaken following the appropriate, standard protocol for the species by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;
 - (p) Prior to the commencement of works on the provision of the tennis courts, the Badger sett entrances indicated on the submitted wildlife survey shall be monitored for reoccupation. In some areas, where the site is overgrown, undergrowth shall be cut back by hand carefully between mid August and 30 November and, if any holes are found, works shall cease immediately and Natural England and Michael Woods Associates informed. A full report of the monitoring and site investigation shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (q) Work shall not commence until details of a 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;
 - (r) Prior to the felling of, or works to, any of the trees on the boundary of White Street, all the trees shall be surveyed by a licensed bat ecologist for the presence of bats and a written report of the findings and, if appropriate, mitigation measures that may be necessary for any bats shall be submitted to, and approved in writing by, the Local Planning

- Authority. All agreed mitigation works shall be undertaken in full compliance with the agreed details;
- (s) No removal works to the existing hedgerows or trees shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority ;
 - (t) Prior to the commencement of works on site, full details of a road to the recreation field, turning area to serve the recreation area and adjacent housing development and parking area for the recreation field use shall be submitted to, and approved in writing by, the Local Planning Authority;
 - (u) C331 – provision of cycle parking;
 - (v) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), there shall be no artificial lighting of the application site or part thereof 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) Applicant was advised that in order to minimise the impact of the proposal on the wider landscape the Local Planning Authority considers that the tennis courts should be located closer to the changing rooms as indicated on your illustrative scheme; (2) Applicant was advised that the sports facilities should meet the relevant standards in terms of their size and layout. The football pitch should be drained and levelled and the Sports Turf Institute consulted prior to any work starting on the site. The changing room/store room must meet the standards laid down by the Football Foundation. Access to the tennis courts must be via a hardsurfaced pathway and the courts must be laid out to the Lawn Tennis Association standards for hard courts; (3) Applicant was advised that protected species such as bats, badgers, dormice, nesting birds and amphibians may be present on the site and you are reminded that it is an offence to disturb, remove or harm these and their habitats at any time. In the event that any of these are seen on the site you are advised to contact Natural England for further advice immediately; (4) N110 – design; (5) N100 – design; (6) N111 – disabled access; (7) N112 – energy conservation; (8) N114 – meter boxes; (9) N116 – disabled access; (10) N117 –crime prevention; (11) N115 – water conservation.)

Reason for outline planning permission, if granted:-

The need for additional recreational facilities for the village of North Curry was such as to warrant permission being granted.

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

The Committee recognised the need for additional recreational facilities in the village of North Curry and, in the exceptional circumstances that existed, decided to grant permission.

135. **Redevelopment comprising erection of 21 houses, conversion of listed building to two dwellings and conversion of main building to offices at former SCAT annexe, Staplegrove Road, Taunton (38/2006/362)**

Reported this application.

RESOLVED that subject to:-

- (1) The applicants entering into a Section 106 Agreement to cover acceptable affordable housing contributions, children's play and playing field contributions and highway requirements;
- (2) The receipt of no adverse views from the Conservation Officer; and
- (3) The receipt of no further representations raising new issues on the amended plans,

the Development Control Officer 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) Notwithstanding the submitted details or samples of the materials to be used, full details of the materials to be used on all the external surfaces of the buildings shall be submitted to, and approved in writing by, the Local Planning Authority and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) Prior to the construction of the new buildings hereby permitted commencing, samples of the following shall be provided on site for the approval of the Local Planning Authority and thereafter implemented and maintained strictly in accordance with the samples:- natural slate, hip treatment, panel of brickwork (including sill), window head, banding and soffit and panel of stonework (including capping);
- (d) All windows and external doors in the new build hereby permitted shall be of timber only, specific details of which shall first be approved in writing by the Local Planning Authority and thereafter implemented and maintained strictly in accordance with the approved details;
- (e) Prior to commissioning, specific details of the following for the new build hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented and maintained strictly in accordance with the approved details;- all venting (including roofs, kitchens and bathrooms), external doors, architraves, windows and gates;
- (f) All windows (including blind) and doors shall be recessed a minimum of 900 mm and thereafter maintained at such depth;
- (g) Prior to the occupation of any of the new build dwellings hereby permitted, the works sanctioned under Certificate 38/2006/365LB and 366CA and the conversion of the extant SCAT buildings to offices for which permission is hereby granted, shall be fully implemented;
- (h) C911 – aerials – combined system;

- (i) C917 – services – underground;
- (j) P001A – no extensions;
- (k) P003 – no ancillary buildings;
- (l) P005 – no garages;
- (m) P006 – no fencing;
- (n) P010 – no further windows;
- (o) Details of the positions of all meter boxes to be installed in connection with the development hereby permitted shall first be agreed in writing by the Local Planning Authority;
- (p) C201 – landscaping;
- (q) C927 – remediation investigation/certificate;
- (r) Noise emissions from the site during the construction phase shall be limited to the following hours if nuisance is likely at neighbouring premises:- Mondays – Fridays 0800-1800 hours; Saturdays 0800-1300 hours. At all other times, including public holidays, no noisy working;
- (s) The parking spaces shown on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (t) C331 – provision of cycle parking;
- (u) After the demolition of buildings on site, but prior to the commencement of development on site, additional soakaway tests shall be undertaken in accordance with Building Research Digest 365 and the results submitted to, and agreed in writing by, the Local Planning Authority. In the event that these indicate permeability of the ground then details of an on-site surface water drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be fully implemented prior to the occupation of any dwelling and maintained thereafter;
- (v) The ridge height of the terrace of properties fronting Linden Grove shall be in strict accordance with heights shown on the submitted plan and shall not be higher than indicated on the approved drawing in any case;
- (w) 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;
- (x) C416 – details of size, position and materials of meter boxes.
(Notes to applicant:- (1) Applicant was advised that the landscaping required in condition (p) should combine details of the additional landscaping shown on Plan 765/01/D with the agreed detail of Plan SPP/10228/2; (2) With regard to condition (u), applicant was

advised that on-site options including the provision of a source control such as a drainage pavement system for the parking areas may be suitable; (3) N117 – crime prevention; (4) N112 – energy conservation; (5) N111 – disabled access; (6) N126 – ground contamination.)

Reason for Planning Permission, if granted:-

The proposed development was considered to be in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy STR4, Policy 9 and Policy 49 and Taunton Deane Local Plan Policies S1, S2, H2, EN14 and EN16.

136. Enforcement action in relation to 15 Eastbourne Gate, Taunton

Reported that in 1998 a dormer window had been installed into the rear roof of 15 Eastbourne Gate, Taunton without planning permission.

When challenged, the owner of the property claimed that he had been informed by a Council employee that planning consent for the development was not required despite the property backing on to, and being within 20m of, a highway.

Although a retrospective application was submitted by the owner in an attempt to regularise the situation, this was refused and subsequently upheld on appeal.

An enforcement notice which required the removal of the dormer window was then served and an appeal against this notice was also dismissed.

In 2000, the owner was prosecuted in the Magistrates Court for failing to comply with the enforcement notice and was found guilty. Noted that a number of other attempts had been made to resolve the situation including the submission of a further planning application in 2004 which was again refused and dismissed on appeal.

Further reported that the Council had instituted injunction proceedings earlier in the year seeking a Court Order that the dormer window should be removed.

The application had recently been heard and in a reserved judgement, the application was refused on the grounds that the Court considered that the owners had genuinely thought that he did not need planning permission and that the cost of carrying out remedial work to the roof of 15 Eastbourne Gate, Taunton (£40,000) would be disproportionate given the owner was a householder of modest means. The Court had also taken into account the time that had elapsed since the original infringement.

Noted that the Court's decision was discretionary and an appeal on the merits of the decision was therefore unlikely to be successful. The enforcement notice however would remain as a Local Land Charge registered against the property and would be disclosed if the property was sold in the future.

RESOLVED that the outcome of the injunction proceedings be noted.

137. Craig Lea, Taunton – Compulsory Purchase Order

Reference Minute 121/2003, reported that a Compulsory Purchase Order had been made in respect of a small area of land which linked the cul-de-sac of Craig Lea, Taunton to an adjacent footpath/cycleway. A public inquiry into the Order had been held over three days during July 2006.

The Secretary of State's decision letter had recently been received and this had endorsed the decision of the Inquiry Inspector not to confirm the Order.

The main findings of the Secretary of State were that any benefits of reopening the footpath would be limited. The key issues identified were the possibility of a greater incidence of anti-social behaviour and that the layout of the path did not conform to good design practice. It was also felt that the Council had overstated the likely benefits of re-opening the footpath and there was therefore no compelling need to acquire the land.

RESOLVED that the Secretary of State's decision be noted.

138. Mobile home on land at 39 Whitmore Road, Taunton

Reference Minute 68/2006, reported that following the meeting of the Committee on 14 June 2006, the owners of 39 Whitmore Road, Taunton had instructed solicitors to act for them in relation to this matter.

A lengthy exchange of correspondence had subsequently taken place, however, this had not changed the view of the Council that planning permission to retain the mobile home was required.

Accordingly, an enforcement notice seeking the removal of the mobile home had been served on 3 October 2006.

Noted that objections to the service of the notice had been raised on the following grounds:-

- there was an error with one of the dates in the Notice which rendered it invalid; and
- the Council had not given consideration to a proposal that the owner should apply for a personal planning permission based on the needs of those who would be occupying the mobile home.

The notice had therefore been withdrawn, due to the error but it had also been agreed that the Committee should be given the opportunity to reconsider its decision to take enforcement action in the light of the personal circumstances of the occupiers. A letter from the solicitors acting on behalf of the occupiers of the mobile home, together with a doctor's letter, were submitted for information.

In view of this further information, Members were asked to consider whether it was still expedient to enforce or whether there was a likelihood that a personal planning permission would be granted. Noted that in the view of the Development Control Manager the circumstances of the occupiers of the mobile home would not currently justify the grant of a personal permission.

During the discussion of this item, the Committee was informed that it appeared that the mobile home could remain in its present position without planning permission, provided it was used in a manner ancillary to the main property, 39 Whitmore Road, Taunton. This would mean that provided the mobile home was not used as a separate, self-contained unit of accommodation it could remain on site.

If the Committee wished a further enforcement notice to be served, it could only seek to stop any unauthorised use of the mobile home by the current occupiers.

Member were very unhappy that there appeared to be no action which could be taken to seek the removal of the mobile home from the land and asked whether further advice could be sought to confirm this situation.

RESOLVED that the matter be deferred to enable Counsel's opinion to be sought with regard to the positioning of the mobile home on land at 39 Whitmore Road, Taunton.

(The meeting ended at 9.48 pm.)