

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 4 June 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 21 May 2014 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 49/14/0023 Erection of replacement Timber building on footprint of existing at lower level, at Footlands Farm, Wiveliscombe.
- 6 38/14/0075 Erection of two storey extension to the rear and single storey extensions to the side and front at 41 Wellington Road, Taunton (retention of part works already undertaken).
- 7 30/14/0007 Erection of detached dwelling with detached garaging and associated works on land adjacent to Wayside, Howleigh Lane, Blagdon Hill.
- 8 E0154/24/12 Miscellaneous Report, untidy site at 12 Town Close, North Curry
- 9 E/0040/38/14 Unauthorised illuminated sign at 21 East Street, Taunton
- 10 E/0077/44/14 Erection of alleged unauthorised structures on land at Beacon Lane Farm, Foxmoor Road, Wellington.
- 11 Planning Appeals - The latest appeals and decisions received (attached)
- 12 Discussion on the use of the voting system at Planning Committee.

05 August 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

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

49/14/0023

Mr J LAWREY

ERECTION OF REPLACEMENT TIMBER BUILDING ON FOOTPRINT OF EXISTING AT LOWER LEVEL, AT FOOTLANDS FARM, WIVELISCOMBE

Location: FOOTLANDS FARM, FORD, WIVELISCOMBE, TAUNTON, TA4 2RH

Grid Reference: 308903.128722

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:

(A1) DrNo 1109_S_03 Floor Plans and Elevations

(A3) DrNo 1109_S_02 Location Plan

(A4) DrNo 1109_S_01 Site Plan

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 and has granted planning permission.

PROPOSAL

The application seeks planning permission for the erection of a replacement timber storage building at Footlands Farm, Ford, Wellington.

The proposed building will be finished with vertical timber cladding and a slate grey corrugated sheet roof. It will measure 4m x 4.2m with a ridge height of 3.9m. The building will be located between a temporary log cabin and a traditional building that is being converted to a dwelling.

The application is before the committee because the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

Footlands Farm is a small agricultural holding located on the outskirts of Ford, a rural hamlet to the north of Wiveliscombe. There are no immediate neighbouring properties; the boundary to the East comprises a tall native hedgerow that adjoins the public highway.

The site comprises a former granary building that is in the process of conversion to a three bed dwelling house, a large portal frame agricultural building, a log cabin that has been occupied since early 2009 and the subject building, a delapidated timber storage building. The log cabin provides accommodation for the applicant, his wife and young child whilst works to convert the granary are carried out.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - Support the proposals.

SCC - TRANSPORT DEVELOPMENT GROUP - No comment.

Representations

None received.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issue to consider is the impact of the proposed building upon visual amenity.

The proposed building will replace an existing structure that is in poor structural condition and currently has an adverse impact upon visual amenity and the setting of the adjacent granary that is in the process of conversion. The replacement of this existing structure with a building similar in floor area and height to ridge will result in an enhancement to the character and appearance of the site. From the public highway, the structure will relate visually to the granary and log cabin; it will be largely screened by the roadside hedgerow, which will soften the visual impact of the new building.

Having regard to the above matters, the proposed development is not considered to adversely affect amenity within the area and will enhance the character and appearance of the application site. The development therefore accords with Core Strategy Policy DM1 and it is recommended that planning permission be granted, subject to conditions.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

38/14/0075

MR M CHILCOTT

ERECTION OF TWO STOREY EXTENSION TO THE REAR AND SINGLE STOREY EXTENSIONS TO THE SIDE AND FRONT AT 41 WELLINGTON ROAD, TAUNTON (RETENTION OF PART WORKS ALREADY UNDERTAKEN)

Location: 41 WELLINGTON ROAD, TAUNTON, TA1 5AR

Grid Reference: 321690.124561

Retention of Building/Works etc.

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 17-2011-01 Location & Site Plans
(A4) Proposed First Floor Plan
(A4) Proposed Side Elevation
(A4) Proposed Rear Elevation
(A4) Proposed Side Elevation
(A4) Proposed Ground Floor Plan
(A4) Proposed Front Elevation

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 and has imposed planning conditions to enable the grant of planning permission.

PROPOSAL

Erection of a two storey extension above the existing rear single storey extension, retention of alterations to the previously approved scheme and changes in the roof design of the extension to the front and side.

There has been changes to the position of the rear doors and windows in the extension that has been partly built and this application seeks to retain the new positions and the changes to the roof design.

SITE DESCRIPTION AND HISTORY

Planning permission was granted in 2012 for a rear lean-to extension that wrapped around the side and front of the property. This replaced an existing conservatory and side extension.

This extension has been commenced, however due to the projection and the roof design the scheme could not be constructed as shown on the approved plans. Therefore, alternative roof tiles have been sourced to be able to construct the roof pitch on the rear extension and the roof pitch has been raised slightly on the side extension.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PLANNING ENFORCEMENT - No observations

Representations

NO OBSERVATIONS reply received from 43 Wellington Road

4 letters of OBJECTION have been received expressing concerns with regards to the works that have taken place and the size, design and overlooking possibilities from the two storey extension

Whilst four letters of objection have been received, two letters are the same and have been received from houses that are not constructed and therefore, are not registered as a postal addresses.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H17 - TDBCLP - Extensions to Dwellings,

LOCAL FINANCE CONSIDERATIONS

N/A

DETERMINING ISSUES AND CONSIDERATIONS

Planning approval was given in 2012 for the erection of the single storey extensions to the front, side and rear and therefore the principle of an extension is acceptable. The changes to this approved scheme in terms of the fenestration, roofline and change of roof tiles have been assessed on site and it is considered that while not ideal, the changes are acceptable.

The proposed first floor extension has no windows on the side elevation so no overlooking will occur and the neighbour to the east has raised no objection. Concerns have been raised that the rear garden of 1 Ashley Road will be overlooked. However, the garden of the application site is around 15m long and due to the orientation and distance of the property this will not be the case. The extension will project 3.2m and will be constructed above the previously approved single storey extension. It is considered therefore, the proposed two storey extension is acceptable in terms of amenity impact, size, scale and design.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

30/14/0007

MR & MRS T WARD

ERECTION OF DETACHED DWELLING WITH DETACHED GARAGING AND ASSOCIATED WORKS ON LAND ADJACENT TO WAYSIDE, HOWLEIGH LANE, BLAGDON HILL

Location: WAYSIDE, HOWLEIGH LANE, BLAGDON HILL, TAUNTON, TA3
7SW

Grid Reference: 321150.118918

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:

(A3) DrNo 115.3.01 Rev E Location and Site Plan

(A3) DrNo 115.3.02 Rev B Site Plan

(A3) DrNo 115.3.03 Ground and First Floor Plans

(A3) DrNo 115.3.04 Roof Plan, Perspective View

(A3) DrNo 115.3.05 Rev A North, South and East Elevations

(A3) DrNo 115.3.06 Rev A North East, South East and South West Elevations

(A3) DrNo 115.3.07 Rev A West and North West Elevations Sections S-01 and S-02

(A3) DrNo 115.3.08 Ground and Roof Plans NSE and W Elevations Section S-1

(A4) DrNo 115.3.09 Sketch Site Section

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

3. 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.

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

4. (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 Policy DM1 of the Taunton Deane Core Strategy.

5. The applicant shall undertake all the recommendations made in Appendix 4 of Blackdown Environmental's Preliminary Ecological appraisal report dated January 2014, and provide mitigation for birds and bats as recommended.

The works shall be implemented in accordance with the approved details and timing of 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 and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate bats and breeding birds.

6. 1. The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 115.3.02, and shall be available for use before the commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

7. The proposed access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

8. There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

9. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

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.
2. The access hereby permitted shall 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.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is 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 at The Highways Depot, Burton Place, Taunton: Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

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.

PROPOSAL

The proposal comprises the erection of a dwelling within the curtilage of Wayside. The dwelling is detached and finished in stone and render. Along with the dwelling a detached double garage is also proposed.

A new vehicular access is required to serve the site.

The scheme has been amended, altering the materials and relocating the dwelling further away from the northern boundary.

SITE DESCRIPTION AND HISTORY

The site forms part of the garden curtilage to Wayside, a grade II listed building. The site is separated from Wayside by a tree lined boundary and was granted permission as domestic curtilage. The site is bound by hedgerows and adjoins a field to the rear of the site.

The tree lined boundary currently forms the boundary of the Settlement of Blagdon Hill, with the application site being outside of the settlement. The site has been included as an area that would be within the settlement, extending the settlement of Blagdon Hill, within the proposed Site Allocations and Development Management Plan.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PITMINSTER PARISH COUNCIL - Supports application provided:-

- Land lies within the village envelope.
- That Highways are in agreement for the proposed access.

SCC - TRANSPORT DEVELOPMENT GROUP - Following observations:-

Proposal – Land Adjacent to Wayside, Blagdon Hill - The proposal seeks the erection of a residential dwelling on land adjacent to the property known as 'Wayside', the formation of a new vehicular access, detached garage and associated works. My comments are made from onsite observations and the information submitted supporting the planning application specifically, the *Design and Access Statement* produced by *Robert Toy Architects (115/RJT January 2014)* and Drawings *115.3.01 rev C* and *115.3.02*.

Site Location – Land Adjacent to Wayside, Blagdon Hill - The proposed development site is located on land adjacent to the residential property known as 'Wayside', to which vehicular access is to be obtained via the formation of a new access. The proposed site frontage accesses onto Blagdon Hill Road a designated classified unnumbered highway to which a 30mph speed limit applies.

It was noted from onsite observations that Blagdon Hill Road is provided with footway (western edge of carriageway) however, does not provide any street lighting in proximity to the site. Furthermore, having checked accident data, I can confirm that there are no known recorded accidents in proximity to the site.

Traffic Generation – Land Adjacent to Wayside, Blagdon Hill - Somerset County Council takes the view that estimated vehicle movements for a single residential dwelling are approximately 5-7 movement per day. TRICS (Trip Rate Information Computer Systems) indicates that trip rates for a 'Land use 03 – Residential/A – Houses Privately Owned', would result in approximately a maximum of 0.577 vehicle movements within the peak hour.

Therefore it is considered that the introduction of a single residential dwelling in this location would not have any significant impact on the highway network.

Access Arrangements – Land Adjacent to Wayside, Blagdon Hill- Drawing No. 115.3.02 indicates the formation of the proposed vehicular access onto Blagdon Hill Road. The access arrangements for the single residential property are considered acceptable.

From onsite observations it was considered that design guidance from Manual for Streets (March 2007) is applicable in this location. Given the 30mph speed limit in place past the proposed site frontage any newly created access would be required to provide visibility splays based on coordinated of 2.4m x 43m in either direction to the nearside carriageway edge, with no obstruction greater than 900mm.

Drawing No. 115.3.01 rev C, provides the required vehicular visibility splays for the proposed access and is therefore considered acceptable.

Additionally, given the existing pedestrian footway in this location the proposed access would be required to provide pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres.

Finally, for the creation of the new accesses a Section 184 licence would be required from the Taunton Deane Area Highways Service Manager for the creation of the vehicular access (Dropped kerbing and crossover) onto Blagdon Hill Road.

Vehicle Parking Provision – Land Adjacent to Wayside, Blagdon Hill - Commenting further on the scheme, Blagdon Hill and the surrounding area has been identified as a 'Zone C' for vehicle parking provision therefore the Somerset County Council – Parking Strategy (amended September 2013) states the following requirement for Zone C parking provision:-

5.3 The standards for residential development (ZONE C)

Zone C	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
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C – Green 2 car space 2.5 car space 3 car spaces 3.5 car spaces

Drawing No. 115.3.02, indicates the proposed developments internal layout of the site. The proposed residential five bedroom dwelling is provided with a double garage and ample vehicle parking. It is consider that suitable provision is available to allow vehicle turning within the site given the classification of Blagdon Hill Road.

Cycle Parking Provision – Land Adjacent to Wayside, Blagdon Hill - Additionally, as part of the Somerset County Council – Parking Strategy, new residential development is required to provide cycle storage facilities. It is considered that Drawing No. 115.3.02, indicates that the site can accommodate this require to provide cycle storage provision facilities promoting sustainable travel.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

LANDSCAPE –

- Main concerns are new access breaching roadside hedgerow; position of proposed house, close to prominent northern part of the site.
- Recommend moving dwelling further south which will give more opportunity for larger tree planting on the northern side of the dwelling.

BIODIVERSITY - No objection.

- Bat and bird boxes to be provided.

WESSEX WATER –

Water Supply and Waste Connections - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Separate Sewer Systems - Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

S105a Public Sewers - On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water

became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

DRAINAGE ENGINEER - Following observations: -

- Soakaway in accordance with Building Research Digest 365 (September 1991).
- Foul drainage - If a package sewage treatment works is to be installed, Environment Agency need to be consulted regarding treated effluent consents

HERITAGE –

Wayside is a Grade II listed building dating to the late medieval period. The proposed development site is immediately north of this listed building and I am surprised that the impact of this development on the setting of Wayside is not addressed in any of the submitted material.

The proposed dwelling is substantial and appears out of scale with its neighbours. I do, however, consider that it is sufficiently far off the listed building not to have a palpably negative impact on its setting.

Representations

11 letters of SUPPORT received which raise the following issues:-

- Will be in keeping with the natural beauty of the village.
- Sympathetic design; sensitive to character of local architecture and countryside.
- Well located within village.
- Similar elevated plot to many properties in the village, being set back from road will have less visible impact.
- Would not overlook other properties.
- Support given appropriate planting scheme.
- Balance development on approach into village from Taunton

2 letters of REPRESENTATION received which raise the following issues:-

- Decision be delayed until Highway improvement deliberations taking place for applications for Pixie Lawn and Shangri-La are finalised. Road realignment is

likely to affect visibility splays and gradient of proposed access.

- Changes to footpath will make progress difficult for not so agile and anyone with a perambulator.
- Dwelling will be visible unless roadside hedge is allowed to grow much higher.
- Access, with slope, would be tricky if frost or ice; safest access via shared route from Howleigh Lane.

1 letter of OBJECTION received which raise the following issues:-

- Highly visible.
- Out of scale to surroundings; stretched out north facade; awkward extended footprint, out of keeping with scale, proportion and configuration of adjoining plots.
- Render above stone work is not characteristic; design not in keeping with locality.
- Design fails to take into account the surrounding area and how other design solutions may of enhanced setting and not be so damaging.
- Should incorporate local vernacular and not import design elements from other parts of the country.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £48,000

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

Principle

The proposed dwelling is currently sited within the curtilage of Wayside, though this additional area of curtilage falls outside of the settlement limits of Blagdon Hill. A proposed site that falls outside of the settlement is normally considered to be within open countryside where policies would not allow the creation of a new dwelling. In this particular case, the site is found adjoining the settlement, within an existing garden and is not isolated. Furthermore, the site has been included as a proposed extension to the settlement boundary of Blagdon Hill. As such, the principle of the proposed dwelling is considered acceptable.

Visual amenity

The site is bound by a hedgerow that is shared with an adjoining field, which itself shares the boundary with the village park/recreational area. As such, the site is within a prominent position, particularly as the proposed dwelling would be the first dwelling on this side of the road when approaching from Taunton. The landscape officer originally raised concerns regarding the siting of the dwelling and the proposed access. Following meetings the Landscape Officer no longer has these concerns; the proposed dwelling has been sited further away from the northern boundary to allow additional tree planting. Tree planting is also shown along the boundary facing the road into Blagdon Hill and the south western boundary of the site. The new siting and landscaping allows the proposal to sit comfortably within this location without harm to the visual amenity of the area or street scene.

The proposed dwelling is large, though it can sit comfortably within the site. Materials have been amended and are now considered acceptable to this site.

Residential amenity

The proposed dwelling is sited: 13m from the boundary of Wayside and 30m away from Wayside; 7m from the boundary of the neighbouring property and also 30m from the adjoining dwelling. There is one first floor window within the side elevation that acts as a secondary window to a bedroom; this window faces towards the rear of the neighbouring garden and not the dwelling itself. Given the above, the proposed dwelling is not considered to cause any undue overlooking or loss of privacy.

Highways

The Highway Authority has not objected to the proposed dwelling and sufficient visibility, parking and turning can be provided. In addition to this, pedestrian visibility, though not shown, can also be provided. Additional sectional drawings have been submitted to show the gradient of the access and that there is no obstruction below 900mm within the visibility splay.

Other matters

The proposed dwelling is not considered to cause any harm to wildlife; bat and bird boxes will be requested.

Alterations to the footpath adjoining the site have not be opposed by the Highway

Authority.

Conclusion

The proposed dwelling can be accommodated within the site without harm to the visual or residential amenity of the area and is therefore considered acceptable and 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 D Addicott Tel: 01823 356463

TAUNTON DEANE BOROUGH COUNCIL

Planning Committee – 04 June 2014

Miscellaneous Report

E/0154/24/12

UNTIDY SITE AT 12 TOWN CLOSE, NORTH CURRY

OCCUPIER:

OWNER: MR HUNT
12 TOWN CLOSE, NORTH CURRY, TAUNTON
TA3 6LZ

PURPOSE OF REPORT

To update members of the planning enforcement situation at 12 Town Close, North Curry.

RECOMMENDATION

That Members note the report.

SITE DESCRIPTION

12 Town Close, North Curry is a small development built by the Local Authority. It comprises mainly of semi and terraced properties fronting onto a small cul de sac accessed from Windmill Hill. The properties have front and rear gardens some with parking. Two other parking areas are provided within the development. Many of the properties are now owner occupied, Number 12 being one. The slightly unusual rear garden configuration of number 12 has lead to the situation being more noticeable by more properties than would normally be the case. This is due to the garden wrapping around the neighbour's garden and being adjacent to the rear garden of No 5 Chapel Close, a relatively new development.

BACKGROUND

Members will no doubt recall that the condition of the site has for some years been a cause of concern for both the neighbours and the Local Authority. Members authorised at the Planning Committee meeting of 30 January 2014 the serving of a Section 215 notice. This was served on 24 February 2014 with a 6 weeks compliance time from the notice coming into effect. The notice took effect on 31st March and therefore the compliance date was 12th April.

The requirement of the notice was to remove from the land all the stored and accumulated items as shown in the 3 photographs attached to the notice.

UPDATE ON CURRENT SITUATION

The compliance date of the notice was 12 May 2014 and a site visit was made on 19 May 2014 to see if the notice had been complied with.

Although some progress has been made with the clearing of the rear garden, the notice has not been complied with as items remain on site which are seen on the photographs attached to the notice.

Structures have been erected which fall within 'permitted development' criteria and it is considered by officers that no action could be taken against the erection of a shed that was permitted development.

As the notice has not been fully complied with regarding the clearance of the site, it is normal planning practice to consider whether to proceed to prosecution action. The owner of the site has been advised by the council's legal section that if the notice is not complied with in 14 days, the council will commence prosecution proceedings.

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: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

E/0040/38/14

UNAUTHORISED ILLUMINATED SIGN AT 21 EAST STREET, TAUNTON

OCCUPIER:

OWNER: THE OWNER AND/OR OCCUPIER
21 EAST STREET, TAUNTON, TA1 3LP

PURPOSE OF REPORT

To consider whether it is expedient to take Listed Building Enforcement Action to remove the unauthorised trough lighting and take Prosecution Action over the unauthorised trough lighting to the fascia sign at 21 East Street, Taunton.

RECOMMENDATION

The Solicitor to the Council be authorised to take Prosecution Action:-

- Prosecution Action for the erection of unauthorised illumination to a fascia sign.

The Solicitor to the Council be authorised to serve a Listed Building Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

- for the removal of the trough and lighting and associated fixings in their entirety.
- Time for compliance:- immediate effect.

SITE DESCRIPTION

The property is three stories, rendered facade above shopfront, Grade 2 C19 listed building located on the north side of East Street.

BACKGROUND

The complaint was brought to the Enforcement department's attention in May 2014. The agent was informed by e-mail that the trough illumination to the fascia was unauthorised and he should remove it or revert to the approved halo illumination. To date the trough lighting is still in situ.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The trough illumination to the fascia is unauthorised and requires Advert consent together with Listed Building consent.

RELEVANT PLANNING HISTORY

There is a lot of planning history on the site the most recent cases are listed below.

38/11/0017A - Display of illuminated fascia sign and non-illuminated projecting sign
- Refused 05.04.11

38/11/0181A - Display of illuminated fascia sign and non-illuminated projecting sign

- Refused 24.06.11

38/12/0272 - Replacement of shopfront and signs, installation of internal and external security shutters - Conditionally approved 13.09.13

38/12/0273LB - Replacement of shopfront and signs, installation of internal and external security shutters - Conditionally approved 12.09.13

38/12/0312A - Display of illuminated fascia sign and non-illuminated projecting sign - Conditionally approved 17.09.13

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 12 and paragraph 67 of the National Planning Policy Framework.

Taunton Deane Local Plan 2004

EC26 – Outdoor Advertisements

Taunton Deane Core Strategy.

Policy CP8 - Environment.

DETERMINING ISSUES AND CONSIDERATIONS

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that, when determining planning applications which affect a listed building and determining listed building applications, special regard shall be paid to the desirability of preserving the building, its setting or any features of architectural or historic interest it possesses.

Applications 38/12/0272, 0273/LB and 0312A, were determined positively on the basis that halo illuminated letters to the the fascia were to be provided.

The existing trough lighting due to its design, offset and materials is considered to detract from the historic character of the listed building and the visual amenities of the surrounding area contrary to Policy EC26 (Outdoor Advertisements and Signs) of the Taunton Deane Local Plan, Policy CP8 of the Taunton Deane Core 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

E/0077/44/14

**ERECTION OF ALLEGED UNAUTHORISED STRUCTURES ON LAND AT
BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON**

OCCUPIER:

OWNER: MRS J COATE
BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON
TA21 9NX

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice to secure the removal of timber structures located on land adjacent to Beacon Lane Farm used for the breeding and keeping of dogs.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require :

- The removal from the land of all buildings and structures in connection with the dog breeding/kennelling activity together with the removal of associated hardcored areas serving said structures.

Time for compliance : 2 months from the date on which the Notice takes effect.

SITE DESCRIPTION

Beacon Lane Farm is in an isolated site approximately 2 miles from the centre of Wellington. The site is set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and approximately 525 metres Northeast of Wellington Monument, a Scheduled Ancient Monument.

The site is accessed from junction from an unclassified road by way of a single track access way approximately 560 metres in length. The track has recently been upgraded with stone scalping's. This access track also forms a Public Right of Way (WG13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns. These are in an elevated position within the local landscape. The site is surrounded by a collection of mature trees and native species hedgerows to the north and west.

BACKGROUND

Planning permission was granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work on converting the barn to residential accommodation has been completed but the outbuildings planned to be used in connection with the dog breeding business has yet to be completed. It was claimed by the occupiers of the site that due to an increase in the number of breeding bitches being kept at the business premises it has become necessary to find

additional accommodation to house the dogs until the dog breeding element is fully functional.

The additional land used to house the dogs had no planning permission and therefore Members authorised the serving of an Enforcement Notice to cease the use of land for the stationing of timber structures to house dogs. The notice was not complied with within the time so Prosecution action was taken against the owner of the land. That prosecution action led to the occupiers of the site being fined £820, with £50 costs and £82 Victim Surcharge.

A time was agreed when the structures would be removed however this date passed without compliance so further Prosecution action was instigated. The owner asked for the matter to be adjourned due to her medical condition but this was refused so the structures were removed a day before the matter was to be heard in the Magistrates Court.

The structures were relocated on a small area of land to the north of the converted barn but outside of the area originally granted Planning permission for the Live/work proposal. A site meeting was arranged to inform the owner that an application should be submitted in order to seek regularisation for the structures in their current position. It was agreed that an application would be submitted however this application has not been received to date and therefore the structures remain unauthorised.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The six structures relocated from the land subject to the Enforcement Notice have been grouped together with the largest building to the front of the grouping. The area has been laid with scalping's but there are no runs to the structures for the dogs to exercise as on the previous location. Therefore the structures are not as spread out and are in close proximity to each other. The site is outside the application site of the original proposal and therefore constitutes a change of use of land requiring Planning permission.

RELEVANT PLANNING HISTORY

44/88/0017 - Conversion of agricultural barns to dwelling - refused 01/1989

44/09/0014 - Demolition of barns and provision of new agricultural building - permitted 12/2009

44/11/0011 - Conversion of barns to live /work unit - refused 09/11

44/11/0020 - Conversion of barns to form a dog breeding enterprise and formation of residential space. - permitted 01/12

RELEVANT PLANNING POLICES

National Planning Policy Framework

Para 115 Conserving and Enhancing the Natural Environment

Para 207 - Enforcement

Taunton Deane Core Strategy

DM1 General Requirements

DM2 Development in the Countryside

CP2 Economy

DETERMINING ISSUES AND CONSIDERATIONS

The main issues to consider are the effect of the proposed development on the character and appearance of the area, given the sites location in the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and the perceived impact upon nearby residential amenity, having specific regard to potential noise and disturbance. Prior to coming to a decision on this case, the Council has consulted Environmental Health and the Council's Landscape Officer.

Para 115 of the national Planning Policy Framework (NPPF) states that "great weight should be given to conserving landscape and scenic beauty...Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty." Such an approach is also taken within Core Strategy Policies DM1, DM2 and CP8 which aim to protect the appearance and character of landscapes from harmful development and to protect, conserve or enhance the interests of landscape character and natural assets.

The previous enforcement notice, which related to the erection of these structures and breeding of dogs on land to the South has now been complied with. However, in complying with the Enforcement Notice and in order to avoid impending prosecution, the structures and dogs were relocated to the North of buildings at Beacon Lane Farm, again without first seeking planning permission.

The owner previously informed the Council on site that three visits are made to the site every day to tend to and check on the dogs. There are approximately 40 dogs being kept on site at present; the owner informed the Council verbally that a large proportion of bitches born out of the last set of litters have been kept by the business in order to increase the future scale of the business. The Council is supportive of rural business and whilst dog breeding is not essentially rural in its very nature, it is an activity that would be difficult to undertake and assimilate, particularly at this scale, within an urban and more populated area.

Whilst the Council looks to support economic development within rural areas, the latest arrangement on the site is considered to harm the character and appearance of the Blackdown Hills AONB. There remains floorspace within the adjacent buildings that is not yet converted to dog kennels in accordance with the original planning permission for the live-work unit; such has capacity for over 20 dogs and with it not yet converted and in accordance with the planning permission, the occupation of the dwelling in breach of planning conditions. There appears to be no intent at present to undertake these necessary works; if these permitted kennels were brought into use then the need for additional kennels would be reduced.

The structures are now located within a close vicinity to one another and are largely enclosed by timber fencing. In this location the buildings are no less visible within the wider landscape, however at present they can be more readily seen from the public footpath to the West, as boundary walls to the live-work unit have yet to be constructed. Visually however, the structures and fencing relate better to the existing buildings at Beacon Lane Farm, and they no longer form a stand alone development within the Blackdown Hills AONB. The Council's Landscape Officer has advised that the works would be visually detrimental and out of keeping with the landscape character of the AONB when seen from the public footpath. However the relationship to the existing buildings is more appropriate than the previous site and it has been agreed in principle with the Landscape Officer that a landscaping scheme

would help to minimise the current adverse visual impact.

Environmental Health have advised that no complaint has been received by them since 10 March 2014. Previously, diary sheets were returned to them from a complainant and monitoring of noise has been undertaken at a nearby property. The harm identified from barking was not of a level to be considered a statutory nuisance. Notwithstanding, it is accepted that dogs could be audible from nearby properties. Internal kennelling would reduce possible disturbance to neighbours. Whilst there has been no recent complaint to Environmental Health, several complaints have been made to Development Management by local residents, both in writing and via the telephone.

The site is located within an area of attractive peaceful woodland setting; it is acknowledged that the area is not as tranquil as it once was due to the building works at Beacon Lane Farm. The site is considered to be relatively secluded within the wider environment and this is a key component of the sites charm and character within the surrounding AONB.

Experience at the previous location indicated that a prolonged period of barking from the majority of dogs occurred upon detection of human contact/visitors. This has not been experienced at the new location to date, largely due to discussions and inspections being undertaken outside of the compound. Notwithstanding, given ongoing complaints to the Council and the fact that dog behaviour is unlikely to have changed since the relocation of the kennels, barking will remain a problem upon human contact/detection on a daily basis. Based upon complaints received, it seems reasonable to accept that noise would remain audible from residential properties within the area and also public areas within the AONB. It is also likely that the dogs may become spooked at times of darkness were a wild animal such as deer or badger may enter the site or be detected within close proximity.

The submission of a planning application to retain the unauthorised works, if it were to be supported in principle, would allow measures such as landscaping and screening to be put in place to reduce this adverse impact and such cannot be reasonably dealt with at this time. Further, it is also considered that the noise generated by the use of the site will continue, at times, to result in significant audible disturbance to the peace and tranquility of this area of the AONB, much to its detriment; such perceived noise and disturbance is also likely to result in a disturbance to residential amenity within the area. The planning system aims to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty.

It is deemed reasonable and justified, given the harm described above, to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding. The unauthorised development and use of land fails to comply with guidance contained within the NPPF and Core Strategy Policies as described above. The likely benefits to the business are not considered to be sufficient as to outweigh the great weight that the NPPF requires should be given to conserving the landscape and scenic beauty of the AONB.

The previously approved conversion of buildings at Beacon Lane Farm was justified (in part) on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. Works appear to have stalled on the permitted conversion works and Officers have advised the owner to make the business floor space available as soon as possible in order to reduce the

need for additional kennels. Notwithstanding the issues highlighted above, it is still felt that a purpose designed and carefully positioned building could be provided at the site. Therefore in order to allow the owner a reasonable time period to develop a planning application for consideration by the Council, and so not to undermine the interests of the business, a longer period of compliance with the Enforcement Notice would be reasonable and proportionate having regard to guidance within Para 207 of the NPPF.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

CONTACT OFFICER: Mr J A W Hardy, Telephone 01823 356466

APPEALS RECEIVED FOR COMMITTEE AGENDA – -04 JUNE 2014

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/14/2218011	SITE AT BEACON LANE FARM VOXMOOR WELLINGTON	44/14/0001
APP/D3315/C/14/2218684	SITE AT MANOR FARM, MANOR MEADOW, STAPLEGROVE, TAUNTON, TA2 6EF	E/0239/34/13
APP/D3315/A/14/2219145	CHANGE OF USE OF THE STORE/OFFICE BUILDING TO A HOLIDAY LET AT THE GLOBE INN, STAWLEY (RETENTION OF WORKS ALREADY UNDERTAKEN)	35/13/0016

Planning Committee – 4 June 2014

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

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area
Co-ordinator – East), Matthew Bale (Area Co-ordinator - West),
Roy Pinney (Legal Services Manager), Maria Casey (Planning and
Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone for application No E/0154/24/12. Mrs A Elder, a
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

62. Apologies/Substitutions

Apologies : Councillors Bowrah, Gaines, Miss James and Watson

Substitutions : Councillor Denington for Councillor Bowrah
Councillor Mrs Reed for Councillor Watson

63. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor Mrs Hill
declared a personal interest as an employee of Somerset County Council.
Councillor Nottrodt declared a personal interest as a Director of Southwest
One. Councillor Wren declared that he was no longer an employee of Natural
England

64. 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:-

49/14/0023

**Erection of replacement timber building on footprint of existing at lower
level, at Footlands Farm, Wiveliscombe**

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:-

- (A1) DrNo 1109_S_03 Floor Plans and Elevations;
- (A3) DrNo 1109_S@02 Location Plan ;
- (A4) DrNo 1109_S_01 Site Plan:

(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 has granted planning permission.)

38/14/0075

Erection of two storey extension to the rear and single storey extensions to the side and front at 41 Wellington Road, Taunton (Retention of part works already undertaken)

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 17-2011-01 location & Site Plans;
- (A4) Proposed First Floor Plan;
- (A4) Proposed Side Elevation;
- (A4) Proposed Rear Elevation;
- (A4) Proposed Side Elevation;
- (A4) Proposed Ground Floor Plan;
- (A4) Proposed Front Elevation;

(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.)

30/14/0007

Erection of detached dwelling with detached garaging and associated works on land adjacent to Wayside, Howleigh Lane, Blagdon Hill

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 115.3.01 Rev E Location and Site Plan;
 - (A3) DrNo 115.3.03 Ground and First Floor Plan;
 - (A3) DrNo 115.3.03 Ground and First Floor Plans;
 - (A3) DrNo 115.3.04 Roof Plan, Perspective view;
 - (A3) 115.3.05 Rev A North, South and East Elevations;
 - (A3) DrNo 115.3.06 Rev A North East, South East and South West Elevations;
 - (A3)DrNo 115.3.07 Rev A West and North West Elevations Sections S-01 and S-02;
 - (A3)DrNo 115.3.08 Ground and Roof Plans NSE and W Elevations Section S-1;
 - (A4) DrNo 115.3.09 Sketch Site Section;
- (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 as may be approved in writing by the Local Planning Authority;
- (e) The application shall undertake all the recommendations made in Appendix 4 of Blackdown Environmental's Preliminary Ecological appraisal report dated January 2014, and provide mitigation for birds and bats as recommended. The works shall be implemented in accordance with the approved details and timing of 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 and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (f) The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 115.3.02, and shall be

available for use before the commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times;

- (g) The proposed access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2 m x 2 m . Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (i) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;

(Notes to applicant:- (i) 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 has negotiated amendments to the application to enable the grant of planning permission; (ii) 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; (iii) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 187 Permit. This must be obtained from the Highway Service Manager.. Application for such a permit should be made at least four weeks before access works are intended to commence; (iv) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). 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.)

65. Miscellaneous Report – E/0154/24/12 Untidy site at 12 Town Close, North Curry

At the Planning Committee meeting of 30 January 2014, Members authorised the service of a Section 215 Notice on the property 12 Town Close, North Curry (Minute No. 15/2014 refers).

The notice had subsequently been served and required the removal of all the stored and accumulated items from the land by 12 May 2014.

A site visit had been made and although some progress had been made with the clearing of the rear garden, the notice had not been fully complied with. It had also been noted that structures had been erected which fell within 'permitted development' criteria. It was considered by officers that no action could be taken against the erection of a shed that was permitted development.

As the notice had not been fully complied with regarding the clearance of the site, it was normal planning practice to consider whether to proceed to prosecution action. The owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings.

Resolved that the report be noted.

66. E/0040/38/14 – Unauthorised illuminated sign at 21 East Street, Taunton

Reported that unauthorised trough lighting had been installed to illuminate the fascia sign at 21 East Street, Taunton without the relevant advertisement and listed building consents.

The agent had been informed that the trough illumination to the fascia was unauthorised and that it should be removed or replaced by the approved halo illumination. To date the trough lighting was still in situ.

Resolved that:-

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of the listed building known as 21 East Street, Taunton in respect of the unauthorised illumination of a fascia sign at the property;
- (2) A listed building enforcement notice be served seeking the removal of the unauthorised trough lighting to the fascia sign at 21 East Street, Taunton; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice be not complied with.

67. E/0077/44/14 – Erection of alleged unauthorised structures on land at Beacon Lane Farm, Foxmoor Road, Wellington

Reported that planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Foxmoor Road, Wellington.

Although work on converting the barn to residential accommodation had been completed the outbuildings planned to be used in connection with the dog breeding business had yet to be completed. Instead, the owners had situated a number of structures on the land to house an increasing number of dogs until the dog breeding element was fully functional.

The additional land used to house the dogs had no planning permission and Members had previously authorised the serving of an Enforcement Notice to stop land being used for the stationing of timber structures to house dogs. The notice was not complied with within the time and prosecution action was commenced.

The structures were removed a day before the matter was to be heard in the Magistrates Court.

Further reported that the structures had been relocated on a small area of land to the north of the converted barn but outside of the area originally granted planning permission.

A site meeting had been arranged to inform the owner that an application should be submitted in order to seek regularisation for the structures in their current position. Although it was agreed that an application would be submitted, this had not been received to date and therefore the structures currently remained unauthorised.

Resolved that:-

- (1) An enforcement notice be served seeking the removal from the land of all buildings and structures being used in connection with the dog breeding/kennelling activity at Beacon Lane Farm, Foxmoor Road, Wellington together with the removal of associated hardcore areas serving the said structures;
- (2) Any enforcement notice served should have two months compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

68. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.05pm)