

## **Planning Committee – 13 December 2006**

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

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 (Democratic Support Manager)

Also present:- Councillor Bishop

(The meeting commenced at 5.00 pm)

### **149. Apologies**

The Chairman (Councillor Mrs Marie Hill) and Councillors Croad, Henley, Hindley and Wedderkopp.

### **150. Minutes**

The minutes of the meeting held on 22 November 2006 were taken as read and were signed.

### **151. 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:-

#### **08/2006/026**

**Change of use of section of single storey barn from residential to provide complimentary therapy treatment room (D1), Pyrland Barn, Cheddon Fitzpaine**

#### **Conditions**

- (a) C001A – time limit;
- (b) The proposed use hereby permitted shall be limited to that of a complimentary consulting room only and no other use within Class D1 of the Use Classes Order (as amended);

- (c) There shall be no obstruction to visibility greater than 300mm above adjoining road level forward of a line drawn 2m back from the carriageway edge over the whole site frontage. Such visibility shall be fully provided before the change of use commences;
- (d) The use hereby approved shall be used purely in connection with the occupation of the existing house and not sold or let separately.

**Reason for granting planning permission:-**

The proposal by reason of the use, scale and siting within settlement limits respected the character of the area and would cause no demonstrable harm to highway safety in accordance with Taunton Deane Local Plan Policy S1 and Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

**14/2006/040**

**Conversion of dwelling to two flats and provision of access and parking at 35 Tristram Drive, Creech St Michael.**

**Conditions**

- (a) C001A – time limit;
- (b) C324 – parking;
- (c) Provision for the parking of one bicycle per unit shall be made prior to the use hereby permitted commencing and shall be permanently retained unless previously agreed in writing by the Local Planning Authority;
- (d) 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;
- (e) 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. Such drainage shall be provided prior to the development first being brought into use.

**Reason for granting planning permission:-**

The proposal complied with Taunton Deane Local Plan Policies S1, S2, H2, H4 and M4.

**21/2006/019**

**Change of use from agricultural land and buildings to storage of agricultural contracting equipment/machinery at land south of Langford Budville, Wellington (GR111.226).**

**Conditions**

- (a) C001A – time limit;

- (b) C201 – landscaping;
- (c) The use of the site hereby approved shall be strictly for the purposes of storage of agricultural equipment and machinery only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) unless any variance is agreed in writing by the Local Planning Authority;
- (d) Prior to the use commencing, details of any external area to be used for storage purposes within the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- (e) Prior to the commencement of the use hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the amended plan received on 4 December 2006;
- (f) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of inter connected tanks, plus 10% or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground where possible and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.  
(Notes to applicant:- (1) Applicant was advised that any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. The site should be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. Any storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or ground water in the event of spillage;  
(2) Applicant was advised that bats may roost in the sheds. All bats and their roosts are included in Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation Regulations 1994. In order to enhance the site as a bat roosting site, a bat box should

be installed in Shed 3; (3) Applicant was advised that there is evidence that swallows are nesting in the buildings. This is a species that has suffered a severe decline in numbers in recent years and is now a species of conservation concern. Whilst they are building or using a nest, swallows are legally protected by the Wildlife and Countryside Act which makes it an offence to disturb the birds or the nest. Applicant was therefore encouraged to make provision for this species.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

**24/2006/029**

**Variation of condition for new owner Mrs J Richards, her family and Mrs Brazil (gypsies) to occupy the site at Little Denise, Mill Hill, Wrantage (previous permissions 24/2003/020 and 24/2005/049).**

**Condition**

The use hereby permitted shall enure for the benefit of the gypsies known as Mrs Jenny Richards, Ms Bianca Richards, Ms Jade Richards, Mrs Sally Brazil and their partners and dependant families and not for the benefit of the land. If their occupation of the site shall cease then the land shall be restored to its previous condition within a period of three months from the vacation of the site;

(Note to applicant:- Applicant was advised that all the conditions attached to planning permission 24/2000/035 are still applicable, namely:- (1) Not more than four mobile homes and two touring caravans for single family occupation shall be retained on the site at any time, and they shall not be used other than for the purpose of providing residential accommodation for gypsies as defined in the Caravan Sites Act 1968; (2) No working or storage of materials associated with the occupants work shall take place on the site; (3) Within one month of the date of this decision, a plan showing the visibility splays from the access shall be submitted to the Local Planning Authority. Once approved, it shall be provided and maintained thereafter; (4) Within three months of this letter, 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 the Local Planning Authority. The scheme shall be carried out within the first available planting season after its approval or as otherwise agreed in writing by the Local Planning Authority. If during the

period of occupation of the site any of the trees or shrubs are removed, uprooted, destroyed or die, another tree or shrub of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation; (5) Within three months of this letter, a scheme for a fence or wall along the whole of the site boundary with the ancient woodland and Site of Special Scientific Interest shall be submitted to the Local Planning Authority. The scheme shall be carried out within three months of its approval by the Local Planning Authority; (6) 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 gate, fence, wall or other means of enclosure shall be erected within the site without the prior written approval in writing of the Local Planning Authority; (7) 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 ancillary buildings or structure, whether or not required by the conditions of a Site Licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act 1960 (revised 1977) shall be erected on the site without the prior approval of the Local Planning Authority; (8) No refuse or waste materials shall be deposited or burnt on any part of the site; (9) No cats or dogs shall be kept on the site except with the prior permission of the Local Planning Authority; (10) Within three months of the date of this letter, a scheme for the drainage and disposal of surface water from the site shall be submitted to the Local Planning Authority. The scheme shall be carried out within three months of its approval by the Local Planning Authority.)

**Reason for granting planning permission:-**

The proposal was in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 36 and Taunton Deane Local Plan Policy H14.

**29/2006/028**

**Change of use from redundant coach house and estate to Forest School/Outdoor Learning Centre at Otterhead Estate, Otterford**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C654A – windows;
- (d) C112 – details of guttering, downpipes and disposal of rainwater;

- (e) The approved activities and uses within the application site shall be strictly in accordance with the schedule of activities as identified within the application, unless any variance is agreed in writing by the Local Planning Authority. The approved activities shall be strictly in connection with the Forest School and for no other private or commercial use;
  - (f) Prior to the commencement of any of the activities listed in the schedule, details of the proposed siting of the activity or use together with details of any structure or equipment to be installed shall be submitted to, and approved in writing by, the Local Planning Authority. The applicant shall contact the Local Planning Authority prior to the commencement of the activity to ascertain whether a wildlife survey is required to ensure the use or activity would have no impact upon protected species or wildlife;
  - (g) The use of the converted coach house building hereby approved shall be strictly for purposes in connection with, and ancillary to, the use as a Forest School and education facility;
  - (h) C1103 – bat strategy;
  - (i) C1111 – nesting birds;
  - (j) C1113 – slow worms;
- (Notes to applicant:- (1) Applicant was advised that there are records of barn owls roosting or nesting at the site and it is possible that barn owls continue to roost or breed in the area. Applicant is therefore advised to ascertain whether barn owls are using the building and, if evidence of their current use is found, then the timing of works must be scheduled to avoid disturbing the birds during the breeding season (March to September). In order to assist the conservation of this declining species, applicant is encouraged to provide artificial nest boxes within or near the development to enable nesting and breeding to continue; (2) Applicant was advised that the site could have had uses with the potential to cause contamination. If any contamination or unknown substances/structures are found during demolition, building works or renovation the applicant should carry out an assessment to identify any potential risks and, if necessary, carry out a site investigation and risk assessment to identify whether any remedial works are required; (3) Applicant was advised to contact Somerset County Council's Rights of Way Team prior to the right of way being used by vehicles. The County Council will require in writing confirmation that the centre/organisation would make significant contribution to repairing the surface of the footpath regarding any damage caused by vehicular use.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the rural character or appearance of the area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN10 and EN12 nor Somerset

and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 or Policy 5.

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

**38/2006/408**

**Construction of two all weather sports pitches, erection of flood lighting to one pitch, fencing, sports pavilion and formation of parking at land at Taunton School, north of Greenway Road, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C208E – protection of trees to be retained;
- (e) The floodlighting hereby approved shall be illuminated between 1600 and 2100 hours Monday to Saturday only and not at all on Sundays;
- (f) The access, parking and turning areas shown on the submitted plan shall be consolidated, surfaced and laid out in a manner to be agreed by the Local Planning Authority and the work shall be carried out prior to the use commencing unless otherwise agreed in writing by the Local Planning Authority;
- (g) C917 – services – underground;
- (h) Detailed drawings indicating the height, intensity of light and manufacturers specification of any proposed external lighting other than the floodlighting hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority before any works are commenced;
- (i) C920 – no amplified music;
- (j) The floodlight design shall be carried out as per the submitted consultant's report by Ferguson Brown dated August 2006 Revision C and details of any cowls/baffles for light fittings shall be submitted to, and approved in writing by, the Local Planning Authority prior to any lighting being switched on permanently and there shall be no variation to the approved scheme once agreed unless otherwise agreed in writing by the Local Planning Authority;
- (k) Notwithstanding the submitted details, the perimeter and safety fence shall be green in colour and precise details shall be submitted for agreement by the Local Planning Authority prior to its erection;  
(Note to Applicant:- Applicant was advised to consider the provision of telescopic lighting columns to make maintenance easier and to reduce visual impact.)

**Reason for granting planning permission:-**

The proposal was considered to comply with Taunton Deane Local Plan Policies S1, S2 and EN34 and material considerations did not indicate otherwise.

**38/2006/442**

**Conversion and extension to form 2 No flats at 82 St Augustine Street, Taunton.**

**Conditions**

- (a) C001A – time limit;
- (b) Notwithstanding the submitted details, full details of the proposed cycle parking and refuse facilities, including their siting shall be submitted to, and approved in writing by, the Local Planning Authority and the details approved shall be provided before the development is occupied and shall thereafter be kept free of obstruction;
- (c) C910A – archaeological access;

**Reason for granting planning permission:-**

The proposed development would not adversely affect residential or visual 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, H2, H4 and H17.

- (2) That the following application be deferred for the reason stated:-

**38/2006/400**

**Change of use of building from community hall (D1) to office (B1) at Dodson Hall, Upper Holway Road, Taunton**

**Reason**

To allow consultation to take place with the Police as to the possible consequences, in terms of anti-social behaviour, of this community facility being removed.

- (3) That the following applications be withdrawn.

**27/2006/018**

**Erection of a single storey extension for kitchen and disabled toilet facilities at Church of the Holy Cross, Hillfarrance**

**29/2006/027LB**

**Erection of lean to conservatory at Lower Fyfett Barn, Otterford**

**38/2006/361**

**Demolition of house and erection of 12 No one bedroom flats at 74 South Street, Taunton**

- 152. **Erection of 5 No industrial units with B1 and B2 use, The Old Basket Works, Lyng Road, Burrowbridge (51/2006/013)**



Reported this application.

RESOLVED that subject to the receipt of no adverse views from the Environment Agency as to potential flooding issues, 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) Noise emissions arising from any part of the land or from any premises to which this permission relates shall not exceed background levels at any time by more than five decibels expressed in terms of an A-Weighted, 15 minutes Leq when measured at any point on the façade of any residential or other noise sensitive boundary;
- (d) Noise emissions having tonal characteristics, for example hum, drone or whine, shall not exceed background levels at any time, when measured as above.

(Notes to applicant:- (1) Applicant was advised that 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, 90<sup>th</sup> percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes; (2) Applicant was advised to ensure that the capacity of the plant is satisfactory to provide drainage for the maximum likely number of occupants and that any discharges do not exceed the existing Environment Agency Consent to Discharge limits; (3) Applicant was advised to agree a point of connection onto the Wessex Water system prior to the commencement of any works on site.)

**Reason for planning permission, if granted:-**

The proposed development would not adversely affect road safety or visual amenity and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2 and EC7.

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

Although the possibility of flooding from the nearby river was acknowledged, the Committee felt that the overall benefit of new local employment opportunities in an area where such employment sites were scarce, outweighed the flood risk.

153. **Redevelopment comprising the 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)**

Reference Minute No 135/2006, reported that the Committee had previously resolved to grant planning permission for this development subject to the

completion of a Section 106 Agreement and the receipt of no representations from the Conservation Officer or the public on the amended plans submitted which included:-

- (i) Changes to boundary treatments introducing more walling;
- (ii) Plans of the wall and capping detail fronting Lindenn Grove;
- (iii) A street scene including the proposed gate detail along Linden Grove;
- (iv) Perspective drawings along Staplegrove Road;
- (v) The insertion of dummy window detail to the end wall of Plot 23;
- (vi) Cross sections through Linden Grove;
- (vii) Additional planting; and
- (viii) Revised roof details along the Linden Grove terrace to reflect the existing pattern of roof divisions opposite.

Submitted details of 14 letters of objection that had been received to the amended plans together with the Development Control Manager's comments thereon.

Reported that further amended plans had been submitted which reduced the height difference between the pavement and the door heights of the proposed dwellings along Linden Grove. Noted that although this further change would have an increased impact on Swiss Cottage, it was felt that the distance between it and Plot 7, combined with the proposed hip roof, would result in an acceptable relationship.

The revised plans and details along Linden Grove had been considered by the Conservation Officer and had been found to be acceptable. However, a number of issues of concern still existed over highway proposals outside of the site.

RESOLVED that subject to:-

- (1) The receipt of acceptable highway plans;
- (2) The receipt of no further representations from the public raising new issues by the 21 December 2006; and
- (3) The applicants completing a Section 106 Agreement as previously agreed, the Development Control Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, it be subject to all conditions as previously agreed with the addition of the following two additional conditions:-
  - (i) Prior to the occupation of any of the dwellings hereby approved, details of all boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority and erected on site;
  - (ii) No development shall take place until a traffic signal junction on Staplegrove Road, generally in accordance with drawing No 1051.05.09.24802 REV J has been completed to the satisfaction of the Local Planning Authority.

**154. Variation of Section 52 Agreement – Castle House, Bishops Lydeard**

Reported that in 1980 planning permission was granted, subject to a Section 52 Agreement, for the extension to and conversion of the ground floor of stables at Castle House, Bishops Lydeard to form a one bedroomed flat for use by an elderly relative. The Section 52 Agreement prevented the use of the flat as a separate unit of accommodation.

Noted that the elderly relative had died some years ago and the flat had since been occupied in breach of the Section 52 Agreement for a period in excess of ten years.

Further reported that planning policy had evolved since 1980 such that the flat would now comply with policy as a separate unit of accommodation.

The owner had therefore requested that the Section 52 Agreement be varied to remove the current restriction on the use of the unit as part of the main house.

RESOLVED that the Section 52 Agreement of the 24 September 1980 relating to Castle House, Bishops Lydeard be varied to remove the restriction preventing the stable accommodation being used as a separate unit of accommodation.

**155. Enforcement Item – 15 Eastbourne Gate, Taunton**

Reference Minute No 136/2006, reported that as a direct result of the recent court judgement, the owner of 15 Eastbourne Gate, Taunton had requested the Committee to consider withdrawing the enforcement notice relating to his property.

Noted that the effect of the Court's decision was that in practice no further action could be taken against the current owner.

However, whilst the notice remained in force it would be binding on any subsequent purchaser. If the property was sold, the price would need to reflect the cost of removing the dormer and reinstating the roof. Even if a purchaser was found in such circumstances, the Court had found the level of loss to the current owner to be disproportionate.

In such circumstances, it therefore did not appear to be expedient to continue to pursue enforcement action.

RESOLVED that the enforcement notice served in respect of the unauthorised dormer at 15 Eastbourne Gate, Taunton be withdrawn.

**156. Possible car repair business being carried out from 8 Mountfields Avenue, Taunton**

Reported that following the receipt of a complaint earlier in the year, an investigation had been undertaken as to whether a car repair business was being operated from 8 Mountfields Avenue, Taunton.

From the evidence collected it was considered that a business was being run from this residential address.

Noted that the occupants of the dwelling had recently notified the Council that their landlord had given them notice to quit the premises by 11 February 2007.

RESOLVED that:-

- (1) Enforcement action be taken to stop the unauthorised car repair business taking place at 8 Mountfields Avenue, Taunton subject to such action being deferred until 11 February 2007; and
- (2) If an enforcement notice was subsequently served and, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the notice not be complied with.

**157. Unauthorised erection of funeral director's sign at 6 The Mount, Taunton**

Reported that following the receipt of a complaint, the owner of the property at 6 The Mount, Taunton had submitted an application for advertisement consent to retain two signs advertising his funeral director's business.

A split decision had been made in November 2006 granting consent for one of the signs but refusing the large sign mounted on the gable wall. To date, no action to remove the unauthorised sign had been taken.

RESOLVED that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings in respect of the unauthorised advertisement sign on the gable wall of 6 The Mount, Taunton, unless it was removed within one month.

**158. Erection of additional extension and increase in height of boundary wall at Pippins, 31 Wellington Road, Taunton**

Reported that a complaint had been received concerning a possible unauthorised extension, in the form of a conservatory, being added to extensions already constructed at 31 Wellington Road, Taunton.

In addition, the boundary wall had been increased in height to over 2m high by the addition of a number of wicker panels.

The owners of the property had been advised that the additional structures required planning permission but, to date, no such application had been received.

In the view of the Development Control Manager, if a planning application was submitted, both the conservatory and the wicker panels would be likely to be approved. In the circumstances, it was not considered expedient to progress further action to secure the submission of an application.

The Committee however disagreed with this viewpoint. After a lengthy discussion it was felt that:-

- (i) The conservatory had a detrimental impact on the visual amenities of the neighbouring property and was also overbearing; and
- (ii) The fence was considered to be too high and it too had a detrimental impact on the visual amenities of the neighbouring property.

RESOLVED that:-

- (1) Enforcement action be taken to seek the removal of the unauthorised conservatory and wicker fence panels at 31 Wellington Road, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 8.26 pm)