

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 3 September 2014 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 13 August 2014 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 27/14/0015 Prior notification for the erection of an agricultural building for the storage of grain at Ford Farm, The Grain Stores, Oake Green, Oake
- 6 E/0154/24/12 Miscellaneous report for 12 Town Close. See also agenda item No. 10.
- 7 38/14/0257 Erection of first floor extension over attached garage and attic conversion at 3 Broadlands way, Taunton
- 8 38/14/0273 Erection of timber summerhouse to rear of 31 Eastwick Road, Taunton
- 9 Planning Appeals - The latest appeals and decisions received (attached)

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 10 E/0154/24/12 Miscellaneous Report for 12 Town Close - Confidential information. Also see agenda item No. 6.

Assistant Chief Executive

06 October 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

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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 P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Declaration of Interests

Planning Committee

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

27/14/0015/AGN

MR C PASSMORE

PRIOR NOTIFICATION FOR THE ERECTION OF AN AGRICULTURAL BUILDING FOR THE STORAGE OF GRAIN AT FORD FARM, THE GRAIN STORES, OAKE GREEN, OAKE

Location: FORD FARM, THE GRAIN STORES, OAKE GREEN, OAKE

Grid Reference: 316082.125396

Notification - Agricultural

RECOMMENDATION AND REASON(S)

Recommended Decision: Prior Approval (Conditional)

RECOMMENDED CONDITION(S) (if applicable)

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

- (A4) Site Plan
- (A4) Location Plan 1:2500
- (A4) DRNo FF2 Floor and Roof Plan
- (A4) DrNo FF1 Elevations
- (A4) Cross Sections A-A & B-B
- (A4) Landscaping
- (A4) Proposed Levels

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

2. The roof material shall be anthracite grey 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 area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of the building being brought into use.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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. Note at request of Landscape Officer:
Care should be taken when lowering soil levels on site, to ensure that the roots of the existing hedges are not severed.

PROPOSAL

The site lies at Oake Green to the south-east of Oake. It is a small enclosure, on a higher level than the road, currently used for the storage of machinery and surrounded by well established hedges to the north-east, south-east and south-west. The roadside boundary is a post and wire fence and a wide gateway provides access to the site. The site is accessed by a country lane (a no-through road), which also provides access to a scattering of dwellings. Once the lane has passed the site, it serves a further property, Oake Green House, before coming to an end and continuing as a footpath crossing a field. A further footpath also passes to the south-west and south-east of the site, separated by the well established hedges.

Opposite the site, separated by the country lane, is a large grey clad building, understood to be utilised as a grain store, with an area of concrete standing to the front. This is shown to be within the control of the applicant, along with a large block of land to the north. There are further separate blocks of land to the south and east.

This Agricultural Notification seeks to erect a 30m long by 15 metre wide grain store building of dark grey cladding, with a large sliding door to the front. It would be 6 metres to the eaves and 7.2 metres to the ridge with an anthracite fibre cement roof. The agent states that the building is required for additional grain storage, in association with the 600 acres of land cultivated in the locality and wishes to group it with existing grain store.

During the processing of the notification, it was considered that prior approval was required. The applicant posted a site notice and submitted details of levels/sections and landscaping. It was also confirmed that the roof material would be amended to anthracite sheeting.

It is now proposed to reduce the levels of the site and it is understood that the soil

excavated will be used to grade a disused railway embankment and bring it back into agricultural use. The agent confirms that permission has been obtained from Somerset County Council for this operation, along with an exempt waste operating licence from the Environment Agency. It is also proposed to undertake additional Maple tree planting on the south-western boundary, with the retention of the existing established hedge to the sides and rear of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE - The new agricultural building is to be located immediately opposite a similar grain store. It will be well screened by existing hedgerows, so will have minimum landscape impact. The proposed planting of field maple trees will reinforce the existing screening. Care should be taken when lowering soil levels on site, to ensure that the roots of the existing hedges are not severed. Query where excavated soil will be deposited.

OAKE PARISH COUNCIL - Objects on the grounds of:

- Size of the building is too big for the area of land where it is being proposed, over-development of the site.
- Existing tarmac road is recognised as a Class D adopted road, and understand any proposed development should be 25 metres away from this road.
- Several flooding issues at the site opposite the main tarmac road from the large grain store currently sited. This has severely impacted on the neighbours in the lane.
- No adequate drainage system in this area and the plans do not show how excess water will be managed. This will make the situation worse especially during the winter months.
- Excess noise from the drying machines for the grain which will impede on the near neighbours. Already a large diesel engine working daily for many hours in the existing building during the drying process and disturbing the neighbours. This noise level will increase if there are two buildings drying corn.
- Health issues have been raised regarding the increase in dust and other fungal spores being permitted into the air, through the transporting and drying process with the grain.
- Increase in traffic of the large grain lorries having to use the route through the village of Oake, over the traffic calming humps as lorries can't go through Bradford on Tone. The turning out of Oake Green is restricted with poor visibility, numerous accidents along this section of road over the years.
- The Parish Council will be requesting a report from SCC Highways which details the number of accidents that have occurred along this stretch of road.
- The Parish Council would also like to know whether an Environmental Report has been carried out and any impact in this area, as it is understood Great Crested Newts are present. Any other protected species also need to be identified.
- It is understood this area is not the applicant's central business operation and would like to know why he wants to develop this particular area.
- The Parish Council are in full support of the letter forwarded to the Clerk from

Bondstones (Chartered Surveyors) who have acted on behalf of a resident in Oake Green.

- With these points raised, we trust the planning authority will refuse this application.

Representations

10 letters of objection received from 8 different households on the grounds of:

- Not considered to be permitted development as parcel is 0.17ha and separated from remainder of land by public highway. Site plans submitted are extremely misleading. Development not permitted if carried out on a separate parcel of land less than 1 hectare in area.
- Oake Green is a council lane, therefore this needs planning permission. Road is Class D, bulk of proposed development falls within 25 metres of the metalled edge of a classified road. Development not permitted if any part of development would be within 25 metres of a classified road.
- Query reasonable necessity for a building of size and scale on applicant's unit in this location. Query need for away from centre of farming operations (Ford Farm). Siting at Oake Green would increase haulage/road miles, labour demands, management burden and risk of negotiating dangerous road junctions. Already a grain store opposite, which is generally understood to be adequate for crops grown in area. Already generates significant traffic but prospect of doubling traffic is alarming. With land elsewhere, a better site could be found.
- Query need, due to grain having to be transported in from another farm and hauled away. Query whether a building of this size is required to store the amount of grain produced on 600 acres. Concerns that existing grain store should have greater capacity than that stated by agent, which could be increased by internal alterations. Theoretical storage capacity of proposed building not reasonably necessary for the existing unit.
- Part of grain store has been converted to a dwellinghouse within last 4 years. If correct, this may well have reduced useful capacity, contributing to need for additional storage.
- Oake Green is dangerous, particularly exiting where visibility would not allow large vehicles/tractors to exit safely, particularly as it is a 60mph zone with traffic often exceeding this. Road has much increased traffic since completion of developments at Cotford St Luke and Norton Fitzwarren. On several occasions, written to County Council to complain about residents of Norton Fitzwarren using the road as a rat run, speeding to reach M5. Have been accidents in the past and these would become more frequent. Oake Green is a narrow, single track road with minimal turning/avoidance areas and a sharp turn into the lane from a fairly narrow and busy road. Lane used by walkers, runners, horseriders, and carriage drivers, three footpaths enter the lane directly onto the roadway, often large groups of walkers. HGVs cause disruption to passing traffic and also erode banks and damage drains, contributing to flooding. Would increase large vehicles passing through village with concentration of roadside houses, village shop, school and playground, over speed bumps and around dangerous corner adjacent to school, where cars are often parked, requiring lorries to occupy other side of road. Often unaccompanied children use roadway between school and playground on foot or on bikes, increased danger from lorries and tractors to pedestrians including children and elderly.

- Extra building may increase risk of flooding to the dwelling/building at the bottom of the lane. Drawing indicates rain water down pipe to go into existing drainage system, there is no existing drainage there. It all comes down a ditch and will flood buildings at Oake Green House. If flooding occurs will look for compensation from TDBC.
- Levels of airborne grain and dust will increase, adversely affecting dwelling down road 75 metres away, due to prevailing winds, causing health problems with fungal spores. Diesel engine and fan blower would be a continuous noise. Existing blower and engine in operation 7 days per week, 15 hours per day. An additional blower would be unbearable, would be unable to have windows or doors open due to noise and dust.
- Concerned about size, which would be an ugly and prominent eyesore in the landscape, out of proportion to area of site, little room for loading. Will overlook adjacent properties at Oake Green House.
- Query why local residents were not told about application. Concerns that TDBC have decided to ignore the relevant General Permitted Development Order.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - CP 8 ENVIRONMENT,
 NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

Procedural matters

The erection of an agricultural building on a holding of over 5 hectares is permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 6, Class A and does not require express planning permission. It is permitted subject to a condition that, before beginning development, the applicant must apply to the Local Planning Authority for a determination as to whether their prior approval is required to the siting, design and external appearance of the building. If prior approval is not required, then the building can simply be erected; if prior approval is required, then the applicant must provide full details of the siting, design and external appearance and the Local Planning Authority must assess whether these are acceptable.

Some of the representations have challenged whether the building is, in fact, permitted development, suggesting that the parcel of land is less than 1 hectare and as it lies within 25 metres of a Class D road.

The legislation clarifies that the development is not permitted if it would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area – this site is on a small parcel on the opposite side of the lane to the main farm holding. However, case law indicates that separate pieces of land can be treated as part of the same parcel provided that the component parts are not separated by a substantial distinguishing feature and that this is a matter of fact and

degree. Taking into account the nature of the narrow, no-through, Class D road, this is not deemed sufficiently substantial to give rise to a separation. As such, in this instance, the site is considered to form part of a parcel exceeding 1 hectare.

It is also noted that development is not permitted by Class A if any part of it would lie within 25 metres of a metalled part of a trunk road or classified road. It is not disputed that the highway passing the site may be a Class D road. However, a Class D road is not regarded as classified and Department of Transport guidance on the classification of roads supports this view.

Based on the supporting information supplied by the applicant stating that additional land has been acquired to result in the farming of 600 acres of arable land, the building is considered to be reasonably necessary for the purposes of agriculture, for the storage of grain.

Your officers have considered the matter, in conjunction with the Council's Legal Services Manager and is satisfied that the development is permitted development and the application can be considered.

In this case, the Local Planning Authority, under delegated authority, have already determined that prior approval is required to the siting, design and external appearance of the building. On this basis, it is pertinent to note that the matters for consideration are siting, design and external appearance. Permitted development, by its very nature, accepts the principle of the building and does not give provision to take into account whether or not a building can be erected on this holding. The issues for consideration in this application, therefore, relate only to the design, siting and external appearance and any impacts arising from these.

Assessment of siting, design and external appearance

The proposed building would be closely related to an existing building and would be of similar gabled design with a low pitched roof and similar materials. The site lies on a higher level than the adjacent road and slopes upwards to the north-west and south-west of the site. During the processing of the application, details of levels were submitted confirming that land levels within the site would be lowered to result in the base of the building being approximately 300mm above road level, similar to that of the grain store opposite.

The site is bounded on three sides by well established hedges, which already provide a significant element of natural screening to the proposed building. Whilst these hedges would lie close to the proposed building, it is important to note that where new buildings are permitted, landscaping to this effect would generally be sought, whereas in this instance, it is already present. In addition, the further planting of trees along the south-western side of the proposed building would help to further integrate the proposal into the surrounding landscape. Whilst a public footpath, passes to the south-west and south-east of the site, this passes to the other side of the hedge and is not therefore considered visually intrusive to users of the public right of way.

It is acknowledged that the building would exceed the height of the hedges, although the reduction in ground levels would assist in reducing this impact and the use of

dark grey cladding to the walls to match the building opposite is considered acceptable. Whilst the roof of the grain store would be clearly visible, the use of anthracite grey fibre cement sheeting is considered an appropriate material that would reduce the prominence of the building within the landscape.

A number of issues have been raised, largely relating to highway safety and the use of the lane by tractors and large goods vehicles. In view of the presence of the existing grain store and the lane providing access to adjacent arable land, the lane is already used by numerous tractors and large goods vehicles, which can take place at any time of the day or night, without any restrictions. A number of the issues raised in terms of traffic appear to relate to an existing situation, which could intensify without the need for any further consent. They also appear to relate to highway safety concerns on the main Bradford on Tone to Oake road, rather than the no through road giving access to the site.

As noted above, only the impacts arising from the siting, design and external appearance can be taken into consideration. In this case, the land and existing operations appear to be accessed from the no through road. Whilst the main holding is on the opposite side of this road to the proposed grain store, this lane would likely be used for access regardless of the siting of this building within the holding. As the principle of a building is established as permitted development, it is not considered that additional traffic on the main through road can be given any weight in this case. The actual access from the site onto the no through road is acceptable.

A number of concerns have also been raised regarding potential flooding, noise and dust and the consequent impact upon the residential amenities of nearby properties, the potential impact upon wildlife and whether other sites would be more appropriate. The proposed grain store would be slightly, but not significantly closer to nearby residential properties and, therefore, it is not considered that the siting would cause unacceptable harm to the amenities of nearby properties. Any nuisance that arose from excessive noise or dust could be investigated by environmental health, but there is nothing to suggest that this would likely occur.

Under the prior notification procedure, there is unfortunately no provision to take flooding or the potential impact upon wildlife into consideration, although it is important to note that other legislation seeks to safeguard protected species and it is for the applicant to satisfy themselves that they comply with such legislation.

A further concern has been raised that part of the grain store has been converted to a dwellinghouse within the last 4 years. This is a separate issue that would need to be investigated by the Council's Planning Enforcement section. The query has also been raised as to whether there are better sites available. The applicant has submitted a prior notification to the Local Planning Authority for this particular site, therefore it is this site that must be given consideration.

With regard to the above, it is considered that proposed building is acceptable in terms of siting, design and external appearance and is not deemed to result in a significant adverse impact on the rural appearance of the landscape. Having assessed the proposal under the prior notification procedure, taking into account the relevant matters it is, therefore, deemed that prior approval for this site can be granted.

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

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468

TAUNTON DEANE BOROUGH COUNCIL

Planning Committee – 03 September 2014

Miscellaneous Report

E/0154/24/12

UNTIDY SITE AT 12 TOWN CLOSE, NORTH CURRY

OCCUPIER:

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

PURPOSE OF REPORT

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

RECOMMENDATION

That members consider a number of different approaches to remedy the harm caused by the untidy site at 12 Town Close, North Curry and that prosecution action be deferred for a period of 5 months for the reasons outlined in the report and attached confidential papers.

SITE DESCRIPTION

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

BACKGROUND

Members will no doubt recall that the condition of the site has for some years been a cause of concern for both the neighbours and the Local Authority. Members authorised at the Planning Committee meeting of 30 January 2014 the serving of a Section 215 notice. This was served on 24 February 2014 with a 6 weeks compliance time (12 May 2014).

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

A site visit was made on 19 May 2014 and a number of photographs taken to show what progress have been made in complying with the notice. These photographs were shown at the Planning Committee on 4th June and members were told by officers that the owner of the site had been advised by the Council's Legal Section

that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings.

UPDATE ON CURRENT SITUATION

No further clearance has taken place on the site since the initial site clearance works were carried out, however, the council has not pursued legal proceedings for reasons set out in the attached confidential papers.

It is considered by officers that proceeding with prosecution at present would not achieve any further clearance of the site or any kind of satisfactory resolution to the problem.

Officers have considered alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours. These include:

1. Defer prosecution action for a set period of time – This could allow for Mr Hunt to continue to clear the site, however, if further clearance does not occur, the council could proceed with prosecution action and/or direct action.
2. Prosecution - Where the council proceeds with prosecution action for non-compliance with the Section 215 Notice.
3. Direct action – Where the council looks to take direct action in seeking authorisation to enter the land, clear the site and store the removed items for a set period of time. A charge would normally be placed on the land so that the Council's cost could be recovered at a later date.

At present, officers consider that deferring prosecution action and reviewing the case in 5 months would be the most appropriate course of action. For the reasons set out in the confidential papers, it is considered that proceeding with prosecution at this time would not achieve any kind of satisfactory resolution for anyone. Taking direct action could result in the site being cleared at the initial cost of the Council, however it needs to be considered whether this is a proportionate response to the breach in light of the current situation. Officers do not consider that it is proportionate or reasonable at this time, but would seek to keep this under review.

It is therefore recommended that that prosecution action be deferred for a period of 5 months for the reasons outlined above in the attached confidential papers.

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

PLANNING OFFICER: Mr B Kitching

ENFORCEMENT OFFICER: Mr J A W Hardy, Tel: 01823 356466

38/14/0257

MR M VICKERY

**ERECTION OF FIRST FLOOR EXTENSION OVER ATTACHED GARAGE AND
ATTIC CONVERSION AT 3 BROADLANDS WAY, TAUNTON**

Location: 3 BROADLANDS WAY, TAUNTON, TA1 4HJ

Grid Reference: 322259.123771

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval - Subject to no neighbour objection by 12th September permission be delegated to be granted by the Planning and Development Manger in consultation with the Chair/Vice Chair.

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 J89/01 Survey Drawing
(A3) DrNo J89/02 Proposed Floor Plans
(A3) DrNo J89/03A Proposed Elevations

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

3. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the **north** elevation of the development hereby permitted without the further grant of planning permission.

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

PROPOSAL

It is proposed to erect a first floor hipped roof extension above the existing garage to create a dressing room and an en-suite bathroom. In addition, it is proposed to convert the part of the roof space of the original dwellinghouse to form an additional bedroom and bathroom. There are no windows shown on the north elevation facing the Neighbouring property at 1 Broadlands Road.

Materials will match the existing property.

The application is being presented to Planning Committee as the Agent is related to a Member of Staff.

SITE DESCRIPTION AND HISTORY

The existing property is detached and finished in render under a tiled roof. There is a flat roof garage attached to the north elevation which the first floor extension will be built above.

There is a 1.8m fence along the boundary with planting within the Neighbour's garden.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received

Representations

None received

PLANNING POLICIES

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

LOCAL FINANCE CONSIDERATIONS

Not applicable in this instance

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the proposed extension is acceptable in terms of scale and design and will be subservient to the existing dwellinghouse. There are no windows proposed on the north elevation that faces the adjacent property and there are not considered to be any adverse overlooking or amenity impacts from the scheme that would warrant an objection on planning grounds and the application is recommended for approval.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

38/14/0273

MR C BAILEY

**ERECTION OF TIMBER SUMMERHOUSE TO REAR OF 31 EASTWICK ROAD,
TAUNTON**

Location: 31 EASTWICK ROAD, TAUNTON, TA2 7HU

Grid Reference: 323094.126449

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A4) First Floor Plan as Proposed
(A4) Site Plan
(A4) Proposed Elevations
(A4) Location Plan

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

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

PROPOSAL

Erection of a summer house in the rear garden measuring 4.8m x 3.3m and 2.9m in height. It will be a wooden structure with pvc shingles on the roof.

SITE DESCRIPTION AND HISTORY

The summer house will be located at close to the rear boundary which is part rendered wall with a fence above - the total height is 2.5m. The gable wall of 24 Colin Road is located at a right angle to the garden and has a small window visible at first floor level.

The application is being presented to committee as the Applicant is related to a Member of Staff

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received

Representations

None received

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

Not applicable

DETERMINING ISSUES AND CONSIDERATIONS

The proposed summer house is located in the rear garden alongside the boundary wall and fencing. It is considered that the size and scale of the summer house is in-keeping with the existing residential area and there will be no adverse impact on neighbouring amenity.

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

CONTACT OFFICER: Mrs S Melhuish Tel: 01823 356462

APPEAL DECISIONS FOR COMMITTEE AGENDA – 03 SEPTEMBER 2014

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/A/13/2206786	INSTALLATION OF SOLAR PV ARRAYS AND ASSOCIATED WORKS WITH A CAPACITY OF UP TO 9.5 MEGAWATTS OF POWER AT LAND NORTH-WEST OF RITHERDENS FARM, BRADFORD ON TONE AS AMENDED	The proposed solar photovoltaic installation and associated works would change the Farmed and Settle Low Vale Landscape Character of the area resulting in an unacceptable and detrimental impact to the visual amenity of the area. The detrimental impact is particularly damaging to the local area and especially when viewed from the residential properties at Hele, Wheaton Farm, Stonegallows Hill and the three public footpaths which cross the site where the proposal would be uncharacteristic and dominating in the landscape. The proposal is therefore considered to be contrary to Government advice contained within the NPPF and Planning Practice Guidance for Renewable and Low Carbon Energy and polices CP1(g), CP8, DM1(d) and DM2(8) of the Taunton Deane	07/13/0016	<p>The inspector considered the main issue to be the effect of the proposed development on the character and appearance of the local landscape.</p> <p>The scheme would make a significant contribution to the UK's target for the deployment of renewable energy and there would be some benefits in terms of the creation of new wildlife habitats. However, bearing in mind the degree of harm to the local landscape and the strength of local opposition to the scheme, which the Inspector considered to be well-founded with regard to the likely landscape impact in particular, he considered the benefits of the scheme would not outweigh the harm or the conflict with the development plan policies and DISMISSED the appeal.</p>

		Core Strategy.		
APP/D3315/A/14/2 219145	CHANGE OF USE OF THE STORE/OFFICE BUILDING TO A HOLIDAY LET AT THE GLOBE INN, STAWLEY (RETENTION OF WORKS ALREADY UNDERTAKEN)	Policy DM2 (Part 3) of the Taunton Deane Core Strategy makes provision for holiday and tourism accommodation within existing buildings where there is an identified need and where it is compatible with and supports the economic diversification of existing service enterprises. The proposed holiday let will be operated independently from The Globe Inn public house and as a consequence the financial income streams generated by the new business will not directly benefit the existing service enterprise. Any associated benefit to the public house such as increasing the customer base, food and wet sales will be very limited. The application also fails to adequately demonstrate that there is an identified need for small scale holiday let accommodation within the area. The proposed development would therefore result in an unsustainable pattern of development contrary to Policies CP1, DM1 and DM2 (Part 3) of the	35/13/0016	The Inspector concluded that although the appellant states that the appeal property provides comfortable accommodation and expresses a willingness to commission a survey of the local holiday let market via a planning condition, to comply with this aspect of Policy DM2 such evidence would need to be available prior to determination of the proposal. Policy DM2 (criterion 7) also allows for the conversion of existing buildings for holiday uses provided that certain conditions have been met. Little evidence has been put forward to demonstrate that such uses have been discounted. The appeal property is located approximately 6.8 km from the nearest service centres of Wellington and Wiveliscombe, and, as such, it is likely that future occupiers would need to access the nearest shops and services by private vehicle, resulting in an increased level of vehicle emissions in comparison to holiday

		<p>Taunton Deane Core Strategy together with guidance contained within the National Planning Policy Framework.</p>		<p>accommodation in more accessible locations. The building is not in a suitable location for the proposed holiday accommodation. There would be conflict with Policy DM2 of the Core Strategy which establishes criteria for new development within the countryside. There would also be conflict with policies DM1 and CP1 of the Core Strategy which, amongst other things, aim to achieve sustainable patterns of development.</p> <p>The Inspector DISMISSED the appeal.</p>
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APPEALS RECEIVED FOR COMMITTEE AGENDA – 03 SEPTEMBER 2014

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/14/2223185	CONVERSION OF DWELLING INTO 2 No DWELLINGS AT ROSEMARY COTTAGE, HAM ROAD, CREECH ST MICHAEL	14/14/0036

Planning Committee – 3 September 2014

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

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

Also present: Councillors Stone and Edwards in connection with application No
E/0154/24/12 and Mrs A Elder, a Co-opted Member of the Standards
Committee.

(The meeting commenced at 5.00 pm)

86. Apologies/Substitutions

Apologies : Councillors Bowrah and Mrs Hill

Substitutions : Councillor Gill Slattery for Councillor Mrs Hill and Councillor
Ms Webber for Councillor Bowrah

87. Minutes

The minutes of the Planning Committee meeting held on the 13 August 2014
were taken as read and were signed.

88. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor Tooze
declared a personal interest as an employee of UK Hydrographic Office.
Councillor Nottrodt declared a personal interest as a Director of Southwest
One and Councillor Wren declared a personal interest as the Clerk to
Milverton Parish Council. Councillor Bishop declared that he had attended a
Parish meeting at Oake where application No 27/14/0015/AGN had been
discussed. He felt that he had not “fettered his discretion”.

89. Applications for Planning Permission

The Committee received the report of the Development Management Lead 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 development:-

38/14/0273

Erection of timber summerhouse to rear of 31 Eastwick Road, Taunton

Conditions

(a) The development hereby permitted shall be begun within three years of the date of this permission;

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

- (A4) First Floor Plan as proposed;
- (A4) Site Plan;
- (A4) Proposed Elevations;
- (A4) Location Plan;

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

(2) That **prior approval be granted** in respect of the following application:-

27/14/0015/AGN

Prior notification for the erection of an agricultural building for the storage of grain at Ford Farm, The Grain Stores, Oake Green, Oake

Conditions

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

- (A4) Site Plan;
- (A4) Location Plan 1:2500;
- (A4) DrNo FF2 Floor and Roof Plan;
- (A4) DrNo FF1 Elevations;
- (A4) Cross Sections A-A & B-B;
- (A4) Landscaping;
- (A4) Proposed Levels;

(b) The roof material shall be anthracite grey in colour unless otherwise agreed in writing with the Local Planning Authority;

(c) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the

date of the building being brought into use; (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority.

(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) Applicant was advised that care should be taken when lowering soil levels on site to ensure that the roots of the existing hedges are not severed; (iii) Applicant was requested to ensure that adequate surface water drainage provision is made within the site, particularly for the disposal of surface water so as to prevent its discharge onto the highway and neighbouring properties; (iv) Applicant was requested to give full regard to the Habitats Directive. It should be noted that the protection afforded to species of wildlife under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. In particular, it appears to the Council that Great Crested Newts may be present on site;

Work can therefore commence subject to the applicant obtaining any other approvals that may be required.

The development must be carried out in accordance with the details submitted with the application and within five years of the receipt of the applicant's notification; that is by 15 June 2019. Also, applicant is required by law to inform the Development Management Lead when the works are substantially completed. The applicant will be contacted in a year's time if the Development Management Lead has not heard from the applicant.)

90. Erection of first floor extension over attached garage and attic conversion at 3 Broadlands Way, Taunton (38/14/0257)

Reported this application.

Resolved that subject to no neighbour objection being received by 12 September 2014, the application be determined by the Development Management Lead in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo J89/01 Survey Drawing;
- (A3) DrNo J89/02 Proposed Floor Plans;
- (A) DrNo J89/03A Proposed Elevation;

(c) Notwithstanding the provisions of Article 3, Schedule 2. Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order, with or without modification), no window/dormer windows shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission.

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

91. E/0154/24/12 – Untidy site at 12 Town Close, North Curry

Reference Minute Nos 15 and 65/2014, reported that no further clearance works had been carried out to the site at 12 Town Close, North Curry since the last update made to Members on 4 June 2014. The reasons for this were set out in the confidential appendix submitted with the report.

It was considered by the Development Management Lead that proceeding with the previously authorised prosecution action at present would not achieve any further clearance of the site or any kind of satisfactory resolution to the problem.

A number of courses of action had been considered that could result in the clearance of the site and remedy the harm to the residential amenity of neighbour. These included:-

1. Deferring prosecution action for a set period of time – This would allow for the owner to continue to clear the site, however, if further clearance did not occur, the Council could proceed with prosecution action and/or direct action.
2. Prosecution – Where the Council proceeded with prosecution action when it felt appropriate to do so for non-compliance with the Section 215 Notice.
3. Direct action – Where the Council looked to take direct action in seeking authorisation to enter the land, clear the site and store the removed items for a set period of time. A charge would normally be placed on the land so that the Council's costs in taking such action could be recovered at a later date.

To enable the confidential appendix to the report to be discussed, it was **resolved** that the press and public be excluded from the meeting to because of the likelihood that exempt information would otherwise be disclosed relating to

Clause 1 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

Resolved that prosecution action be deferred for a period of five months for the reasons outlined in the report and the confidential appendix.

(The meeting ended at 7.15 p.m.)