

Planning Committee – 30 March 2009

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

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Area Manager –
West), Mr B Kitching (Area Planning Manager - East), Mrs T Meers
(Democratic and Legal Services Manager), Mrs J Jackson (Legal
Services Manager) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Meikle in relation to item No E/0283/38/06 and Councillor
Coles.

(The meeting commenced at 5.00 pm)

37. Apologies/Substitution

Apologies: Councillors Mrs Floyd, Miss Wood and Woolley.

Substitution: Councillor A Wedderkopp for Councillor Miss Wood.

38. Declarations of Interest

Councillor McMahon declared a personal interest in application
No 23/09/0002. Although he had spoken on this item he felt he had not
“fettered his discretion”; Councillor House declared a prejudicial interest in
application No 49/09/0001 and left the meeting during consideration of this
item; Councillor Mrs Allgrove declared a personal interest in the Review of
Parish Delegation Procedures and Councillors Mrs Smith and A Wedderkopp
left the meeting during consideration of this item as Members of the
Executive.

39. Applications for Planning Permission

The Committee received the report of the Development Manager on
applications for planning permission and it was **resolved** that they be dealt
with as follows:-

That **planning permission be granted** for the under-mentioned
developments, subject to the conditions stated below:-

23/09/0002

**Change of use of ground floor bar (public house) with ancillary
accommodation above to residential use for single family occupation at
The White Hart, Fore Street, Milverton**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2, Part 1 Class A, B, C, D, E and G of the 1995 Order other than that expressly authorised by this permission, shall be carried out without the further grant of planning permission;
- (c) No further physical alterations shall be carried out on the ground floor of the building until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (d) Before any further work is carried out, detailed drawings to an appropriate scale shall be submitted to, and approved in writing by, the Local Planning Authority, showing any alterations or repairs affecting the external appearance of the building.

Reason for granting planning permission:-

The proposal would enhance and maintain the character and appearance of the Conservation Area and would not harm either visual or residential amenity. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlement), EN14 (Conservation Areas) and EC15 (Associated Settlements/Rural Centres/Villages).

Also resolved that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings against the applicant for the non-compliance with the temporary Stop Notice served on 18 March 2009.

49/09/0001

**Erection of two dwellings at 16 North Street, Wiveliscombe
(resubmission of 49/07/0073)**

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) (i) Before any part of the permitted development is commenced a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) 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 a scheme shall be completely implemented before the development hereby permitted is occupied;
- (e) No development shall commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details;
- (f) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting the 1995 Order with or without modification), no windows or dormer windows other than those shown on the plans hereby approved shall be installed in the north-west elevation of the development hereby permitted without the further grant of planning permission;
- (g) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2m back and parallel to the nearside carriageway edge over the entire site frontage (land edged red and blue). Such visibility shall be fully provided before the works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times;
- (i) There shall be no obstruction to visibility greater than 900mm above adjoining road level within the forward visibility splay shown on the submitted plan. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (j) The gradient of the proposed access/parking area shall not be steeper than 1 in 10;
- (k) The proposed vehicular access and parking areas on the submitted plan shall be properly consolidated and surfaced (not loose stone or gravel) in

- accordance with details which shall be submitted to, and approved in writing by, the Local Planning Authority. Such access and parking area shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (l) The accesses 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 each access;
 - (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garages hereby permitted shall not be used other than for the parking of domestic vehicles only and not further ancillary residential accommodation or any other purpose whatsoever;
 - (n) No entrance gates shall be erected at any time;
 - (o) 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;
 - (p) The development hereby permitted shall not be commenced until details of a strategy to protect slow worms and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall 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 the species could be harmed by disturbance; (iii) Measures for the enhancement of places of rest for breeding birds. 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 breeding birds shall be permanently maintained.
- (Notes to applicant:- (1) Applicant was advised that condition (e) of this planning permission requires the submission of proposals for a scheme of surface water drainage. The details which form part of the submission refer to surface water being disposed to the main sewer. Wessex Water state that there is no existing public/separate surface water sewers within the vicinity of the site. Surface water should not be discharged to the foul sewer. The developer is therefore required to investigate alternative methods for the disposal of surface water. The Local Planning Authority would expect to see the provision of a sustainable urban drainage system (SUDS) utilised to deal with surface water drainage; (2) Applicant was advised that a Highways Act 1980 Section 184 Permit must be obtained; (3) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing is considered acceptable

and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

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

Reported that in February 2007 the Planning Committee had resolved to take enforcement action for the removal of an unauthorised workshop and concrete yard and to secure the cessation of a vehicle valeting business at Sherford Bridge Farm, Sherford Road, Taunton.

An appeal against the decision was dismissed in January 2008 and the Planning Inspector had noted that the determinative issue concerned flood risk because the unauthorised development was within the functional flood plain of Sherford Stream. The unauthorised workshop had been dismantled but, to date, an area of concrete hardstanding still existed at the site.

The Council therefore had to decide whether to take prosecution action in respect of the continued breach of the enforcement notice. Noted however that if the concrete hardstanding was removed, it would be possible for the landowner to replace it under permitted development rights.

In these circumstances, Members were asked to consider whether it was expedient to take prosecution action.

Resolved that a decision on the withdrawal of legal proceedings be deferred to enable the Environment Agency to identify the additional risk of flooding directly attributable to the remaining concrete area and to seek a commitment from them to use their powers in the event that permitted development rights were exercised.

41. Review of Parish Delegation Procedures

The Parish Delegation Scheme was introduced in the mid 1990s and enabled eight Parish Councils (Wellington Town Council was one of the eight) to determine minor planning applications. The scheme remained the only one of this type in the country.

The Scheme had been revised in 2002 to allow a decision in cases where the views of the Parish Council were in accord with those of the Planning Officer to be made by Taunton Deane.

However, concerns had been raised in respect of the administration and decision making procedures associated with the revised Scheme and had left the Parish Councils open to challenge on their determinations. In the light of these concerns temporary procedures had been introduced that would not leave the Parish Councils open to challenge on decisions made.

A new IT back-office system had recently been introduced by the Council. This had resulted in double handling of information with Parish Councils. In addition, The Planning Inspectorate would shortly be introducing a Householder Appeal System that would rely on committee reports and minutes. The quality of some committee minutes produced by Parish Councils in the scheme gave cause for concern.

The performance against national indicators varied between Parish Councils. There were also resource implications as the Scheme conflicted with Government advice as resources were being targeted on minor proposals. However, the Scheme had been introduced to enable decision making at a very local level and to improve communication and understanding between the Borough Council and Parish Councils.

Representatives from a number of the Parish Councils addressed the Committee. They stated that they valued their participation in the Scheme and hoped that it would be continued in the future.

The Committee discussed the resource and efficiency issues of the Scheme balanced against the positive benefits of local decision making.

Resolved that the views of the Committee on the Parish Delegation Scheme be made to the Executive which would be asked to decide whether the Scheme should continue to be operated.

(The meeting ended at 7.25 pm)