

## Planning Committee – 25 March 2009

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Bowrah, Mrs Copley, Critchard, Denington, 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 B Kitching (Area Planning  
Manager), Mrs J Jackson (Legal Services Manager) and  
Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Horsley in relation to application no 42/09/0001 and  
Councillor Coles.

(The meeting commenced at 5.00 pm)

### 28. Apologies

Councillors Mrs Floyd and Woolley.

### 29. Minutes

The minutes of the meeting held on 25 February 2009 were taken as read and were signed subject to the description of application no 26/08/0011 being amended to read "Residential development comprising 19 x 2 and 3 bedroom affordable houses with parking, access road and associated works at Nynehead Road, Poole, Nynehead".

### 30. Declarations of Interest

Councillor Mrs Smith declared a personal interest in application No 42/09/0001.

### 31. 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 conditions stated below:-

#### **27/08/0037**

**Erection of entrance walls and gate (retention of development already undertaken) and removal of condition (e) from planning permission 27/06/0019 (personal occupancy) at Altona Park, Hillfarrance**

Applicant was advised that notwithstanding the removal of condition (e) of planning permission 27/06/0019, the latter planning permission still subsists and the remaining conditions remain in force.

**Reason for granting planning permission:-**

It was considered that the proposal will have limited impact on the visual amenity of the rural area and furthermore the proposal was in line with Central Government advice contained in ODPM Circular 01/06. The remaining conditions ensured that the site will only be occupied by bona fide gypsies in this open countryside location, in accordance with Taunton Deane Local Plan Policy H14 (Gypsy and Traveller Sites).

**38/08/0546LB**

**Alteration of first floor layout to form wc and removal of wall section to form office at 33 Staplegrove Road, Taunton**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (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;
- (c) Prior to the commission of the new door to the wc on the first floor, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that only those works specifically identified in the above application have the benefit of listed building consent. Should other works be undertaken to convert the building to offices (for example suspended ceilings, air conditioning, satellite dish) formal consent would be required).

**Reason for granting planning permission:-**

It was considered that the proposal was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

**48/09/0007**

**Construction of loft conversion incorporating a dormer to the rear elevation, erection of conservatory to the rear and a new porch to the front at 148 Bridgwater Road, West Monkton**

**Condition**

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 extensions were not considered to compromise the character of the property or result in harm to the street scene. There would be no adverse impact on the amenities of the occupiers of neighbouring properties or highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

(2) That **planning permission be refused** for the under-mentioned development, subject to the reason stated below:-

**48/09/0003**

**Change of use of site to private hire minibus business (amended plans to 48/07/0070) at 154 Bridgwater Road, Bathpool, Taunton**

### **Reason**

In the opinion of the Local Planning Authority the introduction of a minibus business of the nature proposed here, by reason of potential noise and disturbance and adverse visual impact, would have an unacceptable detrimental affect on neighbouring residential properties, contrary to the provisions of Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

### **32. Erection of 7 affordable cottages and 2 affordable flats at land opposite Dipford Cottage, Dipford Road, Trull (42/09/0001)**

Reported this application.

**Resolved** that subject to:- (1) the application being referred to the Secretary of State under the "Departure Procedures"; and (2) the applicants entering into a Section 106 obligation regarding the provision of affordable housing and a leisure and recreation contribution, 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) 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 by the Local Planning Authority;
- (c) (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;

- (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) The development hereby permitted shall not be commenced until details of a strategy to protect bats, badgers and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) 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 bats, badgers or birds shall be permanently maintained;

- (f) None of the dwellings shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (g) The dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the drawing number 3987/08 hereby permitted and made available for use unless otherwise agreed in writing by the Local Planning Authority;
- (h) The windows hereby permitted shall be recessed in the walls by a minimum of 70mm or as otherwise agreed in writing by the Local Planning Authority;
- (i) The area allocated for parking shall be properly consolidated, surfaced, drained and marked out before the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (j) No dwelling shall be occupied until the footpath improvements indicated on the submitted drawings have been agreed with the Highway Authority and carried out;
- (k) The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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, and street furniture 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.

(Notes to applicant:- (1) Applicant was advised that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the site must comply with the appropriate wildlife legislation; (2) Applicant was advised that nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season then the trees should be checked for nesting birds before work begins; (3) Applicant was advised that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; (4) Applicant was advised that trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the trees work must cease immediately and advice must be obtained from the Government's advisers on wildlife).

### **33. Monkton Heathfield Major Development Site, Taunton Appeal Decision**

Reported that notification had been received of the final decision reached by the Secretary of State on the Monkton Heathfield Major Development Site. The appeal had been allowed subject to a number of conditions.

Details of an application made for the award of costs against the Council were also reported. The Secretary of State had refused the application for the award of costs.

**Resolved** that the appeal decision on the Monkton Heathfield Major Development Site be noted.

### **34. Large extensions to barns to form tea room and restaurant at Nerrols Farm, Cheddon Fitzpaine, Taunton**

Reported that it had come to the Council's attention that a tea room and restaurant had been created at Nerrols Farm, Cheddon Fitzpaine without the necessary planning consent being obtained.

The owners had been contacted and advised to submit an application for planning permission but, to date, no such application had been received.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised tea room and restaurant at Nerrols Farm, Cheddon Fitzpaine, Taunton; 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.

**35. Erection of extension to the rear of 53 Hamilton Road, Taunton**

Reported that it had come to the Council's attention that an extension had been erected to the rear of 53 Hamilton Road, Taunton without the necessary planning consent being obtained.

The owners had been contacted and advised to submit an application for planning permission. Although an application for signs and a new shop front had been received, an application for the extension to the rear had not been submitted.

**Resolved** that:-

1. Enforcement action be taken to remove the unauthorised extension to the rear of 53 Hamilton Road, Taunton; 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.

**36. Appeals**

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

Also reported that one new appeal had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.25 pm)

