

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 8 January 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 11 December 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 43/13/0133 - Development of land for B1(c) light industrial, B2 general industrial and B8 warehouse uses and formation of access at land adjoining Westpark 26 Business park, Chelston House Farm, Wellington.
- 6 31/13/0021 - Construction of first floor with raising of roof and erection of rear extension at Tirohanga Ra, Ruishton Lane, Ruishton.
- 7 30/13/0044 - Variation of condition no 2 (approved plans) in relation to plot 12 of Application number 30/10/0032 at Sellicks Green Farm, Pitminster (as amended).
- 8 E/0227/30/13 - Unauthorised works to listed building to create post office and unauthorised advertisement in association with the same at the Lamb and Flag Inn, Blagdon Hill Road, Blagdon Hill.
- 9 Planning Appeals - The latest appeals received (attached)

Bruce Lang
Assistant Chief Executive

11 March 2014

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor C Hill
Councillor M Hill
Councillor L James
Councillor I Morrell
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 11 December 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs Hill,
Morrell, Mrs Reed, A Wedderkopp, D Wedderkopp and Wren

Officers: - Matthew Bale (West Area Co-ordinator), Bryn Kitching (Development
Management Lead), John Burton (Major Applications Co-ordinator),
Julie Moore (Major Applications Co-ordinator), Roy Pinney (Legal
Services Manager), Maria Casey (Planning and Litigation Solicitor),
and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone for application No 24/13/0048.
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

144. Apologies/Substitution

Apologies: Councillors Miss James, Tooze and Watson

Substitution: Councillor Mrs Reed for Councillor Watson

145. Minutes

The minutes of the meeting of the Planning Committee held on the 27
November 2013, were taken and read and were signed.

146. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest
One. Councillor Bishop declared that he had attended an Oake Parish
Council meeting where application No 27/13/0017 was discussed. He felt that
he had not 'fettered' his discretion. Councillor Mrs Hill declared a personal
interest as an employee of Somerset County Council. She also declared a
personal interest in application No 27/13/0017 as she had used the Cattery.
Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor Wren declared
a personal interest as an employee of Natural England.

147. 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 **planning permission be granted** for the under-mentioned
developments:-

25/13/0028

Erection of single storey rear extension at Shippon Barn, Norton Fitzwarren (amended scheme to 25/13/0016)

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 following approved plans:-
- (A3) DrNo 01 Elevation and Block Plan;
 - (A3) DrNo 02 Floor Plans;
 - (A4) Location Plan;
 - (A4) existing Side Elevations;
- (c) The first floor Juliet balcony railing shall hereafter be retained as such;
- (d) The materials to be used in the construction of the external surfaces of the building unless otherwise agreed in writing with the Local Planning Authority.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

29/12/0015

Change of use of land to site a temporary agricultural workers mobile home with hardstanding and associated works and renovation/formation of traditional stone barn at Feltham Park Farm, Corfe (part retention of works already undertaken, resubmission of 29/12/0004) (as amended)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 211/L1G Location Plan received 31 January 2013;
 - (A3) DrNo 211/L2P Site Layout;
 - (A3) DrNo 211/G4 Details Refurbished Existing Barn;
- (b) (i) Within one month of the date of the decision, 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;

- (c) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2015.

(Note to applicant: - Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (iii) The arrangements for foul water disposal allow for discharge from a private treatment plant. This will require discharge consent granted through the Environment Agency; (iv) As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems; (v) The proposed gating of the Public Right of Way to the south of the site is not within the red or blue line area and permission to alter the furniture on it would require permission from the landowner and Somerset County Council; (vi) The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers". It is recommended that any animal/equine waste is taken to a sealed system. There must be no release of liquid waste to controlled waters. Storage should be no closer than 10m of any surface water or 50m from any water supply sources; (vii) The applicant should be aware that the permission for a mobile home relates to a structure that falls within the definition of a caravan under the Caravan Sites and Control Of Development Act 1960. As such, the applicant can site a mobile home of his choice in terms of size and design, provided it falls within the above definition.)

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

24/13/0048

Outline application with all matters reserved for a residential development for 20 dwellings and associated public open space and allotments at land to the north west of Overlands, North Curry (amended scheme to 24/13/0032)

Reasons

- (1) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies CP8, SP1 and DM2 of the Taunton Deane Core Strategy.

The Council's Preferred Options as part of its Site Allocations and Development Management Plan are still out at public consultation. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

- (2) The proposal does not provide a suitable means for securing the appropriate affordable housing, community/leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.
- (3) The applicant cannot demonstrate that there would be a legal and achievable link from the proposed development through either Canterbury Drive or Nine Acre Lane, and in the absence of this, the site remains remote from the village facilities, increasing the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and Policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy.
- (4) In accordance with the National Playing Fields Association standards for play provision to meet the needs of the development, a children's play area should exist no further than 400 m away from the development. The existing parish play area and the shortest walking route to it as proposed by this development would greatly exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m. The application makes no such on-site provision for children's play. Therefore, the proposal is contrary to retained Local Plan Policy C4, which seeks the provision for play and active recreation for the future residents on development schemes.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

27/13/0017

Change of use of agricultural land with erection of buildings to form Boarding Kennels and isolation unit, with replacement access and driveway at Fiveoak Boarding, Hillfarrance, Oake

Reason

It has not been satisfactory demonstrated that the proposed development will not give rise to noise disturbance to nearby residential properties , to the detriment of their amenity, contrary to Policy DM1.

148. Erection of 4 No two bedroomed dwellings and 1 No garage on Land at Bacon Drive, Taunton (resubmission of 38/13/0370) (38/13/0438)

Reported this application.

Resolved that subject to the receipt of no further representations raising new issues by 16 December 2013, the Growth and Development Manger be authorised to determine the application in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

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 following approved plans:-

- (A4) DrNo 3237/003 Rev A Location Plan
- (A3) DrNo 3237/008 Rev a Proposed Floor Plans
- (A3) DrNo 3237/011 Proposed Garage
- (A3) DrNo 3237/010 Rev A Site and Roof Plan
- (A3) DrNo 3237/007 Rev G Site Layout
- (A3) DrNo 3237/006 rev B Proposed Elevations
- (A1) DrNo 13.220/005 Rev B Drainage Strategy
- (A1) DrNo Digital Survey Plan

(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) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activity whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (g) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (h) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 200mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (i) The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated June 2013 and

provide mitigation for birds as recommended. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (j) The development shall provide for bin and cycle storage facilities, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (k) Details of the means of disposal of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development and thereafter carried out as agreed.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area. Application for such a permit should be made at least four weeks before access works are intended to commence.)

149. Appeals

Reported that one new appeal had been lodged since the last meeting of the Committee, details of which were submitted.

150. Exclusion of the Press and Public

Resolved that the Press and Public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

151. Schedule of Alleged Contraventions up to 30 September 2013

Reported details of the Schedule of Alleged Contraventions for the second quarter of 2013/2014. The Schedule provided details of the following information:-

- (1) Cases that were under investigation at the end of Quarter 2 (July, August, September) 2013;
- (2) Cases that were closed during Quarter 2 (July, August, September) 2013;
- (3) Cases where formal enforcement action had been authorised with an update to the current situation as at the end of Quarter 2 (July, August, September) 2013.

Resolved that the report be noted.

(The meeting ended at 9.00 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

43/13/0133

SUMMERFIEL DEVELOPMENTS SW LTD

DEVELOPMENT OF LAND FOR B1(C) LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 WAREHOUSE USES AND FORMATION OF ACCESS AT LAND ADJOINING WESTPARK 26 BUSINESS PARK, CHELSTON HOUSE FARM, WELLINGTON

Location: LAND ADJOINING WESTPARK 26, CHELSTON HOUSE FARM,
TAUNTON ROAD, WELLINGTON, TA21 9HP

Grid Reference: 315210.120541 Outline Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision:

Subject to:

- (1) the further views of the County Highways Authority; and
- (2) the views of the Environmental Health Officer

Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of eight years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. None of the units hereby approved shall be used or occupied until a means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with CP6 and DM1 of the adopted Taunton Deane Core Strategy

3. (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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

4. Before any part of the development hereby approved is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

Reason: to avoid potential harm to the root system of any hedge leading to possible consequential damage to its health which would be contrary to policy CP8 of the adopted Taunton Deane Core Strategy.

5. Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the local planning authority, and no other materials shall be used without the written consent of the local planning authority.

Reason: to reinforce the local character and distinctiveness of the area in accordance with policies CP8 and DM1 of the Adopted Taunton Deane Core Strategy.

6. Before any of the permitted development is commenced, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the aggrade details prior to any building being occupied.

Reason: the Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development.

7. The development hereby permitted shall not be commenced until details of a strategy to deal with protected species has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice contained in the 'Ecological Assessment Update' of October 2013, prepared by First Ecology, and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- 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 permanently maintained as such at all times thereafter. The development shall not be occupied until the scheme as may be approved has been fully implemented

Reason: To ensure adequate protection and treatment of species protected by law.

8. Provision shall be made for the parking of cycles in accordance with details to be submitted to and approved by the local planning authority. Such provision shall be made before each phase of the development hereby permitted is occupied/use hereby permitted is occupied.

Reason: to accord with the council's aims to create a sustainable future by reducing the need for vehicular traffic movements in accordance with policy CP6 of the adopted Taunton Deane Core Strategy.

9. Before any development commences, details of lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas.

Reason: To reinforce the local character and distinctiveness of the area in accordance with policies CP8 of the adopted Taunton Deane Core Strategy.

10. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the visual amenity of the area in accordance with policy CP8 of the adopted Taunton Deane Core Strategy.

11. No retail sales, or the direct sale of goods to the general public, except ancillary trade sales, shall take place from any of the buildings hereby

approved.

Reason: The Local Planning Authority does not wish to see the establishment of retail premises in this location beyond any recognised settlement boundary in accordance with policy CP2 of the adopted Taunton Deane Core Strategy.

12. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or within designated storage areas that shall previously have been agreed in writing with the Local Planning Authority.

Reason: in the interests of the visual amenity of the area and in compliance with policy CP8 of the adopted Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Your attention is drawn to the requirements of the building regulations 2000 part M access and facilities for disabled people, the advise in BS 8300 and the disability discrimination act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date.
3. **WILDLIFE AND THE LAW.** It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer 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.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease

immediately and advice must be obtained from the Governments advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

PROPOSAL

The proposal seeks outline planning permission for an extension to the previously approved business park, which is currently under construction. The application is accompanied by a Design & Access Statement, a landscape framework drawing, A Landscape and Visual Impact Assessment, Transport Statement, Drainage Design Philosophy Statement, Ecological Assessment (update), and an Environmental Noise Assessment.

The plan shows 6 blocks of buildings arranged off a new access road which runs from the existing road network serving the rest of the business park. This joins the main highway at the existing Westpark roundabout serving the area on the A38. This new single service route is shown with the industrial units on the one/southern side only, giving direct access to individual or shared yard areas which include vehicle parking areas. A culvert and planting belt is shown on the other side. The proposed new units would have floor areas ranging from 1,283 m. sq. to 3,346 m. sq., yielding a total gross internal footprint of 11,134 m. sq. with an additional 10% on mezzanine floors.

SITE DESCRIPTION AND HISTORY

The land is located to the south/south-west of the existing business park, and would previously have been agricultural land. The business park adjacent was originally given consent via an Outline permission granted on 4th October 2007, and whilst a significant portion is now operational, some is still under construction.

Outline Planning permission was granted for this site in 2008 for employment uses, but that planning permission lapsed in 2011 without any reserved matters applications being submitted.

The application site forms part of the larger local plan employment allocation (W4) Adopted in September 2004 and subsequently saved by the Secretary of State.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL –

W.T.C. are happy that permission can be granted so long as the site was included in the original Local Plan allocation - *[It was]*.

DRAINAGE ENGINEER –

No objections on the basis that the surface water flows will discharge to a designed attenuation pond approved under a previously approved planning application.

PLANNING POLICY –

The site has been allocated in the Local Plan for business development and so the proposal is not contrary to policy. Should condition the B1 element so that it is not offices as the original allocation excluded offices, and the subsequent planning approval limited offices. There is already an over supply in the area.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Observations awaited.

LANDSCAPE –

The main landscaping concern is the potential impact of the proposed development on the western boundary of the site given its proximity to the green wedge. Given the level changes recommends giving more space for landscape mitigation and lowering the floor level of the most westerly building.

NATURAL ENGLAND –

Natural England comments that the application is not likely to result in significant impacts on statutory designated sites and landscapes. However, they state that it is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape with the help of other bodies and individuals. In this regard, they would expect the LPA to assess and consider the possible impacts from this proposal on the following issues

Protected species - They ask that the N. E. standing advice be applied to this application.

Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the LPA should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions,*

have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

BIODIVERSITY –

The site is currently grazed semi-improved pasture, with little botanical interest. It is bordered on all sides by species rich hedgerows. A small pond is situated mid-way along the eastern side of the site but it was dry, forming a shaded depression. The Ecological Assessment accompanying the report confirms that:-

Dormice - The hedges bordering the site provide good habitat for dormice. As dormice are a material consideration, I consider that the suggested landscape scheme be agreed with the landscape officer for biodiversity as well as landscape reasons. Species should include hazel, oak, honeysuckle.

There should be no road lighting in this hedge gap. In addition, if possible the road should be single carriageway at this point to further minimise any impacts on dormice.

Newts - Both the ponds along the eastern boundary were visited in 2013 and were considered to offer negligible habitat suitability again.

Birds - The hedges on site offer suitable nesting opportunities for some species of birds during the breeding season. The boundary hedges are to be retained and so there will be minimum impact to birds in these hedges. Any removal of hedge H7 should be undertaken outside of the bird nesting season.

Reptiles - The site offers no suitable habitat for reptiles. However the assessment suggests that the site should continue to be maintained to prevent reptiles colonising the site prior to any development

Suggested condition for protected species: -

1) The applicant shall provide confirmation that all the recommendations made in First Ecology's report dated October 2013 have been carried out.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative notes are also suggested in respect of protection under the Wildlife and Countryside Act 1981 (as amended) and to ensure compliance with the appropriate wildlife legislation.

DEVON AND SOMERSET FIRE & RESCUE SERVICE –

The Fire Safety Officer makes two recommendations

1. Means of Escape - Means of escape in case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard.

Detailed recommendations pertaining to these matters will be made later at Building Regulations consultation stage.

2. Access and Facilities for the Fire & Rescue Service - Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.

SCC - TRANSPORT DEVELOPMENT GROUP –

Observations awaited.

ECONOMIC DEVELOPMENT –

I am fully supportive of the proposal by Summerfield Developments Ltd to extend Westpark to enable the accommodation of further business units. Westpark is rapidly developing as a thriving business park, home to inward investors and local businesses alike. The park enables the creation of a significant number of high quality employment opportunities, and makes an important contribution to fulfilling the Council's Growth agenda for Taunton Deane.

ENVIRONMENT AGENCY –

They ask that no development takes place on each phase, plot or parcel of land until details of the surface water drainage scheme have been submitted to, and agreed in writing by the Local Planning Authority. The scheme shall be in accordance with the principles set out on approved drawing "*surface water drainage network and catchment areas*" (prepared by Airey & Coles and dated April 2008 Their Ref: 9334-C350 Rev P1) and include details of maintenance. The development shall be carried out in accordance with the details of the approved scheme.

REASON: To ensure that flood risk is not increased through the use of SuDs in accordance with the NPPF and Taunton Deane Adopted Core Strategy Policy CP8.

Informative / advice to LPA: We are satisfied that the principles of how surface water will be drained from the site have been agreed, but we would like to see the detailed drainage design for each plot to ensure that the system is designed to reduce exceedance flows on site. For each plot, we will need to see micro-drainage calculations and attenuation volumes, designs and locations. Exceedance flow paths should be mapped by depth and extent. Maintenance roles and responsibilities should also be confirmed. We trust, as per the consultation for 43/2008/118, that an 8m undeveloped easement will be retained alongside the Chelston Brook.

Representations

None received at the time this report was compiled

PLANNING POLICIES

CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
EN12 - TDBCLP - Landscape Character Areas,
W4 - TDBCLP - Chelston House Farm Employment Allocation,
EN8 - TDBCLP - Trees in and around Settlements,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in any new home bonus..

DETERMINING ISSUES AND CONSIDERATIONS

This is an outline application with some matters reserved. In this instance, it means that access details have been submitted for approval as part of this application. However, layout, scale, appearance, and landscaping are reserved for future consideration and do not form part of this proposal. There are therefore no details on these issues, and the detail would need to be considered as part of a separate reserved matters application at a later date.

Policy issues.

The site is allocated in the Local Plan for business and industrial development. Therefore there are no adverse policy issues. On this basis, the proposal meets the criteria of policy CP2 (Economy) of the adopted Core Strategy. Suitably worded conditions can ensure that the criteria of policies CP6 (Transport) and CP8 (Environment) are also met. The proposal is in accordance with the development plan.

Highways and Transportation issues.

The comments of the Highway Authority (S.C.C.) are not available at the time of writing. Their views will be reported in the update sheet. However, on the primary issue of access, this is not expected to be a problem as the main road network through the industrial estate has already been approved and largely implemented. The new road proposed is a spur off the existing/approved layout. Parking will be required to standard, and there would appear to be enough room in the shown yard areas to provide this. However, parking can be guaranteed by way of a condition. Likewise, if a travel plan is required, then this can also be secured by conditioned.

Landscaping and wildlife issues.

This is an outline application with landscaping reserved for future approval. Therefore the appropriate consideration at this stage is whether or not it would be possible to screen the site, rather than the detail of how. The Landscape Lead has accepted that this is possible. Given that most of the wildlife activity at the site is largely confined to the hedging at the boundaries, this application, if approved, will need to ensure the retention of these hedges, to form part of any subsequent

landscaping scheme. This should be accompanied by the usual informative relating to wildlife, protected species and the law.

Noise issues.

The nearest residential properties are some distance away, and would therefore be unlikely to be affected by noise generated by this proposal. The original approval for industrial/business development at Westpark was subject to noise assessment, and this application is also accompanied by a noise evaluation assessment. Environmental Health have been consulted to review the submitted information, and their views will be reported to Members at the planning committee.

Legal agreement and planning contributions.

The s106 Legal Agreement accompanying the original approval required highway works only in order to make the proposal acceptable. The Council has now confirmed that these have been implemented. Therefore, unless the Highway Authority comes up with any new and additional works required, there would appear to be no need for a legal agreement this time in this regard, nor indeed for any justifiable planning reason.

Conclusions.

This is a extension to an existing business park, that has been allocated and planned for as part of the Local Plan processes. As an outline application with some matters reserved, it is difficult to gauge the final appearance for the development, but I am confident that with the proper and appropriate conditions the development would not cause any visual harm. The recommendation is that planning permission be granted subject to the views of the County Highway Authority and the Environmental Health. Their responses will be reported to Members.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J Burton Tel: 01823 356586

31/13/0021

MR P KIDDELL

CONSTRUCTION OF FIRST FLOOR WITH RAISING OF ROOF AND ERECTION OF REAR EXTENSION AT TIROHANGA RA, RUISHTON LANE, RUISHTON

Location: TIROHANGA RA, RUISHTON LANE, RUISHTON, TAUNTON, TA3
5JR

Grid Reference: 326227.124989

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Site Plan

(A4) Location Plan

(A1) DrNo 1630/2 Proposed Plans and Elevations

(A1) DrNo 1630/1 Existing Plans and Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

PROPOSAL

The proposal is to erect extensions to the bungalow to form 3 bedrooms in the new roof space and a large family room and kitchen on the ground floor. The works increase the ridge height by 1.2m and provide two front dormers, one at the rear and a rear gable that projects 2.5m.

SITE DESCRIPTION AND HISTORY

The site consists of an existing brick and rendered bungalow with a garden that is set above and backs onto Ruishton Lane. Access is via an access lane that serves 6 bungalows and is of limited width.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

RUISHTON & THORNFALCON PARISH COUNCIL - The Parish Council have concerns with regard to this application and support the objections from neighbours voicing concerns regarding height of the building, lack of light and privacy.

Representations

5 letters of OBJECTION on grounds of

- overlooking,
- loss of privacy,
- concern over tree impact,
- loss of light to new windows
- concern over right to peaceful enjoyment of home in Article 1 of the HRA and right to privacy and family life under Article 8.
- extension close to boundary and will require scaffolding that will impact the neighbour and require a temporary electric supply,
- extension will impact on daylight and sun to the rear garden and conservatory causing loss of amenity,
- access road is private with no parking for trade vehicles and access must be maintained,
- lack of additional parking,

- a structural survey should be ensure the foundations can take the extra loading and remedial work could affect the health of the tree.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,
NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in payment to the Council of the New Homes Bonus.

DETERMINING ISSUES AND CONSIDERATIONS

The issues with the proposed extension are the impact on the character of building and area and any impact on amenity and privacy of neighbours and policy compliance.

The proposal increases the ridge height by 1.2m and this increase is not considered to adversely impact on the two neighbouring bungalows. While it will make the ridge higher there are properties to the south and east that have higher ridge levels. The increase in ridge level is modest and will allow for pitch roof dormers to the new roof. This is considered a better design solution than the neighbour at Braemar which has flat roof dormers front and rear.

The side elevations of the neighbouring bungalows are blank and there would be no significant loss of light to either property from the extension proposed. One neighbour has a conservatory which is on the eastern side of their property set away from the application site boundary and there is not considered to be an adverse amenity impact on this. The new rear windows will look towards the garden and road and it is not considered that this will cause any significant adverse impact on neighbours' privacy and amenity as there is 47m to the wall of the property across the road at the rear and 28m at the front with around a 3m high hedge in between. It is not considered that the impact on privacy and overlooking from bedrooms at such a distance, particularly to Woodland Drive properties at the front with an intervening hedge, is sufficient grounds to object to the scheme and does not breach relevant Articles under the Human Rights Act. It also has to be borne in mind that a flat roofed dormer facing the Woodland Drive properties could be erected to the existing property without planning permission.

The policy in respect of extensions is H17 and this seeks to prevent harm to residential amenity, the amenities, parking and turning of the existing dwelling and the form and character of the dwelling and are subservient in design. The proposed extension will create rooms in the roof space, however as indicated above it is not considered that this causes such an adverse impact on amenity of neighbours to warrant an objection. The works marginally increase the footprint of the building by 17.5sqm and this extension at the rear does not impact on the existing garage and

parking space at the front of the property with turning into the lane. The design does change the height of the bungalow which is not subservient, however it also attempts to keep the character with pitch roofed dormer windows and the scale and design is considered an acceptable alteration to the dwelling and better than the alternative provision of flat roofed dormers within the existing roof.

The neighbour to one side has raised issue with the new extension crossing the boundary, however this is not considered to be the case and the issue is a civil one in any case, as would the need for scaffolding erection during construction. The width of the private access and impact of construction traffic is not a reason to refuse the proposal and it is a matter for the applicant and contractor to arrange a safe means of construction. The tree within the site has already affected the wall of the building and is not protected. The Tree Officer considers the proposed works for the extension would not impact on the tree and suggests protective fencing during construction.

In light of the above considerations the extension is not considered to harm neighbouring amenity or the character of the building to such an extent to warrant an objection and the proposal is recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

30/13/0044

H TOTTLE & SON LTD

VARIATION OF CONDITION No 2 (APPROVED PLANS) IN RELATION TO PLOT 12 OF APPLICATION NUMBER 30/10/0032 AT SELICKS GREEN FARM, PITMINSTER (AS AMENDED)

Location: SELICKS GREEN, PITMINSTER, TAUNTON, TA3 7SA

Grid Reference: 321227.119119

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 02 Rev J Site Plan

(A2) DrNo 77 Rev E Proposed Plans and Elevations Plot 12

(A2) DrNo 69 Rev P Proposed Site Layout Sketch Scheme XXXII

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The proposal is to vary condition 2 on the original permission for 15 dwellings to

allow for a variation of the design on plot 12. The design changes include a rooflight to the front, a change to the front window configuration removing a window, a change in the openings in the eastern side elevation with an additional window, widening of a doorway and removal of a balcony, a reduction in the front gable by 1m, widening the double garage and the provision of two dormers and a stair gable to the rear elevation.

A revised plan has been received that deletes the rear stair gable and introduces a new rear rooflight and first floor window to the rear and east elevation.

SITE DESCRIPTION AND HISTORY

The site is part of the former Tottle builder's yard and has previously had permission for 15 dwellings (30/10/0032) including affordable housing, which has already been provided. The application site relates to plot 12 only.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PITMINSTER PARISH COUNCIL - Parish Council objects to the granting of permission for the following reasons:

Whilst the site is not exactly in the designated area of the Blackdown Hills AONB, it is very close. It is the policy of the LPA to safeguard the exceptional landscape quality of the countryside through the strict control of development. The Parish Council feel the proposal would constitute a visual intrusion which would be detrimental to the amenities of the AONB and would therefore be contrary to this policy.

The rear elevation of the building proposed (by reason of its additional ridge height and the bulk of the part of the building proposed to gain access to the second floor), would be very visible from the north through to east-north-east and would be out of keeping and inappropriate to the locality and the countryside, causing an awful blot to the landscape backdrop of the AONB.

Further Comments following Amended Plans

Parish Council objects to the granting of permission for the following reasons:

It is the policy of the LPA to safeguard the exceptional landscape quality of the countryside through the strict control of development.

The original plans were given full approval by the residents of Blagdon Hill and the Parish Council. It is felt that the dwellings built should mirror those plans. If dormer windows had been in the original plans then the Parish Council and residents would have objected strongly at that time.

Due to the prominent position of the proposed dwelling, despite the re-design of the rear elevation which omits the external stairway, the Parish Council are still of the

opinion that the proposal with the dormer windows would constitute a visual intrusion and would be out of keeping and inappropriate to the locality and the countryside, causing an awful blot to the landscape backdrop of the AONB. The simple solution is to replace the dormer windows with velux.

Representations

4 people (8 letters) of OBJECTION on grounds of:

- 3 storey dwelling inappropriate,
- the massing has been increased,
- the rear elevation is a town type semi-industrial formed facade,
- it will dominate the rural landscape and setting to the AONB and is entirely inappropriate in form, massing and character,
- dormers will cause overlooking,
- doors at second floor are out of scale and out of keeping with other dwellings,

- layout plan is incorrect and levels have changed.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

The development of this site would not result in any additional payment to the Council of the New Homes Bonus beyond that under 30/10/0032.

DETERMINING ISSUES AND CONSIDERATIONS

The proposal is to vary the design of plot 12 to provide rooms within the roof space, enlarge the double garage and undertake minor elevational changes. The issues here are impact on neighbouring amenity, design and landscape impact.

The new dormer windows at the rear serve an office and a bedroom and there was a new stair window which all look out over the countryside to the north. The stair gable has been deleted as part of the amended plan, although a landing window and rooflight have been added. Views of a neighbour's property to the west will be visible at an angle, however the impact of this is not such to warrant an objection to the changes and the dormers could be provided under permitted development rights in the future. The reduction in the projection of the front gable and widening of the single storey attached garage and window changes are not considered to cause any significant adverse neighbour impact.

The height of the approved plot 12 was 9m and the current proposal does not increase the roof height. The finished floor level is not changing from that previously approved. The dormer design is considered acceptable and there are others in the

village. Such dormers could be provided under permitted development rights once the property is completed and occupied and therefore it would be unreasonable to raise an objection on this basis. The reduction in the projection of the front gable and widening of the single storey attached garage does not cause harm to the design of the existing approved detached property and the changes are not out of character with the other approved plots.

The site does not lie within the AONB and the proposed changes do not increase the height of the approved scheme. The design changes are not considered to have any significant landscape impact or harm to the amenity of the area and neighbours and the proposal is considered acceptable and is recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

E/0227/30/13

**UNAUTHORISED WORKS TO LISTED BUILDING TO CREATE POST OFFICE
AND UNAUTHORISED ADVERTISEMENT IN ASSOCIATION WITH THE SAME AT
THE LAMB AND FLAG INN, BLAGDON HILL ROAD, BLAGDON HILL**

OCCUPIER:

OWNER: MR M BOND
THE LAMB AND FLAG INN, BLAGDON HILL ROAD, BLAGDON
HILL
TAUNTON
TA3 7SL

PURPOSE OF REPORT

To consider whether it is expedient to take enforcement action in respect of the erection of a non-illuminated hanging sign and the removal of a small section of internal wall, to facilitate a Post Office counter.

RECOMMENDATION

No action be taken.

SITE DESCRIPTION

Detached, Grade 2 listed Public House, on the east side of Blagdon Hill. Painted and rendered walls, tiled roofs.

BACKGROUND

Pre-application discussions were undertaken with the Heritage Lead, regarding the introduction of a Post Office facility within part of the building. The principle was considered to be acceptable but advice was given as to the need for listed building consent.

An application has been submitted but has not been validated due to missing information.

The works have been implemented without the benefit of listed building consent

DESCRIPTION OF BREACH OF PLANNING CONTROL

Erection of small hanging sign for the Post Office.

Removal of small section of relatively modern wall, to facilitate a counter for the Post Office.

RELEVANT PLANNING HISTORY

No planning history of direct relevance.

RELEVANT PLANNING POLICES

Taunton Deane Strategy - Policy CP8 (Environment)

National Planning Policy Framework - Section 12 .

DETERMINING ISSUES AND CONSIDERATIONS

Section 16 of the planning (Listed Buildings and Conservation Areas) Act 1990, requires that when determining listed building applications, special regard shall be paid to the desirability of preserving the building, its setting and any features of architectural or historic interest it possesses.

The hanging sign is relatively small and non-illuminated. The Post Office counter has been installed by removing a small section of relatively modern, internal wall. As such, if an application had been validated for the works undertaken, a recommendation of approval would have been made by the Heritage Lead - i.e. the works are considered to accord with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CP8 of the Taunton Deane Strategy and Section 12 of the National Planning Policy Framework.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

APPEAL DECISIONS FOR COMMITTEE AGENDA – 08 JANUARY 2014

| APPEAL | PROPOSAL | REASON(S) FOR INITIAL DECISION | APPLICATION NUMBER | INSPECTOR'S REMARKS |
|----------------------------|--|---|--------------------|---|
| APP/D3315/A/13/2 196606 | OUTLINE APPLICATION FOR THE PROPOSED DEVELOPMENT OF EIGHT REST AND RECUPERATION HOLIDAY UNITS AND MANAGER'S ACCOMMODATION ABOVE THERAPY/FACILITIES ROOM AT BAGLEY BARN, WELLINGTON | The proposed development site lies outside the Development Boundary Limits for Wellington in an adjoining rural area and is therefore considered distant from services and facilities. As a consequence, occupiers of the proposed development are likely to be dependant on their private vehicles. Such fostering of growth in the need to travel would be contrary to advice given in the National Planning Policy Framework (NPPF) and to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted: April 2000) and Policy CP1 (Climate Change) of the Taunton Deane Core Strategy. Furthermore, no evidence has been submitted to justify the siting of the building in this location, in open countryside, and as to why there are no other suitable sites, | 44/12/0020 | <p>The Inspector considered the proposal would constitute an unjustified intensification and consolidation of existing sporadic development beyond defined settlement limits. It follows that the proposal is contrary to the development plan policies and national plan policies on sustainable development in rural areas.</p> <p>Although the proposed accommodation is of a specialised nature, he did not agree with the appellant that it is unique, such that it merits special treatment. Whilst the site is in a dilapidated condition, this does not of itself justify approval, as the argument could be repeated too often, thereby undermining local and national planning policies.</p> <p>The Inspector therefore concluded</p> |

| | | | | |
|----------------------------|--|---|------------|--|
| | | with or without permission, or Local Plan allocations within Wellington that could accommodate this proposal. No overriding benefit or need has been identified to outweigh the location, outside of defined settlement limits, and use of the site, and as such, the proposal would therefore not accord with Policy DM2 (Development in the Countryside) and Policy CP8 (Environment) of the Taunton Deane Core Strategy. | | the balance in this case weighs firmly against approval and the appeal was DISMISSED. |
| APP/D3315/D/13/2 207619 | ERECTION OF TIMBER FENCE TO THE SIDE OF 4 CASHFORD GATE, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN) | The fence, by virtue of its, design, materials and positioning, appears as an incongruous addition to the street scene, in a prominent position and does not relate well to the surroundings thus detracting from the character and visual amenity of the area and as such, it is contrary to policy DM1d (General Requirements) of the Taunton Deane Core Strategy. | 08/13/0014 | The Inspector considered the main issue in this appeal to be the effect of the development on the character and appearance of the area and did not find that the proposed fence and gates form an incongruous addition to the street scene. It was found to relate well to its surroundings causing no harm to the character and appearance of the area. The appeal was ALLOWED with an attached condition requiring compliance with the approved plans. |
| APP/D3315/A/13/2 203580 | CHANGE OF USE OF LAND FOR THE SITING | The site lies in a countryside location where it is the policy of the | 37/12/0012 | The Inspector found the main issues to be (i) the effect on the |

| | | | | |
|--|---|---|--|--|
| | <p>OF A TEMPORARY OCCUPATIONAL DWELLING AT HORSE CHESTNUTS, STOKE ROAD, STOKE ST MARY</p> | <p>Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine appropriate rural need. It has not been proven that there is an essential need for a worker to live on the site instead of at the applicant's current residence within the village. In addition, it has not been demonstrated that the business has been planned on a sound financial basis. The scheme therefore represents an unjustified dwelling outside of settlement limits and the proposal is contrary to Policies CP8 (Environment), SP1 (Sustainable Development Locations) and DM1(d) (General Requirements) of the Taunton Deane Core Strategy, Policy STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.</p> <p>The proposal is considered to be of detriment to the visual amenities of the landscape and is not considered to preserve or enhance the setting of the Listed Buildings which are adjacent to the site. The</p> | | <p>character and appearance of the landscape in the area and whether the setting of the adjacent Grade II* building, the Church of St Mary, would be preserved and (ii) whether there is an essential need for a rural worker to live on the appeal site in the countryside. She found the proposed temporary dwelling would harm the character and appearance of the rural landscape and would not preserve the setting of the Grade II” listed Church of St Mary.</p> <p>Whilst the Inspector gave significant weight to the promotion of economic growth in the rural area, she found it would not be essential to have a full time residential presence on the site in order to maintain animal welfare or successfully run the business. The economic benefit of the proposed temporary dwelling would be very limited and would not outweigh the significant harm caused to the character of the area and the setting of the church and the creation of an unjustified dwelling in the open countryside.</p> |
|--|---|---|--|--|

| | | | | |
|--|--|---|--|---|
| | | proposal is thereby contrary to Taunton Deane Core Strategy Policies DM1(General Requirements) and CP8 (Environment) and the National Planning Policy Framework (paragraphs 126-141). | | For these reasons the appeal was DISMISSED. |
|--|--|---|--|---|

Planning Committee – 8 January 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Gaines,
Mrs M Hill, Miss James, Tooze, Watson, A Wedderkopp, and Wren.

Officers: - Bryn Kitching (Development Management Lead), Julie Moore (Major Applications Co-ordinator), John Burton (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

1. Apologies/Substitution

Apologies: Councillors C Hill and Morrell.

Substitution: Councillor Denington for Councillor C Hill.

2. Minutes

The minutes of the meeting of the Planning Committee held on 11 December 2013 were taken and read and were signed.

3. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles and A Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Bowrah declared that he had attended a meeting at Wellington Town Council where application No 43/13/0133 had been discussed. He felt that he had not “fettered his discretion”. Councillor Wren declared a personal interest as an employee of Natural England.

4. 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 **outline planning permission be granted** for the under-mentioned developments:-

43/13/0133

Development of land for B1(c) light industrial, B2 general industrial and B8 warehouse uses and formation of access at land adjoining Westpark 26 Business Park, Chelston House Farm, Wellington

Conditions

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of eight years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) None of the units hereby approved shall be used or occupied until a means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (c) (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;
- (d) Before any part of the development hereby approved is commenced, the hedges to be retained on the site shall be protected by a Chestnut paling fence 1.5 m high, placed at a minimum distance of 2 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (e) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (f) Before any of the permitted development is commenced, details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be implemented in accordance with the agreed details prior to any building being occupied;
- (g) The development hereby permitted shall not be commenced until details of a strategy to deal with protected species has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice contained in the 'Ecological Assessment Update' of October 2013, prepared by First Ecology, and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - 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 permanently maintained as such at all times thereafter. The development shall not be occupied until the scheme as may be approved has been fully implemented;
- (h) Provision shall be made for the parking of cycles in accordance with details to be submitted to, and approved by, the Local Planning Authority. Such provision shall be made before each phase of the development hereby permitted is occupied / use hereby permitted is occupied;
- (i) Before any development commences, details of lighting on the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the use of appropriate location, orientation, timing, shading and power to avoid any illumination of off-site areas;
- (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (k) No retail sales, or the direct sale of goods to the general public, except ancillary trade sales, shall take place from any of the buildings hereby approved;
- (l) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or within designated storage areas that shall previously have been agreed in writing with the Local Planning Authority;
- (m) Before the use hereby permitted is implemented or used, each of the buildings as may be agreed shall be soundproofed in accordance with a scheme that shall have previously been submitted to and agreed by the Local Planning Authority. The soundproofing scheme as may be agreed

shall thereafter remain in place at all times thereafter unless a variation is first agreed in writing with the Local Planning Authority;

- (n) Prior to the commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There shall be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the timetable. The measures shall continue to be implemented as long as any part of the development is occupied;
- (o) Prior to the commencement of the development, a scheme for the parking and manoeuvring of vehicles on site shall have been agreed in writing by the Local Planning Authority. Such a scheme shall be implemented strictly in accordance with the plans to be approved, including being physically marked out on site, and provided in relation to the individual units before they are first used or occupied. The parking area and access thereto shall thereafter be retained at all times to serve the development, being kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or the purpose of access.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (ii) Your attention is drawn to the requirements of the Building Regulations 2000, Part M Access and Facilities for Disabled People, the advise in BS 8300 and the Disability Discrimination Act. Generally speaking a level access will be required for your proposed building(s). An early assessment of site levels will avoid expensive alterations at a later date; (iii) WILDLIFE AND THE LAW. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer 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. BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these

places. Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England . Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

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

31/13/0021

Construction of first floor with raising of roof and erection of rear extension at Tirohanga Ra, Ruishton Lane, Ruishton

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 following approved plan:-
- (A4) Site Plan;
 - (A4) Location Plan;
 - (A1) DrNo 1630/2 Proposed Plans and Elevations; and
 - (A1) DrNo 1630/1 Existing Plans and Elevations;
- (c) All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction;

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.)

30/13/0044

Variation of condition No 2 (approved plans) in relation to Plot 12 of application number 30/10/0032 at Sellicks Green Farm, Pitminster

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 following plans:-
 - (A3) DrNo 02 Rev J Site Plan;
 - (A2) DrNo 77 Rev E Proposed Plans and Elevations Plot 12; and
 - (A2) DrNo 69 Rev P Proposed Site Layout Sketch Scheme XXXII.

(Note to Applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

5. E/0227/30/13 – Unauthorised works to listed building to create Post Office and unauthorised advertisement in association with the same at The Lamb and Flag Inn, Blagdon Hill Road, Blagdon Hill

Reported that an erection of a non-illuminated hanging sign and the removal of a small section of internal wall to facilitate a Post Office counter had taken place without listed building consent at the Lamb and Flag Inn, Blagdon Hill Road, Blagdon Hill.

Pre-application discussions had been undertaken with the Heritage Lead regarding the introduction of a Post Office facility within the building. This had been agreed in principle but advice was given to the owner as to the need for consent to be obtained for the proposed alterations.

An application had been submitted but, due to missing information had not been validated.

Unfortunately, the works had subsequently been implemented without the benefit of listed building consent.

In the view of the Development Management Lead, if an application had been validated, consent would have been granted.

Resolved that no further action be taken.

6. Appeals

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

(The meeting ended at 5.55pm)