

## Planning Committee – 11 January 2012

Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,  
Horsley, Morrell, Mrs Reed, Mrs Smith, Watson, Ms Webber and  
A Wedderkopp

Officers:- Tim Burton (Growth and Development Manager), Bryn Kitching  
(Development Management Lead), Matthew Bale (West Area  
Co-ordinator), Gareth Clifford (East Area Co-ordinator), Judith Jackson  
(Legal Services Manager) and Maria Casey (Planning and Litigation  
Solicitor)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 1. Apologies/Substitution

Apologies: Councillors Miss James, Mrs Messenger and Wren  
Substitution: Councillor Horsley for Councillor Miss James  
Councillor Ms Webber for Councillor Wren

### 2. Minutes

The minutes of the meetings of the Planning Committee held on 9 November, 30 November, 1 December and 14 December 2011 were taken as read and were signed.

### 3. Declarations of Interest

Councillors A Govier declared personal interests as a Member of Somerset County Council and as a user of the Mount Veterinary Hospital in Wellington. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Bishop also declared a personal interest as a user of the Mount Veterinary Hospital in Wellington. Councillors Bowrah, Govier and Mrs Reed all declared that they had attended a Town Council meeting where agenda item 6 (the Mount Veterinary Hospital) had been discussed. However, none of the Councillors considered that they had fettered their discretion.

### 4. Applications for Planning Permission

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

(1) That **the detailed plans be approved** for the under-mentioned

development:-

**38/11/0596**

**Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 204 No. 2, 3 and 4 bedroom dwellings with associated infrastructure and external works, Areas A, B, C and D, Firepool Lock, Taunton**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in Issue sheets 80130-JO Sheet No. P(0)\_01 Rev A and 80130-JO Sheet No. P(0)\_02 Rev A received on 20th December 2011;
- (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 dwelling shall be occupied until the building hereby permitted is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and existing highway.

**Reason for approving the detailed plans:-**

The development represented a sustainable use of brown field land for residential purposes of design, layout and scale considered appropriate to the nature of the site and in accordance with development plan policies. The application comprised details pursuant to an outline consent for development and was considered to constitute an acceptable form of development in accordance with the requirements of Planning Policy Statement 3 and Policies S1, S2 and T3 of the Taunton Deane Local Plan.

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

**14/11/0044**

**Erection of single storey extension to the side and rear at 10 Crown Lane, Creech Heathfield**

**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 04 Existing Elevations;
  - (A3) DrNo 07 Rev C Proposed Ground Floor and First Floor Plans;
  - (A3) DrNo 06 Rev C Proposed Elevations;
  - (A3) DrNo 05 Existing Ground Floor and First Floor Plans;

- (A4) DrNo 03A Proposed Block Plan Amended 11/01/12;
  - (A4) DrNo 02 Block Plan; and
  - (A4) DrNo 01 Location Plan;
- (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) the windows to be installed in the east elevation of the extension shall be obscure glazed and non-opening. 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 for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**14/11/0048**

**Erection of detached combined covered car port/bin store/bike store and garages to serve Numbers 1 and 2 St Michael Cottages, Vicarage Lane, Creech St Michael**

**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) Location Plan;
- (A4) DrNo 1199/P01 Site Plan;
- (A4) DrNo 1199/P02 Proposed Garage and Site Sections;
- (A4) DrNo 1199/P03 Proposed Garage Plan;
- (A4) DrNo 1199/P04 Proposed Roof Plan;
- (A4) DrNo 1199/P05 Proposed SW Elevation;
- (A4) DrNo 1199/P03 Rev A Proposed Garage Plan;
- (A4) DrNo 1199/P07 Rev A Proposed Northeast Elevation;
- (A4) DrNo 1199/P06 Rev A Proposed Southeast/Northwest Elevation; and
- (A4) DrNos 1199/P03A, P06A AND P07A;

- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the garage element hereby permitted shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation;
- (d) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

(Note to applicant:- Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, applicant was advised that care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including

the foundations and roof overhang or any guttering will encroach on, under or over the adjoining property.)

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The manoeuvring space was less than that normally sought, however the space was sufficient for smaller cars and should not have any detrimental impact on the neighbouring highway, in accordance with Taunton Deane Local Plan Policies S1 and M4.

**43/11/0098**

**Relocation of the Mount Veterinary Hospital to include the erection of a two storey building with large animal procedure room, creation of new vehicle access, paddock and associated car parking with diversion of footpath at land to the south of Taunton Road, Wellington**

**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 SPP.1583.6 Vegetation Appraisal;
  - (A1) DrNo R10036-SX Topographical Survey;
  - (A1) DrNo SPP.1583.5D Landscape Masterplan;
  - (A1) DrNo 2233/FP05 Site Plan;
  - (A1) DrNo 2233/FP 03C Elevations;
  - (A1) DrNo 2233/FP 02 C Ground and First Floor Plans; and
  - (A4) DrNo FMW0479/GA01 rev D Preliminary site access arrangement;
- (c) Prior to any other development occurring on site, the new junction detailed on drawing FMW0497/GA01 rev D shall be fully implemented in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the building hereby permitted coming into use and shall thereafter be maintained as such;
- (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 Ambios Ecology's submitted report, dated September 2011 and include:-
  - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and

- 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) (i) The landscaping/planting scheme shown on drawing SPP.1383.5D shall be completely carried out within the first available planting season from the date of commencement of the development.
- (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;
- (g) The development shall not be commenced until an updated travel plan based on the travel plan submitted with the application has been submitted to, and approved in writing by, the Local Planning Authority; such travel plan to include a list of elements to promote sustainable travel including revised plans and specifications for cycle and motorcycle parking together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein. The Approved Travel Plan shall continue to be implemented as long as any part of the development is occupied.

(Note to applicant:- Applicant was advised that the Local Highway Authority require a Section 278 Agreement for works to the public highway.)

#### **Reason for granting planning permission:-**

The proposed development would allow an existing business and significant employer in Wellington to relocate to premises that allowed the business to continue to develop further. As such, there were significant economic benefits to the town in allowing the proposal to proceed, and this was considered to outweigh the impact on the proposed green wedge and landscape approach to Wellington. The impact upon highway safety, ecology and neighbouring residents was considered to be acceptable and accordingly, the proposal was considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design) and EN3 (Local wildlife and geological sites) of the Taunton Deane Local Plan; Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained in Planning Policy Statement 9 (Biodiversity and Ecological Conservation).

**44/11/0020**

**Change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space at Beacon Lane Farm, Wellington (amended scheme to 44/11/0011)**

## 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 201/G3 Elevations as Proposed Sheet 2;
  - (A3) DrNo 201/G2A Elevations as Proposed Sheet 1;
  - (A3) DrNo 201/G4A Courtyard Elevations as Proposed;
  - (A3) DrNo 201/G1B Floor Plans as Proposed;
  - (A3) DrNo 201/S3 Elevations as Existing;
  - (A3) DrNo 201/S2 Elevations as Existing sheet 1;
  - (A3) DrNo 201/S1 Ground Floor Plans as Existing;
  - (A3) DrNo 201/L3 Highways Plans;
  - (A3) DrNo 201/L1B Site Layout and Location Plans;
  - (A4) Block Plan;
  - (A4) Site Location Plan Dr No 201/L2; and
  - (A4) DrNo 201/SK2 Sketch Hedge Sections;
- (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;
- (d) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
- (e) The velux rooflights hereby permitted shall be flush fitting and of a conservation style only;
- (f) The residential floor space hereby permitted shall not be occupied until the associated business floor space to be used for the dog breeding centre has first been brought into use;
- (g) The occupation of the residential floor space identified as Range A on drawing 201/G1B shall be limited to a person solely or mainly working within the buildings identified as Range B and Range C on drawing 201/G1B at Beacon Lane Farm and to any resident dependants;
- (h) (i) Prior to its implementation, 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;
- (i) Prior to the use of any building hereby permitted first commencing, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by,

- the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (j) No part of the development hereby permitted shall be brought into use 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 and gates to be erected. The agreed boundary treatment shall be completed before any of the buildings are first occupied and thereafter be maintained as such;
- (k) The section of hedge to be translocated adjacent to Foxmoor Road shall be carried out in accordance with details on plan 201/SK2 and the Hedgerow Translocation Method Statement dated 19 December 2011. Following implementation of this permission, the hedge shall be moved within the first available planting season and once moved, the maintenance of this hedge and infilling with appropriate planting shall be carried out and maintained for a period of five years in accordance with the approved plans and method statement;
- (l) 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 David F Wills' submitted report, dated December 2010 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
  - Measures for the 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 nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat enhancements and owl box and related accesses have been fully implemented;
- (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), the building shall not be extended or any addition made to it in any way (including dormer windows) unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) 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 building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (o) There shall be no obstruction to visibility greater in height than 900mm above the adjoining road level forward of a line drawn 2.4 m back of the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 120 m to the east. Said visibility shall be fully provided prior to the use of any building hereby permitted first commencing.

(Notes to applicant:- (1) Applicant was advised 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; (2) Applicant was advised that if the translocation of the hedge adjacent to Foxmoor Road is not undertaken prior to March 2012, you will need to satisfy yourself, through additional protected species survey work, that no species protected under UK or European Law are present within the hedgerow. If any protected species are subsequently found to be present within the affected hedgerow then you are advised to contact Natural England for further advice; (3) Applicant was advised that new water supply connections will be required from Wessex Water to serve this development. As from 1 October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from Wessex Water; (4) Applicant was advised that the Environment Agency should be consulted about a licence for the installation of the sewage treatment plant; (5) Applicant was advised that changes to the surface of Public Right of Way (PROW) WG13/23 will be made as a result of the proposed development. Authorisation for these works must be obtained from Somerset County Council's Rights of Way Group. 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.)

#### **Reason for granting planning permission:-**

The proposed development would bring this group of former agricultural buildings back into an economic use within a rural location, which was supported by local plan policies and therefore the proposed dog breeding centre with ancillary residential accommodation was considered to be an appropriate re-use for the historic buildings at Beacon Lane Farm. The proposals would not harm visual or residential amenity and it was considered that any nuisance arising from the proposed use would be appropriately contained within the enclosed kennel buildings whilst the character and appearance of the surrounding landscape and Area of Outstanding Natural Beauty would be maintained. The proposed development was therefore considered to comply with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EC6 (Conversion of Rural Buildings), EN10 Areas of Outstanding natural Beauty, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained within Planning Policy Statements 1 (Delivering Sustainable Development), 3 (Housing), 4 (Delivering Sustainable Economic Growth), 5 (Planning for the Historic Environment) and 7 (Sustainable Development in Rural Areas).

(3) That **planning permission be refused** for the under-mentioned development:-

**10/11/0042**

**Erection of a six bedroom holiday chalet with associated external garden, pond and parking areas at Pay Plantation, Stapley**

**Reasons**



The proposed development is located in the countryside of the Blackdown Hills Area Of Outstanding Natural Beauty where new development is strictly controlled and there is no need for the proposed new building to be sited in an isolated, unsustainable rural location and the economic benefit is not considered to outweigh the policy objection contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1(B), S7, EC23 and EN10 and Core Strategy Policies CP1, CP6, SP1 and DM2.

(Note to applicant:- Applicant was advised that further wildlife survey work in respect of bats and reptiles will need to be carried out as recommended in your submitted survey and the Local Planning Authority retain the right to raise this as a material consideration should you decide to appeal any decision. 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. 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. 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 (Natural Habitats) Regulations 1994 (as amended 2007), 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.)

(4) That **the following application be deferred:-**

**38/11/0595**

**Application for the approval of reserved matters following applications 38/99/0394 and 38/06/0135 for the erection of 36 No. 2 bedroom apartments with associated infrastructure and external works, Area J, Firepool Lock, Taunton**

**Reason** – For further negotiations on the design of the apartments.

**5. Unauthorised display of illuminated fascia sign and projection sign and alterations to install shopfront at CEX Ltd, 21 East Street, Taunton**

Reported that it had come to the Council's attention that a new shop front and an illuminated sign had been installed at premises at 21 East Street, Taunton without the necessary planning, listed building and advertisement consents being obtained.

The owners of the property had been contacted and applications had been submitted in an attempt to regularise the situation.

Noted that advertisement consent had been refused on 24 June 2011. The planning and listed building applications for the new shop front had not, up to now, been validated as both were incomplete, lacking national mandatory information.

**Resolved that:-**

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of 21 East Street, Taunton in respect of the unauthorised works carried out to a listed building and the unauthorised display of advertisements;
- (2) Enforcement action be taken seeking the removal of the unauthorised shop front that had been installed at the premises;
- (3) The Solicitor to the Council be further authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (4) The time period for compliance with the enforcement notice be six months.

**6. Large gate erected across field entrance adjoining Copse Hill, Church Lane, West Hatch**

Reported that it come to the Council's attention that a gate and gate piers over 1m in height had been erected without planning permission on land adjacent to the highway at Copse Hill, Church Lane, West Hatch.

The owners of the land had been contacted but, to date, an application for planning permission to regularise the situation had not been received.

**Resolved that:-**

- (1) Enforcement action be taken seeking either the removal of the unauthorised gate and gate piers that had been erected on land adjoining the highway at Copse Hill, Church Lane, West Hatch or their reduction in height to 1m;
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (3) The time period for compliance with the enforcement notice be six months.

**7. Appeals**

Reported that one appeal had been lodged and two appeal decisions received, details of which were submitted.

(The meeting ended at 8.25 p.m.)