

Planning Committee – 16 April 2008

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Critchard, Denington, C Hill,
House, Miss James, McMahon, Watson, Ms Webber,
D Wedderkopp and Woolley

Officers:- Mr J Hamer (Development Control Area Manager – West),
Mr G Clifford (Area Planning Manager – East), Ms M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher
(Democratic Services Officer)

Also present:- Councillor Coles

(The meeting commenced at 5.00 p.m.)

36. Apologies

Councillors Mrs Smith and A Wedderkopp.

37. Minutes

The Minutes of the meeting held on 26 March 2008 were taken as read and were signed.

38. Declarations of Interest

Councillor Bowrah declared a personal interest in Agenda Item No 7 and stated that he would not speak or vote as he knew one of the objectors.

39. **Erection of eight houses and one bungalow in a controlled car free development at 4 Wilton Street, Taunton (revised scheme) (38/2008/111)**

Reported this application.

Resolved that subject to no further representations being received by 17 April 2008, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted the following conditions be imposed:-

- (a) C001A – time limit;
- (b) The proposed estate road, footways, verges, junction, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, street furniture and tactile paving shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

- (c) If the period of time between MWA's ecological survey, dated October 2007, and the commencement of development extends more than one year beyond the date of the report, then a further survey shall be commissioned and submitted to, and agreed in writing by, the Local Planning Authority, to ascertain any changes in the use of the site by protected species;
- (d) No site clearance works or development (or specified operations) shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of the arrangements for surface water drainage from the proposed development have been submitted to, and approved in writing by, the Local Planning Authority. The agreed surface water drainage shall be fully provided on site prior to the occupation of any of the dwellings hereby permitted;
- (f) The proposed rainwater butts shall have an overflow connecting to a soakaway constructed in accordance with Building Digest 365;
- (g) C101 – materials;
- (h) The ground floor levels and finished heights of the proposed dwellings shall not exceed those shown on the submitted drawing 07020-02A;
- (i) C201 – landscaping;
- (j) P001A – no extensions;
- (k) P003 – no ancillary buildings;
- (l) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this planning permission) shall be constructed on the in the eastern elevation of the two storey dwelling on Plot 10;
- (m) The window at first floor level in the eastern elevation of the dwelling on Plot 10 shall be inserted in obscure glazing and shall thereafter be maintained in obscure glazing;
- (n) No development shall commence until the means of providing adequate play and recreation contributions for the area has been entered into and secured in writing in agreement with the Local Planning Authority;
- (o) Details of the design of a fixed bollard and details of its management and maintenance shall be submitted to the Local Planning Authority and the bollard shall be provided prior to occupation of any dwelling on site;
- (p) Cycle and bin storage shall be provided for each dwelling and a communal collection point for refuse as indicated prior to occupation of any dwelling and shall thereafter be maintained.

(Notes to applicant:- (1) N061 – Highways Act – Section 184 Permit; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed; (3) Applicant was advised that as a few bats may be found within any building at any time of year, all contractors should be made aware in writing that "bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding etc". If bats are found during building work, all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England. Bats should not be handled, but should be left in situ, gently covered until advice is obtained. In emergency situations bats

should only be handled with gloves; (4) Applicant was advised that Badgers may forage in the area. The developers are advised to take any steps necessary to ensure compliance with the Protection of Badgers Act 1992. All site operatives should be informed that badgers could be in the area. Steps must be taken to ensure that any trenches dug are covered at night, or have a means of escape for any animals that may fall in; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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; (6) Applicant was advised that prior to the commencement of any works on the site, the developer should agree with Wessex Water, a connection onto Wessex Water infrastructure; (7) N111 – disabled access.)

Reason for planning permission, if granted:-

It was considered that the proposal represented sustainable development, which would not give rise to any unacceptable visual or neighbour impact, and it was in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

40. Change of use of land to form access drive at Lower Fyfett Farmhouse, Otterford

Reported that it had come to the Council's attention that work had commenced without planning permission on excavations to form an access track across an agricultural field at the property known as Lower Fyfett Farmhouse, Otterford.

The purpose of the access track was not for agricultural purposes but to serve the domestic dwelling. The owner of the property had been informed that the works required planning permission as it constituted a change of use. An application had been submitted but could not be registered as several items were missing from the submission. Further requests for this information had been made but to date this had not been submitted.

Resolved that:-

- (1) Enforcement action be taken in respect of the unauthorised access track across an agricultural field at the property known as Lower Fyfett Farmhouse, Otterford;
- (2) A stop notice be served on the owner of the land to stop any further construction works taking place; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the stop notice or enforcement notice not be complied with.

41. Taunton Deane Borough (Wellington No 1) Tree Preservation Order 2008

Reported that a Tree Preservation Order had been made in respect of a Beech Tree situated on land at 11 High Path, Wellington.

Objections had been received from the present owner of the property and those who were in the process of purchasing the property, details of which were submitted.

Also reported the comments of the Development Manager who considered that the tree was in good health with a good trunk and branch structure and an appropriate density of healthy buds for the species. It was considered that the tree was possibly more than 100 years old and made a significant contribution to the "treescape" of Wellington and was part of the Victorian character of that part of the town. It was considered that its removal would impact on the local environment and its enjoyment by the public and it would take many years to replace this.

Details of the responses to points raised by the objectors were also reported.

Resolved that the confirmation of the Tree Preservation Order be deferred for further investigation.

42. Redevelopment of shop and storage/garage to form dwelling with replacement of shopfront at 24 Silver Street, Wiveliscombe

Reported that planning permission had been granted in March 2007 for the conversion of 24 Silver Street, Wiveliscombe. During the works it had become evident that the building was not in good structural order and a considerable amount of the building had to be demolished.

Due to the large amount of demolition that had taken place it could no longer be considered as a conversion of an existing building.

Although enforcement action was authorised (Minute No 112/2007 refers), the owner continued with the demolition stating that elements of the structure needed to be removed due to a possible danger to adjoining properties and third parties.

The enforcement action had been delayed as a new planning application had been submitted. At the meeting of the Committee on 13 February 2008, planning permission had been granted in principle subject to the receipt of a satisfactory amended plan that indicated the restoration of a rubble wall on the southern elevation of the building.

The plan had not been received and the planning application had therefore been refused. However, construction of the property had continued.

Resolved that the previously authorised enforcement action be amended to relate solely to the need for rubble walling to be provided on the southern elevation of the new building.

(The meeting ended at 6.31 pm).