



Planning Committee

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 16 July 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 25 June 2014 (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 14/14/0037 Erection of 19 residential units together with associated access, car parking and landscaping provision (re-plan of part of the approved scheme (14/12/0036 and 14/13/0049) to provide a revised housing mix and an additional 6 residential units on land south of Hyde Lane, Creech St Michael
- 6 05/14/0009 Erection of a detached dwelling in the garden to the side of 1 Smithy, Bishop's Hull
- 7 Planning Appeals - The latest appeals and decisions received (attached)

Bruce Lang
Assistant Chief Executive

04 September 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 – 25 June 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, C Hill, Mrs Hill, Miss James,
Morrell, Tooze, Mrs Reed, Watson and A Wedderkopp

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

(The meeting commenced at 5.00 pm)

69. Apologies/Substitutions

Apologies : Councillors Bowrah, Gaines, D Wedderkopp and Wren

Substitution : Councillor Mrs Reed for Councillor Bowrah

70. Minutes

The minutes of the Planning Committee meetings held on the 21 May 2014 and 4 June 2014, were taken read and were signed.

71. Declarations of Interest

Councillors Coles and A 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. He also declared that he had previously used the garage the subject of application Nos 20/14/0015CA and 20/14/0016 but felt that he had not 'fettered' his discretion.

72. 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:-

20/14/0015 CA

Demolition of garage building, erection of detached dwelling with integral garage and erection of detached double garage to serve existing dwelling in the garden of 'Rossiters' at Kingston Garage, Kingston St Mary

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 5019_01 Location Plan;
 - (A2) DrNo 5019_04 Existing Building to be Demolished ;

(Note to applicant: - (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 has granted planning permission. (ii) You are reminded of the need to comply with the conditions placed on planning permission 20/14/0016.)

20/14/0016

Demolition of garage building, erection of detached dwelling with integral garage and erection of detached double garage to serve existing dwelling in the garden of 'Rossiters' at Kingston Garage, Kingston St Mary (as amended)

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 5019_01 Location Plan;
 - (A3) DrNo 5019_02 Site Layout Plan ;
 - (A2) DrNo 5019_04 Existing Building to be Demolished;
 - (A1) DrNo 5018_ 03 B Proposed Floor Plan and Elevations House and Detached Garage;
- (c) Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a sample of the materials to be used in the construction of the external surfaces of the roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (d) Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a panel of the proposed stonework measuring at least 1m x 1m shall have been built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until percolation tests to determine the suitability of the soil for drainage have been carried out and details of the proposed drainage have been submitted to, and approved by, the Local Planning Authority. The drainage shall be implemented in accordance with the approved details prior to occupation and thereafter retained as such;
- (f) The access, parking and turning area shall be hard surfaced before it is brought into use, in accordance with details which shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall thereafter be retained as such, unless otherwise agreed in writing;
- (g) (i) Before any part of the dwelling hereby permitted is brought into use, 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 following agreement with the Local Planning Authority, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) Before any part of the development hereby permitted is commenced, detailed drawings showing existing and proposed site levels, floor levels and contours of the development site, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (i) The area allocated for parking and turning on submitted plan 5019_02 shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum

distance of 5m behind the highway boundary and hung so as to open inwards only;

- (k) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwater and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be

undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to, the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (l) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions; alterations to any part of the dwelling, including the roof; outbuildings; or porches, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (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 with the applicant and had negotiated amendments to the application to enable the grant of planning permission (ii) Notes regarding Wessex Water:

- New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from www.wessexwater.co.uk/developerservices
- 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.
- Separate systems of drainage will be required to serve the proposed development.
- No surface water connections will be permitted to the foul sewer system.
- Further information can be obtained from our New Connections Team.
- On 1 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 records 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 Buildings Regulations purposes. More information relating to this transfer can be found on the Wessex Water 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 at an early stage of you suspect that a section 105a sewer may be affected (iii) Wessex Water records show that there is a public foul sewer crossing the site. Wessex Water normally require a minimum 3 metre easement width either side of its apparatus, for the purpose of maintenance and repair Diversion or protection works may need to be agreed (iv) with reference to Condition 6, the driveway should be properly consolidated and surfaced, not loose stone or gravel and provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the proposed dwelling (v) With reference to Condition 13, the site investigation and report should be in line with the latest guidance. Sources of such guidance, although not exclusively, publications led by the Department for Environment, Food and rural Affairs, the Environment Agency

and the British Standards Institute. The council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team (vi) Meter boxes can have a jarring effect on the appearance of buildings. The applicant is respectfully requested to consider carefully the position, materials and colour of the meter box (vii) Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).

24/14/0020

Erection of 10800 ground mounted Photovoltaic panels to provide a 1242 KWP installation on land at Pondpool Lane, Helland, North Curry (Amended scheme to 24/13/0044) as amended and supplemented

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:-
- (A2) DrNo 001 Rev A Topographical Plan;
 - (A2) DrNo FD1a Perimeter Fencing and Hedging;
 - (A2) DrNo LSP1b Landscape Plan;
 - (A3) DrNo 200ajc Proposed PV Mounting Framework;
 - (A2) DrNo 402 Rev A Transformer Unit;
 - (A2) DrNo 401 Rev A LV Unit;
 - (A2) DrNo 403 Rev A HV Switchgear Unit ;
 - (A2) DrNo 001 Rev A Location Plan;
 - (A1) DrNo BP2b Site Plan;
- (c) Within 25 years and 6 months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production;
- (d) The site operator shall inform the Local Planning Authority within 5 days of being brought into use that the site is operational and producing electricity;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Abbas Ecology's Extended Phase

1 Survey submitted report; dated May 2013 and February 2014, and Kevin Cook's Ornithological assessment report dated February 2014 and include

1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
3. Measures for the enhancement of habitat and places of rest for, wildlife

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.

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

- (f) The development hereby permitted shall not be commenced until details of a strategy to monitor the impact of the development on birds and aquatic invertebrates has been submitted to, and approved in writing by, the Local Planning Authority. The monitoring strategy shall be developed in consultation with specialists and be undertaken for a period of three years post construction. Data from the monitoring should be made publicly available;

Once approved the monitoring strategy shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;

- (g) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) Alongside the above details, a landscape management scheme, which also contains details of the existing hedges and proposed actions to those hedges, shall be submitted to, and approved by, the Local Planning Authority, and the approved landscape scheme shall be retained and maintained for so long as the development remains in existence;

- (h) The fencing around the arrays hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority;

- (i) There shall be no stockpiling of material or ground-raising (temporary or permanent) on any part of the site;

- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending,

replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission;

- (k) All new access tracks associated with the development shall be constructed using permeable materials;
- (l) No external artificial lighting shall be installed on the site;
- (m) A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site;
- (n) The Development hereby permitted shall not be commenced until sufficient temporary consolidated parking and turning spaces for vehicles have been provided on the construction site itself to be constructed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning space shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (o) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway or public footpath together with an Operational Maintenance Manual, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the commencement of construction of the development hereby approved and thereafter maintained at all times;
- (p) Prior to the commencement of development a construction traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site shall be submitted to, and approved in writing by, the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;
- (q) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;

- (r) No development shall take place until samples or details of the colour to be used in the construction of the external surfaces of the structures 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.

(Notes to applicant:- (i) Applicant was advised that The conditions relating to wildlife requires the submission of information to protect and monitor species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal and be provided with a Monitoring programme developed by specialists;

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;

(ii) County Highways has requested that: Where works are to be undertaken on or adjoining the publicly maintained highway, a licence under Section 171 of the Highway Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services;

The applicant should be advised that at least seven days before access works commence the Highway Service Manager Taunton Deane Area Highways must be consulted;

Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development;

It is suggested that the use of temporary signage would be beneficial to notify other highway users of the construction operation. Whilst there are no objections to the erection of temporary signage along the proposed route, the locations of such signage will need to be agreed in writing with the Area Highway Office if the signage is on highway land;

The condition survey will require the involvement of the Taunton Deane Area Highways Office;

(iii) The Environment Agency advises:-

Please ensure that the proposals accord with Natural England Technical Information Note TIN101 "Solar Parks: Maximising Environmental Benefits".

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

However, since the site is relatively flat, we are satisfied that the proposals will not have a significant impact on surface water drainage patterns and that site-specific mitigation measures are not required in this particular instance.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery.
- Oils/chemicals and materials.
- The use and routing of heavy plant and vehicles.
- The location and form of work and storage areas and compounds.
- The control and removal of spoil and wastes.

We would expect all works to be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines.

In the event of a pollution incident, the site operator must contact the Environment Agency immediately.

The developer should ensure that the guidance in the Environment Agency: Pollution Prevention Guidelines 6: Working at construction and demolition sites (PPG 6) and Pollution Prevention Guidelines 5: Works and maintenance in and near water (PPG 5) is followed.

Where possible, waste washings from any concrete should be discharge into the foul sewer, with the agreement of Wessex Water. If not, the developer should ensure compliance with the Environment Agency Regulatory Position Statement 107: Managing concrete wash waters on construction sites: good practise and temporary discharges to ground and surface waters.

Any waste generated must be disposed of in accordance with Waste (England and Wales) Regulations 2011.

If waste material is brought onto site for construction purposes, the developer should ensure that appropriate permits are held according to Waste (England and Wales) Regulations 2011.

CL: AIRE sites must be identified and declared prior to construction and all protocols followed, if not Environmental Permits will apply.

There is the potential for the proposed installation to act as an "ecological trap" for certain types of insect that are attracted to polarised light. This is an area that has been researched with particular reference to aquatic insects. Therefore it is recommended that ponds are placed strategically around the site.

(iv) The Rights of Way Officer advises:

Any proposed works must not encroach on to the current available width of the footpath. We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.

- Changes to the surface of a PROW being needed.
 - Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would
- make a PROW less convenient for continued public use (or)
 - create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided;

(v) The Drainage Board advises:-

If there is a need to undertake any additional access works to allow the proposals to be carried out or cabling works/fencing near any watercourse then Land Drainage Consent will need to be obtained for any of the watercourses within or abutting the site. Clearly the proposals indicate work will be proposed within 9.0 meters of the riparian watercourses abutting the site and the Board would require consent for any work or fencing or landscaping in the protection zone. The Board would also expect that the surrounding watercourse be maintained to improve the standard of protection before works commences on the proposed development;

(vi) Regarding the landscaping condition, some details have been submitted, but a plan showing all species, density, plant protection and maintenance is required;

(vii) 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).

25/14/0015

Erection of conservatory (retention of work already undertaken) at 2 Glen Frome Villas, Norton Fitzwarren

Conditions

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

- (A4) DrNo 010414_01 Site and Location Plan;
- (A2) DrNo 010414_02 Plan, Elevation and Section;

(b) Unless within 2 months of the date of this decision a scheme for the disposal of surface water from the conservatory hereby permitted is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within 4 months of the Local Planning Authority's approval, the conservatory shall be removed from the site;

(c) If no scheme in accordance with condition 2 above is approved within 6 months of the date of this decision, the conservatory shall be removed from the site;

(Notes to applicant:- (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 granted planning

permission; (ii) it had been suggested that the extension may not have been built to building regulation standards. You are therefore advised to contact Building Control in order to seek further advice in relation to the matters that have been brought to the Council's attention.)

35/14/0006

Conversion of three cottages and barns to self-catering holiday accommodation complex, to include games room, swimming pool, terrace, plant room and construction of tennis court at Stawley Wood Farm, Stawley

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 X23/9A Location Plan;
 - (A3) DrNo X23/10 Block Plan;
 - (A3) DrNo X23/12 Landscaping;
 - (A3) DrNo X23/13C Proposed Elevations 1;
 - (A3) DrNo X23/14B Proposed Elevations 2;
 - (A3) DrNo X23/15D Proposed Elevations 3;
 - (A3) DrNo X23/16C Proposed Proposed Cottage Plans;
 - (A3) DrNo X23/18C Proposed South and West Elevations of Cow Shed and Modern Barn;
 - (A3) DrNo X23/19B Plan of Proposed Swimming Pool;
 - (A3) DrNo X23/21 Proposed Tennis Court;
 - (A3) DrNo X23/20A Proposed Link Building;
- (c) (i) 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) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;

- (e) The ancillary accommodation and amenity buildings hereby permitted shall be used solely for the benefit of the holiday lets and not for any other commercial or business use without the prior approval of the Local Planning Authority;
- (f) Prior to its implementation, a detailed external lighting scheme for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented before the use of the buildings to be converted is first commenced and shall thereafter be so maintained. No other external lights shall be installed without the further grant of planning permission;
- (g) Before any works commence for the construction of the tennis court hereby permitted, a plan indicating the position, design, materials and type of boundary treatment to be erected around the court shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and shall thereafter be maintained as such;
- (h) The occupation of the bedroom to be provided within the East range of the buildings shall be occupied for holiday purposes only, in conjunction with the use of the existing complex and at no time shall it be occupied as an independent unit of accommodation;

(Notes to Applicant:- (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 with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) You should ensure that the existing foul drainage system is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary its discharge will require the consent of the Environment Agency;

(iii) WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) 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;

(iv) Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

38/14/0147/TEN

Notification for prior approval for the replacement of antenna, cabinets and ancillary equipment and increase of height of pole to 17.5m to the Telecommunications mast at Shoreditch Road, Taunton

Conditions

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

- (A3) DrNo 100 Location Plan;
- (A3) DrNo 200 Site Plan as Existing;
- (A3) DrNo 201 Site Plan as Proposed;
- (A3) DrNo 300 Elevation 'A' as Existing;
- (A3) DrNo 301 Elevation 'A' as Proposed;
- (A3) DrNo 400 Antenna and Equipment Plan;
- (A3) DrNo 500 Antenna Schedules;
- (A3) DrNo 501 Antenna Schematic;
- (A3) DrNo 502 Equipment Schedules;

48/14/0010

Erection of an agricultural workers dwelling, demolition of stables and erection of extension to agricultural building for general purpose at the Willows, Noahs Hill, West Monkton

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 2462/01 Location Plan;
- (A3) DrNo 2462/02 Site Plan;
- (A1) DrNo 2462/03 House Floor Plan and Elevations;
- (A2) DrNo 2462/04 Barn Elevations;

(c) Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a panel of the proposed stonework measuring at least 1m x 1m shall have been built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (d) Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a sample of the materials to be used in the construction of the external surfaces of the roof shall 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;
- (e) (i) Before any part of the dwelling hereby permitted is brought into use, 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 following agreement with the Local Planning Authority, or as otherwise extended with the agreement in writing of the Local Planning Authority;
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The occupation of the dwelling hereby permitted 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;
- (g) Before any part of the development hereby permitted is commenced, detailed drawings showing existing and proposed site levels, floor levels and contours of the development site, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, additions or curtilage structures (of the types described in Schedule 2 Part 1 Class A, B and E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

(Notes to Applicant:- (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) Note at request of Wessex Water;

- New water supply and waste water connections will be required from Wessex Water to serve this development;
- (iii) Notes at the request of Drainage Officer:
1. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991);
- (iv) With reference to Condition 4 requiring

samples of the roof material, please be aware that there are many other more appropriate alternatives to slate than that suggested and this should be taken into account when providing the sample roof tile; (vi) As the proposal includes the use of a septic tank to treat foul sewage, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. The builder/developer should also consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.)

73. E/0174/30/13 – Unauthorised illuminated sign for McDonalds Restaurant, Taunton Deane Services, M5 Southbound, Pitminster, Taunton

Reported that this unauthorised sign had been brought to the Councils attention in September 2013. Contact was made with McDonalds and a retrospective advertisement application had been submitted to regularise the situation.

This application was refused on the 8 April 2014 as it appeared to be an over dominant and excessive form of advertisement in an open area of highway.

In this location it was possible that drivers would make last minute changes in direction to access the services when they viewed the advertisement which might have consequences for public safety.

Resolved that the Solicitor to the Council be authorised to take prosecution action in respect of the unauthorised illuminated sign at McDonalds Restaurant, Taunton Deane Services, M5 Southbound, Pitminster, Taunton unless the sign was removed within 28 days from the date of meeting.

74. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.35pm)

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

14/14/0037

LINDEN HOMES SOUTH WEST

ERECTION OF 19 RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING PROVISION (RE-PLAN OF PART OF THE APPROVED SCHEME (14/12/0036 AND 14/13/0049) TO PROVIDE A REVISED HOUSING MIX AND AN ADDITIONAL 6 RESIDENTIAL UNITS ON LAND SOUTH OF HYDE LANE, CREECH ST MICHAEL

Location: LAND SOUTH OF HYDE LANE, HYDE LANE, CREECH ST MICHAEL

Grid Reference: 326648.126009

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: subject to the receipt of revised plans to show bin store locations, the completion of a s106 (regarding affordable housing and off-site children's play facilities) and any changes arising from legal advice about the nature of the s106/CIL split -

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. No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the environment by ensuring separation of clean and foul waters.

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- details of which areas drain to which attenuation facility and the associated volumes projected
- details of how the scheme shall be maintained and managed after completion

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, both on and off site and ensure future maintenance of the surface water drainage system.

4. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the updated report submitted Sunflower international Ecological Consultancy's dated 1st May 2014 and shall include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

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

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

5. Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.

Reason: In the interests of highway safety and to ensure construction impacts are managed appropriately.

6. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such

visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

7. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times.

Reason: In the interests of highway safety.

8. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety.

9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety.

10. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety.

11. None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, including a connection

with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane.

Reason: In the interests of sustainable development.

12. No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure accordance with policy DM1 of the adopted 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

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 (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.

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 at the Taunton Deane Area Highways Office, Burton Place, Taunton, Somerset, TA1 4HE; tel no 0845 345 9155, email: countyroads-tdeane@somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works.

PROPOSAL AND HISTORY

This is an application for full planning permission covering part of a site which has previously been granted permission for residential development. There is outline and a reserved matters consent for 35 dwellings on land to the south of Hyde Lane, with the reserved matters having been approved by Members at their April meeting of this year under reference 14/13/0049. Many of the conditions attached to the outline consent have now been approved, with some still being negotiated. However, the principle of residential development at this point has been established.

The developer has now decided that there is greater market demand for 3-bed and 4-bed dwellings rather than the 5-bed dwellings that have been approved by the earlier consent. Accordingly the proposed dwelling mix set out in the approved scheme is proposed for amendment seeking to reduce the number of 5-bed dwellings and increase the number of 3-4 bed dwellings through strategic plot substitutions and more efficient use of space. The resultant amendments also facilitate the delivery of 6 additional dwellings to the 13 dwellings which are proposed to be changed. Therefore the application proposals seek to increase the number of dwellings at the application site from 13 to 19 dwellings. The outline consent coupled with this full planning application will result in the application site accommodating a total of 41 no. dwellings and associated infrastructure.

The remainder of the larger outline permission site which falls outside of the application site will be implemented as per the outline permission and conditional reserved matters approval.

SITE DESCRIPTION

The site comprises part of a field on the north-western edge of the settlement, surrounded by established hedgerows. The Motorway (M5) lies on the north-western edge of this site, existing dwellings on Meredith Close and Leighton Drive lie to the east, a further proposed residential site to the south, and the existing primary school and new health centre to the south-east. The site is accessed off the main route through Creech St. Michael (Hyde Lane) which runs from the south-east, along the east of the site and then to the north-west over the motorway. The site is flat and currently laid to grass. Access to the site is off Hyde Lane.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CREECH ST MICHAEL PARISH COUNCIL -

Creech St Michael Parish Council strongly objects to this application. In the past year we have had proposed and accepted 134 new homes on 3 sites all within 500 metres of each other in addition to Hollingsworth Park. Despite the NPPF and government ministers stating the need for local people to be involved in the decision making process our points and fears have been ruthlessly ignored by the planning department. The result is developers are now riding roughshod over local authorities and local communities and profiteering at our expense. There comes a time when sustainability is unsustainable.

In August 2013 the LDF Steering Group issued an advisory statement to clarify Core Strategy Policy SP1. Due to a mathematical error its content is incorrect, the three sites off Hyde Lane totalling 134 homes not 110. However, 110 new homes gave an acceptable increase of 12%, despite the Core Strategy calling for 10%. This new application increases the total to 140 or an increase of 15.55% and does not take into consideration individual approvals. Not only is this over development and outside of Core Strategy principles but acceptance will open the door of opportunity to the other developers. The Core Strategy also calls for minimum of 250 new homes within 5 minor rural centres not 140 or more in one area.

Each application must be considered on its own merits we are told, so this application must be viewed from the standpoint of 134 new homes already approved all exiting onto Hyde Lane. The planning application for the Hollingsworth Park development drew comment from S.C.C. Highways Dept. that Hyde Lane was not fit for purpose in its present format. Each of the 3 succeeding applications drew a similar response with the proposals only being acceptable if donations were made to provide a footway/cycle path for non motorised traffic. To date no plans have been forthcoming despite part of Hyde Lane now being permanently closed. Is it not the responsibility of the planning department to ensure appropriate infrastructure to cope with indiscriminate building?

The statement issued by the Steering Group also states that approved sites will result in a minus figure of available places at the local primary school. How then can an application which will only make this situation worse be approved?

Creech St Michael is unique. It is a minor rural centre and as such must accept a

share of the minimum of 250 new homes, although 134 already approved does seem disproportionately high with this proposal taking it even higher. At the same time within its parish boundary we have a section of the existing urban West Monkton development and a further section (1000 houses?) in the next phase towards Walford Cross. How can we be both? Councillor Mark Edwards told us that we had borne the brunt of developer's tactics and no more houses (other than individual plots) should be approved and yet this developer is blatantly using the law for excessive profits, totally contrary to the spirit of the NPPF.

This application is based solely on the greed of the developer. It removes the balance of the previous application and increases the problems of road safety and education standards and in no way reflects the aims or requirements of the Core Strategy. We therefore request that this application be refused.

PLANNING POLICY -

Have verbally indicated that an additional 6 at this point would not undermine the development plan strategy and that refusal should only be considered on policy grounds if it is felt that the local infrastructure (Roads and schools etc.) would be taken over capacity with the additional 6 units. Their full observations are awaited and will be reported to Members.

LEISURE DEVELOPMENT –

In accordance with Local Plan Policy C4, provision for play and active recreation should be made for the residents of these dwellings.

There is a signed s106 agreement in place for the approved scheme. An off-site contribution of £2,994.00 per family sized dwelling within the re-plan should be sought towards children's play, to be spent within the vicinity of the development

LANDSCAPE –

No further landscape comments.

BIODIVERSITY –

I agree with the comments made in 'Sunflower Ecological Consultancy's letter dated 1st May 2014.

HOUSING ENABLING –

25% of the new housing should be in the form of affordable homes. The tenure split is 60% social rented 40% intermediate housing. Following detailed discussions with the developer and their agents the affordable housing scheme including unit mix, layout, tenure and location has been agreed (dwg no LIND130718SW 41 AHL02 B). The affordable housing is to meet the Homes and Communities Agency Design and Quality Standards 2007, including at least Code for Sustainable Homes Level 3

The developer should seek to provide the Housing Association tied units from Taunton Deane's preferred affordable housing development partners list. A local connection clause has been included within the S106 agreement to prioritise the

homes for local people.

WESSEX WATER –

Thank you for referring the above application to Wessex Water. We have no further comments to add. Comments provided in our email of 20/03/2013 are still relevant.

In summary the earlier comments are as follows - The drainage strategy for foul and surface water disposal can be agreed in principle. The points of connection to public sewer system are accepted and agreed. Foul water flows will drain by gravity to a new pumping station and then pumped to a point of connection at Arundells Way. The final pumping rate and emergency storage requirements will need to be agreed with Wessex Water. Existing public sewers downstream of the proposed development are vulnerable to flooding under storm conditions. Wessex Water has a scheme programmed for 2014/15. This scheme will provide additional capacity with a new sewer and attenuation tank to prevent sewer flooding to downstream property. We are currently preparing scheme design for these capacity improvements. No additional funding or contributions will be required from the developer

Surface water flows will be subject to flood risk measures and requirements agreed with the Environment Agency. These include restricted run off rates and attenuation measures to satisfy the 100 year event and allowance for climate change. The off site surface water sewer connection may need a requisition arrangement with Wessex Water

DRAINAGE ENGINEER -

No further comments to make as conditions 6 & 13 of planning approval 14/12/0036 should still apply.

SOMERSET WASTE PARTNERSHIP –

Observations awaited.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION –

Observations awaited.

SCC - TRANSPORT DEVELOPMENT GROUP –

The proposal increases the number of dwellings served by a proposed new cul-de-sac on the south of Hyde Lane next to the M5, between the village of Creech St Michael and the motorway.

Revised Layout

It is generally acceptable. Plots 16, 17, 18 & 37 and 31, 40, 32, 33, 41 & 34 and other plots at the south end of the site are served off private drives, which need to be built to adoptable standards in terms of materials used and depths laid.

The Local Highway Authority (Somerset County Council) expects developments to provide parking for different types of vehicles, in accordance with the Parking

Strategy 2013. This both encourages sustainable travel and enables residents and visitors to park responsibly without obstructing highways. Adequate provision on this site includes providing for the parking of all types of vehicles likely to park at the development. The garages proposed are the minimum size required for cars and ideally additional provision will be required for bicycles and motorbikes in accordance with the Travel Plan Statement. The site is in Zone B according to the Strategy and the layout provides parking spaces in accordance with this location. In addition to in curtilage provision there appear to be further appropriate unallocated provisions.

The designer will need to consider the interface between permeable paved areas and the prospective public highway areas such that run-off percolating through to the pavement will not have a detrimental effect upon the stability of the highway areas. It is a standard requirement to provide a minimum 1.0m wide buffer of standard paving at this interface and construct the permeable paved areas with levels that fall away from the highway.

A full hydraulic design of the surface water drainage system should be submitted to the Highway Authority for consideration together with detailed drawing(s) confirming the extent of adoption by Wessex Water.

The Travel Plan Statement is satisfactory for the additional number of dwellings on this development; it should be refreshed on the Somerset County Council's OnTravel website.

No Transport Assessment has been submitted accompanying the application however the proposal to increase the development by a further 6 dwellings is a relatively modest increase. There will be some impact though on the single-width sections of Hyde Lane, which is a poor quality, substandard environment particularly for vulnerable road users (pedestrians and cyclists) as the development will generate both vehicular and pedestrian traffic on Hyde Lane.

Students travelling to and from the nearby Heathfield Community School on foot or by bicycle travel along Hyde Lane between the development site and Hyde Lane, this corridor being a most direct route to the school for pedestrians and cyclists. Any new traffic generated by development between Creech St Michael and the M5 may exacerbate pedestrian/vehicular conflict; it is a well-used route to school and it is expected it would be used by occupants of the proposed new dwellings.

Although the carriageway of Hyde Lane can accommodate increased traffic it is our view that this will result in increased risk to road users who have to share the carriageway where for much of its length there are no verges for pedestrians, including groups of school children, to step out of the path of vehicular traffic. The Highway Authority would like to mitigate that risk and need to fund:

- a) install interim traffic management measures; and
- b) a footway and any permanent associated traffic management measures necessary to provide a safe pedestrian and cycle way from the motorway bridge as far as to the proposed Pegasus crossing on the Monkton Heathfield Eastern Relief Road.

These are general highway improvements required to mitigate the impact of this development and others on Hyde Lane. It cannot therefore be said that that the

works are strategic highway improvements associated with the growth of Taunton and Wellington and they do not fall therefore within TDBC's Regulation 123 list. For that reason, SCC does not consider that CIL can be used to fund these works. As this is not development for which CIL could be deployed, the bar on the pooling of contributions via section 106 agreements does not apply. SCC considers that the original section 106 obligations remain valid and enforceable for this specific project. With 6 additional dwellings proposed for this part of the whole development site, an additional contribution of £6,000 should be sought from the developer.

Therefore the Local Highway Authority would not object to the application subject to the developer entering into an agreement to secure:

- A section 106 planning obligation to secure a contribution of £6,000 towards traffic management measures and highway improvements along Hyde Lane serving the development site;

and subject to the following conditions:

- No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Required notes:

It is essential that this approval is read in conjunction with the planning permissions issued on the two previous applications originally submitted in connection with the development site and any conditions upon which such permission was granted must be strictly observed.

Representations

3 letters of OBJECTION received which raise the following issues:

Traffic

- Why put more traffic on a dangerous and congested road.
- Is anything going to be done about the parking situation in Hyde Lane.
- Site traffic will cause major problems.
- Hyde Lane is in dire need of repair, is narrow, has overgrown hedges, and has deep ditches in some areas. This side of Creech needs better road access.
- A safe pedestrian and cycle route needs to be a priority for children going to Heathfield Community school.

Infrastructure

- Creech St. Michael primary school is already struggling and this proposal will

exacerbate the situation.

General and other issues

- The developers seem to want to influence the Council more than they want to help the villagers.
- When the previous site in Hyde Lane was built that too was far in excess of the number agreed at the public meeting.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
SP4 - TD CORE STRATEGY REALISING THE VISION FOR THE RURAL AREAS,

LOCAL FINANCE CONSIDERATIONS

It is not clear how much of the current proposal will be liable for CIL or how much would be covered by the original s106 agreement. 13 of the proposed new dwellings technically already have consent, except that the current proposal seeks to alter their size and position within the site. Legal advice has been sought on how best to approach the matter and whether the original s106 will need to be amended. It is currently believed that the whole application site would be CIL liable, and if so this would result in a CIL payment of approximately £217,000 (amount not including the affordable units which would be discounted).

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)	£ 20,502
Somerset County Council (Upper Tier Authority)	£ 5,126

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£123,014
Somerset County Council (Upper Tier Authority)	£ 30,753

However, it should be borne in mind that only 6 of the units are new, the other 13 having previously already qualified for the new homes bonus.

DETERMINING ISSUES AND CONSIDERATIONS

Principle.

Residential use of this site has already been accepted by virtue of outline consent 14/12/0036 and the subsequent reserved matters approval reference 14/13/0049 which was approved by members this year at their April meeting. The current proposal seeks a redesign of part of the site in order to reflect perceived market demand. This will result in an additional 6 residential units. Advice obtained from Planning Policy Officers is that an additional 6 dwellings at this point would not undermine the development plan strategy and so it is not felt appropriate to refuse the application on strategic policy grounds. So on the principle of the proposal, this leaves the significant question as being whether the local infrastructure could cope with the increase. The primary considerations here will be flood risk, road capacity and school places. On flood risk, the drainage will need to be completed satisfactorily, which is possible, and it is noted that the Council's Drainage Engineer is not objecting. The proposal would result in only a marginal amount of new hard surfacing, and this would not significantly increase flood risk to a level that would suggest refusal. The highway and school infrastructure would need to be improved, but this has already been recognised and is in hand as a result of the s106 legal agreement attached to the original consent. In addition, further monies would be obtained from the CIL receipts due for this proposal if permission were to be granted, and the Governance Board would be able to decide to make money available for any locally required improvements. It is not therefore felt that the pressure on local infrastructure would be so severe without possible resolution as to justify a refusal on planning grounds. In reaching this conclusion, I have taken on board the strong objections raised by the Parish Council. They consider that the increase in units now proposed would be in breach of the agreed policy position and would lead to unacceptable pressures on local infrastructure. However, on balance, it is not felt that there could be a sustainable and justifiable objection to this application in principle, particularly given the Government's stance on encouraging house building as espoused in the NPPF.

Layout.

The road layout remains the same as approved. The dwellinghouses remain in a broadly similar place. The big difference is that the units have been made smaller, by virtue of having more 3 and 4-bed dwellings as opposed to 5-bed dwellings. This has allowed for 6 extra units within the scheme. This necessitates the need for 1 extra affordable unit, which is shown within the area approved for affordable housing in the north of the site. The approved 3-bed unit in the north of the site is now shown as two 1-bed units. The other 5 new dwellings are shown in the south of the site dotted around the outward looking periphery, in between other residential properties. Visually, this will make very little difference, because the massing of building would still be contained within the same area. The difference would be the size of the units, now to be slightly smaller. This will not affect any green space within the development as most of this is outside the built area, around the periphery of the site.

The access roads and private drives around the edge of the development are kept in this proposal and will still work well. They will provide single sided development with irregular spacing looking out to the open areas around the perimeter of the development.

It is not considered that the changes to the layout will in any way affect the operation

or visual appearance of the site. Even with the changes, this is still considered to be a good layout which can be recommended for approval.

Scale and density.

The scale of the development with the approved plans was considered to be acceptable. The addition of 6 new dwellings still keeps the site in line with the other new developments approved in the north of Creech St, Michael. The type of units proposed is in keeping with the neighbouring development at Meredith Close which has already been built. There is a mixture of detached, semi-detached and terraced properties, but all are two storeys high, although some have rooms in the roof lit by dormer style windows. There is a good balance between the built form and the open and green spaces, which helps assimilate the development into the village character. The scale of the development is considered to be appropriate and acceptable. The new density proposed by this application would be approximately 19 houses to the hectare (on the application site alone, and 13.5 houses to the hectare on the wider development site as a whole. Either way this is still a very low density of development, and it cannot be said that the additional houses amounts to an overdevelopment of the site in terms of scale and density. The application is acceptable on both of these grounds.

Appearance.

This development will be read more with the surrounding more recent developments, which tend to be 2 storeys high, with the use of red brick, cream render, with some slate but mainly tiled roofs. The current proposals seek to reflect this. The house types proposed throughout this development are considered to be well designed, well proportioned buildings. The result is a mix of house types that are relatively simple in design, that will use a pallet of materials – mainly brick with some render – that respects the local vernacular and will not detract from the character and appearance of the area. The materials chosen are the same as previously considered to be acceptable, namely - brick (Ibstock - surrey red multi 4133 and surrey orange 4131), with K rend stirling white render, and tiles (Redland, double roman - farmhouse red and breckland brown). Architectural features have been added to integrate the design into the neighbouring context, showing key features such as reconstituted stone lintels and sills, side hung windows, and simple eaves detailing.

This will create a simple, pleasing appearance that is in keeping with surrounding context and is therefore appropriate and acceptable.

Highways issues.

It is noted that the Highway Authority are not objecting to the proposal, subject to the provision of some additional information and clarification. They do consider that the additional sums of money that they would require for off-site highways works should be obtained by a new s106 agreement that would stand alongside the original agreement. That is currently being queried, as it would appear that such works should be the subject of a bid for CIL money instead. A legal opinion on how to fund the infrastructure required to make this proposal work has been sought and will be reported to members.

Landscaping.

The landscaping scheme previously approved as a reserved matter will be largely unaffected by this current proposal. Most of the approved landscaping was on the periphery of the development and within the open/green spaces beyond the built form. That does not form part of this application. Some street trees and garden trees are within the new development proposal site, but these have not been affected by the new higher density. This proposal therefore maintains the strong landscape character to the site established by the previous approval and there are no objections on these grounds.

Response to the Parish Council's comments.

Parish Council - The Parish Council has expressed some genuine concerns. They particularly consider that the increase in units now proposed would be in breach of the agreed planning policy position and would lead to unacceptable pressures on local infrastructure. However, it is the view of the planning policy team that a refusal based on the Core Strategy would not be defensible particularly given the NPPF's stance on encouraging house building. It is not felt that the pressure on local infrastructure would be so severe without possible resolution as to justify a refusal on planning grounds and the agreed s106 for the Original application together with CIL receipts from this application can be used to defray any infrastructure deficit.

Conclusions.

The concerns about too much development in Creech St. Michael are understood. However, on all of the primary planning considerations, this proposal is acceptable and does not breach any of the relevant adopted planning policies or standard development management considerations. This results in a scheme that can now be recommended for approval, subject to a successful conclusion on the legal issues associated with s106 and CIL matters.

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

05/14/0009

MR J WADHAM

ERECTION OF A DETACHED DWELLING IN THE GARDEN TO THE SIDE OF 1 SMITHY, BISHOPS HULL

Location: 1 SMITHY, BISHOPS HULL, TAUNTON, TA1 5DT

Grid Reference: 320799.124582 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 2014004 001 Rev A Location and Site Plans
(A3) DrNo 2014004 002 Existing Site Plan
(A3) DrNo 2014004 005 Proposed Site Plan
(A3) DrNo 2014004 004 Proposed Floor Plans and Elevations
(A3) DrNo 2014004 003 Existing Street Elevations
(A3) DrNo 2014004 008 Proposed Street Elevations
(A3) DrNo 2014004 007 West Elevation and Site Plan

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

4. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to serve the ensuite, to be installed in the rear elevation, and the bathroom window to be installed in the front elevation, of the proposed dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1 (E) of the Taunton Deane Core Strategy.

5. Notwithstanding the details shown on the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling and shall thereafter be maintained as such.

Regards: To protect the amenities of existing neighbouring dwellings and the visual amenities of the area.

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. For the avoidance of doubt, when providing details pursuant to condition 5, the provision of a close boarded fence to the front of the property is not considered appropriate.

PROPOSAL

The proposal comprises the erection of a two storey dwelling, with single storey lean-to the rear, to the side of 1 Smithy, within the existing garden. The plot for the dwelling will provide a front and rear garden with sufficient space for bin and cycle storage. No car parking is provided.

The dwelling provides 3 bedrooms at first floor and will be finished in brick and a tiled roof to match the existing dwelling.

SITE DESCRIPTION AND HISTORY

1 Smithy is located to the rear of Mountway Road and is a semi-detached dwelling. There is a large garden to the side/rear and the dwellings are set back from a footpath at the front of the dwellings, creating large front gardens. The footpath is the only access to the dwellings from Smithy and it also leads to a garage block

where 1 Smithy has an allocated parking space.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - Objects: -

- No parking has been allocated. Adjacent road is very narrow and often experiences congestion, particularly when chip shop/takeaway is open.
- Foul water sewer looks too close to the proposed extension.

SCC - TRANSPORT DEVELOPMENT GROUP – Comments as follows:

From the submitted information it is understood that the proposal is for a three bedroomed dwelling with no parking provision. The applicant has argued that due to the proximity of the site alternative modes of transport i.e. bus and cycle routes and the sites proximity to the town centre they don't need to make any provision for parking within the site.

On sustainability the Highway Authority has no policy to back this up now that the Structure Plan has been revoked as such it is solely down to the LPA to comment on the suitability of the site in sustainable terms.

Somerset County Council's Parking Strategy requires that three bed room units should provide two parking spaces. These standards are optimum as a consequence they should be provided unless there is specific local circumstances that can justify deviating from them. Developments in more sustainable locations can also be considered appropriate for lower levels of parking provision. As discussed previously in this case the applicant has made a strong argument over their justification for the lack of parking in this location, it is true that there alternative modes of transportation in close proximity to the site. As a consequence it would be hard to argue against a reduction of parking in this location. However whether it should be car free is another matter.

Having visited the site the Smithy is below the standard carriageway widths with residential car parking bays on one side of the carriageway. At the time of my visit these spaces were empty but I appreciate that at peak time i.e. morning and evenings this can become quite congested.

From visiting the site it was not apparent whether there is permit holder parking enforced in this location. If not then it is likely that this proposal would result in a vehicles parking on the highway. The introduction of additional parking on the Smithy might result in parked cars spilling onto Mount Way, which in the local vicinity to the Smithy is double yellow lined.

Vehicles parking on the highway would cause obstruction to other road users and interrupt the free flow of traffic however it is the opinion of the Highway Authority that the increase in parking would not be substantive enough to warrant an objection.

Therefore based on the above information the Highway Authority raises no objection to this proposal.

WESSEX WATER - None received.

DRAINAGE ENGINEER - No observations.

Representations

THREE LETTERS OF OBJECTION: -

- Loss of light to second bedroom (87 Mountway Road).
- Future residents complaining about fumes/smell from takeaway.
- Loss of privacy and overlooking from rear elevation.
- Against Human Rights, Article 1 - right to peaceful enjoyment of all their possessions which includes home and other land - proposal would have dominating impact.
- Human Rights, Article 8 - person has the substantive right to respect private and family life.
- Inaccuracy as northern boundary is 1.5m high, not 1.8m and would not adequately address concerns with respect to privacy.
- Inadequate parking - would harm amenity of local residents; exacerbate existing parking problems.
- Access during construction and access of public footpath being maintained.
- Loss of light.
- Visually overbearing; detriment to quality, character and amenity value of the area.
- Non compliance with Government Guidance PPS1 and PPS3 - regarding amenity, character, design.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development in Bishops Hull, within the settlement limits of Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £6000.

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) £1079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6474

Somerset County Council (Upper Tier Authority) £1619

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the settlement limit for Taunton. The development is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the character of the area, the impact on the local highway network and the impact on neighbouring residents.

Character of the area

The site at 1 Smithy is an isolated group of a pair of semi-detached dwellings to the rear of older properties that front onto Mountway Road, and surrounding area has a further mix of residential properties, with modern flats to the front of 1 Smithy. There is also a detached property to the side that is used as a takeaway on the ground floor with residential use above. As such, it is considered that given the location of the proposal, a dwelling could be sited without harm to the overall character of the area.

Furthermore, the design of the dwelling, including roof pitch and materials, reflects 1 Smithy and as such does not harm the street scene or visual amenity of the area.

Neighbours

Three first floor windows are proposed on the rear elevation and will serve one bedroom, an en-suite and a stairwell; these windows will look directly towards the proposed garden. The dwelling would be sited 9m from the boundary of the rear garden of Holyoake House that lies at an angle to the rear boundary, with a distance of 15.5m to the neighbour, at the closest point. Whilst this distance is closer than sometimes suggested, in this case only one window would serve a habitable room. Furthermore, 1 Smithy is sited only 17m from the rear of Holyoake House and also has a distance of 9m to the rear boundary that adjoins 6 Mountway Road and Holyoake House. As such, the first floor bedroom window is not considered to cause any undue overlooking or loss of privacy beyond the existing circumstances to warrant refusal of the application.

As the proposed dwelling is sited to the south of the neighbouring property, there maybe some loss of light, but given the distance to the boundary of the property, this again is not considered sufficient to warrant refusal of the application.

Details of boundaries will be made a condition of this approval. As there is an existing fence of 1.5m that serves the garden of 1 Smithy, without harm to privacy, the continued use of this fence is considered acceptable. A replacement fence of 1.8m would provide additional privacy and would also be considered acceptable

given that a 2m fence could be erected on site without the need for planning permission.

With regard to the neighbouring to the side of the site, 87 Mountway Road, the first bedroom window within their side elevation would not be blocked by the two storey dwelling, as shown on the submitted section drawing. As such, there is no detrimental loss of light or outlook from this window.

There is a small ground floor window within the side of 87 Mountway Road that currently has a restrictive opening onto the garden of 1 Smithy; this window has obscure glazing and a mesh fixed internally and may be part of a food preparation area. Notwithstanding this, there is sufficient space between the side of the neighbouring property and the proposed dwelling (1.3m) as not to affect this window.

87 Mountway Road also has a glazed section that provides light into a stairwell running along the side elevation of the property. There is limited loss of light to the stairwell as the majority of the stairwell is set back from the proposed dwelling.

The flats opposite the proposed dwelling are sited 15.5m away from the proposed dwelling, currently 18.5m from 1 Smithy and 18m from 87 Mountway Road. Given the existing close proximity of the dwellings within this immediate area, the proposed dwelling is not considered to cause any detrimental loss of privacy to the occupiers of the flats.

Highways

The main consideration on highway grounds is that the proposal does not provide any parking spaces. The Somerset Parking Strategy would normally require an optimum level of parking of 2 spaces for the proposed size of dwelling, though lower levels of parking provision can be considered in sustainable locations. The Highway Authority has agreed that there could be a reduction in this location though has not indicated whether car free development would be appropriate. As the site is within close proximity of public transport and cycle paths, education (primary, secondary and further), employments, facilities (shops and post office), all of which are accessible by foot, cycle or public transport, car free development is considered acceptable in this location.

Providing car free development may have impacts on surrounding areas. In this case the Highway Authority does conclude that there maybe some overspill into Smithy which may interrupt the free flow of traffic, though not to the extent as to warrant refusal of the application.

Other matters

Any future occupiers would be aware of the close proximity of the takeaway and as the flue is sited on the opposite side of the 87 Mountway Road, away from the new dwelling, any detrimental harm to amenity from the fumes would be unlikely.

Government Guidance PPS1 and PPS3 no longer exist and have been replaced with the National Planning Policy Framework (NPPF). The report has addressed issues raised with regard to amenity, design and character.

Building within proximity to a foul sewer are matters for Wessex Water and Building Regulations.

Conclusion

It has been shown that the development of the site is acceptable and would not have any unacceptable impact upon the character of the area, local highway network or the amenities of neighbouring property as to warrant refusal. As such, it is considered to be acceptable and it is, therefore, recommended that planning permission is granted.

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

APPEAL DECISIONS FOR COMMITTEE AGENDA – 16 JULY 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/14/2 218011	SITE AT BEACON LANE FARM WELLINGTON	The proposed use of land for the breeding of dogs and erection of seven timber kennel buildings would have a damaging visual effect on the natural beauty of the landscape and the scenic beauty of the area. Users and visitors to the Blackdown Hills AONB currently enjoy a peaceful natural environment with little in the way of noise disturbances. The proposed development would result in significant disturbance to the peace and tranquility of the Blackdown Hills AONB and it will harm the amenity of nearby residential properties to an unacceptable degree. The proposed development therefore fails to comply with Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy and guidance within the National Planning Policy Framework.	44\14\0001	THE MAIN ISSUE TO BE THE EFFECT OF THE PROPOSED DEVELOPMENT ON THE CHARACTER, APPEARANCE AND TRANQUILITY OF THE AONB.

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Planning Committee – 16 July 2014

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

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area Co-ordinator - West), 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)

75. Apologies/Substitutions

Apologies : Councillors Bowrah, C Hill, Morrell and D Wedderkopp

Substitution : Councillor Ms Webber for Councillor C Hill

76. Minutes

The minutes of the Planning Committee meetings held on the 25 June 2014 were taken read and were signed.

77. Declarations of Interest

Councillors Coles and A 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 Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Wren declared a personal interest as the Clerk to Milverton Parish Council.

78. 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:-

14/14/0037

Erection of 16 residential units together with associated access, car parking and landscaping provision (re-plan of part of the approved scheme 14/12/0036 and 14/13/0049) to provide a revised housing mix and an additional 6 residential units

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 41SL02 Rev B Site Layout 02, revision B;
- (A1) DrNo 41SE02 Rev A Street Elevations 02;
- (A3) DrNo 41P.7010p Plot 7-10 Floor Plans;
- (A3) DrNo 41P.7-10e2 Plots 7-10 Elevations;
- (A3) DrNo 41P.7-10e1 Plots 7-10 Elevations;
- (A1) DrNo 41ML02 Materials Layout 02, revision B;
- (A1) DrNo 41LP01 Location Plan 01.revision A;
- (A1) DrNo 41 AHL02 Rev B Affordable Housing Layout 02;
- (A1) DrNo 41 BP02 Rev B Boundary Plan 02;
- (A3) DrNo 41 HT.1845.p House Type 1845 Floor Plans;
- (A3) DrNo 41HT.1845.e House Type 1845 Elevations;
- (A3) DrNo 41HT.1526.p. House Type 1526 Floor Plans;
- (A3) DrNo 41HT.1526.e House Type 1526 Elevations;
- (A3) DrNo 41HT.910A.p House Type 910 Floor Plans Variation A;
- (A3) DrNo 41HT.910A.e House Type 910 Elevations Variation A;
- (A3) DrNo 41HT.2BH.p House type 2BH (HQI) Floor Plans-Affordable;
- (A3) DrNo 41HT.2BH.e House Type 2BH (HQI) Elevations-Affordable;
- (A3) DrNo 41HT.1332A.p House Type 1332 Floor Plans – Variation A;
- (A3) DrNo 41HT.1332A.e House Type 1332 Elevations-Variation A;
- (A3) DrNo 41HT.1281A.p House Type 1281 Floor Plans – Variation A;
- (A3) DrNo 41HT.1281A.e House Type 1281 Elevations – Variation A;
- (A3) DrNo 41PL.15 36.pe plots 15 and 36 Floor plans and elevations Affordable (social rent);
- (A3) DrNo 41GAR.06pe Garage type 6 Floor Plans and Elevations;
- (A3) DrNo 41GAR.05pe Garage Type 5 Floor Plans and Elevations;

- (A3) DrNo 41GAR.04pe Garage Type 4 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.03pe Garage Type 3 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.02pe Garage Type 2 Floor Plans and Elevations;
 - (A3) DrNo 41GAR.01pe Garage Type 1 Floor Plans and Elevations;
 - (A0) DrNo 4901:05 Engineering Layout;
 - (A1) DrNo TD724_02 Landscaping Plan;
 - (A1) DrNo TD724_01 Landscaping Plan;
- (c) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved;
- (d) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
- details of which areas drain to which attenuation facility and the associated volumes projected; and
 - details of how the scheme shall be maintained and managed after completion.
- The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower International Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended Phase 1 Habitat survey report, dated August 2011 and the updated report submitted Sunflower international Ecological Consultancy's dated 1 May 2014 and shall include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

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

- (f) Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works;
- (g) There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (h) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times;
- (i) The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (j) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (k) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;

- (l) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including a connection with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane;
- (m) No work shall commence on the development hereby permitted until works to provide the access onto Hyde Lane have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with 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 had worked in a positive and pro-active with the applicant and had negotiated amendments to the application to enable the grant of planning permission. (ii) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal; 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; (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 184 Permit. This must be obtained from the Highway Service Manager at the Taunton Deane Area Highways Office. Application for such a permit should be made at least four weeks before

access works are intended to commence; (iv) Applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). The road should be built and maintained to the standards that the Highway Authority is able to adopt. The Highway Authority encourages developers to enter into an Agreement under Section 38 of the Highways Act as an alternative to the deposit of money required by section 219. Such an Agreement will be based on approved drawings and be supported by a Bond to cover the due performance of the works.)

05/14/0009

Erection of a detached dwelling in the garden to the side of 1 Smithy, Bishop's Hull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 2014004 001 Rev A Location and Site Plans;
 - (A3) DrNo 2014004 002 Existing Site Plan ;
 - (A3) DrNo 2014004 005 Proposed Site Plan;
 - (A3) DrNo 2014004 004 Proposed Floor Plans and Elevations;
 - (A3) DrNo 2014004 003 Existing Street Elevations;
 - (A3) DrNo 2014004 008 Proposed Street Elevations;
 - (A3) DrNo 2014004 007 West Elevation and Site Plan;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window to serve the ensuite, to be installed in the rear elevation, and the bathroom window to be installed in the front elevation, of the proposed dwelling shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (e) Notwithstanding the details shown on the plans hereby permitted, prior to the occupation of the dwelling hereby permitted, full details of the proposed boundary treatments shall be submitted to, and approved in

writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwelling and shall thereafter be maintained as such.

(Notes to applicant:- (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) Applicant was advised that or the avoidance of doubt, when providing details pursuant to condition (e), the provision of a close boarded fence to the front of the property was not considered appropriate).

79. Appeals

Reported that one appeal decision had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6pm)