

Planning Committee – 16 December 2009

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

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching
(Area Planning Manager), Mrs J Jackson (Legal Services Manager)
and Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles

(The meeting commenced at 5.00 pm)

136. Apologies

Apologies: Councillors Bowrah, Ms Durdan and Mrs Floyd.

137. Minutes

The minutes of the meetings of the Planning Committee held on 29 September 2009, 28 October 2009, 18 November 2009 and 25 November 2009 were taken as read and were signed.

138. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor C Hill declared a prejudicial interest in application No. 32/09/0004 as he was related to the applicant. He left the meeting during the consideration of this item. Councillor Watson declared that he had previously spoken in connection with application No. 45/09/0016 and considered he had "fettered his discretion". He left the meeting during the discussion of this item. Councillor Bishop declared that he had attended two Parish Council meetings where application No. 26/09/0010 had been discussed. He considered that he had not fettered his discretion. Councillor Critchard declared a personal interest in application No. 30/09/0029, as he knew the applicant.

139. 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:-

05/09/0033

Construction of new front garden wall as replacement for existing Leylandii Hedge at 86 Gillards, Bishops Hull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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 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).

30/09/0029

Erection of two storey extension at Lower Woodmans, 4 Curdleigh Lane, Blagdon Hill

Conditions

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

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).

45/09/0016

Siting of catering unit selling hot/cold snacks, drinks and breakfast at London Farm, West Bagborough (retention of works already undertaken)

(Note to applicant:- Applicant was advised that the signs at the entrance to the site and at the A358 junction require Advertisement Consent.)

Reason for granting planning permission:-

Additional journeys would not be generated by private cars by allowing the catering unit to remain and it was not considered that access / egress from the site would result in problems of highway safety (Taunton Deane Local Plan Policy S1).

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee was of the view that additional journeys would not be generated by allowing the snack bar to remain and Councillors did not feel access/egress would be a problem.

49/09/0056

Roof alterations to agricultural building to provide protected species' (bats) accommodation in connection with conversion of barn to dwelling (The Granary) at Footlands Farm, Ford, 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 completed prior to work first commencing on the conversion of either Riley's Byre or The Granary to a dwelling;
- (c) The development hereby permitted shall not be commenced until details of a strategy to protect bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the submitted drawings and advice provided in Acorn Ecology Limited's submitted mitigation report, dated 31 January 2008 and include:- Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development; Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance; and Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds. 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 bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds that are affected by this development proposal. 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; (2) Applicant was advised that bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Specific within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations. Natural England requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual amenity, and would provide accommodation for bats. Accordingly, the proposal was considered acceptable, would not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) and would comply with the Planning Policy Statement -"Biodiversity and Geological Conservation".

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

10/09/0023

Erection of carport, store and log store at The Pound, Trents Farm, Royston Road, Churchinford

Reason

The proposed carport is sited in a prominent position forward of the dwelling and within 2m of the front wall of the dwelling that forms part of the original barn. In this position the carport is considered to adversely affect the linear appearance of the dwelling, altering the appearance of the front elevation and harming the setting of the former barn, therefore having a detrimental impact on the character and appearance of the dwelling. The proposal is contrary to Policies S1, S2, and H17 of the Taunton Deane Local Plan.

26/09/0010

Erection of 7 no affordable dwellings on agricultural land opposite Village Hall, Nynehead (revision of 26/08/0010)

Reasons

(a) The proposed development fails to accord with the provisions of Local Plan Policy H11 considered to be small scale as required by the Policy, in particular with regard to the size of the existing village. Insufficient information has been provided to demonstrate that there is a proven local affordable housing need of the scale proposed. Furthermore there is insufficient evidence to indicate that satisfactory arrangements are to be made to secure the availability of the dwellings in perpetuity for occupiers who are in a category of local need. As such the proposal would be

- contrary to the provisions of Taunton Deane Local Plan Policy H11 and guidance contained in Planning Policy Statement 3;
- (b) The site lies beyond the recognised limits of a designated settlement in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to Planning Policy Statement 7, Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;
 - (c) The site is located outside the confines of any major settlement in an area that has very limited public transport and other services. The development, if approved, will increase the reliance on the private motor car and foster a growth in the need to travel, contrary to advice given in Planning Policy Guidance Note 13, Regional Planning Guidance 10, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan.

49/09/0046

Conversion of barn to single storey dwelling at Maundown Cottage, Jews Lane, Maundown, Wiveliscombe

Reasons

- (a) The site is located within open countryside where Development Plan policy provides that development should be strictly controlled and only provided for where consistent with the policies and proposals set out in the Plan. The proposed conversion to a permanent and self contained residential dwelling remote from adequate services, employment, education and the like, would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The development is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review, Taunton Deane Local Plan Policies S1 and S7 and Planning Policy Statements 1 and 7;
- (b) Having regard to the form, character and appearance of the building, which this application seeks to convert, it is considered not to constitute a traditional agricultural building in that the building does not contain any features of historic or architectural importance or interest. The merits associated with permitting the conversion of traditional agricultural buildings are therefore not considered applicable in this instance and the proposal would therefore not be in keeping with its surroundings, nor do they outweigh the provisions of sustainable development. Therefore it is considered that the proposal does not accord with Taunton Deane Local Plan Policy H7 (Conversion of Rural Buildings) or the provisions of Planning Policy Statement 7 (Sustainable Development in Rural Areas).

140. Erection of stockyard, erection of building for dairy cattle housing on

previous site of demolished pig fattening building at Sampford Farm, Sampford Arundel (32/09/0004)

Reported this application.

Resolved that subject to the receipt of no further representations raising new issues by 22 December 2009, the Growth and 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) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that there must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct to watercourses, ponds or lakes, or via soakaways/ditches; (2) Applicant was advised to ensure that any manure/dung heaps within the site must be kept within an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off; (3) Applicant was advised that all waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses which was available from the DEFRA website.)

Reasons for planning permission, if granted

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).

141. Unauthorised new wall and gates at Orchard Croft, Bussells Farm Lane, West Buckland

Reported that it had come to the attention of the Council that a new wall and gates had been erected without planning permission on land at Orchard Croft, Bussells Farm Lane, West Buckland.

The owner of the land had been contacted and applications to retain the wall and gates had been made in both June 2009 and October 2009. Both applications had been refused under delegated authority. To date, no action to remove the wall and gates had been taken.

Resolved that:-

- (i) Enforcement action be taken to remove the unauthorised wall and gates that had been erected on land at Orchard Croft, Bussells Farm Lane, West Buckland and the reinstatement of the original wall; and

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

142. Appeals

Reported that five appeal decisions had recently been received, details of which were submitted. All five had been dismissed.

Resolved that the report be noted.

(The meeting ended at 7.40 pm.)