

Planning Committee – 10 February 2010

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Brooks, Mrs Copley, Ms Court, Critchard,
Denington, Mrs Floyd, House, Miss James, McMahon, Stuart-Thorn,
Watson and D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr M Bale
(Principal Planning Officer), Mr A Pick (Principal Planning Officer),
Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and
Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Henley in connection with application Nos 43/09/0125,
43/09/0126 and 46/09/0030; Councillor Morrell in connection with
application No 05/09/0034; and Councillor Coles

(The meeting commenced at 5.00 pm)

11. Apology/Substitution

Apology: Councillor C Hill
Substitution: Councillor Stuart-Thorn

12. Minutes

The minutes of the meeting of the Planning Committee held on 20 January
2010 were taken as read and were signed.

13. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests
as Members of Somerset County Council. The Chairman (Councillor Mrs Hill)
declared a personal interest as an employee of Somerset County Council.
Councillor Miss James declared a personal interest as an employee of Viridor.
Councillor Coles declared a personal interest as a Director of Southwest One.
Councillor Stuart-Thorn declared that he had previously spoken against
application No 05/09/0034 and considered he had “fettered his discretion”.
He left the meeting during the discussion of this item. Councillor Critchard
declared that he opposed application Nos 43/09/0125 and 43/09/0126 and
considered he too had “fettered his discretion”. He left the meeting during the
discussion of these items.

14. Applications for Planning Permission

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

- (1) That **outline planning permission be granted** for the under-mentioned
development:-

05/09/0034

Erection of two dwellings at land to rear of 50 Stonegallows, Bishops Hull

Conditions

- (a) (i) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced; (ii) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremities of the site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (c) The reserved matters application shall comply with the maximum parameters relating to the scale of development (including the eaves and ridge height, width and length of each building), as identified on Plan No. 12 Rev B & Plan No. 13. The eaves height and ridge height shall not exceed 26.5m and 23.5m respectively with reference to the survey heights shown on the aforementioned plans;
- (d) No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied;
- (e) 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 windows shall be installed at first floor level on the west or east elevation of the development hereby permitted without the further grant of planning permission;
- (f) Provision shall be made in the submission of reserved matters for two parking spaces per dwelling;
- (g) Prior to the dwellings hereby permitted being occupied, a properly consolidated and surfaced access shall be constructed, not loose stone or gravel, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the submitted details identify that surface water is to be discharged to a

soakaway. The soakaway should be constructed in accordance with BRG365 (Sep 91); (3) Applicant was advised that the reserved matters for landscaping should seek to retain the existing hedgerows and provide additional tree planting to minimise the impact of the built development on the landscape. Careful consideration should be given to the revised access arrangements to ensure a good quality development. The applicant should contact the Local Planning Authority's Landscape Officer to discuss the proposals prior to the submission of the reserved matters; (4) Applicant was advised that points of connection onto Wessex Water infrastructure should be agreed with Wessex Water prior to the commencement of works on site; (5) Applicant was advised that existing trees on site should be protected during construction and minor tree work to the Oak tree (crown raising to 2.5m) should also be carried out; (6) Applicant was advised that fenestration on the east and west elevations of the proposed dwellings should be kept to a minimum and, if any fenestration was required on these elevations, obscure glazing should be used.

Reason for granting planning permission:-

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

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

43/09/0125

Erection of a dwelling, together with revised access arrangements, within garden adjacent to 1 Shuteleigh, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall commence until the existing bungalow, known as 1 Shuteleigh, has been demolished and all materials removed from site, unless any variation is agreed to in writing by the Local Planning Authority;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is

occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme which shall include details of the species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge or trees are removed without the Local Planning Authority's consent or die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by a hedge or trees of similar size and species, or the appropriate hedge or trees as may be approved by the Local Planning Authority within the first available planting season;
- (g) Prior to the occupation of the dwelling hereby approved, the new access and parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be maintained at all times;
- (h) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (i) Prior to the occupation of the dwelling hereby approved, the proposed access and drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
- (j) The new access and parking area hereby permitted shall not be brought into use until drop kerbs have been installed and extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access;
- (k) Prior to the occupation of the dwelling hereby approved the existing vehicular access onto/from Pyles Thorne Road and the private lane to the east into the site shall be permanently stopped up, its use abandoned and any verge or footway crossing reinstated in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway, has been submitted to, and approved in writing by, the Local

Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;

- (m) 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 development of the types described in Schedule 2, Part 1 Class A, 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.

(Note to applicant:- Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. The scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

43/09/0126

Erection of replacement dwelling, new vehicular access and associated works at 1 Shuteleigh, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (c) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of

five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (e) The landscaping along the south and east boundary of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the dwelling. In the event that the hedge and trees are removed without the consent of the Local Planning Authority, or which die or become seriously diseased or otherwise damaged shall within five years of the completion of the development be replaced by trees and hedge of a similar size and species, or the appropriate trees and hedge as may be approved by the Local Planning Authority within the first available planting season;
- (f) Prior to the occupation of the dwelling hereby approved, the new access and parking area, as shown on the submitted plan, over the entire length shall be properly consolidated and surfaced, not loose stone or gravel, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be maintained at all times;
- (g) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) Prior to the occupation of the dwelling hereby approved, the proposed access and drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
- (i) The new access and parking area hereby permitted shall not be brought into use until drop kerbs have been installed or extended at the carriageway edge and a vehicular crossover constructed across the footway fronting the site for the entire width of the access;
- (j) Prior to the occupation of the dwelling hereby approved, the existing vehicular access onto/from Pyles Thorne Road and the private lane to the east into the site shall be permanently stopped up, its use abandoned and any verge and footway crossing reinstated in accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (k) No development shall commence until details of the method for the disposal of surface water, so as to prevent its discharge onto the public highway has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;
- (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 development of the types described in Schedule 2, Part 1 Class A, 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.

(Note to applicant:- Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

46/09/0030

Erection of 16,000 bird free range egg production building and alteration to agricultural access on land adjacent to Gerbestone Lane, West Buckland

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Prior to the commencement of the development hereby permitted, full details of the proposed access shall be submitted to, and agreed in writing by, the Local Planning Authority. The details, based on an accurate measured survey, shall show the following:- (i) That there shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of a line drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m either side of the access; (ii) That a recessed entrance of a minimum of 5m wide shall be constructed 10m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge; (iii) The proposed material for the surfacing of the access showing that the area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced, not loose stone or gravel; (iv) The gradient of the access shall not be steeper than 1 in 10; (v) The provision that shall be made within the site for the disposal of surface water so that none is allowed to discharge onto the highway; (vi) The proposed location of the boundary hedge that will be realigned or replanted behind the visibility splay required by (i) above. The agreed details shall be implemented before the building hereby permitted is brought into use and shall thereafter be maintained as such;
- (c) The area allocated for parking and turning on drawing 09/20B shall be kept clear from obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (d) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10m from the carriageway edge unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Prior to the commencement of the development hereby permitted 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. The scheme shall show the proposed boundary treatments, precise contours for the earth deposition, all proposed planting at the site boundaries and additional planting within the site and the treatment including a method statement of the roadside boundary hedge that will be realigned in accordance with condition (b); (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (f) The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report dated June 2009 and shall include a further survey detailing badger activity over the whole site and on adjoining land. The results of this survey shall be used to determine the external operational use of the poultry unit. The strategy shall include:- (i) Further badger surveys on site and on adjoining land owned by the applicant; (ii) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (iii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iv) 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented and thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) Spoil from the excavation shall only be deposited in the area indicated on drawing 09/20B and shall be kept 5m clear of the watercourse unless otherwise agreed in writing by the Local Planning Authority;
- (h) Predator proof fencing shall only be installed in the locations indicated on Drawing 09/20B and no other fencing shall be installed anywhere on the site unless otherwise agreed in writing with the Local Planning Authority;
- (i) There shall be no retail sales from the site.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency recommend that no contaminated water shall be allowed to enter any controlled waters, including groundwaters or watercourses. It is not clear where the proposed septic tank will discharge to. The system will be subject to obtaining a separate consent from the Environment Agency under the terms of the Water Resources Act 1991. Any foul drainage system from the proposed development will be expected to meet the requirements of British Standard BS 6297: 1983 and which complies with the following:- (a) There is no connection to any watercourse or land drainage system and no part of the

soakaway system is situated within 10m of any ditch or watercourse, or within 50m of a well, borehole or spring; (b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers); (2) Applicant was advised that any storage of fuels must be undertaken in full accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Therefore, any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10 per cent. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund; (3) Applicant was advised that the waste from the egg production buildings should be spread and stored in accordance with the Nitrate Vulnerable Zone Regulations 2008. All waste removed from site must be carried in line with Duty of Care and the Environmental Permitting Regulations 2008 and taken to a appropriately licensed waste management facility. If any waste is to be brought onto the site then the appropriate exemption must be applied for. The appropriate management of nitrates particularly from poultry farming has been identified as a key issue within the recently published South West River Basin Management Plan).

Reason for granting planning permission:-

The proposed use was considered to be acceptable in principle. It would not lead to unacceptable impacts on the local highway network, the amenities of other nearby property, wildlife, flooding or pollution. The proposed landscaping and earthworks were considered to provide an acceptable mitigation to assimilate the building into the surrounding landscape and preserve views from, and the natural beauty of, the nearby Area of Outstanding Natural Beauty. The proposal was therefore in accordance with Policies S1, S2, S7, M1, M3, EN3, EN6, EN10, and EN12 of the Taunton Deane Local Plan; Policies STR1, STR6 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained within Planning Policy Statements 1, 7 and 9.

52/09/0053

Erection and alteration of extension and four-bay car port, demolition of two-bay garage at Hillcroft House, 2 Jeffreys Way, Comeytrowe

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;

- (c) 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), any first-floor window installed in the east elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed) and shall not be modified thereafter without the prior written consent of the Local Planning Authority;
- (d) The development hereby permitted shall not be implemented with any part of the development granted planning permission by virtue of application reference 52/09/0024 dated 13 August 2009.

Reason for granting planning permission:-

The proposed development was acceptably designed and would not impact unreasonably upon other nearby property or the street scene. It, therefore, was acceptable and in compliance with Policies S1, S2 and H17 of the Taunton Deane Local Plan.

15. Unauthorised shed/workshop and fence at 139 Darby Way, Bishops Lydeard

Reported that it had come to the Council's attention that a shed/workshop and fence had been erected at 139 Darby Way, Bishops Lydeard without the necessary consent being granted.

The owner had been contacted and advised to submit an application for planning permission but, to date, no such application had been received.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised shed/workshop and fence at 139 Darby Way, Bishops Lydeard; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

16. Change of use of land for the stationing of a mobile home and a touring caravan for residential purposes at Carriers Gate Orchard, Langford Budville

Reported that it had come to the Council's attention that a mobile home and a touring caravan for residential purposes had been stationed on land at Carriers Gate Orchard, Langford Budville without the necessary consent for change of use being obtained.

The owner of the site had been contacted and an application for planning permission had been made but this had been refused under delegated powers.

Resolved that:-

1. Enforcement action be taken to remove the unauthorised mobile home and touring caravan which were being used for residential purposes and to reinstate the land to its former condition prior to the unauthorised occupation taking place at Carriers Gate Orchard, Langford Budville;
2. The enforcement notice to have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

17. Sheds and access track on land west of High View, Yalway, West Monkton

Reported that the formation of an access track had taken place at High View, Yalway, West Monkton without the necessary planning consent being granted.

An application for planning permission to regularise the situation, together with the erection of two low pole barns had been submitted in November 2007. However, the application had not been registered as the plans submitted were not of a suitable standard.

The owner of the site had been requested to submit improved plans to enable the application to be registered but, to date, these had not been received.

In the view of the Growth and Development Manager, if suitable plans had been received, the planning application was likely to have been viewed favourably. Taking this into account and the length of time the access track and pole barns had been on the site, it was considered not to be expedient to take enforcement action.

Resolved that no further action be taken.

18. Appeals

Reported that one appeal decision had recently been received, details of which were submitted. The appeal had been allowed.

Also reported that three new appeals had been lodged, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.10 pm.)

