

Planning Committee – 24 September 2008

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Mrs Copley, Critchard, Denington, Mrs Floyd, C Hill, House, Miss James, Stuart-Thorn and D Wedderkopp

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Development Area Manager - West), Mr B Kitching (Area Planning Manager), Mr M Bale (Principal Planning Officer), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present:- Councillors Brooks, Coles, Mrs Herbert, Mrs Lewin-Harris, Thorne and Mrs Whitmarsh

(The meeting commenced at 5.00 pm)

106. Apologies/Substitution

Apologies: Councillors McMahon, Mrs Smith and Watson.

Substitution: Councillor Stuart-Thorn for Councillor Watson.

107. Minutes

The Minutes of the meeting held on 3 September 2008 were taken as read and were signed.

108. Declarations of Interest

Councillor Denington declared an interest in application no 38/2007/556 but considered he had not “fettered his discretion”; Councillors Bowrah, Mrs Copley and Critchard declared an interest in application no 43/2008/091 as members of Wellington Town Council. Councillor Bowrah considered that he had “fettered his discretion” in advance of the meeting and left the room during discussion of this item; Councillors Mrs Copley and Critchard considered they had not “fettered their discretion”.

109. Applications for Planning Permission

The Committee received the report of the 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, subject to the standard conditions adopted by Minute No 86/1987 of the former Planning and Development Committee and such further conditions as stated:-

29/2008/010

Erection of single storey extension at The Stalls, Rull Farm, Otterford

- (a) C001a – time limit;
- (b) C102 – materials.

Reason for granting planning permission:-

The proposed extension would not have a detrimental impact on the architectural integrity and traditional character of the existing dwelling in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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

The Committee felt that the proposal was an appropriate design that would not have a detrimental impact on the architectural integrity and traditional character of the existing dwelling.

38/2007/556

Erection of dwelling and detached garage within garden of 27 Calway Road, Taunton

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C201 – landscaping;
- (d) C208E – protection of trees to be retained;
- (e) C208B – service trenches beneath trees;
- (f) 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;
- (g) C326A – garage use only;
- (h) Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (i) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access;
- (j) Before the dwelling hereby permitted is first occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (k) C215 – walls and fences;
- (l) The window(s) in the first floor north-west rear elevations shall be glazed with obscure glass which shall thereafter be retained. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority;
- (m) P001A – no extensions;
- (n) P003 – no ancillary buildings;
- (o) P001 – no windows;
- (p) If any trees on the site are proposed to be felled as a result of this development, a bat survey must be carried out between 1st May and 31st September in any one year to ascertain the use of the trees by these

protected species. The results of the survey must be submitted to the Local Planning Authority and agreed in writing before the trees can be removed.

(Notes to applicant:- (1) N024 – development in accordance with approved plans; (2) N118 – disabled access; (3) Applicant was advised that the alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highways Authority; (4) Applicant was advised to contact Wessex Water to agree points of connection onto the Wessex Water infrastructure; (5) Applicant was advised of the need to protect the integrity of Wessex Water systems and any arrangements for the protection of infrastructure crossing the site should be agreed as early as possible, certainly before the developer submits any Building Regulations application; (6) Applicant was advised that there is a public water main and surface water near the site. Wessex Water normally requires a 3 m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may be necessary.)

Reason for granting planning permission:-

The site lay within the settlement limits for Taunton and was large enough to accommodate a dwelling and met the requirements of Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). Furthermore, the protected trees would not be harmed and as such the proposal also accorded with Taunton Deane Local Plan Policy EN6 (Protection of Trees, Woodlands, Orchards and Hedgerows).

(2) That the following application be deferred for the reason stated:-

06/2008/057

Change of use for mobile home for agricultural worker and pheasant rearing at Mill Field, Bishops Lydeard as amended

Reason

For further consideration of the application and to obtain the comments of Environmental Health and the Environment Agency.

110. Erection of medical centre with attached services, including car parks, external works and landscaping and formation of access to Mantle Street, land to south and west of 112B Mantle Street (part of Trinity Farm), Wellington (revised proposal) (43/2008/091)

Reported this application.

Resolved that subject to the further views of the Environment Agency and the Drainage Officer 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) C101 – materials;
- (c) C201 – landscaping;
- (d) C205 – hard landscaping;

- (e) C208E – protection of trees to be retained;
- (f) C208B – service trenches beneath trees;
- (g) C210 – no felling or lopping;
- (h) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place. In particular the proposed fence on the boundary with 112B Mantle Street shall be erected as part of the 'site enabling works' prior to the commencement of development;
- (i) C246 – landscape completion checks;
- (j) C247 – temporary site building and storage compound;
- (k) The objectives of the submitted Ecological Management Plan (Rupert Higgins, Wessex Ecological Consultancy, August 2008) shall be adhered to throughout the development works;
- (l) C304 – access point;
- (m) Before any development hereby permitted is commenced, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority;
- (n) C324 – parking area;
- (o) C917 – services underground;
- (p) Prior to the commencement of development, details of the arrangements to be made for the disposal of surface water drainage from the proposed development, shall be submitted to, and approved in writing by, the Local Planning Authority;
- (q) Prior to the commencement of development, details of a scheme indicating amendments to vehicular parking bays or parking restrictions shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall be carried out prior to occupation of the development hereby approved..

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N117 – crime prevention; (5) N051B health and safety; (6) N052 – Fire safety; (7) Applicant was advised that in accordance with the highway works set out on the submitted plan, a Section 278 Agreement will need to be entered into with the County Highway Authority incorporating the provision of double yellow 'no waiting at any time' lines between the adjacent access to the east and Trinity Close to the west; (8) Applicant was advised that with regard to Condition (p) that soakaways should be constructed in accordance with Building Research Digest 365 and results should be forwarded for agreement before any works commence on site due to the probability that the ground is not suitable. If tests prove that soakaways are not suitable, then means of disposal will have to be investigated and any such means of disposal will have to be investigated and any such means will require on-site attenuation of flows before final discharge; (9) Applicant was advised to note 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. Great crested newts and bats are European Protected Species within the meaning of the Conservation (Natural

Habitats &c) Regulations 1994. Where the local population of European Protected Species may be affected in a development, a licence may be required from Natural England in accordance with the above regulations).

Reason for planning permission, if granted:-

A site of suitable size was unlikely to become available for the proposed development within the settlement limits in the foreseeable future and therefore an exception to the normal 'strict control' of new development in the open countryside in accordance with Taunton Deane Local Plan Policy S7 is considered to be appropriate in the interests of community provision. Furthermore, it was not considered that the integrity of the green wedge, Taunton Deane Local Plan Policy EN13, within which the site lay, would be adversely affected by the proposed development.

111. Erection of 80 no residential units, with associated new roads, parking and drainage, together with public open space, balancing pond and play area, land to north of Style Road, Wiveliscombe (49/2008/017)

Reported this application.

Resolved that subject to:-

- (1) the further views of the County Highway Authority and the results of further dormice surveys; and
- (2) the applicants entering into a Section 106 Agreement to ensure:-
 - (i) affordable housing to be provided at 30% of the total number of dwellings;
 - (ii) the provision, laying out and future maintenance arrangements for the Public Open Space;
 - (iii) a contribution towards secondary education; and
 - (iv) the funding and construction of the offsite highway improvements to Burges Lane and its junction with Ford Road,

the Development Manager in consultation with the Chairman be authorised to determine the application and, if planning permission was granted, the following conditions be imposed:-

- (a) C001A – time limit;
- (b) C101 – materials;
- (c) C204 – landscaping scheme to be submitted;
- (d) Before any part of the permitted development is commenced, a phased scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) C206A – existing and proposed levels;
- (f) C207A – existing trees to be retained;

- (g) C208E – protection of trees to be retained;
- (h) C208B – service trenches beneath trees;
- (i) C208C – trenching within the canopy spread of trees;
- (j) C209 – protection of hedges to be retained;
- (k) C210 – no felling or lopping;
- (l) C215 – walls and fences;
- (m) Full details of the design of the attenuation pond, the proposed management regime and additional below ground drainage shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of development. The agreed details shall be fully implemented before any of the dwellings hereby approved are occupied;
- (n) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;
- (o) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage;
- (p) C246 – landscape completion checks;
- (q) C247 – temporary site building and storage compound;
- (r) The development hereby permitted shall not be commenced until details of a strategy to protect species protected by law has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ambios's submitted reports, dated February and May 2008 and include:- (1) details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (2) details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (3) measures for the retention, creation, enhancement and long term management of hedgerows on site; (4) compliance with legal consents relating to dormice, including applying to Natural England for licences in respect of these species as detailed in Ambios' report May 2008. 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 dormice shall be permanently maintained;

- (s) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge;
- (t) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such drainage shall be provided prior to the dwellings first being brought into use;
- (u) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing 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;
- (v) The proposed roads, including 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 footpath and carriageway to at least base course level between the dwelling and existing highway;
- (w) The development hereby approved 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;
- (x) The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10;
- (y) C326A – garage use only;
- (z) C416 – meter boxes;
- (aa) P005 – no garages;
- (bb) P007 – no fencing;
- (cc) Details of any ground mounted sub-station or other utility building or structure shall be submitted to, and approved in writing by, the Local Planning Authority;
- (dd) Prior to the commencement of development, details of proposed lighting to roads, footways and amenity open space shall be submitted to, and approved in writing by, the Local Planning Authority;
- (ee) Details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;

(Notes to applicant:- (1) N118 – disabled access; (2) N112 – energy conservation; (3) N115 – water conservation; (4) N113 – street names; (5) N114 – meter boxes; (6) N117 – crime prevention; (7) Applicant was advised that the development hereby approved may be subject to the Construction (Design and Management) Regulations 2007 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations; (8) N075 – Section 106

Agreement; (9) Applicant was advised of the need to follow the Authority's 'Guidance Notes for Developers on Surface Water Issues'; (10) Applicant was advised that Condition (r) 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 species will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the dormice that may be 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; (11) Applicant was advised that during construction the following applies:- (a) discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if a discharge to a watercourse is proposed;(b) storage of fuels for machines and pumps should be sited well away from any watercourses. The tanks should be bunded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage. The Environment Agency must be notified immediately of any incident likely to cause pollution; (c) all waste disposed of off site must be taken to appropriately licensed waste management facilities in accordance with Duty of Care and the Environmental Permitting Regulations 2007 should be sought. If any waste is to be brought onto site then the appropriate exemption from Environmental Permitting Regulations 2007. In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority; (12) Applicant was requested to incorporate the provision of public art and public realm enhancements as part of the development; (13) Applicant was advised that there is a public right of way (PROW) recorded on the Definitive Map (footpath WG 15/5 which crosses the area of the proposed development. Insofar as it affects the PROW, development should not be started and the right of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this may result in the developer being prosecuted if the path is built on or otherwise interfered with; (14) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:- (a) a PROW being made less convenient for continued public use; (b) new furniture being needed along a PROW; (c) changes to the surface of a PROW being needed. Changes to the existing drainage arrangements associated with the PROW. If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use or create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from the Rights of Way Group; (15) Applicant was advised that there is limited capacity available within the public foul sewer and an engineering appraisal will need to be carried out by Wessex Water to confirm the point of connection and the scope of any improvements required to the public sewer system. The public

sewer suffers from surcharging during storm conditions and further checks may be required to confirm any risk of sewer flooding to proposed dwellings. Applicant was requested to contact Wessex Water in this regard; (17) Applicant was requested to consider routing construction traffic from the east via Ford Road and Burgess Lane, avoiding the town centre and minimising disruption in Wiveliscombe.)

Reason for planning permission, if granted:-

The site was allocated for residential development in the Taunton Deane Local Plan and it was considered that the proposed development would be in compliance with the Taunton Deane Local Plan Policies S1, S2, H10 and WV1.

112. Sorting and selling excess ballast, land south east of Allerford Fishing Pond, Norton Fitzwarren

Reported that West Somerset Railway Association (WSRA) had been granted planning permission for the construction of a turning triangle on land adjacent to Allerford Pond, Norton Fitzwarren to be constructed using materials from developments in the area. This had resulted in the implementation of an additional process and the stock piling of material. However, it was noted that the overall project had a relatively short timescale.

Resolved that no further action be taken.

(The meeting ended at 8.05 p.m.)