

Planning Committee – 15 October 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Denington, Gaines, Mrs Hill, Watson,
Ms Webber, A Wedderkopp, D Wedderkopp and Wren

Officers: - John Burton (Major Applications Co-Ordinator), Matthew Bale
(Development Management Lead), Tim Burton (Director Planning and
Development), Roy Pinney (Legal Services Manager), Maria Casey
(Planning and Litigation Solicitor) and Tracey Meadows (Corporate
Support Officer)

Also present: Councillor Cavill in connection with application No 46/14/0028;
Councillor Hall in connection with application No 38/14/0309;
Ian Timms and David Evans in connection with application No
46/14/0028 and Mrs A Elder, a Co-opted Member of the Standards
Committee.

(The meeting commenced at 5.00 pm)

98. Apologies/Substitutions

Apologies : Councillors Bishop, Bowrah and Miss James

Substitutions : Councillor Denington for Councillor Bishop and Councillor
Ms Webber for Councillor Bowrah

99. Minutes

The minutes of the Planning Committee meeting held on the 24 September
2014 were taken as read and were signed.

100. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal
interests as Members of Somerset County Council. Councillor A Wedderkopp
also declared that application No 38/14/0309 was in his ward. He declared
that he had not “fettered his discretion”. Councillor Nottrodt declared a
personal interest as a Director of Southwest One. Councillor Gaines declared
that he had attended a public meeting where application No 09/14/0016 had
been discussed. He declared that he would not take part in the discussion of
this urgent update report. Councillor Wren declared a personal interest as he
was Clerk to Milverton Parish Council. He also declared that he had had
correspondence in connection with application Nos 27/14/0019 and
46/14/0028 and declared that he had not “fettered his discretion”.

101. 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:-

46/14/0028

Change of use of land from horticulture to storage of scaffolding poles and related materials, erection of an office/workshop building and variation of condition No. 8 of planning application 46/93/0004 to allow occupation of agricultural workers dwelling by persons connected with scaffolding business at Oaklee Cottage, Haywards Lane, West Buckland

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 2113-PL-01 Area & Location Plan;
 - (A2) DrNo 2113-PL-02 Roof/Block Plan;
 - (A3) DrNo 2113-PL-03 Proposed Elevations & Floor Plan;
 - (A3) DrNo 2113-PP-04 Cross Sections;
- (b) The occupation of the dwelling known as Oaklee Cottage shall be limited to a person or persons connected with the scaffolding business hereby approved only, or by a person solely or mainly working, or last working in the locality in agriculture, as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a dependent of such a person residing with him or her, or widow or widower of such a person;
- (c) Before any of the uses hereby approved are begun or operated, a Travel Plan Statement shall have been submitted to, and approved by the Local Planning Authority;
- (d) The training use and the building which is proposed to provide for that use, shall be entirely ancillary to the scaffolding business, and shall not be used by any other business or organisation unless the express consent of the Local Planning Authority has first been obtained;
- (e) No development shall take place until details of the materials to be used in the construction of the external surfaces of the new office and workshop building hereby approved 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;

- (f) No external lighting shall be placed or used at the site unless details of the external lighting have first been submitted to, and approved by the Local Planning Authority. Any such lighting scheme that may be approved shall be implemented in strict accordance with the approved details and thereafter maintained as such;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission; (ii) Applicant was advised to note 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; (iii) Applicant was advised that his approval does not give consent for any form of advertisement at the site. Advertisements are considered under the Town and Country Planning (Control of advertisements) (England) Regulations 2007 and the applicant is hereby advised to take his own independent advice on whether any proposed advertisement may need authorisation under these Regulations. Failure to obtain any necessary authorisation for an advertisement would constitute a breach of planning control and render the owner of the site liable to enforcement action.)

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that the specific nature of the site, the nature of the proposed use and fact that the business had demonstrated that it had not been able identify any suitable alternative sites after a protracted period of time meant that permission should be granted as the resulting economic benefit arising from accommodating the business was sufficient to outweigh the conflict with the development plan. The proposal would also bring an otherwise empty dwelling back into use.

38/14/0309

Formation of retaining walls to off-street parking bay at 28 Wilton Street, Taunton

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo Y21/1 Existing Frontage;
 - (A3) DrNo Y21/2B Proposed Front Access Layout;
 - (A3) DrNo Y21/3A Location Plan and Block Plan;
- (b) (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;

- (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.

(Note to applicant:- Applicant was advised that in accordance 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.)

27/14/0019

Change of use of agricultural land and erection of 10 No. dog boarding kennels and 1 No. isolation kennel at Fiveoak Cattery, Higher Knapp Farm, Hillfarrance

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:-
- (A0) Drawing A (rev 06.10.2014) Plans and Elevations;
 - (A4) Drawing B (rev 13.10.2014) Location Plan;
- (c) (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;

- (d) Prior to the kennels being brought into use, the acoustic fence 'noise barrier' detailed on the location plan (drawing B, revised 13 October 2014) shall be erected in accordance with the details in the applicant's email of 15 September 2014 (section 2) and shall thereafter be maintained as such;
- (e) Prior to the kennels being brought into use a hay/haylage stack shall be constructed in the location indicated on the Location Plan, Drawing B dated 13 October 2014. The hay/haylage shall be stacked in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall measure 7m high by at least 3m wide and across the entire length of the area indicated for that purpose on the said plan. It shall physically adjoin the noise barrier indicated in blue on that plan and required by condition. The hay/haylage stack shall be maintained in the above condition for the duration of time that the kennels are in use. In the event that the hay/haylage stack is not maintained as required by this condition, then the use of the kennels shall cease immediately;
- (f) The kennels hereby permitted shall not be brought into use until the new access permitted under application 27/14/0002 has been fully provided in accordance with that permission and brought into use;
- (g) Prior to the kennels being brought into use, the kennels shall be constructed in full accordance with the assumptions (1-5) on page 6 of the 'Noise Assessment Report for Proposed New Kennels' prepared by Curload Consultants reference 1149 and dated January 2014 and detailed on Drawing A received 06 October 2014 and shall thereafter be maintained as such;
- (h) The buildings hereby permitted shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be maintained as such;
- (i) The area allocated for parking and turning on the submitted block plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (j) The existing hedge to the north-east of the proposed noise barrier shall be laid within six months of the date of this permission and shall then be allowed to grow up to the height of the acoustic fence/noise barrier required by condition (d), and shall be maintained in accordance with condition (c) of this planning permission. Thereafter the hedge shall be maintained at a height in excess of the noise barrier;

(Notes to applicant:- (i) Applicant was advised that in accordance with the 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 installing the acoustic fence to ensure that the adjoining hedge is not damaged so that it can effectively regrow to screen the fence without intervention in accordance with condition (c)).

102. Urgent update Report - Erection of Telecommunications Base Station, comprising 1 No. mast, 6 No. Antennas 2 No. dishes and 6 No. radio equipment cabinets at land east of Bouchers Lane, Waterrow (09/14/0016)

An application for the erection of a telecommunications base station, including a 20m high mast, was presented to Members at the previous meeting (Minute No 95/2014 refers). The site was land to the east of Bouchers Lane, Waterrow and the application had been unanimously approved by the Committee.

Part of the evidence Members were asked to consider was whether or not the proposed mast would have any impact upon the property known as "Bobshaws" which lay adjacent to the proposed mast.

There was a difference of opinion at the meeting on the distance involved from the mast to the new dwelling currently under construction. The owner of the adjacent agricultural holding had maintained in his letter of representation that "the mast would be within 20m of the property's curtilage and 70m from the dwelling". This was referenced both in the Committee report and verbally at the meeting. The Planning Officer stated in the Committee update sheet that "the nearest point of the side of the approved but unbuilt dwelling at "Bobshaws" to the nearest part of the lattice phone mast structure would be 170m". This was also referenced verbally by the Planning Officer at the meeting. It was now clear that none of the figures given to Members were accurate.

Further examination of this matter had revealed that the nearest point of the side of the approved unbuilt accommodation at 'Bobshaws' to the centre point of the lattice phone mast construction would be 147.5m. An error had been made when the measurement was taken and officers had apologised for this. The mast would therefore be about 20m nearer to the dwelling at 'Bobshaws' than reported.

Given that incorrect information was given at the meeting, Members were asked if they would have made a different decision on the mast had they been in possession of this accurate measurement.

The report detailed a number of considerations the Committee needed to take account of.

In the view of the Area Planning Manager the substantive issue for consideration was whether in the knowledge that the mast was only a little over 145m from the neighbouring dwelling under construction, rather than the previously advised 170m, would the Committee have come to a different conclusion in terms of the impact upon that property that would have led to a different decision on the application.

Resolved that the change on the reported distance of the telecommunications mast from 'Bobshaws' be noted and that, having regard to the relevant considerations, the decision of the Planning Committee made at the meeting held on 24 September 2014 be endorsed.

103. Appeals

Reported that one appeal was received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 8.50 p.m.)

Planning Committee – 5 November 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Gaines, C Hill, Mrs Hill, Miss James, Morrell, Mrs Reed, A Wedderkopp, D Wedderkopp and Wren

Officers: - John Burton (Major Applications Co-ordinator), 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: Councillor Hall in connection with application Nos 38/14/0246 and 38/14/0247LB and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

104. Apologies/Substitutions

Apologies : Councillors Bishop, Tooze and Watson

Substitution : Councillor Janet Reed for Councillor Watson

105. Public Question Time

A statement was read by Mr Lucas who was a resident on Haywards Lane, West Buckland. Mr Lucas stated that he had attended the Planning Meeting on 15 October 2014 where application No 46/14/0028 was discussed. Mr Lucas stated that he was surprised how little time had been given to the Planning Officer's report except for the agricultural tie on the house.

Mr Lucas stated that in passing this application the Council would have difficulty in refusing other applications. He went on to say that the same problem would arise as with the Foxmoor Business Park, only this time there would not be an exit onto the Motorway approach road as a solution.

The Chairman thanked Mr Lucas for his views.

106. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor A Wedderkopp also declared that he had visited the site for application Nos 38/14/0246 and 38/14/0247LB but felt that he had not "fettered his discretion". He also declared that application No. 42/14/0047 was discussed at Trull Parish Council. Again he felt that he had "not fettered his discretion". Councillor Nottrodt declared a personal interest as a Director of Southwest One.

Councillor Gaines declared that he was the applicant for applicant No 49/14/0057. He declared a prejudicial interest and stated that he would not take part or vote in the discussion of this application. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Bowrah and Mrs Reed declared that the applicant for application No 43/14/0101 was known to them but felt that they had “not fettered their discretion”.

107. Applications for Planning Permission

The Committee received the report of the Area Planning 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:-

43/14/0101

Erection of 1 No. detached dwelling in the garden to the side of 9 Oldway Park, 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 plans:-
- (A3) DrNo Z18/3 Site Plan;
 - (A3) DrNo Z18/2A Location Plan;
 - (A3) DrNo Z18/1 Floor Plans and Elevations;
- (c) Prior to their installation, samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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 building shall not be occupied until the vehicular access, parking and turning areas have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The access shall be made of a porous material (not loose stone or gravel) or otherwise drained within the site;
- (f) 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), there shall be no extension to the dwelling hereby permitted without the further grant of planning permission;
- (g) Prior to commencement of the development hereby permitted, a foul drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority and the dwelling shall not be occupied until the approved foul drainage works have been completed in accordance with the approved details and shall thereafter be maintained as such;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised that any Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iii) Applicant was advised that Condition (g) requires the submission of information regarding foul drainage. If connection to the existing foul sewer network shared with other properties is proposed, then full information will be required demonstrating that the system has sufficient capacity.)

30/14/0022

Erection of dwelling with associated detached double garage with annexe over and erection of single detached garage for use by Sellicks Green Farm on land adjacent to Sellicks Green Farm, Sellicks Green, Pitminster

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this development;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A4) Location Plan;
 - (A1) DrNo 1690/1A Existing Site Plan/Elevations;
 - (A3) DrNo 1690/09 Existing Elevations of Garage;
 - (A4) DrNo 1690/08C Site Plan;

- (A1) DrNo 1690/03C Proposed Site Plan;
 - (A1) DrNo 1690/04B Proposed House Elevations;
 - (A1) DrNo 1690/02A Proposed Floor Plans;
 - (A1) DrNo 1690/06C Proposed Garage;
 - (A1) DrNo 1690/05 Proposed House Sections;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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) 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;
- (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 Greena Ecological Consultancy's report dated November 2013 and include:-
1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- (f) At the proposed access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No.1690/03C) Such visibility splays hereby permitted and shall thereafter be maintained at all times;

(Notes to applicant:- (i) Applicant was advised that in accordance 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 the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should

ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation;(iii) Applicant was advised that with regard to condition (d) , hedging should be two staggered rows of plants 225mm apart with spacing of 450mm - this adds up to 4.5 plants per m run. Species should comprise hawthorn, blackthorn and hazel. Tree species should be Oak, Beech and Field Maple.)

42/14/0047

Erection of three storey extension to rear, first floor extension to side, alterations to front and detached garage at Oaklands, Trull

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 14.26.01A Location Plan and Block Plan;
 - (A3) DrNo 14.26.02A Existing Site Plan;
 - (A3) DrNo 14.26.03A Proposed Site Plan;
 - (A3) DrNo 14.26.04 Existing Ground Floor Plan and Existing Cross Section;
 - (A3) DrNo 14.26.05 Existing First Floor Plan;
 - (A3) DrNo 14.26.06 Existing Second Floor Plan;
 - (A3) DrNo 14.26.07 Existing Roof Plan;
 - (A3) DrNo 14.26.08 Existing Front and Rear Elevations;
 - (A3) DrNo 14.26.09 Existing Elevations (Sides);
 - (A3) DrNo 14.26.10 Proposed Ground Floor Plan and Proposed Cross Section;
 - (A3) DrNo 14.26.11 Proposed First Floor Plan;
 - (A3) DrNo 14.26.12 Proposed Second Floor Plan;
 - (A3) DrNo 14.26.13 Proposed Roof Plan;
 - (A3) DrNo 14.26.14 Proposed Front and Rear Elevations;
 - (A3) DrNo 14.26.15 Proposed Side Elevations;
 - (A3) DrNo 14.26.16 Proposed Garage Plan and Elevations;
 - (A3) DrNo 14.26.17 Exploded 3D Model Images;
 - (A3) DrNo 14.26.18 3D Model Views;
- (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;

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

38/14/0246

Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, 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) DrNo DF95-01-02 Double Door Open Out;
 - (A4) DrNo F95-01-03 Ovolo Frame Mould With Ovolo Sash Mould;
 - (A4) Site Plan;
 - (A3) DrNo 8856 Plan B Existing and Proposed Floor Plan;
 - (A3) DrNo 8856 EXISTING A Existing Elevations;
 - (A4) Location Plan;
 - (A1) DrNo 8856 PROPOSED A Proposed Elevations;

(Notes to applicant:- (i) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (ii) Applicant was advised to ensure the roots of the nearby tree are not damaged during construction.)

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that when all facets of the proposal were taken into account the proposal, taken cumulatively, was considered to preserve the listed building and its setting in accordance with Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

38/14/0247LB

Erection of single storey replacement garden room to the front of Mountswood House, Haines Hill, 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) DrNo DF95-01-02 Double Door Open Out;
 - (A4) DrNo F95-01-03 Ovolo Frame Mould With Ovolo Sash Mould;
 - (A4) Site Plan;
 - (A3) DrNo 8856 Plan B Existing and Proposed Ground Floor Plan;
 - (A3) DrNo 8856 EXISTING A Existing Elevations;
 - (A4) Location Plan;
 - (A1) DrNo 8856 PROPOSED A Proposed Elevations;
- (c) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: colour finish of windows, doors and timberwork;
- (d) The brickwork and roof slate 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 permission contrary to the recommendation of the Area Planning Manager:-

Members were of the view that when all facets of the proposal were taken into account the proposal, taken cumulatively, was considered to preserve the listed building and its setting in accordance Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

49/14/0057

Demolition of outbuildings with the erection of a two storey extension and amenity buildings for swimming pool and home cinema at Ashbeers, Wiveliscombe

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 2405.10A Site and Location Plan;
 - (A1) DrNo 2405.11 Site (part) and Buildings Survey;
 - (A1) DrNo 2405.14 Elevation 1 Existing and Proposed. Section Through and Plan of Offices;
 - (A1) DrNo 2405.15-1A Proposed Plan Layout;
 - (A1) DrNo 2405.15B Proposed Plan Layout;
 - (A1) DrNo 2405.17 Elevation 2 Existing and Proposed;
 - (A1) DrNo 2405.18 Elevation 3 Existing and Proposed;
 - (A1) DrNo 2405.19 Elevation 4 Existing and Proposed Section Through Swimming Pool;
 - (A1) DrNo 2405 20 Elevation 5 Existing and Proposed;
 - (A1) DrNo 2405.21A Elevation 6 Existing and Proposed;
 - (A1) DrNo 2405.22 Elevations 7, 8, 9 As Proposed;
 - (A1) DrNo 2405 23 Roof Plans Existing and Proposed;
- (c) Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe;

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to note 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; (iii) Applicant was advised of the following - WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken

on the tree(s) must comply with the appropriate wildlife legislation; BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.)

108. Appeals

Reported that one decision and two appeals were received details of which were submitted.

Resolved that the reports be noted.

(The meeting ended at 8.10 p.m.)