

## **Planning Committee – 29 September 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillors Bishop, Bowrah, Brooks, Denington,  
Ms Durdan, Mrs Floyd, House, Miss James, McMahon, Mrs Stock-  
Williams, Stuart-Thorn, Watson and D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching  
(Area Planning Manager), Mrs J Moore (Development Control Principal  
Officer, East), Mrs J Jackson (Legal Services Manager), Ms M Casey  
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic  
Services Officer)

Also present: Councillors Coles, Stone (in relation to item no 12) and Thorne (in  
relation to application no 10/09/0018) and Mr P Malim (Independent  
Member, Standards Committee)

(The meeting commenced at 5.00 pm)

### **100. Apologies/Substitutions**

Apologies: The Vice-Chairman (Councillor Mrs Allgrove), Councillors Mrs  
Copley, Critchard and C Hill

Substitutions: Councillor Mrs Stock-Williams for Councillor Mrs Copley  
Councillor Stuart-Thorn for Councillor C Hill

### **101. Declarations of Interest**

Councillor Ms Durdan declared a personal interest in application nos  
14/09/0019 and 14/09/0023; Councillor Brooks declared a personal interest in  
application no 24/09/0024; and Councillor House declared a personal interest  
in application no 24/09/0024. Although he had spoken on the item, he  
considered he had not “fettered his discretion”.

### **102. Members’ Code of Good Practice**

Mr Peter Malim reported that he had now successfully updated the Planning  
Committee Members’ Code of Good Practice to incorporate the latest  
guidance.

Subject to approval by the Council’s Standards Committee, copies of the new  
Code would be circulated to Members of the Planning Committee in due  
course.

### **103. 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:-

That **planning permission be granted** for the under-mentioned developments:-

**10/09/0016**

**Change of use of barn to dwelling (resubmission of 10/08/0033) at Buttles Farm, Churchinford**

### **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;
- (c) The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building-matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (d) All rooflights hereby approved shall be a flush fitting conservation style with a central glazing bar;
- (e) All windows and folding doors hereby approved shall be of timber traditional, side hung balanced casements with equal sized panes of glass and shall be located within the wall thickness so as to provide a minimum external reveal of 100mm;
- (f) Prior to the commencement of development the history and current condition of the site shall be investigated to determine the likelihood of the existence of contamination arising from previous uses. The Local Planning Authority shall be provided with a written report which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect bats 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; and (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 and swallows shall be permanently maintained;

- (h) The proposed modified access over the first 6m of its length shall be properly consolidated and surfaced, not loose stone or gravel, before it is brought into use. It shall be made of porous material or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
- (i) The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced and drained before the buildings are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) 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) Before any works are commenced details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) All services shall be placed underground;
- (m) Prior to the development hereby permitted being brought into use details of the access gate shall 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;
- (n) 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) no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E and G-H of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) 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), no erection or other alteration of a gate, fence, wall or other means of enclosure (of the types described in Schedule 2 Part 2 of the 1995 Order), other than that expressly authorised by this permission shall be carried out, without the further grant of planning permission;
- (p) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, any entrance gates erected shall be hung so as to open inwards only.

(Notes to applicant:- (1) 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; (2) Applicant was advised of the need to make provision for access for crevice dwellings bats along the roof ridge or

through the provision of a bat box placed high up on the south-east elevation; (3) Applicant was advised that a Section 184 Permit must be obtained from the Highways Authority; (4) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority; (5) Applicant was advised that there was the potential risk of contamination of the ground. There is also a potential risk from areas of filled ground as the fill could contain hazardous materials or could generate gasses as any waste breaks down).

**Reason for granting planning permission:-**

It was considered that the need to preserve this individual barn, by virtue of its historic interest, existing walled curtilage, contribution to the surrounding area and direct relationship with the neighbouring residential property, outweighed the concerns regarding sustainability issues as a result of occupiers being dependent on private vehicles; and the adverse impact of the introduction of the residential element into the Blackdown Hills Area of Outstanding Natural Beauty. As such, the proposal was in accordance with Policies P3 (Areas of Outstanding Natural Beauty) and P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), H7 (Conversion of Rural Buildings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

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

The Committee felt that this proposal to preserve the barn outweighed any concerns raised.

**10/09/0018**

**Erection of 2 Storey Extension to side and detached garage at 4 Trickey Warren Cottages, Culmhead, Churchstanton**

- (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;
- (c) Before development commences (including site clearance and any other preparatory works), the trees shown to be retained on drawing C4611/102A shall be protected by protective fencing located 0.5m around the perimeter of the proposed garage. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.  
Note : The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.)

### **Reason for granting planning permission:-**

The proposed extension and garage had been designed to be subordinate to, and in keeping with, the existing style of the property and would not compromise its character or that of the surrounding Blackdown Hills Area of Outstanding Natural Beauty. There would be no adverse impact upon the amenities of the neighbouring properties or any trees within the site. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

### **14/09/0019**

#### **Erection of single storey industrial building at Creech Mill, Mill Lane, Creech St Michael (re-siting of consented building 14/06/0021)**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified on the application form and agreed in association with planning permission 14/06/021 shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) The new building hereby permitted shall be used solely in connection with the adjacent industrial unit known as County Hardwoods. At no time shall the building be leased, sold or used as a separate planning unit or use without the prior express grant of planning permission;
- (d) This permission shall not be exercised in addition to any permission already granted (viz application No 14/06/021) and shall be treated as an alternative so that the developer may have the option of carrying out development in accordance with the present permission already granted, but not both. In the event of the development referred to in the permission granted being substantially carried out, this permission shall forthwith lapse and be of no effect.

(Note to applicant:- Applicant was advised that details of any soakaways should be proven and agreed with the Parrett Internal Drainage Board and Environment Agency prior to the commencement of any works approved.)

### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity or highway safety and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan First Alteration Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

### **14/09/0023**

#### **Erection of one unit for Class B1 (business) and B8 (storage and distribution) at Creech Mills Industrial Estate, Creech St Michael (amended proposal to 14/08/0037)**

- (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 buildings hereby permitted shall match those used in the existing buildings on the site unless otherwise agreed in writing with the Local Planning Authority;
  - (c) The new building 1B hereby permitted shall be used for B1 or B8 use solely in connection with the current business known as L.A.T. Access. At no time shall the buildings or planning unit, contained within the red line shown on the submitted site plan, be subdivided either by being leased, sold or used as a separate planning unit, use or business without the prior express grant of planning permission.

**Reason for granting planning permission:-**

The proposal was considered not to result in additional traffic movements such as would be prejudicial to road safety nor to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan (first alteration) Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

**14/09/0032**

**Outline application for the erection of a detached dwelling and garage within the garden of Chants, Creech Heathfield**

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
  - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

- (ii) If any retained tree is removed, uprooted or destroyed or dies,

another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

- (c) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;
- (d) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (e) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (f) (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;
- (g) The new dwelling shall not be occupied until the means of vehicular access has been constructed in accordance with the details shown on plan D4590/102B, hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (h) At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plans (drawing no D4590/102). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of

- vehicles in connection with the development hereby permitted;
- (j) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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), no window/dormer windows shall be installed in the northern elevation of the development hereby permitted without the further grant of planning permission;
  - (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

(Notes to applicant:- (1) Applicant was advised that the landscaping required as part of condition (f) refers to the need to provide additional tree planting on the southern boundary and a hedge will be expected to replace that removed fronting the highway; (2) Applicant was advised that the alteration of the access and/or minor works will involve construction works within the existing highway limits. Please contact the Highway Service Manager, Taunton Deane; (3) Applicant was advised that according to Wessex Water records, there is a public foul sewer crossing to the east of the site. Wessex Water requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. There should be no planting within 6m of the sewer. The developer is required to protect the integrity of Wessex systems and must agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.)

#### **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).

**24/09/0024**

#### **Replacement of 4 isolation kennels and erection of 6 additional kennels for applicant's own dogs at St Giles Kennels, Wrantage**

- (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;
- (c) Notwithstanding the details submitted, prior to the commencement of development, further details of noise insulation materials shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details as above and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.



(Notes to applicant:- Applicant was advised of the following requirements of the County Rights of Way Section:-

- We ask that the health and safety of walkers, horse riders and cyclists using the path be taken into consideration during any works involved in carrying out the proposed development;
- Somerset County Council (SCC) has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians, horse riders and cyclists. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so;
- If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If the works would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided.)

**Reason for granting planning permission:-**

The proposed kennels were not considered to adversely affect the character and appearance of the surrounding countryside. Whilst there could be some effect on noise levels, this proposal was not considered to contribute to the existing situation to such an extent as to result in material detriment to the residential amenities of neighbouring properties. As such, the proposal was in accordance with Policy P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 (General Requirements) of the Taunton Deane Local Plan.

**43/09/0058**

**Erection of single story extension and conversion of one outbuilding to form additional dwelling, North Street, Wellington**

- (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;
- (c) 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), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and resting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted reports, dated July 2009 and up to date surveys and include:-

- (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 bats, and nesting birds could be harmed by disturbance; and
- (iii) Measures for the enhancement of places of rest for bats.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (e) The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility has been provided within the site in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority;
- (f) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

(Notes to applicant:- (1) Applicant was advised that the development is located within a sewered area, with foul and surface water sewers. According to our records, there is a combined public sewer (foul/surface) crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that 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 as may affect its apparatus; (2) Applicant was advised that the

condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species 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.)

**104. Change of use of land to use as a small gypsy site to site one mobile Home and one touring caravan at Plot 15, Greenacres, Oxen Lane, North Curry (Application No. 24/09/0030)**

Reported that on the 26 August 2009 an application was received as above in respect of Plot 15 at Oxen Lane. The application was registered and consultees and neighbours were notified.

Given the history of the Oxen Lane site set out below, the Committee was asked to consider whether to exercise the powers under s70A of the Town and Country Planning Act 1990 to decline to determine the application.

If Taunton Deane declined to determine the application there would be no decision on the application and there could be no appeal to the Secretary of State. A decision to decline to determine could however be challenged by way of judicial review.

In order to decline to determine the present application, the Committee had to address the following questions/issues:-

- Q1. In the period since 26 August 2007, had the Secretary of State dismissed an appeal against a refusal of an application which was 'similar' to the present application (s70A(3) of the Town and Country Planning Act)?
- Q.2 If so, did Councillors think that there had been no significant change in the 'relevant considerations' since the Secretary of State's decision (s70A(1) of the Act)? and
- Q.3 If so, did Councillors consider that the guidance in Government Circular 8/2005 suggested that the discretion under s70A should be exercised?

Detailed responses to each of these questions were outlined in the report. The Growth and Development Manager had concluded that the discretion in s70A should be exercised and the application should not be determined.

However, it was important for the Members of the Committee to also consider the three questions posed.

**Resolved** that the determination of application No. 24/09/0030 in respect of Plot 15, Greenacres, Oxen Lane, North Curry be declined by the Local Planning Authority pursuant to its powers under s70 of the Town and Country Planning Act 1990.

**105. Planning (Listed Buildings and Conservation Areas) Act 1990 - Wet Finishing Works, Tone Works, Milverton Road, Wellington**

Reported that the Wet Finishing Works, Tone Works, Milverton Road, Wellington was part of a group of buildings, north of the River Tone, listed Grade II\*.

Particular concern over the deteriorating nature of the subject building had increased in the last year, mainly as a result of unauthorised access and theft, the latter largely being stripping of lead to roofs.

Whilst the owner had robustly blocked openings to negate unauthorised access, there remained issues in preventing further deterioration, particularly by ingress of water.

The Chairman had therefore authorised service of an Urgent Works Notice, which was issued on 15 September 2009. With an 80% grant from English Heritage it was anticipated that the subject works necessary for the preservation of the listed building would commence on or about 23 September 2009, by the Councils appointed contractor.

**Resolved** that the Chairman's authorisation to serve an Urgent Works Notice in respect of The Wet Finishing Works, Tone Works, Milverton Road, Wellington be endorsed.

**106. Unauthorised erection of a timber shed on the driveway of 17b Walkers Gate, Wellington**

Reported that a complaint had been received concerning the erection of a timber shed on the driveway of 17b Walkers Gate, Wellington in breach of the original planning condition.

That condition stated that at least one garage and one parking space had to be provided for each dwelling at Walkers Gate.

The owners of the property had been contacted who confirmed that the timber shed had been in position for at least four years and was therefore immune from enforcement action.

The site had been visited and measurements taken. In the view of the Growth and Development Manager, as it was still possible to accommodate two vehicles on the remaining part of the driveway the planning condition had not been breached.

**Resolved** that no further action be taken.

**107. Unauthorised erection of a fence and a smoking shelter at the Eagle Tavern, South Street, Taunton**

Reported that following receipt of a complaint, an enforcement notice was served in respect of a wooden fence and a smoking shelter which had been

erected at the Eagle Tavern, South Street, Taunton without planning permission.

In response to the notice, the fence had been removed and the shelter, which was still on the site, had been altered slightly.

A recent site inspection had taken place and, in the view of the Growth and Development Manager if an application to retain the smoking shelter was to be submitted, it was likely to be viewed favourably. In the circumstances it was considered not to be expedient to take further enforcement action.

**Resolved** that no further action be taken.

#### **108. Appeals**

Reported that seven appeal decisions had recently been received, details of which were submitted. Four appeals had been dismissed whilst three had been allowed.

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

**Resolved** that the report be noted.

(The meeting ended at 7.50 p.m.)



## **Planning Committee – 28 October 2009**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Mrs Copley, Denington, C Hill, Horsley, House,  
Miss James, Mrs Stock-Williams, Stuart-Thorn, Watson and  
D Wedderkopp

Officers:- Mr G Clifford (Area Planning Manager, South), Mr B Kitching (Area  
Planning Manager), Mrs J Jackson (Legal Services Manager) and  
Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles and Mr P Malim (Independent Member, Standards  
Committee)

(The meeting commenced at 5.00 pm)

### **109. Apologies/Substitutions**

Apologies: Councillors Bowrah, Brooks, Mrs Floyd and McMahon.

Substitutions: Councillor Stuart-Thorn for Councillor Bowrah  
Councillor Horsley for Councillor Brooks  
Councillor Mrs Stock-Williams for Councillor Mrs Floyd.

### **110. Minutes**

The minutes of the meeting held on 23 September 2009 were taken as read  
and were signed.

### **111. Members' Code of Good Practice**

Reference Minute No. 102/2009, Mr Peter Malim reported that the Standards  
Committee had met on 20 October 2009 and had approved the revised  
Planning Committee Members' Code of Good Practice.

### **112. Apology by Councillor Bowrah**

The Chairman read out an apology she had received from Councillor Bob  
Bowrah to the Members of the Planning Committee.

Councillor Bowrah had recently been found by the Standards Committee  
to have breached the Code of Conduct over comments he had made in  
connection with a planning application, which had been reported in the local  
press.

**Resolved** that the apology be noted.

### **113. Declarations of Interest**

Councillor D Wedderkopp declared a personal interest as a Member 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 Stuart-Thorn declared a prejudicial interest as the Council's representative on the Board of the Taunton and Somerset NHS Trust and he left the meeting during the discussion of application No. 38/09/0195.

#### **114. 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:-

That **planning permission be granted** for the under-mentioned developments:-

##### **38/09/0195**

**Construction of helicopter take off and landing apron (helipad), together with associated traffic control barriers, warning lights and modification to car park area and landscaping at Musgrove Park Hospital, Taunton**

##### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) (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;
- (c) Before any part of the development hereby permitted is commenced, a 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;
- (d) No lighting units other than those specified on the submitted drawing 578/02C shall be erected on site unless otherwise submitted to, and approved in writing by, the Local Planning Authority. Development shall



be carried out in accordance with the approved details and thereafter maintained as such;

- (e) The site shall normally be used by licensed air ambulance operators only;
- (f) The helipad and windsock lights shall only be illuminated when the helipad is in use and preparation for use.

(Notes to applicant:- (1) Applicant was advised that a clear management plan for the use of the helipad should be provided to safeguard the public; (2) Applicant was advised of the following requirements : **Wildlife and the law.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; **Breeding birds.** 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 (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins; **Bats.** The applicant and contractors must be aware 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. 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 tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.)

#### **Reason for granting planning permission:-**

The proposal was considered not to have a significant adverse 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), S2 (Design) and EN6 (Protection of Trees).

**42/09/0034**

**Erection of new dwelling within the curtilage of 2 Church Road, Trull**

#### **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) All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar and fitted with obscure glazing in accordance with

details to be submitted to, and approved in writing by, the Local Planning Authority;

- (d) All windows/doors including obscure glazing hereby approved shall be of the design shown on the approved plans, unless otherwise agreed in writing with the Local Planning Authority;
- (e) The existing hedge on the roadside (north) boundary shall be retained and maintained at a height no less than 1.8m above ground level, with the exception of the small element to be removed to widen the access, unless otherwise agreed in writing with the Local Planning Authority. Before any part of the development hereby permitted is commenced, this hedge shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, unless otherwise agreed in writing. The fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedge shall not be altered;
- (f) Before any part of the development hereby permitted is commenced, the access to be used in connection with the proposed dwelling shall be widened so as to have a minimum width of 5m over the first 10m of its length;
- (g) Before the dwelling is first occupied, the revised access/parking/turning shall be properly consolidated and surfaced (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
- (h) The area allocated on the approved plan as parking and turning for the existing and proposed dwelling shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the existing dwelling, no. 2 Church Road and the dwelling hereby permitted;
- (i) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2m back from the carriageway edge on the centreline of the access and extending to a point on the nearside carriageway edge 33m to the east and 50m to the west of the access. Such visibility shall thereafter be maintained at all times;
- (j) 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) Before any works are commenced, details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) All services shall be placed underground;
- (m) 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), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E and G-H of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that it will be necessary, if required, for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows; (2) Applicant was advised that to be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, the applicant should plot the exact position on the design site layout to assess the implications. Please note that 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 as may affect its apparatus; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Area Office. Application for such a Permit should be made at least three weeks before access works are intended to commence; (4) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Transport Development Group, Environment Department, County Hall, Taunton TA1 4DY. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (5) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991).)

**Reason for granting planning permission:-**

The proposed dwelling had been designed to be in keeping with surrounding properties and to avoid harm to the residential amenities of nearby dwellings. It was considered to preserve the character and appearance of the Conservation Area, not to detract from the street scene and to be in keeping with the surrounding pattern of development. Sufficient car parking was available and adequate visibility splays could be provided, by virtue of the restrictive covenant on the adjacent land, to overcome previous highway safety concerns. As such, the proposal was in accordance with Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas) of the Taunton Deane Local Plan.

**115. Non-compliance with the requirements of an Enforcement Notice – Sherford Bridge Farm, Sherford Road, Taunton**

Reference Minute No. 40/2009, reported that the Environment Agency had been contacted as to the additional risk of flooding which could be directly attributable to the remaining concrete area at Sherford Farm, Sherford Road, Taunton.

In its response, the Environment Agency had stated that the remaining slab would have a minimal impact provided its finished crest level was the same as the surrounding ground levels. The owners of the land had claimed that historically the ground level was at a much higher level than the concrete slab; a claim disputed by the owners of Sherford Bridge House.

An independent drainage engineer had subsequently been commissioned by the Council to ascertain the impact of the concrete slab on the flooding of the area. The engineer had concluded that the concrete did not materially affect the levels of flooding.

The Council had also sought advice from a senior barrister who specialised in drainage and environmental issues. He was specifically asked the following:-

- Was the remaining concrete permitted to remain at the site under the remit of long/established use and/or under permitted development rights? If so, would it be practical to put the matter before the Committee with a recommendation to withdraw the court proceedings in the Magistrates' Court for non-compliance with the enforcement notice?
- Regardless of whether or not the remaining concrete could be permitted to remain under the remit of long/established use and/or under permitted development rights, were there any legal courses of action (for example injunction or direct action) available to the Council to ensure the removal of the remaining concrete due its impact on flooding and if so, what were the Council's chances of success of legal action?
- Which was the most appropriate body to take responsibility for taking legal action to enforce the removal of the remaining concrete?

In his response the barrister advised that the concrete slab was "permitted development" as it was an engineering operation within the permitted size limits of A1(d).

The barrister's detailed responses to the above questions was detailed in the report. However, his conclusions were that:-

- (1) The proceedings in the Magistrates' Court could be considered disproportionate and should therefore be withdrawn; and
- (2) If the owner of Sherford Bridge House was concerned about the flood risk to his home, he had a private right of action in nuisance against the owners of Sherford Farm under the doctrine of *Leakey v The National Trust* [1980] QB 485.

In the circumstances, Members felt that there was nothing further the Council could do in relation to the concrete slab.

**Resolved** that:-

- (i) the Solicitor to the Council be authorised to apply to the Magistrates to withdraw the current legal proceedings against the owners because it was not in the public interest to continue with the prosecution; and

- (ii) in light of Counsel's Advice no further action be taken to secure removal of the concrete base either by way of injunction or direct action.

**116. Stationing of two touring caravans for residential occupation on the orchard adjacent to Bowdish Farm, North Curry**

Reported that it had come to the Council's attention that an orchard adjacent to Bowdish Farm, North Curry was being used without planning permission to station touring caravans used for residential occupation.

In recent weeks, one of two touring caravans which had previously been on the land had been replaced with a larger touring caravan together with a gazebo structure.

Although the owner of the land had now submitted a planning application for a large, log cabin type dwelling, no permission existed in respect of the touring caravans.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised touring caravans being used for residential purposes on an orchard adjacent to Bowdish Farm, North Curry; 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.

**117. Appeals**

Reported that one appeal decision had recently been received, details of which were submitted. The appeal had been allowed.

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

**Resolved** that the report be noted.

(The meeting ended at 7.15 p.m.)



## Planning Committee – 18 November 2009

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

Officers:- Mr T Burton (Growth and Development Manager), Mr J Hamer  
(Development Control Area Manager, West), Mr M Bale (Principal  
Planning Officer), Mr G Clifford (Area Planning Manager, South), Mr A  
Pick (Principal Planning Officer, West), Mrs J Jackson (Legal Services  
Manager), Ms M Casey (Planning and Litigation Solicitor) and Mr R  
Bryant (Democratic Services Manager)

Also present: Councillors Coles and Court, Govier (in relation to application No  
43/09/0082) and Williams (in relation to application No 19/09/0007LB)

(The meeting commenced at 5.00 pm)

### 118. Apologies

Apologies: Councillors Ms Durdan and Watson.

### 119. 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. Councillors Bowrah, Critchard and Mrs Copley declared personal interests as Members of Wellington Town Council. Councillor Govier declared personal interests both as a Member of Somerset County Council and Wellington Town Council

### 120. 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:-

**10/09/0024**

**Erection of agricultural storage shed at Vencroft Farm, Churchstanton  
(retrospective - resubmission of 10/08/0023)**

**Conditions**

- (a) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of the commencement of 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;
- (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.

**Reason for granting planning permission:-**

The proposal was considered not to harm the landscape character of the Area of Outstanding Natural Beauty and would not harm neither visual nor residential amenity. Accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions to dwellings) and EN10 (Areas of Outstanding Natural Beauty).

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

The Committee considered that the building was not out of place in its current setting and that local views had indicated that flooding was unlikely to be an issue.

**21/09/0020**

**Erection of a dwelling in the garden of 5 Swifts, Langford Budville (resubmission of 21/08/0029)**

**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) Prior to the commencement of the development hereby permitted a visibility splay shall be provided to the north-east of the proposed access such that there is no obstruction to visibility greater than 900mm above the adjoining carriageway level in the area coloured green on the attached plan unless otherwise agreed in writing by the Local Planning Authority. The visibility splay once constructed shall be thereafter maintained as such, being permanently kept free from obstruction;



- (d) Prior to the commencement of the development hereby permitted, full details of the proposed retaining wall including finishes, height and location (to accord with condition (c) above) together with details of the finish for the area between the retaining wall and the back of the footway. The wall shall be constructed prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (e) Prior to the commencement of the development hereby permitted, full details of the proposed site levels and finished floor levels of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such;
- (f) 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), no extensions or roof alterations shall be carried out to the dwelling hereby permitted and no fences, gates, walls or other means of enclosure shall be constructed on or around the site other than that expressly authorised by this permission without the further grant of planning permission.

**Reason for granting planning permission:-**

The proposed development provided sufficient amenity space and the site was adequate for the size of dwelling proposed. The proposed dwelling did not dominate the street scene, was compatible with the surrounding area and did not completely mask views of the church. The character and appearance of the Conservation Area and setting of nearby listed buildings was preserved and the development therefore accorded with Policies S1, S2 and EN14 of the Taunton Deane Local Plan, Policy 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The Committee was of the view that the proposed dwelling was of a suitable size to be accommodated on the site, there was sufficient amenity space, the proposal did not dominate the street scene and that the views from the churchyard would not be masked by the development.

**27/09/0020REX**

**Erection of a horticultural nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/06/0015)**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the

building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;

- (c) (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, 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 the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority;
- (d) Before any part of the permitted development is commenced, a 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) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use;
- (f) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge;
- (g) The existing access shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced;
- (h) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained to the satisfaction of the Local Planning Authority;
- (i) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved in writing by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority;
- (j) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway;
- (k) Prior to commencement of works on site, a full wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey

and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law;

- (l) 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;
- (m) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority;
- (n) The development hereby approved shall only be used for nursery/ horticultural purposes only as described in the applicants e-mail dated 29 September 2006;
- (o) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved without the express grant of planning permission unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991); (2) Applicant was advised that any alteration to the footpath, route or surface, must be authorised by the County Council. The path must remain open and unobstructed at all times; (3) Applicant was advised 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. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed.)

### **Reason for granting planning permission:-**

There had been no significant change in policy guidance or material considerations since the previous permission was granted on the 12 October 2006, reference No 27/06/0015. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7 and EN12.

**38/09/0324**

**Erection of 2 semi-detached houses on land between 2A and 3 Burns Road, Taunton (resubmission of 38/09/0241)**

### **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) 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;
  - (d) Before the building hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel). It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
  - (e) Before any part of the development hereby permitted is commenced, there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall thereafter be maintained at all times;
  - (f) The area allocated for parking on submitted drawing No 09009 L 01 02 shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the existing dwelling, No. 3 Burns Road and the dwellings hereby permitted;
  - (g) 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;
  - (h) The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m;
  - (i) All services shall be placed underground;
  - (j) 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), no extensions, other alterations (including balconies, windows) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
  - (k) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (l) None of the dwellings shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
  - (m) Prior to the commencement of development, details of the bin stores shall be submitted and agreed in writing with the Local Planning Authority.
- (Notes to applicant:- (1) With reference to Condition (l), applicant was informed that any soakaways should be constructed in accordance with

British Research Digest 365 (September 1991). Should porosity tests show that ground conditions are unfavourable then a suitably sized retention tank incorporating an outflow limiting device should be used; (2) Applicant was advised to contact the Council's Housing Property Manager and the Assets Holding Manager prior to the commencement of development to seek any necessary consents as the land is former Taunton Deane land; (3) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highways Office, Burton Place, Taunton. Application for such a permit should be made at least four weeks before access works are intended to commence; (4) Applicant was advised that it will be necessary for the developer to agree points of connection with Wessex Water, for water supply and the satisfactory disposal of foul flows. The applicant should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that 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 as may affect its apparatus.)

#### **Reason for granting planning permission:-**

The proposed dwellings had been designed to be in keeping with surrounding properties and to avoid harm to the street scene and the residential amenities of nearby dwellings. Sufficient car parking was provided, in view of the close proximity of the town centre and the proposal was not considered to result in detriment to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements) and S2 (Design) of the Taunton Deane Local Plan.

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

**08/09/0010**

**Erection of single storey dwelling on land to the north of the former Maidenbrook Farmhouse, Cheddon Fitzpaine**

#### **Reasons**

- (a) The proposed dwelling by reason of its juxtaposition with the A3259, the adjacent farmhouse and barn conversions would be out of keeping with the character of the area and detrimental to the setting of the listed building. Furthermore there is no evidence of any previous buildings on this land and therefore no historic justification for the resultant intrusion and harm to the setting of the listed farmhouse. The proposal is therefore considered to be contrary to Taunton Deane Local Plan saved Policies

S1(D) and S2(A), Somerset and Exmoor National Park Joint Structure Plan Policy 9 and Planning Policy Guidance Note 15 Planning and the Historic Environment, and Section 6.6 (1) of the Planning (Listed Building and Conservation Areas) Act 1990;

- (b) The proposed dwelling would be located on land considered to be important to maintain the rural character of the transition zone between the developed land to the south and the open countryside to the north of the A3259 and it is considered that the proposed dwelling would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan Policies S1 (D) and S2 (A).

### **19/09/007LB**

#### **Erection of single storey extension to west elevation at Buttles Lodge, Village Road, Hatch Beauchamp**

##### **Reason**

The proposal, by reason of the alterations to the classical, intact, principal facade, would have a significant, irretrievable and seriously detrimental impact on the character of this Grade II Listed Building without adequate justification. In addition, the proposed extension would unbalance the near symmetry of the extant building, hence compromising its compact composition, all of which is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and PPG15.

#### **121. Demolition of nursery buildings and redevelopment to provide up to 113 dwellings, 3121 square metres of employment land Class B1 (non-office) and B8, open space, revised access and associated highway improvements at Rylands Nurseries and Sunnymead, Bagley Road, Rockwell Green, Wellington (43/09/0082)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to provide the following:-

- (1) 30% of the development to be 'affordable housing' of which two thirds to be social rented and one third to be an intermediate 'rent-to-buy' product;
- (2) A contribution of £281,911 (£2,494.79 per dwelling) towards improvements to the capacity of Rockwell Green Primary School;
- (3) The provision of on-site play facilities catering for 0-17 year olds, plus a commuted sum for maintenance;
- (4) A contribution of £1,023 per dwelling towards off-site active recreation provision and sports pitches, to be spent within a 2 mile radius of the site;

- (5) A contribution of £30,000 towards improvements to Rockwell Green Village Hall or other community facilities within a 2 mile radius;
- (6) The developer to agree a travel plan and implement it, including a payment of £300 per dwelling towards a green travel voucher; and
- (7) The payment of £5000 towards improvements to the strategic cycling network within the vicinity of the development,

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

- (a) No development shall commence until approval of a Residential Phasing Scheme for the site has been obtained from the Local Planning Authority in writing and no development of any Phase shall commence until the details of the layout, scale, appearance and landscaping of the Phase (hereinafter called 'the reserved matters') have been obtained from the Local Planning Authority in writing. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission in the case of the residential development and five years from the date of this permission in the case of employment development. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The employment buildings shall be limited to uses within Classes B1 (b) and (c) and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose;
- (c) Prior to the occupation of 50% of the dwellings, Freehold Serviced Employment Land shall have been provided in accordance with details which shall have been agreed in writing by the Local Planning Authority prior to the commencement of the development. For the purpose of this permission, Freehold Serviced Employment Land means land that has the benefit of a junction to Bagley Road built to an adoptable standard and which extends into the site at least as far as the turning head indicated in the southwest corner of the site on drawing No CD926 SP 10 and that has been cleared and levelled ready for development and has adequate mains electricity/water/surface water drainage and foul drainage available to it at no cost unless otherwise agreed in writing by the Local Planning Authority;
- (d) The Freehold Serviced Employment Land required by condition (3) shall be marketed at market value in accordance with a marketing scheme that shall be agreed in writing by the Local Planning Authority prior to the commencement of the development of the Freehold Serviced Employment Land;
- (e) Noise from any part of the premises or land to which this permission refers shall not exceed background levels by more than 5 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the façade of any residential or

noise sensitive boundary - Monday-Friday 0800-1800; Saturday 0800-1300.

At all other times including Sundays and Public Holidays, noise emissions shall not be audible when measured at any point at the façade of any residential or noise sensitive boundary. Noise emissions having tonal characteristics, for example hum, drone or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted 90th percentile level measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (f) No dwellings shall be occupied until the pedestrian/cycle link has been formed from the site to Blackdown Road, as indicated in drawing No 19683/001/010/A and in accordance with further details that shall be submitted and approved in respect of condition (a);
- (g) No development shall be occupied until the works to the public highway indicated in Drawing Nos 19683/001/002 revision C and 19683/001/004 revision A submitted as part of the Transport Assessment have been completed, unless otherwise agreed in writing by the Local Planning Authority;
- (h) Prior to the occupation of any dwellings hereby permitted, a removable obstruction shall be installed and thereafter retained as such on the link between the development and Blackdown Road that can only be removed by the emergency services, such that access to the general public is only available via foot or cycle, in accordance with details that shall be submitted in accordance with condition (a);
- (i) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfalls, vehicle overhang margins, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details that shall have been submitted to and agreed in writing before their construction begins, or as part of the details submitted in accordance with condition (a). For this purpose the details shall include plans and sections, indicating as appropriate the design, levels gradients, materials and method of construction;
- (j) The proposed estate 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 the existing public highway;
- (k) Prior to the commencement of the development hereby permitted, full details of the treatment of the boundary between the site and Rylands Industrial Estate to the south and west shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed details shall be implemented prior to any development (except site clearance) taking place and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (l) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority.



The strategy shall be based on the advice of Sunflower Ecological Consultancy's submitted report, dated October 2008 and up to date surveys and include:- Details of protective measures to include method statements to avoid impacts on slow worms during all stages of development; Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; Measures for the enhancement of places of rest for wildlife.

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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented;

- (m) No development hereby permitted shall take place until a surface water run-off limitation scheme has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the agreed programme and details;
- (n) No development other than the demolition of the existing buildings and site clearance, or that required to be carried out as part of an approved scheme of remediation, shall 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 4 has been complied with in relation to that contamination.

(a) Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) 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;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, 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. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(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.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(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 condition 01, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 02, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 03.

(e) 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.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate

- the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11';
- (o) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submission required by condition (a). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority;
  - (p) Prior to the commencement of the development hereby permitted, the hedges and trees indicated as to be retained on plans submitted in accordance with condition (a) shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge or tree canopy and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the base of the hedges so retained shall not be altered unless otherwise agreed in writing by the Local Planning Authority;
  - (q) The development shall provide public open space and a children's play area in accordance with details that shall be submitted in respect of condition (a). The areas shall be laid out prior to the occupation of 50% of the dwellings hereby permitted and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority;
  - (r) Prior to its installation, details of any street lighting or any exterior lighting to be installed around the industrial buildings shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include the type of lighting, its position and hours of operation. The lighting shall be installed in accordance with the agreed details and the agreed hours of operation shall thereafter be strictly adhered to;
  - (s) The hours of working on site during construction shall be restricted to 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays and no working shall take place on Sundays or Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The term 'working' shall for the purposes of clarification of this condition include:- the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site.

(Notes to applicant:- (1) Applicant was advised that it is expected that the development will be laid out in accordance with drawing No CD926 SP 10 received 19 October 2009, which indicates the means of access hereby approved and the layout principles for the development; (2) Applicant was advised that the marketing strategy required by condition (d) is expected to demonstrate how the employment sites will be marketed and sold to individual businesses rather than sold as an entity to a speculative developer; (3) Applicant was reminded that condition (l) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a

mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation should be 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 permission) must comply with the appropriate legislation;

(4) Applicant was recommended to investigate and specify appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include:- (a) Interception and reuse; (b) Porous paving/surfaces; (c) Infiltration techniques; (d) Detention/attenuation; and (e) Wetlands. A copy of the Environment Agency's leaflet on Sustainable Drainage Systems is available on request;

(5) Applicant was advised that the surface water drainage required by condition (m) for the proposed development must meet the following criteria:- (a) Any outflow from the site must be limited to greenfield run-off; (b) The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume); (c) If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing; (d) Adoption and maintenance of the drainage system must be addressed and stated. Details of the proposed methods to meet these criteria should be submitted in due course for the Environment Agency to recommend the relevant planning condition be discharged;

(6) Applicant was advised that any culverting of a watercourse requires the prior written approval of the Environment Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings;

(7) Applicant was advised that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively;

(8) Applicant was advised that the Environment Agency would like the developer to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction;

(9) Applicant was advised that in England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.)

### **Reasons for outline planning permission, if granted**

The proposal provided for a mix of residential and employment development that helped to promote the self-containment of Rockwell Green and

Wellington in accordance with Policy B of the emerging Regional Spatial Strategy. It provided a good, well considered use for the existing previously used site, which was within a reasonable walking distance of local schools, shops and bus services. It was considered to be a sustainable development that would have an acceptable impact upon the local highway network, wildlife, local schools and open space, in accordance with Policies SD1, SD3, CSS, D, H3, CS1, SK1 and GI7 of the emerging Regional Spatial Strategy, Policies S1, S2, EN3, M1, M2, M3, M4, C1 and C4 of the Taunton Deane Local Plan, Policies STR1, STR4, 1 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statements 1 and 3.

**122. Proposed development at Station Farm, Bishops Lydeard : Affordable Housing provision**

Reference Minute Nos 49, 50, 51, 52 and 53/2008, reported that discussions had been continuing with regard to the content of the Section 106 Agreement relating to the applications for development at Station Farm, Bishops Lydeard which had been considered by the Committee on 21 May 2008.

The one outstanding item was in respect of the affordable housing contribution. The applicants had approached the Council requesting that the provision of affordable housing be reduced from the previously agreed 14 units (comprising rented, shared ownership units and low cost open market units) to 8 units to be provided through a Registered Social Landlord (RSL) for social rented or other such tenure as shall be agreed with Taunton Deane.

The proposals sought to bring about the expansion of facilities at the southern terminus of the West Somerset Railway, the provision of new tourist facilities, some employment and other leisure development and housing, both open market and affordable. The latter was incorporated in order to “enable” the other elements of the development to take place.

Progress on concluding the Section 106 Agreement had stalled due to the underlying financial viability, having regard to the cost of the facilities to be provided, the cost of substantial off-site road works (and other servicing) and a significant fall in value of residential development land.

The revised proposal with regard to affordable housing provision clearly made the scheme more commercially viable in the current economic climate and should enable the proposed development to come forward. The proportion of affordable units would still be in excess of 20%, which was a reasonable contribution given the cost of off-site highway works and less financially lucrative tourism and employment elements.

Noted that even with the proposed adjustment to the Section 106 Agreement requirements, it still had to be assumed that there had to be some increase in underlying residential land values in order to make the scheme deliverable. The proposed change would make this more probable over the next three years.

**Resolved** that the affordable housing provision for the development at Station Farm, Bishops Lydeard be reduced from the previously agreed 16 units to 8 units and the proposed Section 106 Agreement be amended accordingly.

**123. Stationing of a mobile home on land at Bullockfield Hill, Stawley, Wellington**

Reported that it had come to the Council's attention that an area of land at Bullockfield Hill, Stawley, Wellington was being used without planning permission to station a mobile home used for residential occupation.

Although the owner had submitted a planning application to use the mobile home in connection with a small holding, an agricultural appraisal had shown that full time occupation of the mobile home could not be justified. The application had therefore be withdrawn but the mobile home was still occupied.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Bullockfield Hill, Stawley, Wellington; 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.

**124. Erection of gates to cattery entrance at Four Winds, Upper Cheddon, Cheddon Fitzpaine**

Reported that it had come to the Council's attention that a high fence and gates had been erected without planning permission at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine.

The owners of the property had been contacted and although a planning application had been submitted, it had subsequently been refused under delegated powers. Despite this, no action to remove the fence and gates had been taken.

**Resolved** that:-

- (i) Enforcement action be taken to remove the unauthorised high fence and gates which had been erected at the entrance to Four Winds, Upper Cheddon, Cheddon Fitzpaine; 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.

**125. Stationing of a mobile home on land at Knapp Farm, Hillfarrance Road, Hillfarrance, Taunton**

Reported that an area of land at Knapp Farm, Hillfarrance Road, Hillfarrance, was being used without planning permission to station a mobile home used for residential occupation.

The mobile home had been located on the land in connection with major refurbishment works that had been carried out to Knapp Farmhouse, the adjoining property, and had been occupied by a member of the owner's family.

However, the mobile home was currently occupied by persons unknown who appeared to have no connection with the owners of Knapp Farmhouse.

**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Knapp Farm, Hillfarrance Road, Hillfarrance; 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.

**126. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton**

Reported that a complaint had been received that it appeared the new development at Eastwick Farm, Eastwick Road, Taunton exceeded the boundary of the site and that a 1.8m high wooden fence had been erected on an area of land outside of the site.

This complaint had been investigated and it had been found that the works carried out, comprising of car parking spaces and bin storage together with the erection of a timber fence was unauthorised.

**Resolved that:-**

- (i) Enforcement action be taken to ensure compliance with the approved plans in respect of the development at Eastwick Farm, Eastwick Road, Taunton; 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.

**127. Use of portable buildings on land at Gaia, Hillfarrance, Taunton**

Reported that it had come to the Council's attention that an area of land south-west of Allerford Farm, Hillfarrance known as 'Gaia' was being used without planning permission to station a number of portable buildings used for residential occupation.

**Resolved that:-**

- (i) Enforcement action be taken to remove the unauthorised portable buildings being used for residential purposes on land at Gaia, Hillfarrance; 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.

**128. Provision of a raised decking area at 1 Trevett Road, Taunton**

Reference Minute No. 65/2006, reported that despite an enforcement notice being served, a planning application being submitted which was refused and protracted discussions with the owners of 1 Trevett Road, Taunton, the unauthorised decking area was still in position.

Reported that at the most recent meeting with the owners, the removal of the structure to ensure compliance with the enforcement notice had been discussed. As the owners currently lived abroad, they had indicated that they would be content for the Council's contractors to remove the unauthorised structure. A charge would be placed on the property so that when it was sold, Taunton Deane would recoup the cost of such works.

**Resolved** that direct action to demolish and remove the unauthorised structure at 1 Trevett Road, Taunton be authorised.

**129. Enforcement Action – Lower Fyfett Farmhouse, Otterford, Chard**

Reference Minute No. 40/2008, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with.

Accordingly, proceedings had been taken against the owners in the Magistrates' Court on 29 October 2009. The owners had pleaded guilty to the charge of failing to comply with the notice and had been fine £2,000 and ordered to pay £50 costs.

**Resolved** that the report be noted.

**130. Appeals**

Reported that two appeal decisions had recently been received, details of which were submitted. Both had been dismissed. One further appeal had been withdrawn.

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

**Resolved** that the report be noted.



(The meeting ended at 8.17 pm.)

## **Planning Committee – 25 November 2009**

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

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (Area  
Planning Manager, South), Mr P Lowdnes (Group Manager, Transport  
Development, Somerset County Council) Mrs J Jackson (Legal  
Services Manager), Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles and Councillors Morrell, Paul and Stuart-Thorn all in  
connection with application No. 05/07/005

(The meeting commenced at 6.15 pm)

### **131. St. Andrews Church Hall, Taunton**

The Chairman welcomed everyone to St. Andrews Church Hall, Taunton for  
the resumption of the consideration of application No. 05/07/005 in relation to  
land west of Bishops Hull Road, Bishops Hull.

### **132. Apology**

Councillor Bishop.

### **133. 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.  
Mr J Hamer (Development Control Area Manager) declared a prejudicial  
interest as a local resident and left the meeting during the consideration of the  
item.

### **134. Residential development of 7.65 ha, together with open space provision and access on land west of Bishops Hull Road, Bishops Hull (05/07/0057)**

Reference Minute No. 99/2009, the Committee received the further report of  
the Growth and Development Manager on the above application following  
deferral of the matter at the meeting of the Committee on 23 September 2009.

Further consideration of the transport and highway issues had taken place  
between the County Highway Authority and the Developer.

The conclusion had been reached that the proposed development was in a sustainable location and the highway works proposed would assist in addressing safety concerns and would not have a significant impact on the local highway network. It was also considered that the works would also assist in the promotion of sustainable travel. The County Highway Authority therefore supported the proposals and the granting of outline planning permission.

The Committee took into account this information and the representations of the Ward Councillors, the County Councillor, the Bishops Hull Parish Council and many local residents who had attended the meeting to oppose the application. Representations were also received from the developer.

**Resolved** that subject to:-

(1) referral of the application to the Government Office for the South West under the Departure Procedures; and

(2) the applicant entering into a Section 106 Agreement to provide for the following:-

(i) A commuted sum for the provision of open space, hedgerows and play area maintenance and the submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges ponds and surface water attenuation areas, detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species and measures for the enhancement of biodiversity;

(ii) A commuted sum of £1023 per dwelling for sport/playing pitch provision;

(iii) An affordable housing provision of 35% on the basis of these being 50% social rented, 25% shared ownership and 25% low cost open market;

(iv) A contribution of £186,120 towards the provision of a community hall facility in the village to be returned if a suitable project cannot be identified;

(v) The provision of a contribution of £115,000 to the reinforcement of off-site water supply facilities;

(vi) The provision of a commuted sum for the maintenance for the surface water control and attenuation device;

(vii) An education contribution that equates to £15,531 for each additional secondary school place required to be provided,

(viii) The provision of off site highway works including improvements on the A38 at Bishops Hull crossroads, including an enhanced Right Turn Lane together with a Prohibition of Entry Order into Bishops Hull Road to enable a footway to be provided along the western side, the design to be determined prior to commencement, and the provision of footways to link the site to both Bishops Hull village and Waterfield Drive and on to Bishops Hull Crossroads. An assessment of the existing traffic calming and, if appropriate, the carrying out of alterations to facilitate a reduction in speed; and

(ix) The production and implementation of a residential travel plan to provide sustainable transport measures in the vicinity. This to include the enhancement of the Local Shuttle Service 3 to half hour frequency. The provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling for a five-year period,

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

- (a) Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to, and approved in writing, by the Local Planning Authority;
- (b) Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission;
- (c) Within a period of 3 years from the date of this permission, 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;
- (d) Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to, and approved in writing by, the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme;
- (e) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- (f) No development shall be commenced until a scheme for the provision of surface water drainage works, including attenuation to the 1 in 2 year Greenfield Run-off has been submitted to, and approved in writing by, the Local Planning Authority. The drainage and attenuation works shall be completed in accordance with the details and timetable agreed;
- (g) No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the

- development scheme;
- (h) No development approved by this permission shall be commenced until a scheme preventing the retained water in the pond from flooding the existing garden located north-east of the pond. This must be submitted to, and approved in writing by, the Local Planning Authority;
  - (i) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;
  - (j) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority;
  - (k) Before any part of the development is commenced detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site;
  - (l) Details of the hedges and trees to be retained on site shall be submitted to, and approved in writing by the Local Planning Authority and the hedges so identified shall thereafter be retained and not removed or lowered in any way without the prior written approval of the Local Planning Authority;
  - (m) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
  - (n) 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;
  - (o) Public open space shall be provided in accordance with the Local Planning Authority's approved standards and detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority at a timescale to be agreed in writing by the Local Planning Authority;
  - (p) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of

commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;

- (q) No development shall take place until details of a scheme for the retention of the badger sett(s), including the establishment of a 30m exclusion zone around which all building, engineering and other operations and all vehicles and personnel working on the site should be excluded shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the means of fencing off the exclusion zone (and restoration of the area around the exclusion zone within 3 months of completion of the development). The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
- (r) No construction work shall commence on site until details of a scheme for water efficiency has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (s) No dwelling construction work shall commence on site until details of a scheme of energy efficiency measures and sustainable construction have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (t) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (u) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed;
- (v) Details of siting and design of any electricity substation required to serve the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on its provision commencing;
- (w) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works involving both a phased evaluation (earthwork survey, geophysical survey) and appropriate mitigation (excavation) in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority;
- (x) Details of the restoration of the ponds on the site shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the work commencing and shall include details of any planting which shall thereafter be carried out;
- (y) Details of any street lighting or any exterior lighting to be installed adjacent to or within the public open space or next to public rights of way shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be installed as agreed;
- (z) The development hereby permitted shall not be commenced until a further wildlife survey is carried out to support the provision of the ecological management plan and shall be agreed in writing by the Local Planning Authority;
- (aa) Visibility splays of 2.4m x 43m in both directions shall be provided at the

- point of access to Bishops Hull Road prior to occupation of any dwelling and there shall be no obstruction within the splays in excess of 300mm unless otherwise agreed in writing by the Local Planning Authority;
- (bb) A 2m wide footway along the whole site frontage in a specific location to be agreed in writing with the Local Planning Authority shall be provided prior to the occupation of any dwelling;
  - (cc) No development shall take place until the scheme for the alterations of Bishops Hull crossroads shall have been agreed in writing with the Local Planning Authority;
  - (dd) No dwelling shall be occupied until the junction works agreed at the Bishops Hull crossroads shall be constructed and opened to traffic;
  - (ee) 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, emergency access barriers, 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;
  - (ff) The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner 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;
  - (gg) A wheel wash facility for construction vehicles shall be provided within the site and employed on vehicles leaving the site;
  - (hh) The hours of working on site during construction shall be restricted to 08:00hrs - 18:00hrs Monday to Friday and 08:00hrs – 13:00hrs on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.
- (Notes to Applicant:- (1) Applicant was advised that the ecological management plan should be based upon the recommendations in the Extended Phase 1 Survey by Michael Woods Associates dated September 2007. It should be noted 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 permission) must comply with the appropriate wildlife legislation; (2) Applicant was advised of the need to maintain the public right of way of footpath T3/18 and you should contact the County Council Rights of Way section to discuss any works affecting the route; (3) Applicant was advised that no approval is hereby given to the indicative site layout and details of the children's play area needs to be re-sited away from the pond; (4) Applicant was strongly recommended to include sustainable design and construction measures, which comply with the Code for Sustainable Homes,

within the development. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit [www.planningportal.gov.uk/uploads/codeforsusthomes.pdf](http://www.planningportal.gov.uk/uploads/codeforsusthomes.pdf) for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building, minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced;

(5) Applicant was advised that water availability is limited in the south-west even though both Wessex Water and Bristol Water are deemed to be at a low level of water stress. Further abstraction from current licences or the development of new sources could have a local impact on the environment and exacerbate current low flow issues. We therefore strongly encourage the efficient use of all water to minimise the need for further abstraction, especially with the unknown influences of climate change. Water efficiency measures incorporated into this scheme would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by The Planning Inspectorate (North Dorset District Council Public Inquiry, APP/N1215/1191202 & APP/N1215/1191206, decisions dated 12 February 2007):- The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would strongly encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d. This code gives guidance on how this could be achieved and includes fitting devices such as 6/4 dual flush toilets, flow reducing/aeration taps, 6-9 litre/minute shower, smaller shaped bath, 18 litre maximum volume dishwasher and 60 litre maximum volume washing machine. It would also include the collection of rainwater for garden use. The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs must not be adversely affected;

(6) It is recommended to the applicant that a penn stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the development and the lagoon, which could be isolated. This would ensure that should a spillage occur on the site it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters. The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon;

(7) Applicant was advised that during construction vehicles should not cross or work directly in a watercourse. Pumps for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if any discharge to a watercourse is proposed or notified immediately of any incident likely to cause pollution. Storage of any fuels should be sited well away from watercourses. The tanks should be bunded or surrounded by oil absorbent material to



control spillage and leakage. Any waste generated or brought onto site must be handled as per the Waste Management Licensing Regulations 1994; (8) It is recommended to the applicant to investigate the use of Sustainable Drainage Systems (SuDS) for surface water drainage on site in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include a) interception and reuse, b) porous paving/surfaces, c) infiltration techniques, d) detention/attenuation, e) wetlands; (9) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the area are not adversely affected; (10) Applicant was advised that the footway shown to the north of the access on Figure 12 is illustrative and is subject to condition (bb) concerning the detail design.)

**Reasons for outline planning permission, if granted:-**

The proposed development site was considered to be in a sustainable location and the Transport Authority has not objected on highway safety grounds. The development provided housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status, the Regional Spatial Strategy targets and advice in Planning Policy Statement 3. It did not compromise the future Local Development Framework strategy and given the site had previously been considered suitable for housing by a Planning Inspector through a Public Local Inquiry, it was considered acceptable for development in principal, these issues, together with the necessary Section 106 provisions were considered to outweigh any objection on the basis of the site being outside the current development limits as currently identified in the Development Plan.

**135. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton**

Reference Minute No. 126/2009, reported that the Committee had previously authorised enforcement action to ensure the new development accorded with the approved plans.

However, this resolution had not made any reference to the unauthorised development which had occurred outside the application site which comprised the erection of a 1.8m high fence, the formation of a paved storage area, gravelling of an area of land, erection of light bollards/posts and the erection of a gate pier.

**Resolved** that in addition to the action authorised under Minute No. 126/2009:-

- (i) enforcement action be taken to remove the unauthorised fence, gate pier, paved storage area, gravel/chippings and light bollards/posts with appropriate reinstatement of the land at Eastwick Farm, Eastwick Road, Taunton: 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.

(The meeting ended at 8.45 pm.)