

Planning Committee – 25 February 2009

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

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

Also present: Councillor Coles

(The meeting commenced at 5.00 pm)

18. Apology

Councillor Woolley.

19. Minutes

The minutes of the meeting held on 21 January 2009 were taken as read and were signed.

20. Declarations of Interest

Councillor C Hill declared personal and prejudicial interests in application No 32/09/0001 and left the meeting during consideration of this item; Councillors Bowrah, Mrs Copley and Critchard declared personal interests in application No 43/09/0004 as members of Wellington Town Council. Although they had spoken on this item they felt they had not “fettered their discretion”; Councillor Bishop declared a personal interest in application No 45/08/0013 and did not speak or vote on this item; Councillor Wedderkopp declared a personal interest in the enforcement item relating to premises in North Street, Wellington and stated that he would not vote on this item; and Councillor Critchard declared a prejudicial interest in the enforcement item relating to land at Wrangway and left the room during consideration of this item.

21. 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:-

32/09/0001

Erection of extension to agricultural building at Sampford Farm, Sampford Arundel

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.

(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 would 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.)

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 did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

43/09/0004

Erection of a pair of semi-detached dwellings (amended scheme to previous permission 43/06/0159 and previous application 43/08/0090) on land adjoining 8 Burgage, Wellington

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting the Order with or without modification, no extensions, additions or other alterations other than those expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (d) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order

revoking and re-enacting the Order with or without modification, no means of pedestrian or vehicular access other than those expressly authorised by this permission shall be made to the development from Burgage or White Hart Lane without the further grant of planning permission;

- (e) The stone wall forming the south-west boundary of the site with Burgage shall be retained. The pedestrian openings within the wall hereby permitted shall be formed in accordance with details that shall first have been agreed in writing by the Local Planning Authority and no other openings shall be made.

(Notes to applicant:- (1) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that a point of connection to the foul sewerage network must be agreed with Wessex Water; (3) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists, applicant should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus; (4) Applicant was advised to ensure that any asbestos on the site is disposed of in strict accordance with the relevant guidelines.)

Reason for granting planning permission:-

The proposed dwellings were considered to be acceptably designed, not impacting unreasonably upon the character of the area, the amenities of neighbouring residents or highway safety in accordance with Policies S1, S2 and M4 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

45/08/0013

Change of use of annexe to separate dwelling and associated parking (revised design of 45/07/0015) at Mayfield House, West Bagborough

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The dormer windows to the north-western elevation and the first floor bedroom window to the south-western elevation shall be obscure glazed to the reasonable satisfaction of the Local Planning Authority;
- (c) The highway boundary stone wall shall be made good using matching materials and shall be built to the same height as existing;
- (d) The proposed window to the north-eastern elevation shall be constructed from timber;
- (e) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting the Order with or without modification, no

- extensions shall be carried out without the further grant of planning permission;
- (f) The access and parking area shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
 - (g) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 10m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times;
 - (h) 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.
- (Notes to applicant:- (1) Applicant was advised that the proposed change of use may result in the existing septic tank system drainage system becoming overloaded, thereby giving rise to possible drainage nuisance. Should such nuisance arise action could be taken against the owner by the Council to ensure that the necessary works are undertaken to abate the nuisance. Applicant was advised to contact the Drainage Officer of Taunton Deane Borough Council, to ensure that the present drainage system was adequate before any works are commenced: (2) Applicant was advised that a Section 184 Permit must be obtained.)

Reason for granting planning permission:-

The proposal would not detract from the character and appearance of the Conservation Area, would harm neither visual nor residential amenity and would not prejudice road safety. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential parking requirements) and EN14 (Conservation Areas).

(2) That **planning permission be refused** for the under-mentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

26/08/0010

Erection of 20 affordable dwellings and provision of recreation field and playground area on land opposite the Village Hall, Nynehead

Reasons

- (a) The proposed development fails to accord with the provisions of Local Plan Policy H11 (Rural Local Needs Housing) on the grounds that it could not be 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;

- (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 PPS7, STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and S7 of the Taunton Deane Local Plan;
- (c) The village has an existing playing field and equipped area for children nearby and it has not been demonstrated that there is need for additional recreation facilities as part of this proposal, rather than off site contributions towards improving existing facilities in the village (Taunton Deane Local Plan Policy C4);
- (d) The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor car and foster a growth in the need to travel, contrary to advice given in PPG13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review.

26/08/0011

Residential development comprising 19 x 2 and 3 bedroom affordable houses with parking, access road and associated works at Nynehead Road, Poole, Nynehead

Reasons

- (a) The development is in the countryside not adjoining a recognised settlement and harming the rural character of the area contrary to Taunton Deane Local Plan Policies S1, S2, S7, H11 and EN12 and unsustainable location fostering the growth in the need to travel contrary to advice in PPG13, RPG10, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6 and Taunton Deane Local Plan Policy S1;
- (b) The proposed development does not immediately adjoin any recognised settlement and as such would create a form of unacceptable sporadic development in the open countryside. The proposal would harm the rural character and appearance of the area and be contrary to the provisions of Taunton Deane Local Plan Policies S1, S2, S7, H11 and EN12;
- (c) The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development will increase the reliance on the private motor car and foster a growth in the need to travel, contrary to advice given in PPG.13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000);

(d) It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have an adverse impact on the residential amenity of the future occupiers of the properties due to the incidence of noise from the adjacent railway line or that the measures proposed to alleviate such adverse impact would not have a detrimental impact on the visual amenity of the area. (Taunton Deane Local Plan Policies S1 and S2).

22. Amendment to delegated powers in respect of Planning Enforcement matters and arrangements for Ward Members to address the Planning Committee

Reported that changes to the scheme of delegations in respect of planning applications had successfully reduced the length of the agendas considered by the Planning Committee. This had enabled Members to have more time to concentrate on the most significant proposals.

It was proposed that delegated powers be extended to include the taking of enforcement action in respect of all unauthorised development within the curtilage of a dwelling.

However, if an enforcement notice was not complied with, Members would still be responsible for deciding if prosecution action should be authorised.

It was also reported that concern had been expressed at the lack of any restriction over the time allowed for Ward Members to address the Planning Committee.

It was proposed that Ward Members should be restricted to a maximum of five minutes per item in future.

Resolved that:-

1. Enforcement matters relating to householder development other than prosecution in respect of non-compliance with an enforcement notice be delegated to officers; and
2. Ward Members be restricted to a maximum of five minutes each when addressing the Planning Committee.

23. Taunton Vale Hockey Club, Staplegrove Road, Taunton

Reported that since the Taunton Vale Hockey Club had been brought into use local residents had made a number of complaints regarding the lights provided. Negotiations had taken place between the Council and the Hockey Club to rectify the situation without a solution being agreed.

A further application for planning permission had been granted in 2007 with a condition requiring the shielding of existing lights. This condition had not been complied with and the Council continued to receive complaints. A Breach of

Condition Notice was served on the Hockey Club that required the light shields to be fitted by late November 2008.

The Hockey Club had since been advised to submit an application to vary the condition imposed but an application had not been received.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings against Taunton Vale Hockey Club for failure to comply with the Breach of Condition Notice served on 10 October 2008.

24. Use of first floor as a recording studio, 14-18 North Street, Wellington

Reported that an application had been submitted for the change of use of part of the first floor of 14-18 North Street, Wellington to a recording studio.

Although the application had been refused under delegated powers on 2 February 2009 the premises continued to be used as a recording studio.

Resolved that:-

1. Enforcement action be taken to stop the unauthorised change of use of the first floor at 14-18 North Street, Wellington continuing; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

25. Retention of two steel containers for the storage of fireworks, The Stores, Wrancombe Road, Wrangway, Wellington

Reported that an application had been submitted for the retention of two steel containers for the storage of fireworks at The Stores, Wrancombe Road, Wrangway, Wellington.

Although the application had been refused under delegated powers on 26 February 2008 and a subsequent appeal had been dismissed on 12 January 2009, the containers remained on site.

Resolved that:-

1. Enforcement action be taken seeking the removal of the unauthorised steel containers at The Stores, Wrancombe Road, Wrangway, Wellington; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

26. Replacement UPVC windows to flat above shop, 4 Silver Street, Wiveliscombe

Reported that it had come to the Council's attention that the traditional windows to the flat above the shop at 4 Silver Street, Wiveliscombe had been replaced with UPVC windows without planning permission being obtained.

The owners had declined to submit a planning application to regularise the situation. However, no objection would be raised if an application was to be submitted.

Resolved that no further action be taken.

27. Appeals

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

Also reported that four new appeals had been lodged, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.40 pm)