

## **Planning Committee – 12 January 2010**

Present:- Councillor Bishop (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Coles, Denington, Gaines,  
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,  
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead),  
Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area  
Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and  
Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Beaven in connection with application No 06/10/0044;  
Councillor Hayward in connection with application No 25/10/0024 and  
Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **142. Apology/Substitution**

Apology: Councillor McMahon

Substitution: Councillor Stuart-Thorn

### **143. Minutes**

The minutes of the meetings of the Planning Committee held on 15 December 2010 were taken as read and were signed.

### **144. Declarations of Interest**

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Stuart-Thorn and Councillor Miss James declared personal interests as Taunton Deane Borough Council representatives on the Quantock Hills Joint Advisory Committee. Councillor C Hill declared a personal interest in application No 07/10/0028 as he knew the applicant.

### **145. Applications for Planning Permission**

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

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

**06/10/0044**

**Erection of photovoltaic solar panels and associated works on land at Sandhill Park, Bishops Lydeard**

**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 approved plans;
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production;
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity;
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EAD's Ecological Impact Assessment report and up to date Surveys dated October 2010 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) 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) 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;
- (g) Prior to the commencement of the development hereby permitted, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
  - (h) Prior to its installation, full details of the proposed perimeter fence, gates and security cameras shall be submitted to, and approved in writing by, the Local Planning Authority. The fence shall not exceed 1.8m in height and shall be constructed in complete accordance with the approved details;
  - (i) Prior to the commencement of development, an Environmental Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of the proposed method of decommissioning the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase;
  - (j) No external artificial lighting shall be installed on the site;
  - (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site without the further grant of planning permission;
  - (l) The drainage swales shown on SPP.1589.3B shall be constructed before the development hereby permitted comes into use and shall be maintained as such for the duration of this planning permission.

(Notes to applicant:- (1) Applicant was advised that the information submitted for condition (e) relating to a wildlife strategy should include a thorough re-survey of the site for potential badger activity; (2) Applicant was advised that the proposals required by condition (g) should include a full geophysical survey of the site to ascertain areas of archaeological potential with subsequent areas with positive geophysical anomalies targeted by trial trenching; (3) Applicant was advised that Somerset County Council's Rights of Way Group advise that the health and safety of walkers on the public right of way must be taken into consideration during works to carry out the proposed development. Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. The Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It is an offence to drive a vehicle along a public footpath unless the driver has lawful authority to do so; (4) Applicant was advised that Somerset County Council's Rights of Way Group authorisation

was required for the following:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; (iv) Changes to the existing drainage arrangements associated with the public right of way; (5) Applicant was advised that if the work involved in carrying out this proposed development would:- (i) Make a public right of way less convenient for continued public use; or (ii) Create a hazard to users of a public right of way, a temporary closure order would be necessary and a suitable alternative route must be provided.

**Reason for granting planning permission:-**

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some significant short term harm to the visual amenities of the area, but the long term harm in both the immediate vicinity of the site and the long distance views of and from the Quantock Hills Area of Outstanding Natural Beauty was not significant. The benefits were therefore considered to outweigh the very small harm and the proposal was acceptable in accordance with Policy C12 (Renewable Energy) of the Taunton Deane Local Plan, Policy 64 (Renewable Energy) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 1 (Delivering Sustainable Development), the Climate Change Supplement and Planning Policy Statement 22 (Renewable Energy). The development would not cause harm to wildlife interests, the amenities of neighbouring property, heritage assets or highway safety. It was therefore considered to be acceptable in accordance with Policies S1 (General Requirements), EN3 (Local Wildlife and Geological Interests), EN10 (Areas of Outstanding Natural Beauty), EN12 (Landscape Character Areas) of the Taunton Deane Local Plan, Policies STR1 (Sustainable Development), 1 (Nature Conservation), 3 (Areas of Outstanding Natural Beauty) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review, Planning Policy Statements 5 (Planning for the Historic Environment) and 9 (Biodiversity and Geological Conservation) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**07/10/0028**

**Change of use and conversion of agricultural barn to form business units at Heatherton Park Studios, Bradford on Tone**

**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 approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter

- retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
  - (e) The units hereby permitted shall be used only for those purposes defined within Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended);
  - (f) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises. Noise emissions having tonal characteristics such as hum, drone or whine shall not exceed background levels at any time when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
  - (g) No machinery shall be operated, no process or business shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08:00 hours -18:00 hours Monday to Friday and 08:00 hours - 13:00 hours Saturday nor at any time on Sundays, Bank or Public Holidays;
  - (h) Before the units hereby permitted are brought into use, the vehicular access onto or from the access road to the south of the site shall be permanently stopped up in accordance with details that shall first be submitted to, and approved in writing by, the Local Planning Authority. All vehicular movements over this access shall cease before any unit hereby permitted is first occupied or brought into use and at no time thereafter shall the said access be opened up, with all traffic associated with this development utilising the access to the north as approved on the submitted plan;
  - (i) No external lighting shall be provided on site without the prior approval of the Local Planning Authority;
  - (j) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
  - (k) The first floor window in the north elevation shall be obscure glazed and fixed shut in accordance with details that shall first have been submitted

to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before the window hereby permitted is installed and shall thereafter be retained as such.

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

The proposed development would make a good use of an existing rural building and, given the surrounding buildings and land-uses, were considered to comply with specific policy requirements for the conversion of rural buildings. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal was considered to be acceptable and in accordance with Policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Planning Policy Statement 4 (Planning for Sustainable Economic Growth).

**25/10/0024**

**Flood channel improvement works to Halsewater and Ford Farm Ditch with associated works to drainage ditch adjacent to West Somerset Railway Embankment, replacement of bridge and culvert at Station Road and diversion of public footpath at land at Ford Farm, Norton Fitzwarren**

### **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 approved plans;
- (c) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 14 October 2010 by Hyder Consulting and the following mitigation measures detailed within the FRA:- (i) The capacity of the proposed channel must be no less than the channel described in section 4 of the FRA; and (ii) The soffit of Station Road Bridge must be no lower than 22.163m AOD at the abutments and 22.447m AOD at the centre;
- (d) Any land raising or spoil stockpiling shall only be in a location that has previously been submitted to, and agreed in writing by, the Local Planning Authority;
- (e) No development shall commence until details of the construction and design of the replacement bridge at Station Road have been submitted to, and agreed in writing by, the Local Planning Authority;
- (f) No development shall commence until details of the construction and design of the weir to split low and high flows have been submitted to, and agreed in writing by, the Local Planning Authority;
- (g) 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 EAD's Ecological Impact assessment and EAD's Landscape and Ecological Management Plan dated October 2010 and further otter and water vole surveys and include:- (i) Details of protective measures for protected species to include method statements for fish, reptiles, amphibians and, if appropriate, water voles to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for nesting birds and bats. 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 mitigation shall include maintenance and provision of new bird and bat boxes, resting areas within the proposed bridge and the creation of habitat piles;

- (h) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (i) Ecological monitoring of the site shall be undertaken in accordance with Landscape and Ecological Management Plan prepared by EAD dated October 2010;
- (j) (i) The landscaping and planting scheme shown on drawing TD485\_13D 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.
- (k) Prior to the commencement of any of the development hereby permitted, full details of the treatment and future maintenance of the outfall from the B3227 to the Ford Farm Ditch, together with a timetable for any required works, shall be submitted to, and approved in writing by, the Local Planning Authority. Such approved details shall be fully implemented in accordance with the agreed timetable and thereafter retained as such;
- (l) Prior to the commencement of the development hereby permitted, full details of a maintenance strategy, including those responsible for the maintenance of the new channel, shall be submitted to, and agreed in writing by, the Local Planning Authority. The channel shall, thereafter, be maintained in accordance with the agreed strategy.

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

The proposal was considered to provide an acceptable flood channel scheme that would reduce the flood risk of the site and some other residential properties in the area. Subject to mitigation, the proposal would not impact unreasonably upon wildlife interests within the site. It was, therefore, considered to be acceptable in accordance with Policies S1 (General Principles), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and guidance contained in Planning Policy Statements 9 and 25.

**38/10/0429**

**Erection of ground floor extension to the rear/side at 14 Mountfields 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 approved plans;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

The proposed development would not harm visual or 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).

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

**19/10/0013**

**Erection of domestic care facility for use as ancillary accommodation to dwelling at Whitegates, Mill Lane, Hatch Beauchamp**

### **Reason**

The proposed building, due to its size and location, was considered to be tantamount to a new dwelling in the countryside without sufficient justification and contrary to Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1, S7 and H18 of the Taunton Deane Local Plan.

Also **resolved** that the officers be authorised to enter into negotiations with the applicants with regard to the provision of separate ancillary accommodation within the existing curtilage.

#### **146. Appeals**

Reported that two new appeals had been lodged, details of which were submitted.

(The meeting ended at 9.05 pm.)