

## **Planning Committee – 23 March 2011**

Present:- Councillor Bishop (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Brooks, Coles, Denington, Gaines,  
C Hill, House, Miss James, McMahon, Morrell, Mrs Smith,  
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator),  
Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors Beaven and Mrs Lewin-Harris in connection with application No 05/10/0042; Councillor Guerrier in connection with application No 34/11/0001; Councillor Farbahi in connection with application No 38/11/0022; Councillors Govier, Henley and Mrs Wilson in connection with application No 43/10/0130; Councillor Cavill in connection with agenda item No 18 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **22. Apologies/Substitutions**

Apologies: Councillors Bowrah and Mrs Floyd

Substitutions: Councillor Stuart-Thorn for Councillor Bowrah  
Councillor Brooks for Councillor Mrs Floyd

### **23. Minutes**

The minutes of the meeting of the Planning Committee held on 2 March 2011 were taken as read and were signed.

### **24. Public Question Time**

Councillor Mrs Herbert asked for the current position regarding the enforcement action in relation to 31 Shoreditch Road, Taunton.

Mrs Jackson replied that she would provide a written response to Councillor Mrs Herbert. The response would also be circulated to all Members of the Planning Committee.

### **25. Declarations of Interest**

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon declared a personal interest as a Director of Southwest One. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Councillor Mrs Smith declared personal interests as

employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Allgrove declared a personal interest in application No 05/10/0042 as she knew the applicant. Councillor Miss James declared that she had “fettered her discretion” in connection with application No 38/11/0022 and she stood down from the Committee during the consideration of this item. She also declared a personal interest in application Nos 05/10/0042 and 05/10/0044 as she knew a member of the public speaking against the application. Councillor Stuart-Thorn declared that he had previously spoken in connection with application No 05/11/0002 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Councillor Gaines declared that he had previously spoken in connection with application No 49/11/0003 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Mr Kitching declared that he knew the applicant in connection with application No 05/11/0002 and left the meeting during the discussion of this item.

## **26. Applications for Planning Permission**

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That the **reserved matters be approved** for the under-mentioned development:-

**38/11/0029**

**Application for the approval of reserved matters for application 38/10/0214 for the erection of 2711 sq.m of office (B1) floorspace together with associated car and cycle parking, landscaping, plant, refuse store and infrastructure works at Priory Bridge Road Car Park, Firepool and 82-94 Priory Bridge Road, Taunton**

### **Condition**

No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

### **Reason for granting planning permission:-**

The development was on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that had good sustainable access links, provided a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accorded with Policies FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan,

Policies S1, S2 EN4 and T3 OF the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan and the advice and guidance contained in Planning Policy Statement 4.

- (2) That **planning permission be granted** for the under-mentioned developments:-

**05/10/0042**

**Demolition of bungalow and erection of replacement dwelling and garage at 28 Mountway Road, Bishops Hull**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced a landscaping scheme, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;
- (e) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) The area allocated for access, parking and turning on the submitted plan (Drawing 199/L2 and L3) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning in connection with the development hereby permitted;
- (g) The windows in the north elevation shall be glazed with obscure glass in accordance with details that shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall

- be no alteration or additional windows in this elevation without the further grant of planning permission;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the north and south elevations of the development hereby permitted without the further grant of planning permission;
  - (i) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including alterations to the roof, other than that expressly authorised by this permission, without the further grant of planning permission;
  - (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of David F Wills' submitted report dated February 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (Note to applicant:- Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and to ensure that any activity undertaken on the site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation)

**Reason for granting planning permission:-**

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

**05/10/0044**

**Demolition of dwelling and garage and erection of four dwellings,  
garages and associated external works at Milanwil, Mountway Close,  
Bishops Hull**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted are occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 17 Rev B) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage doors shall be of a roller shutter type and permanently retained as such;
- (i) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or outbuilding, including

alterations to the roof, and no incorporation of the garage into the dwelling house carried out without the further grant of planning permission;

- (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts' submitted report dated January 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

### **Reason for granting planning permission:-**

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**05/11/0002**

**Erection of 2 No dwellings and garages with associated access at land to rear of 50 Stonegallows, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-

enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed at first floor level on the west or east elevations of the dwellings;

- (d) Prior to the occupation of the dwellings, the windows in the west and east elevations at first floor level shall be glazed with obscure glass and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, in accordance with details which shall first be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall thereafter be so retained;
- (e) Notwithstanding the provisions of Article 3, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order, with or without modification), no extensions shall be carried out without the further grant of planning permission;
- (f) Prior to the commencement of the development, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) The hedgerow and trees along the west and east boundaries of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by trees and species of a similar size to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to the eastern extremity of the site frontage. Such visibility splay shall be fully provided before works commence on the construction of the dwellings hereby permitted and shall thereafter be retained at all times;

- (j) Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access and turning area shall be constructed, not loose stone or gravel, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter maintained as such.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the County Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the application states that surface water is to be discharged to a soakaway. The soakaway should be constructed in accordance with BRD365 (Sep 91)).

### **Reason for granting planning permission:-**

The proposal for residential development was located within the defined settlement limits of Taunton where new housing was encouraged and it was considered would not adversely affect the character or appearance of the area or the residential amenities of nearby dwellings. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4 and Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

**18/11/0002/LB**

**Conversion of agricultural buildings to form three permanent residential dwellings with erection of ancillary garaging with stores at Northway Farm, Halse**

### **Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works and thereafter so maintained unless any variation thereto is first agreed in writing by the Local Planning Authority:- details of the proposed tanking to Units A and C; finished treatment to all joinery; doors; architraves; windows and cills; skirtings; staircases; means of venting and terminal details, where appropriate, for kitchens, showers, bathrooms, recovered roofs; means of compliance with Part L of the Building Regulations and floors;



- (e) All guttering, downpipes and rainwater goods shall be constructed of cast iron and painted black and thereafter maintained as such unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (f) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such;
- (g) Prior to the commencement of the works hereby approved, a schedule of all existing doors and shutters to be retained as part of the development hereby approved shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved works shall be carried out in complete accordance with the agreed details and thereafter so maintained unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (h) No external lighting shall be installed without the prior written agreement of the Local Planning Authority. In the event that external lighting is requested to be installed the precise type, location and design shall be submitted to, and agreed in writing by, the Local Planning Authority. The lighting shall be installed in complete accordance with those agreed details and shall thereafter be retained as such.

#### **Reason for granting planning permission:-**

The proposed works would preserve and enhance the character and historic interests of the listed buildings and the setting of Northway Farm through the provision of an appropriate re-use for the traditional agricultural buildings. The proposal was therefore considered to be in line with guidance contained within Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review. Further, the listed building and its setting and any features of special architectural or historic interest would be preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**34/11/0001**

**Erection of two storey side extension at 20 Drake Close, Taunton  
(amended scheme 34/10/0033)**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order")

(or any Order revoking and re-enacting the 1995 Order) (with or without modification), no window or dormer windows shall be installed in the east elevation of the development hereby permitted without the further grant of planning permission.

**Reason for granting planning permission:-**

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**38/11/0022**

**Erection of 6 dwellings with associated parking spaces, erection of garage and relocation of 3 parking spaces following demolition of garages at Priorswood Place, Dorchester Road, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, 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 each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition 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;
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to

any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority; (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;

- (g) Details of the external safety barrier between the rear footway and service yard shall be submitted to, and approved in writing by, the Local Planning Authority prior to completion of the dwellings and shall be provided as agreed prior to occupation and thereafter maintained.

#### **Reason for granting planning permission:-**

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**49/11/0003**

**Change of use from A1 retail to mixed use A1 retail and D1 veterinary surgery at 4-6 North Street, Wiveliscombe (retention of works already undertaken)**

#### **Condition**

The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) Location Plan
- (A4) Existing ground floor plan
- (A4) Plan of internal layout

#### **Reason for granting planning permission:-**

The proposal was considered to be an acceptable use in this central location not impacting unreasonably upon the vitality and viability of the town centre, local highway network or character and appearance of the Conservation Area. It was, therefore, considered to be in accordance with Planning Policy Statement 4, Planning Policy Statement 5, Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development); and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) That **planning permission be refused** for the under-mentioned developments:-

**18/11/0001**

**Conversion of agricultural buildings to form three permanent residential dwellings, erection of ancillary garaging and stores and formation of vehicular access at Northway Farm, Halse**

**Reason**

By reason of there having been no marketing of the buildings for employment use, it had not been demonstrated that the premises were unlikely to attract a suitable business re-use. The proposal was, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and represented unjustified and unsustainable residential development in the open countryside, contrary to Policy S7 of the Taunton Deane Local Plan.

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

The Committee considered that, as the premises had not been marketed for employment use, it was unlikely that a suitable business would be attracted.

**18/11/0003**

**Erection of double garage with store and formation of vehicular access at Northway Farmhouse, Halse**

**Reason**

The proposed development by reason of its siting and design failed to preserve the setting of the adjoining listed building. It was, therefore, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The Committee considered that the proposed development was inappropriate within the curtilage of a listed building.

**43/10/0130**

**Demolition of The Sportsman Inn Public House and erection of seven dwellings and associated parking at 46 Waterloo Road, Wellington**

**Reason**

The proposed development made insufficient parking provision on the site which would be likely to encourage the parking of vehicles on the adjoining public highway and would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal was, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

The Committee considered that an insufficient number of parking places had been provided for the proposed development.

**27. Drakes Lodge, Wellington**

Reported that over four years ago, all the windows and external doors at Drakes Lodge, Wellington had been replaced with uPVC units without listed building consent being obtained.

On 28 March 2007 the Committee had resolved to take listed building enforcement action against the owners (Minute No 49/2007 refers). At this time, the owners of Drakes Lodge were at the point of exchanging contracts for the sale of the property to purchasers who had been made aware of the position regarding the window and doors.

It was therefore agreed to defer the serving of the enforcement notice for 12 months to enable the new owners to rectify the situation. However, to date no application to carry out the remedial works had been received and the new owners had stated that the monies that had been allowed against the purchase price of the property had been used to carry out other repair works.

Following further discussions, the owners had applied to English Heritage to have the property de-listed but this application was refused in October 2008.

A listed building enforcement notice was subsequently served requiring the doors and windows to be replaced with timber units. An appeal against this notice was dismissed in November 2009 with a nine month compliance period allowed.

Since September 2010, when the works should have been completed, the Council had tried to secure compliance with the notice without the need for formal prosecution action, in view of the age and health of both owners.

However, despite suggestions that the Council could deal with a relative or friend, the owners had continued to prevaricate and now believed the Council was out of time to take any further action.

Reported that the former owner of Drakes Lodge who had sold the property at a considerable discount, had expressed concern that the matter remained unresolved and the works undone. He had confirmed that at the time of the sale the owners' children were active in the negotiations.

Further reported that there appeared to be the following options open to the Committee to secure the works:-

- (1) Members could agree that no further action to secure compliance with the Notice was taken until both the current owners had left the property;
- (2) Members could resolve to take prosecution action against one or both of the owners, subject to such proceedings not being issued for a period of three months to allow a third party to become involved and take satisfactory steps to resolve the matter; or
- (3) The Council did have the power to carry out works in default and charge the costs against the property. There would however be logistical problems in doing so if the owners were not co-operative and there was no money budgeted for such works.

The owners of Drakes Lodge had had the opportunity to test the Council's enforcement notice at appeal and had had the benefit of the additional time for compliance allowed by the Inspector on appeal. They had refused to allow a family member or friend to deal with the matter and although their ages and ill health were factors that had to be considered, the Council had also to be seen to be dealing with such cases in a consistent manner.

**Resolved** that:-

- (a) The Solicitor to the Council be authorised to issue prosecution proceedings against the current owners of Drakes Lodge, Wellington for failure to comply with the Listed Building Enforcement Notice served on the 22 May 2009 and upheld on appeal on the 1 December 2009; and
- (b) Such proceedings be not issued for a period of three months during which time the owners would be encouraged to engage with the Council in order to secure compliance with the Notice or appoint a representative to do so on their behalf.

**28. Change of use of land to site mobile home as agricultural workers dwelling and use of stables for residential purposes at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington**

It had come to the Council's attention that stables at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington that had been granted planning permission in 2008, were currently being used as a dwelling.

A visit had been made to the site where it was found that the owner was living in the timber stables with an area set up as a kitchen and a lounge area. She was in the process of planting additional trees and proposed to use the land to rear goats and keep a number of ducks and horses.

A subsequent visit had revealed that a large hole had been dug on the land ready to receive a septic tank and that a mobile home had also been brought onto the site.

The owner was advised that planning permission was required in order to reside on the land and any application had to be supported by an agricultural appraisal.

An application was submitted at the beginning of the year which was refused under delegated powers on 1 March 2011 for the reasons set out in the report.

It was clear that the application had not been supported by a justified agricultural or special need and Members enquired what the owner of the barn could now do in an attempt to regularise the situation.

The Legal Services Manager stated that an appeal against the refusal of permission could be submitted or a further application could be made with a supporting agricultural appraisal. The organisation Planning Aid could also be contacted for advice.

**Resolved** that the item be deferred for three months to enable the owner of land at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington to obtain appropriate advice.

**29. Use of residential dwelling as a children's care home at Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield**

Reported that a number of complaints had been received that the property Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield was currently being used as a children's care home without the necessary planning consent.

Initially when the complaints were investigated, it appeared that the dwelling was being used as a single family house with two carers and it was therefore considered that no change of use had occurred.

However, further complaints were subsequently received that between 8 to 9 cars were being parked on the drive as well as on the highway on any particular day causing disruption to other residents.

The occupiers were once again contacted about the way the property was

being used and from the information supplied it appeared that a change of use to the property had been made.

Although a planning application had been requested from the occupiers to regularise the situation, no such application had been received to date and the unauthorised change of use of the dwelling continued.

**Resolved** that:-

- (1) Enforcement action be authorised to ensure the cessation of the use of Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield as a care home; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to institute legal proceedings should the enforcement notice not be complied with.

### **30. Appeals**

Reported that two new appeals had been lodged, details of which were submitted.

(The meeting ended at 9.50 pm)