

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Denington, Mrs Floyd, C Hill,  
House, Miss James, McMahon, Mrs Smith, Watson,  
Ms Webber, A Wedderkopp and Miss Wood.

Officers:- Mr T Burton (Development Control Manager), Mr G Clifford  
(Area Planning Manager – South), Mrs J Moore (Development  
Control Principal Officer), Mrs A Dunford (Enforcement Officer),  
Mrs J M Jackson (Legal Service Manager), Mr R Bryant  
(Democratic Services Manager).

Also present:- Councillor Williams in relation to application No 19/2007/017;  
Councillor Stone in relation to application No 24/2008/002; and  
Councillor Edwards in relation to application Nos 42/2007/060  
and 42/2008/002.

(The meeting commenced at 6.00 pm.)

#### 59. Apologies

Councillors Critchard, D Wedderkopp and Woolley.

#### 60. Applications for Planning Permission

The Committee received the report of the Development 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:-

##### **38/2008/056**

**Erection of three storey building of 11 two bedroom apartments on site of dwelling to be demolished at 49 Wordsworth Drive, Taunton**

##### **Conditions**

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) 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;
- (d) If the period of time between Ambios Ecology's Survey dated

October 2007 and the commencement of development extends more than one year beyond the date of this report, then a further survey must be commissioned and submitted to and agreed in writing by the Local Planning Authority to ascertain any changes in the use of the site by protected species;

- (e) C201 – landscaping;
- (f) The existing hedges on the north, south and part west boundaries of the site shall be retained to the satisfaction of the Local Planning Authority, and shall not be lopped, topped or removed without agreement in writing by the Local Planning Authority;
- (g) No development shall commence until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
- (h) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) The development hereby approved shall not be occupied until a covered cycle rack facility has been provided within the site capable of accommodating 11 bicycles;
- (j) Before the flats hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and vehicle crossover constructed across the footway fronting the site for the width of the access;
- (l) 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 be fully provided before works commence on the erection of the flats hereby permitted and shall thereafter be maintained at all times;
- (m) At the proposed access there shall be no obstruction to visibility greater than 600mm above the adjoining road level within splays based on minimum co-ordinates of 2.4m x 23m in either direction. Such visibility shall be fully provided before works commence on the erection of the flats hereby permitted and shall thereafter be maintained at all times;
- (n) Cycle and bin storage shall be provided for each dwelling and a communal collection point for refuse as indicated prior to occupation of any dwelling and shall thereafter be maintained.  
(Notes to applicant:- (1) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and

the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that as a few bats may be found within any building at any time of year, all contractors should be made aware, in writing, that bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding. If bats are found during building work, all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England. Bats should not be handled, but should be left in situ, gently covered until advice is obtained. In emergency situations bats should only be handled with gloves; (3) N061 – Highways Act – Section 184 Permit; (4) Applicant was advised that there is a footway from Wordsworth Drive to a children's play area which is adjacent to the site. This is the property of Taunton Deane Borough Council. With the nature of the work proposed, it is recommended that either extreme health and safety measures are put in place or a temporary stopping up decision is taken.)

**Reason for granting planning permission:-**

It was considered that the proposal represented sustainable development which would not give rise to any unacceptable visual or neighbour impact and it was therefore in accordance with Taunton Deane Local Plan Policies S1, S2 and M4.

**38/2008/182**

**Erection of conservatory, 46 Trinity Road, Taunton**

**Conditions**

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

**Reason for granting planning permission:-**

The proposed conservatory would have no material impact on neighbouring amenity and complied with Taunton Deane Local Plan Policy H17 (Extensions to Dwellings).

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

**19/2007/017**

**Erection of 22 Affordable Houses on land west of Home Orchard (r/o 25 and 27), Hatch Beauchamp**

**Reasons**

- (a) The proposed development of agricultural land in the countryside outside the settlement limits would be harmful to the character of the area and be contrary to Policies S7, S1(D) and EN12 of the Taunton Deane Local Plan and Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The proposed development is considered to be in an unsuitable location that would foster growth in the need to travel by car contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S1 (B) of the Taunton Deane Local Plan and TRAN1 and RPG10;
- (c) The additional traffic and the potential for conflict between vehicles and pedestrians in Station Road would create a significant increase in highway safety hazards contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1 (A);
- (d) The lack of adequate surface water drainage provision for the site may lead to additional surface water run-off and flooding in the area contrary to PPS25;
- (e) The proposed development fails to accord with the provisions of the Local Plan and advice in the Government Policy Statement - Delivering Affordable Housing, on the grounds that the proposed single tenure of discounted purchase, does not meet a range of needs for affordable housing and, in particular, from those households in need of social rented accommodation. The proposal is not based on an assessment of local affordable housing needs, which it is then related to in terms of scale, tenures, types and sizes;
- (f) The proposal does not provide any public open space or children's play area for the site and is therefore contrary to Taunton Deane Local Plan Policy C4.

**24/2008/002**

**Proposed siting of two mobile homes, one touring caravan and the erection of a dayroom at Plot 1, Green Acre, Oxen Lane, North Curry (part retention)**

**Reasons**

- (a) The proposed development by reason of its scale and appearance will be detrimental to the visual amenities of this attractive rural area and would not respect the distinct Low Vale Character of the North Curry Ridge Landscape Area, contrary to Taunton Deane Local Plan Policy EN12;
- (b) The site is located in open countryside where it is the policy of the Local Planning Authority to allow gypsy sites to be permitted where they comply with the criteria listed in Policy H14 of the Taunton Deane Local Plan (as amended by the Executive report dated 3 May 2006). The Local Planning Authority considers that the proposal does not comply with criteria (B), (C), (E), (H), (I), and (J) and the proposal would therefore be contrary to Taunton

- Deane Local Plan Policy H14;
- (c) The proposed development would generate significant additional traffic using the substandard junctions of Oxen Lane with Greenway and the County Highway Authority consider this to be prejudicial to highway safety and contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (A);
  - (d) The use of the site for the provision of two mobile homes and one dayroom, by reason of its scale appearance and proximity to surrounding properties, would have a detrimental impact on the residential amenity and privacy of existing residents of Oxen Lane, particularly those of 6 Oxen Lane, contrary to the requirements of Taunton Deane Local Plan Policy S1(E), and would not provide an adequate level of privacy and amenity for the residents of the site contrary to the requirements of Taunton Deane Local Plan Policies S1(F) and H14, (E) and (F);
  - (e) The proposed development would create a precedent for future unauthorised and unlawful development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, H14 and EN12;
  - (f) Oxen Lane and Greenway by reason of their lack of footway provision are considered to be unsuitable to serve as a means of access to the proposed development contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1 (A).

**38/2008/032**

**Erection of 2.45m high security fencing with access gates at Taunton School, Taunton**

**Reason**

In the opinion of the Local Planning Authority, the applicants have failed to demonstrate that the proposed fence can be provided around the perimeter of both portions of the school grounds in a satisfactory manner which would not impact unduly on both residential and visual amenity of adjoining residents, contrary to the provisions of Policy S2 of the Taunton Deane Local Plan.

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

The Committee felt that there was insufficient information available to enable a reasoned judgement to be made in respect of this application.

**38/2008/114**

**Temporary change of use of part of Cider Press Garden for restaurant seating between April and the end of September each year adjacent to Hunts Court, Corporation Street, Taunton**

**Reason**

The proposed development will have an adverse impact on the character and appearance of the Conservation Area due to the introduction of a commercial use and loss of green space contrary to Policy EN14 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

(At the commencement of the discussion of the above application Councillors Mrs Smith and A Wedderkopp, as Members of the Council's Executive, sought clarification as to whether they should take part in the determination of this planning application.

It was felt that because they had both previously been involved in a decision made by the Executive to support the proposed use of part of the Cider Press Gardens by the applicants, they had effectively "fettered their discretions". The Chairman permitted both Councillors to speak in connection with the application before they left the meeting for the duration of the application being determined.)

#### **42/2007/060**

#### **Outline application for the erection of 58 Affordable Homes and associated parking on land west of Comeytrowe Road, Taunton**

#### **Reasons**

- (a) The proposed development of agricultural land in the countryside outside the settlement limits would be harmful to the character of the area and be contrary to Policies S7, S1(D) and EN12 of the Taunton Deane Local Plan and Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The proposed development is considered to be in an unsuitable location that would foster the growth in the need to travel by car contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S1(B) of the Taunton Deane Local Plan and TRAN1 of RPG10;
- (c) The increased use of the sub-standard lane by additional traffic and the potential for conflict between vehicles and pedestrians would create a significant increase in highway safety hazards on Comeytrowe Road contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policy S1(A);
- (d) The lack of adequate surface water drainage provision for the site may lead to additional surface water run-off and flooding in the area contrary to PPS25;
- (e) The proposal would result in a piecemeal development of an area that has been identified as being suitable for a strategic urban extension, which may be identified within the emerging RSS, and its development would undermine the comprehensive planning of the strategic infrastructure required to enable the area's development.

**42/2008/002**

**Outline for the erection of eight Affordable Houses on land opposite Dipford Cottage, Dipford Road, Trull**

**Reasons**

- (a) The proposed development does not immediately adjoin the settlement of Trull. As such the proposal would create a form of unacceptable sporadic development in the open countryside. The proposed development would harm the rural character and appearance of the area. The development is therefore contrary to the provisions of Local Plan Policies S1, S2, S7 and H11 of the Taunton Deane Local Plan;
- (b) The proposal represents an overdevelopment of the site out of keeping with the general scale and character of the existing properties in the vicinity. It would result in a development of comparatively cramped appearance and would thus detract from the visual amenity and rural character of the area contrary to Policies S1 and S2 of the Taunton Deane Local Plan;
- (c) The occupiers of the development are likely to be reliant on private vehicles and such fostering of growth in the need to travel would be contrary to advice in PPG13, RPG10 and Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.

**61. Residential development comprising 76 dwellings (including 38 Affordable Dwellings) on land off Hyde Lane, Creech St. Michael, Taunton (14/2007/048)**

Reported this application.

**Resolved** that subject to:-

- (1) the receipt of no further representations raising new issues; and
- (2) the applicants entering a Section 106 Agreement to secure the 38 Affordable Houses and financial contributions towards educational infrastructure, leisure and recreation and highways,

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

- (a) C009 – outline – time limit;
- (b) C014A – time limit;
- (c) C005 – outline – reserved matters;
- (d) 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;
- (e) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
  - (f) The development hereby approved shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
  - (g) C010 – drainage;
  - (h) C011 – phased programme;
  - (i) C1111 – nesting birds;
  - (j) Development shall not commence until the results of a full survey for reptiles and a report, undertaken by a qualified ecologist, between May and September is 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;
  - (k) Development shall not commence on site until a method statement, detailing how badgers will be protected on site has been submitted to, and approved in writing by, the Local Planning Authority.  
(Note to applicant:- Applicant was advised that contractors must be aware that certain species are fully protected by law under the Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act and under European legislation. The protection afforded to species under UK and EU legislation is irrespective of the planning system and any activity undertaken on the application site must comply with the appropriate wildlife legislation.)

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

The application comprised both an allocated site and adjacent land to deliver the identified housing need of the village in an acceptable manner not impacting adversely on the landscape. The proposal was therefore considered to comply with the requirements of PPS 3 AND Policies S1, S7, H11 and CM1 of the Taunton Deane Local Plan.

**62. Conversion and extension works to garage to form a dwelling house, land at the junction of Greenway and Windmill Hill, North Curry (amended design) (24/2008/005)**

Reported this application.

**Resolved** that subject to the receipt of further acceptable amended plans revising the window proportions and details, the Development Control



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

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C324 – parking;
- (e) The garage 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;
- (f) Full details of the turntable and its level in relation to the highway shall be submitted to, and approved in writing by, the Local Planning Authority, and implemented prior to the occupation of the dwelling hereby permitted, and retained thereafter;
- (g) The first floor windows in the western and eastern elevation 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;
- (h) The new windows and front door 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;
- (i) P001A – no extensions;
- (j) P010 – no further windows;
- (k) Full details of the proposed sash windows to the east elevation shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of any works on site and shall thereafter be retained for so long as the development remains;
- (l) Full details of the barge boards shall be submitted to, and approved in writing by, the local Planning Authority prior to commencement of any works on site, and shall thereafter be retained for so long as the development remains.

(Notes to applicant:- (1) Applicant was advised that the development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again connection can be agreed at the design stage. It is also recommended that, prior to the commencement of any works on site, the developer should agree with Wessex Water a connection onto its infrastructure; (2) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365; (3) Applicant was advised that Condition (k) relates to the Conservation Officer requiring further details, and that the glazing bar proportions are not appropriate for the windows.)

**63. Formation of an access in an unauthorised location at The Wagon Barn, Tudor Park, Taunton**

Reported that this access had been brought to the Council's attention during August 2007. Although assurances had been obtained that the unauthorised works would be rectified to comply with the approved plans, to date only the picket fencing had been removed.

The new hedge planting and alterations to provide the approved access had not been undertaken.

Also reported that a timber shed had been erected next to The Wagon Barn, which was a listed building, without the necessary consent.

**Resolved that:-**

- (1) Enforcement action be taken seeking the removal of the unauthorised access and the provision of the one previously approved at The Wagon Barn, Tudor Park, Taunton together with the removal of the unauthorised timber shed; 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.

**64. Unauthorised display of advertisements at 38 North Street, Taunton**

Reported that in connection with the recent conversion of the Post Office building at 38 North Street, Taunton a number of advertisement signs had been displayed at the premises without listed building consent.

The owners of the building had been requested to submit an application in respect of the advertisement signs but, to date, no application had been received.

**Resolved that:-**

- (1) Listed building enforcement action be taken seeking the removal of the advertisements behind the ground floor glazing at 38 North Street, Taunton together with the reduction in size of the external advertisement panels within the ground floor glazing and the entrance reveals; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

**65. Unauthorised raising of the wall of the leat and the ground level around a mounting block at Tudor Park, Maidenbrook, Taunton**

Reported that it had come to the Council's attention that the wall alongside the leat at Tudor Park, Maidenbrook had been raised to stop soil and debris washing into the water, as a result of raised land levels associated with the adjacent converted Wagon Barn. This work had been undertaken without listed building consent.

In addition, a listed mounting block close to the leat had been affected by the raised land levels obscuring the bottom runs of the block.

**Resolved** that:-

- (1) Listed building enforcement action be taken in respect of the unauthorised works undertaken at Tudor Park, Maidenbrook, Taunton; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the listed building enforcement notice not be complied with.

(The meeting ended at 10.44 pm).