

Planning Committee – 19 October 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson, A Wedderkopp,
D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mrs J Moore (Major
Applications Co-ordinator), Mr M Bale (West Area Co-ordinator),
Mr R Williams (Planning Officer), Mrs J Jackson (Legal Services Manager),
and Miss M Casey (Planning and Litigation Solicitor)

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

(The meeting commenced at 5.00 pm)

92. Apology

Councillor Mrs Messenger.

93. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control.

94. Application for Planning Permission

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

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

46/11/0020

Change of use of land to site mobile home for use as agricultural workers dwelling at Alebar Farm, Blackmoor, West Buckland (retention of works already undertaken)

Reasons

The site lies in a countryside location, 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. Whilst the

business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. Therefore the functional need for the retention of the mobile home has not been demonstrated and the development fails the functional test set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified residential development in the open countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan, Policies STR1 & STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained within Planning Policy Statement 1 (Delivering Sustainable Development) Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable Development in Rural Areas).

Also **resolved** that:-

- (i) an enforcement notice be served to cease residential occupation of the site and to secure the removal of the mobile home and other unauthorised structures;
- (ii) the Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (iii) the time period for compliance with the notice be six months.

95. Demolition of dwelling and erection of 4 no. dwellings with associated parking and 1 no. garage at Milanwil, Mountway Close, Bishops Hull (amended scheme 05/11/0032) (05/11/0037)

Reported this application.

Resolved that subject to the receipt of amended plans detailing the relocation of a bedroom window and additional hedge planting to the front of plot 4, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-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) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo 01 Location Plan;
- (A4) DrNo 02 Block Plan;
- (A4) DrNo 25 Location Plan – Pattern of Development;
- (A4) DrNo 27 Proposed Block Plan;
- (A2) DrNo 23 Rev C Proposed Site Plan;
- (A2) DrNo 19 Rev A Ground Floor Plan and Elevations Plots 1 and 2 Scheme 'A';
- (A2) DrNo 16 Rev A Existing Topography Survey;
- (A2) DrNo 28 Rev A Ground Floor Plan and Elevations of Plots 3 and 4 and

Garage Block;

- (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) No development shall take place 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 to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (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;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwellings hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved details of which shall be submitted to, and approved in writing by, the Local Planning Authority beforehand;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 23 Rev C) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage door for plot 3 shall be of a roller shutter type and permanently retained as such.
- (i) 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, addition or outbuilding, including alterations to the roof, without the further grant of planning permission;
- (j) 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 Country Contracts submitted report, dated January 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.

(Notes for applicant:- (1) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (2) 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.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

96. Proposed development of 51 residential dwellings with associated access, roads, footways, drainage, parking and landscaping at The Hatcheries, Bathpool, Taunton (48/11/0023)

Reported this application.

Resolved that subject to:-

(1) The applicants entering into a Section 106 Agreement to secure the following:-

Transportation - A package of highway improvements including:-

1. The design, construction and funding of a Right Turn Lane junction at the site access;
2. The design, construction and funding of a Toucan crossing on the A38 to the north-east of the site;
3. Implementation of an approved Full Travel Plan for the development, such travel plan to have been agreed in full prior to the signing of the Section 106 Agreement (prior to reserved matters or commencement of the development), appended to the agreement and supported by a Full Travel

- Plan schedule which contains a full range of measures to assist with sustainable travel including residential cycle parking;
4. Residential travel vouchers varying between £100-£250 per dwelling (value dependent on the size of the dwelling), repeated for a maximum of three tenures for each property, to aid with uptake of smarter travel choices;
 5. Smarter travel management fund of £5000 to aid with the provision of matters such as on-site cycle servicing for residents and other events/one-off promotions to assist a travel plan coordinator to promote sustainable travel, for the initial period of the Travel Plan; and
 6. Bus stops and shelters on both sides of the road between Bathpool and Brittons Ash at a location and specification to be agreed with the County Highway Authority.

Affordable housing - 13 units comprising 100% intermediate rent.

Education

- i) Financial contributions for the provision of six primary school places and three secondary school places at a total of £128,949; and
- ii) Payments to be phased with 50% payable at the commencement of development and 50% on the commencement of the final 50% of dwellings.

Leisure

- i) The provision of £56,100 towards recreation facilities; and
- ii) The provision of £68,200 towards off site open space provision; and

(2) The provision of acceptable amended landscaping details,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - 0368/102G Planning Layout;
 - 0368/103E Street Elevations;
 - 0368/104H External Works Layout;
 - 0368/105G Vehicle Tracking Layout;
 - 0368/107G Adoption Plan;
 - 0368/108G Materials Plan;
 - 0368/302C Road and Sewer Long Sections;
 - 0368/320F Drainage Strategy; and
 - Energy Statement;
- (c) Notwithstanding the submitted details, 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) The layout and alignment, widths and levels of the proposed roads, road junctions, and points of access, visibility splays, footpaths and turning spaces shall be provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The proposed roads, footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footpath;
- (f) The development shall not be brought into use until that part of the service road which provides access to it has been constructed in accordance with the approved plans;
- (g) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan 0368-102 rev E for cars to be parked;
- (h) Where the garage door is to be an up and over style there shall be an area of hard standing at least 6m in length as measured from the nearest edge of the highway to the face of the garage doors unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) No dwelling shall be occupied until a covered and secure space has been laid out within the site for 51 bicycles to be parked, 1 for each dwelling unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (j) Prior to the commencement of works on site a foul and surface water drainage strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall include arrangements for the points of connection and capacity improvements required to serve the development and the timing for the implementation of the strategy. Prior to the occupation of any of the dwellings hereby permitted the drainage scheme shall be fully implemented in accordance with the approved details unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (k) No development approved by this permission shall be commenced until details for the intended operational and maintenance plan for all drainage works serving the site are submitted to, and agreed in writing by, the Local Planning Authority. The approved drainage for the site shall be installed prior to the occupation of any dwellings hereby permitted and shall thereafter be maintained in strict accordance with the maintenance plan and in full working condition thereafter unless a variation is first submitted to, and approved in writing by, the Local Planning Authority;
- (l) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning

Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation - An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages. If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

b) Submission of Remediation Scheme - If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is

necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works - Following completion of measures Identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance - If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

- (m) Prior to the commencement of any development works on site in association with the dwellings hereby permitted, the applicant shall provide details of the noise mitigation measures as outlined in the report ref UK18-14949 Noise Environ, February 2010. This shall include details of acoustic windows, ventilation, the facades that require additional noise attenuation and details of the proposed noise barrier. This shall include confirmation that the proposed attenuation system will meet the requirements of standards outlined in the report and BS8233. The proposed development shall thereafter be built in accordance with those details and thereafter maintained as such unless an alternative is first submitted to, and approved in writing by, the Local Planning Authority;
- (n) No dwelling hereby permitted shall be occupied until the traffic controlled crossing of the A38 has been installed and is operational;
- (o) Prior to the occupation of any of the dwellings hereby permitted, a fully equipped Children's Play Area shall be provided on site in accordance with the details shown on plan number 185.09.SK100. The Children's Play Area shall thereafter be maintained in a safe condition and in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority;
- (p) Development shall not be commenced until details of a scheme to protect and enhance the development for nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based upon the advice in Michael Wood Associates's submitted report dated November 2009 concerning:-
 - 1. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and
 - 2. Measures for the enhancement of places for nesting birds.Once approved, the works shall be implemented in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;

- (q) (i) The landscaping/planting scheme shown on the submitted plan 185.09.PP01 rev G 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;
- (p) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been 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.

(Notes to applicant:- (1) Applicant was advised to formulate all physical design features of the dwellings i.e. doorsets, windows, security lighting etc in accordance with the Police approved 'Secured by Design' award scheme, full details of which are available on the SBD website or by contacting the Police Liaison Officer; (2) 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; (3) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site; (4) Applicant was advised to make provision within the site for the disposal of surface water so as to prevent its discharge onto the highway.)

97. Erection of fencing and laying of hardstanding at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp

Reported that it had come to the attention of the Council that a vertical boarded fence, approximately 1.8m high, had been erected without planning permission on the boundary of an area of land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp. A hardstanding had also been laid on the land concerned which was next to a watercourse in Flood Zone 3b without consent.

Although the owner of the land had attempted to regularise the situation by submitting a planning application for a larger scheme which included the retention of both the fence and the hardstanding, the application had been refused under delegated powers earlier in the month.

The Committee had therefore been recommended to take enforcement action to seek the removal, or reduction in height, of the fence and the removal of the hardstanding.

During the discussion of the item, Members agreed that further evidence as to whether the hardstanding had altered ground levels to the extent that it would restrict or impede flood waters should be obtained.

Resolved that:-

- (i) An enforcement notice be served to seek the removal, or reduction in height, of the unauthorised fence which had been erected on land at the corner of Mill Lane and Stocks Lane, Hatch Beauchamp;
- (ii) Should investigations show that future flood waters were likely to be restricted or impeded, a further enforcement notice be served to seek the removal of the unauthorised hardstanding which had been laid on the land concerned;
- (iii) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice(s) was not complied with; and
- (iv) The time period for compliance with the notice(s) be three months.

98. Appeals

Reported that two appeal decisions had been received, details of which were submitted. Both appeals had been dismissed.

(The meeting ended at 6.55 pm)