

Planning Committee – 22 November 2006

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

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

Also present:- Councillor Bishop

(The meeting commenced at 5.00 pm)

139. Apologies

The Chairman (Councillor Mrs Marie Hill) and Councillor Hindley.

140. Minutes

The minutes of the meeting held on 1 November 2006 were taken as read and were signed.

141. Declarations of Interest

Councillor Miss Cavill declared a personal interest in Agenda Item No 8, application No 27/2006/019, and left the meeting during consideration of this item.

142. 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:-

26/2006/005

Change of use of barns to commercial use (B1, B2 and B8) and formation of hardcore parking area, Poole Farm, Nynehead

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C112 – details of guttering, downpipes and disposal of rainwater;
- (d) C601 – schedule of works to ensure safety and stability of structure during conversion;
- (e) C201 – landscaping;
- (f) C205 – hard landscaping;
- (g) Details of the arrangements to be made for the disposal of surface water from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) The units shall not be occupied or brought into use until the road widening improvements shown on the submitted plan has been constructed and properly consolidated and surfaced to the satisfaction of the Local Planning Authority;
- (i) The units shall not be occupied or brought into use until a plan has been submitted and approved by the Local Planning Authority showing details of the location and detail of priority signage. Such signage shall be fully erected prior to the change of use commencing;
- (j) The new windows and doors indicated on the approved plans shall be made from timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
- (k) The ground floor window on the north elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.
- (l) Work shall not commence until further emergence survey work has been undertaken, as part of the strategy for the protection of the bats and their habitat within the development, together with the maintenance of access for the bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
- (m) C1112 – development affecting buildings where Swifts,

- Swallows and House Martins are known to nest;
- (n) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than five decibels expressed in terms of an A-Weighted, five minute Leq at any time Monday to Friday 0800 – 1800 hours and Saturdays 0800 – 1300 hours when measured at any point at the façade of any residential or other noise sensitive boundary. At all other times, including public holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time, when measured as above;
 - (o) C927 – remediation investigation/certificate;
 - (p) P006 – no fencing;
 - (q) C010A – drainage – not commenced until percolation test approved.

(Notes to applicant:- (1) N024 – development to be in accordance with approved plans; (2) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure; (3) N118A – disabled access; (4) N112 –energy conservation; (5) N115 – water conservation; (6) Applicant was advised that Greena's survey and report (June 2006) identified that there is a bat roost in Barn 2 and that a Department of Environment, Food and Rural Affairs Licence will be needed to develop the site; (7) With regard to Condition (n), applicant was advised that background levels are those levels of noise which occur in the absence of noise from the development to which this permission relates expressed in terms of a A-Weighted 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than ten minutes.)

Reason for granting planning permission:-

The building was suitable for conversion and the proposal was not considered to be harmful to the landscape and had good access to the highway network. 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.

27/2006/019

Siting of one mobile home and one touring caravan for single gypsy family and erection of stables, land to east of Knapp Farm (OS Parcel 6769), Hillfarrance.

Conditions

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

- (b) Not more than one mobile home and one touring caravan shall be stationed on the site at any one time in accordance with details to be submitted to, and approved in writing by, 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 on solely by Ms Sally Tucker and her children;
- (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) C010A – drainage – not commenced until percolation test approved;
- (h) The existing hedges on the boundaries of the site shall be retained except at the point of access to the satisfaction of the Local Planning Authority;
- (i) P006 – no fencing;
- (j) The proposed access over the first 5m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) Any entrance gates erected shall be hung to open inwards and set back a minimum distance of 4.5m from the edge of carriageway;
- (l) The gradient of the new access shall not be greater than 1:10;
- (m) Provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority.
(Notes to applicant:- (1) Applicant was advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that the Environment Agency's Consent to Discharge to an underground strata is required.)

Reason for granting planning permission:-

It is considered that the proposal would have limited impact on the visual amenity of the rural area and, furthermore, the proposal was in line with Central Government advice contained in the Office of Deputy Prime Minister Circular 01/2006.

34/2006/029

Erection of new boundary fence at 10 Rhodes Close, Taunton

Conditions

- (a) C001A – time limit;
- (b) C201 – landscaping;
- (c) C101 – 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 the provisions of Taunton Deane Local Plan Policies S1 and S2.

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

The Committee felt that the proposed fence would not appear as an incongruous and intrusive feature and, furthermore, due to the presence of gardens on the other side of the footpath, there would be no “tunnel” effect.

38/2006/360

Erection of two flats on land adjoining 29 Cranmer Road, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C203 – landscaping;
- (d) The area allocated for parking on the submitted plan for both the existing property and the hereby approved flats 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;
- (e) C326A – garage – garage use only;
- (f) The window(s) in the north-west elevation shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (g) The cycle parking shown on the approved plan shall be provided on the site prior to the occupation of the accommodation hereby

- permitted and shall thereafter be retained unless previously agreed in writing by the Local Planning Authority;
- (h) The external refuse storage areas, as shown on the approved plans, shall be provided on site prior to the occupation of the accommodation hereby permitted and shall thereafter be retained.

Reason for granting planning permission:-

The proposal, for residential development, is located within defined settlement limits where new housing is encouraged and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Policies S1, S2, H2 and M4.

38/2006/419

Erection of detached dwelling at 120 Normandy Drive, Taunton

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C215 – walls and fences;
- (e) P001A – no extensions;
- (f) P003 – no ancillary buildings;
- (g) 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 windows/dormer windows or rooflights (other than those expressly authorised by this planning permission) shall be constructed on the southern elevation;
- (h) C208E – protection of Silver Birch tree to be retained;
- (i) The grassed area around the Silver Birch tree shall be retained to the satisfaction of the Local Planning Authority;
(Notes to applicant:- (1) Applicant was advised that sewers may pass through the site and, accordingly, the Council's Housing Division and Asset Holdings should be contacted for their comments regarding any wayleaves that may be required; (2) Applicant was advised that the Birch tree immediately adjoining the application site on its north-western boundary is not within the applicant's control and the tree, including its root base, should not be harmed.)

Reason for granting planning permission:-

The proposed development would not adversely affect the character of the estate, road safety or visual or residential amenity. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2 and H2.

38/2006/450

Proposed residential development of erection of four town houses including partial demolition of building and conversion back to single dwelling at Woodstock House, 91 Stapelgrove Road, Taunton.

Conditions

- (a) C001A – time limit;
 - (b) C101 – materials;
 - (c) A sample panel of the brickwork and mortar shall be constructed on site and agreed in writing by the Local Planning Authority and, thereafter, the development shall be so constructed unless otherwise agreed in writing by the Local Planning Authority;
 - (d) C654 – windows – listed building;
 - (e) Details of the design of the windows to be used on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation;
 - (f) The windows shall be recessed in the wall to match the recess of traditional timber windows in the conservation area;
 - (g) C107 – second hand materials;
 - (h) C111 – materials – for drives;
 - (i) C112 – details of guttering, downpipes and disposal of rainwater;
 - (j) C326A – garage – garage use only;
 - (k) C331 – provision of cycle parking;
 - (l) C201 – landscaping;
 - (m) C238 – tree protection in relation to construction;
 - (n) The visibility splay onto Woodstock Road shown on drawing No PL103A shall be provided prior to the occupation of any dwelling;
 - (o) The visibility splay to the south onto Stapelgrove Road on drawing No PL103A shall be provided prior to the occupation of any dwelling and thereafter so maintained;
 - (p) P011 – no windows on the gable elevation of Plot 3;
 - (q) P001A – no extensions;
- (Notes to applicant:- (1) Applicant was advised that there is a public combined sewer crossing the site and you should contact Wessex Water to ensure their infrastructure is protected during construction; (2) N112 – energy conservation.)

Reason for granting planning permission:-

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2, H2, M4 and EN14 and material considerations did not indicate otherwise.

38/2006/476

Erection of two storey building to form Oncology Centre and associated parking at Musgrove Park Hospital, Taunton (revised scheme)

Conditions

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C918 – floodlighting;
- (e) Noise emissions including those with tonal characteristics, for example hum, drone or whine, arising from any plant, generators or air conditioning units or from any premises to which this permission relates shall not exceed background levels at any time when measured at any point 1.5m from any residential or other noise sensitive boundary. For the purposes of this permission “background levels” shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level measured at an appropriate time of day and a suitable period of not less than 10 minutes;
- (f) Details of the means of obscure glazing in the north and west elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The glazing shall be installed in accordance with the approved scheme and shall not be altered thereafter without the prior written consent of the Local Planning Authority;
(Notes to Applicant:- (1) Applicant was advised to contact Wessex Water to discuss protection of their infrastructure prior to construction and also to discuss potential pumping of water supply; (2) N024 – development in accordance with approved plans; (3) N118A – disabled access; (4) N051B – health and safety; (5) Applicant was advised that means of escape in case of fire should comply with Approved Document B1 of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at the Building Regulations stage; (6) Applicant was advised that access for fire appliances should comply with Approved Document B5 of the Building Regulations 2000; (7) Applicant was advised that all new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.

Reason for granting planning permission:-

The proposed building was of good quality design and would not detract from the character of the locality. The relationship with nearby dwellings was acceptable and would not cause harm to residential amenity. The proposal therefore complied with Taunton Deane Local Plan Policies S1 and S2.

42/2006/037

Erection of two storey extension to form granny annexe and garage at Farthing Cottage, Comeytrove Lane, Trull

Conditions

- (a) C001A – time limit;
- (b) C102A – materials;
- (c) C326A – garage – garage use only
(Note to applicant:- Applicant was advised to contact the Somerset County Council's Rights of Way Officer concerning the need to maintain access along the Public Right of Way at all times and ensure that any change of surface is agreed).

Reason for granting planning permission:-

The proposal was considered in keeping with the character of the dwelling and not to have an adverse highway safety impact given the previous garage on the site.

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

The Committee felt that, given the fact that a garage used to occupy the same site, visibility for vehicles would not be worsened to the detriment of road safety.

43/2006/113CA

Demolition of car showroom and first floor flat and 2 No workshops to the rear, 58-60 Mantle Street, Wellington.

Conditions

- (a) C002C – time limit – conservation area consent;
- (b) The buildings shall not be demolished before planning permission has been granted for the redevelopment of the site and a contract has been let for the redevelopment work.

Reason for granting conservation area consent:-

The proposed demolition of the buildings would not have a detrimental impact on the character and appearance of the conservation area provided a suitable replacement scheme was in place in accordance with Taunton Deane Local Plan Policy EN15.

43/2006/128

Installation of solar water heating collectors on the roof in the front elevation of 49 High Street, Wellington.

Conditions

- (a) C001A – time limit;
- (b) At such time as the panels ceased to be used for the generation of solar heat, they shall be removed and any related damage to the roof shall be made good with matching materials.

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

Reason for granting planning permission-

The proposal was considered not to harm the visual amenity of the area nor harm the character and appearance of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN17.

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

The Committee considered that the proposed solar panels would not be a visually prominent and incongruous feature and would not therefore be significantly detrimental to the character and appearance of this listed building.

43/2006/138

Installation of solar panels on roof, The Stables, Church Green, Wellington.

Conditions

- (a) C001A – time limit;
- (b) At such time as the panels ceased to be used for the generation of solar heat, they shall be removed and any related damage to the roof shall be made good with matching materials;
(Note to Applicant:- N024 – development in accordance with approved plans).

Reason for granting planning permission:-

The proposal was considered not to harm the visual amenity of the area nor harm the character and appearance of the listed building in accordance with Taunton Deane Local Plan Policies S1, S2 and EN17.

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

The Committee considered that the proposed solar panels would not be a visually prominent and incongruous feature and would not therefore be significantly detrimental to the character and appearance of the listed building. Furthermore it was felt the proposed panels would not have an adverse impact on the conservation area.

- (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:-

30/2006/043

Retention of use of land as garden with timber sheds to rear of Flintstones and Glengarry, Blagdon Hill.

Reason

The proposal by reason of the siting of the sheds will harm the setting of the village and character of the area contrary to Taunton Deane Local Plan Policies S1, S7 and EN12.

(Note to Applicant:- Applicants were advised that the sheds should be located in the existing curtilage. A change of use of the curtilage only would be likely to be viewed favourably by the Planning Committee and you are therefore advised to resubmit on this basis).

Also RESOLVED that enforcement action be taken to seek the removal of the unauthorised sheds.

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

The Committee considered that the sheds adversely harmed the setting of the village, the Area of Outstanding Natural Beauty and the amenity of neighbouring properties.

(3) That the following applications be withdrawn:-

31/2006/020

Erection of two storey extension to provide 24 additional beds and erection of 20 close care homes at Ruishton Court Nursing Home, Henlade, Ruishton (amended description).

31/2006/021LB

Erection of two storey extension to provide 24 additional beds at Ruishton Court Nursing Home, Henlade, Ruishton (amended description).

38/2006/434

Erection of dwelling on land to rear of 16 Station Road, Taunton (revised scheme).

143. **Erection of one detached dwelling with integral double garage and extension to existing cottage with detached double garage and landscaped gardens, land adjacent to north side of Piffens Lane, behind 1-4 Church Street, Bishops Lydeard (06/2006/051).**

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans, 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) C102A – materials;
- (c) C113 – details of structure and colour of mortar;

- (d) Prior to the works for which permission is hereby permitted are commenced, samples of the clay pantile and plain tiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter used in the scheme in accordance with the approved samples;
 - (e) Prior to the commissioning, a sample panel of stonework and a sample panel of limewashed rendered block shall be erected on site for the approval of the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the approved sample panel;
 - (f) There shall be no bell casts to the proposed rendered areas over door and window heads;
 - (g) Prior to commissioning, specific details of windows and doors including sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
 - (h) Windows and doors shall be recessed a minimum of 90mm unless otherwise agreed in writing by the Local Planning Authority;
 - (i) Prior to roofing, details of the means by which such shall be vented shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
 - (j) C205 – hard landscaping;
 - (k) C208E – protection of trees to be retained;
 - (l) C208B – protection of trees – service trenches;
 - (m) C210 – no felling or lopping;
 - (n) C215 – walls and fences;
 - (o) C321B – parking;
 - (p) C327 – turning space;
 - (q) C416 – details of size, position and materials of meter boxes;
 - (r) The existing levels of the land upon which the buildings are to be erected shall not be increased in height to facilitate its construction unless with the prior written permission of the Local Planning Authority;
 - (s) The new windows and doors indicated on the approved plans shall be made of timber only and no other materials, unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material;
 - (t) C910B – archaeological programme;
 - (u) C917 – services – underground;
 - (v) P001A – no extensions;
 - (w) P003 – no ancillary buildings;
 - (x) P006 – no fencing;
 - (y) P010 – no further doors or windows.
- (Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N114 – meter boxes; (4) N115 – water conservation; (5) N024 – development in accordance with approved plans; (6) N051B – health and safety; (7) Applicant was advised that the soakaways should be constructed in accordance with Buildings

Research Digest 365 (September 1991); (8) Applicant was advised that points of connection for the disposal of foul flows and water supply should be agreed with Wessex Water).

Reason for planning permission, if granted:-

The site was within the settlement limits and the proposed development would not have an adverse impact on the historic development/settlement pattern and would preserve or enhance the character and appearance of the conservation area and would therefore comply with Taunton Deane Local Plan Policies H2, EN14 and BL2.

144. Siting of temporary agricultural workers dwelling, Grange Farm, Nynehead (26/2006/012)

Reported this application.

RESOLVED that subject to the receipt of satisfactory amended plans, 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 mobile home hereby permitted shall be removed and the land restored to its former condition on or before the 27 November 2009;
- (b) C102 – materials;
- (c) C201 – landscaping;
- (d) C401 – agricultural tying condition;
- (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) The proposed access and track shall be consolidated and surfaced in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) 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;
- (h) Details of the arrangements to be made for the disposal of foul drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (i) C010A – drainage – not commenced until percolation test approved.
(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) Applicant was advised to contact the Environment Agency to discharge to an underground strata; (3) Applicant was advised to contact Wessex Water prior to the commencement of any works on site to agree connection onto Wessex Water infrastructure;

(4) Applicant was advised to contact the Area Highway Manager as the existing hard surfaced access has included highway land.)

Reason for planning permission, if granted:-

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 and the landscape character of the area. The scheme therefore accorded with Taunton Deane Local Plan Policies S1, S2, S7, H12, EN12 and M4.

145. Demolition of car showroom and first floor flat and formation of access route and residential development consisting of 6 No flats and 7 No dwellings, 58-60 Mantle Street, Wellington (43/2006/112).

Reported this application.

RESOLVED that subject to the applicant entering into a Section 106 Agreement to provide for contributions to leisure facilities of £1,785 per dwelling towards children's play facilities and £859 per dwelling towards outdoor recreation, 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) Prior to the commissioning, a sample panel of rendered block for the proposed replacement property, Plot 13, shall be erected on site for the approval of the Local Planning Authority and the development shall thereafter be implemented strictly in accordance with the approved sample panel;
- (e) Prior to commissioning, specific details of windows and doors for the proposed replacement property, Plot 13, including sections, mouldings and profiles shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented strictly in accordance with the approved details;
- (f) C112 – details of guttering, downpipes and disposal of rainwater;
- (g) C113 – details of structure and colour of mortar;
- (h) C201 – landscaping;
- (i) C205 – hard landscaping;
- (j) C215 – walls and fences;
- (k) C219 – screening during demolition;
- (l) C301 – highways – in accordance with the County Highway Authority's booklet;
- (m) C314 – visibility splays;
- (n) C324 – parking;
- (o) C331 – provision of cycle parking;

- (p) The first and second floor windows in the gable end of Plot 4 and the western elevation of the flats block shall be fixed and obscure glazed which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (q) C416 – details of size, position and materials of meter boxes;
- (r) C666 – no bell casts;
- (s) C917 – services – underground;
- (t) P001A – no extensions;
- (u) P007 – no fencing in front of dwellings;
- (v) The gradient of the proposed access road shall not, at any point, be steeper than 1:20 for a distance of 10m from its junction with Mantle Street;

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N113 – street names; (4) N114 – meter boxes; (5) N115 – water conservation; (6) N037 – drainage/water; (7) N024 – development in accordance with approved plans; (8) N051B – health and safety; (9) Applicant was advised that the dwellings to be erected should be designed to a high standard and built of good quality materials in view of the location of the site being partly within a conservation area and adjacent to a listed building; (10) Applicant was advised that no doors, gates or low level windows/utility boxes/downpipes should obstruct footways/shared surfaces. The highway limits should be limited to that area of the footway/carriageway that is clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted) and steps; (11) Applicant was advised that tactile paving slabs will be required to guide visually impaired pedestrians across the junction; (12) Applicant was advised that the proposed estate road should take the form of a block paved carriageway and should have gradients no slacker than 1:80; (13) Applicant was advised that the County Highway Authority will adopt the carriageway and service margins only; (14) Applicant was advised that any retaining wall required to support the proposed highway, new or existing, will need to be checked/approved by a Somerset County Council Structural Engineer prior to any works commencing. Should new retaining walls be required, detailed design drawings and calculations will need to be submitted to the County Highway Authority for checking/approval purposes; (15) Applicant was advised that part of the development site is contained within a conservation area. The Applicant will need to liaise with Somerset County Council's Conservation Officer regarding materials to be used within the prospective highway limits; (16) Applicant was advised that all street furniture including bollards should be sited a minimum distance of 450mm away from the carriageway edge; (17) Applicant was advised that the Department of Transport "Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure" states that for on street parking parallel to the kerb, a marked parking space should be provided which is a minimum of 6600mm long x 2700mm wide; (18) Applicant was advised that private drainage covers should not be located within prospective public highway limits; (19) Applicant was advised that it is likely that the internal layout of the site will result in the laying out of a private street and, as such, under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code; (20) Applicant was advised that any planting

immediately adjacent to the public highway will need to be supported by a planting schedule for checking/approval purposes. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centre line of a made up carriageway. Trees are to be a minimum distance of 5m from buildings, 3m from drainage/services and 1m from the carriageway edge. Trees must be canopied 5.5m above carriageway level. Root barriers of an approved type will be required for all trees that are to be planted adjacent to the back edge of the prospective footway to prevent the future structural damage to the highway; (21) Applicant was advised that a condition survey of the existing public highway will need to be carried out and agreed with the County Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of this development is to be remedied by the developer before occupation of the development; (22) Applicant was advised that where works are to be undertaken in or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. The application should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (23) Applicant was advised that only contractors on the "register of accredited contractors" will be permitted to carry out works on the highway; (24) Applicant was advised that allowances should be made to resurface the full width of the existing carriageway within Mantle Street where it has been disturbed by the extended construction and to overlap each construction layer of the carriageway by a minimum of 300mm; (25) Applicant was advised that surface water from all private areas, including parking bays, is to be intercepted by means of a private drainage system to prevent any possible discharge onto the prospective publicly maintainable highway; (26) Applicant was advised that protected species such as bats, nesting birds and slow worms may be present on site and all operatives on site must be appropriately briefed on their potential presence. Whilst no records of the property being used by bats exists, it is possible that the building could accommodate bats in the roof and your attention is drawn to the fact that all bats are fully protected by law under the Wildlife and Countryside Act 1981 and under European Legislation. If bats are found on site then work must stop immediately and advice must be sought from Natural England. Bats and their roosts are included in Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981. All nesting birds are also protected under the Wildlife and Countryside Act 1981 and if discovered must not be disturbed. Slow worms are similarly protected and, if found, then advice must be sought from a suitably qualified ecologist.)

Reason for planning permission, if granted:-

The proposal was considered not to harm the visual or residential amenity and accorded with Taunton Deane Local Plan Policies S1, S2, H2 and M4. Furthermore, the proposal was not considered to be detrimental to the character and appearance of the conservation area and was therefore compliant with Taunton Deane Local Plan Policy EN14.

Reported that a Tree Preservation Order had been made in March 2006 in respect of one Elder tree on land to the south of Savery Row, Taunton.

An objection had been received from the owners of the land, details of which were submitted, together with the Development Control Manager's response thereto.

The tree was multi-stemmed and generally in good health. It was now the only tree on the site and therefore made a significant contribution to the amenity of the area.

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

147. Mobile Home on land at 39 Whitmore Road, Taunton

Reference Minute No 138/2006, reported that Counsel's Opinion had been obtained. This confirmed the advice given by the Senior Solicitor at the last meeting 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.

If further enforcement action was agreed, it could only seek to stop any unauthorised use of the mobile home by the current occupiers.

Submitted details of further representations received from solicitors acting on behalf of the occupiers of the mobile home which covered a number of points including that the mobile home was a caravan for the purposes of the legislation and that, as such, it did not require permission to remain on site.

The Committee was very unhappy with the current situation and felt it could set a precedent that could be followed by anyone with a garden large enough to accommodate a mobile home.

If it was not possible to seek the removal of the mobile home, Members were of the opinion that it should only be used as ancillary accommodation. As the evidence indicated that the mobile home was being used as a separate, self contained dwelling, it was agreed that a further enforcement notice should be served.

Members also asked for this matter to be brought to the attention of the Local Member of Parliament, Mr Jeremy Browne, with the request that the relevant Government Minister be asked to close this apparent "loophole" in the planning law.

RESOLVED that:-

- (1) Enforcement action be taken to secure the cessation of the use of the mobile home at 39 Whitmore Road, Taunton as a separate unit of accommodation; and

(2) A letter be sent to Jeremy Browne MP on the lines described above.

148. Appeals

- (1) Reported that the following appeals had been lodged:-
- (a) Demolition of dwelling and erection of one bedroomed flats together with delivery access at 5-7 Compass Hill, Taunton (appeal against onerous condition) **(38/2005/356)**;
 - (b) Conversion of barn into dwelling incorporating the formation of first floor extension to Chestnut Farm, Helland, North Curry **(24/2006/017)**;
 - (c) Erection of 24 No one bedroom flats with cycle parking and bin stores, 5-7 Compass Hill, Taunton **(38/2006/113)**;
 - (d) Erection of fence and change of use of adjoining land to residential use at 9 Holly Close, Taunton **(38/2006/245)**;
 - (e) Erection of cart shed and garden room and formation of new vehicular access at Oakwood Cottage, Pitminster **(30/2006/026)**;
 - (f) Change of use of BT repeater hut, Taunton Road, Wiveliscombe **(49/2006/017)**;
 - (g) Erection of single storey extension to shop at 60 Galmington Road, Taunton **(52/2006/028)**;
 - (h) Installation of two French doors and installation of timber decking at Heathfield Court, Heathfield, Taunton **(27/2006/004LB)**;
 - (i) Erection of glazed canopy to rear courtyard and porch to entrance at The Stable House, Manleys House, West Buckland **(46/2006/013)**;
 - (j) Display of illuminated fascia signs and non-illuminated entrance sign at Somerset County Cars, 142 Priorswood Road, Taunton **(38/2006/250A)**;
 - (k) Change of use of land for siting of 10 mobile homes for holiday use, siting of touring caravan store in fenced area, construction of service road and formation of embankment and planting at Tanpits Farm, Dyers Lane, Bathpool **(48/2005/073)**;
 - (l) Retention of covered link between dwelling and garage at The Olde Barn, Wrantage, Taunton **(24/2006/030)**;

- (m) Appeal against enforcement notice – construction of a further vehicular access and drive to serve the proposed barn conversion at Chestnut Farm, Helland, North Curry;
 - (n) Removal of Condition 05 of planning permission 10/2003/018, The Pound House, Churchinford (**10/2006/006**);
 - (o) Installation of two replacement sash windows on first floor of front elevation and retention of eight windows to front and rear at The Old Bear Restaurant, 14 Upper High Street, Taunton (**38/2006/239LB**); and
 - (p) Erection of 3 No dwellings and car parking spaces on land at the rear of 39 and 47 Trull Road, Taunton (**38/2006/339**).
- (2) Reported that the following appeal decisions had been received:-
- (a) **Erection of bungalow, garaging and formation of access at rear of 29 Blackbrook Road, Taunton (38/2005/388)**

Decision

The Inspector noted that a footbridge/cycleway over the A358 directly overlooked the appeal site and led to the out of town leisure complex. Despite there being a large number of trees between the appeal site and the footbridge, the Inspector was able to see clearly into the site from it and he therefore felt there would be significant overlooking into both the gardens and rooms of the proposed dwelling. He considered that the proposal would be out of keeping with the character and appearance of the area. The appeal was dismissed.

- (b) **Erection of a bungalow at 3 Francis Close, Creech Heathfield (14/2005/039)**

Decision

Whilst the proposed new bungalow would be smaller than the existing bungalows, the Inspector considered that it would fit in with the existing pattern of the development. He concluded that the proposal would not be over or cramped development. The appeal was allowed.

- (c) **Erection of bungalow at Manderleigh, Bagley Road, Rockwell Green (43/2005/105)**

Decision

The Inspector concluded that given the distance from local facilities and the fact that this walk, along roads without

footways, would not be pleasant, occupiers of any dwelling on the appeal site would be dependent on private transport, contrary to Council policies. He also concluded that the proposal would be contrary to the Council's Development Plan as the appeal site lay outside the defined settlement. The appeal was dismissed.

(d) **Retention of fence to side of 80 Laburnum Road, Wellington (43/2005/132)**

Decision

The Inspector considered that the wooden fence was not prominent in the street scene. It was not unduly high in relation to the height of the gable wall and did not affect privacy. The appeal was allowed.

(e) **Redevelopment to provide 48 sheltered housing apartments at 2 and 4 Compass Hill, Taunton (38/2005/422)**

Decision

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

(f) (i) **Erection of block of five flats on land to rear of 87 Staplegrove Road, Taunton (38/2005/121)**

(ii) **Erection of two flats to side of 87 Staplegrove Road, Taunton (38/2006/021) and**

(iii) **Erection of three terraced houses and parking at rear of 87 Staplegrove Road, Taunton (38/2006/022)**

Decision

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

(The meeting ended at 8.56 pm)