

Planning Committee – 6 June 2012

Present:- Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier, C Hill,
Mrs Hill, Miss James, Morrell, Gill Slattery, P Watson, A Wedderkopp,
D Wedderkopp and Wren

Officers:- Mr B Kitching (Development Management Lead), Mrs J Jackson (Legal
Services Manager), Miss M Casey (Planning and Litigation Solicitor),
Matthew Bale (West Area Co-ordinator), Gareth Clifford (East Area Co-
ordinator) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors T Slattery and Stone in connection with application No
36/12/0007, Councillors D and Ms Durdan in connection with
application No 31/07/0033

(The meeting commenced at 5.00 pm)

71. Apologies/Substitutions

Apologies: Councillors Mrs Messenger, Mrs Smith and Tooze

Substitution: Councillor Mrs G Slattery for Councillor Tooze

72. Declarations of Interest

Councillors D Wedderkopp and A Govier declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. 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 Wren declared a personal interest as an employee of Natural England. With regards to application No 36/12/007, Councillor Gill Slattery stated that she would stand down from the committee for the duration of this application to enable her to speak as one of the ward Councillors. She added that she had circulated letters relating to the application to the other Members of the Committee. The Development Management Lead, Bryn Kitching, declared a prejudicial interest in application No 38/12/0170 and stated that he would leave the room when the application was considered.

73. 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:-

22/12/0003/REX

Erection of ground and first floor extensions at Coate Cottage, Lydeard St Lawrence (Application to replace extant permission 22/09/0008)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans.

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) and Policy DM1 of the emerging Taunton Deane Core Strategy.

38/12/0170

Erection of ground floor extension to the rear at 19 French Weir, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 1212_01 Rev A existing and proposed plans and elevations
- (A4) DrNo 1212_02 location plan
- (A4) DrNo 1212_03 Site plan

Reason for granting planning permission:-

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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

36/12/0007

Redevelopment of site to provide 1 No. six bedroom dwelling with separate building for business/design studio/material showroom and upholstery workshop, and 3 No. three bedroom terraced cottages at the Old Coal Yard, Woodhill Road, Stoke St Gregory

Reasons

- (1) The proposed development site is located outside the confines of any recognised development boundary limits, in an area that has very limited public transport services. The residents of the development are likely to be reliant on the private car and there will therefore be an increase on the reliance on the private motor car and thus comprises unsustainable development which is contrary to advice given in Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site has not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy.
- (2) The buildings, the subject of the proposed development, are new dwellings which are not proven to be required for an existing agricultural purpose or activities. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority is of the opinion that the proposal does not satisfy all of the above criteria and is therefore contrary to the National Planning Policy Framework paragraph 55, the Taunton Deane Core Strategy Policy DM2, Development in the Countryside and Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review, and Policy S7 of the Taunton Deane Local Plan.

74. Erection of 26 Affordable Houses and associated parking with new access from Stoke Road on Land South West of junction of A358 and Stoke Road, Henlade, Taunton (31/07/0033)

Reported this application.

Resolved that subject to the applicants entering into an appropriate legal agreement to secure:-

- 100% Local Needs Affordable Housing that would remain in perpetuity;
- The construction and subsequent maintenance of an on-site LEAP of a minimum size of 400 sq m;
- A contribution of £1,023.00 for each dwelling towards the provision of facilities for active outdoor recreation (total contribution of £26,598);
- A contribution towards the provision of public art and public realm enhancements through the provision of public art and public realm enhancements in accordance with the Council's Public Art Policy;
- Highway mitigation works consisting of widening of footways on the A358 together with widening and improvement of the existing pedestrian refuges and replacement bus shelter. These works will be provided together with an agreed contribution sum of £11,000 towards

the high friction surfacing on the approaches to the crossing (the surfacing works to be undertaken by the Somerset County Council). All these works are shown on Drawings BHT08089/5K03 Revision A and BHT08089/SKO2 which were submitted with the current application,

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

- (a) Approval of the details of the layout, scale, appearance, access 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) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (c) Visibility splays of 2.4m x 60m to the north and 2.4m x 90m to the south shall be provided at the access to Stoke Road prior to the commencement of development on the site and there should be no obstructions to visibility within these splays in excess of 300mm above adjoining carriageway level at any time;
- (d) 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 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed unless otherwise agreed in writing. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (e) (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;
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 and an up to date badger survey and include:-
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
 3. Measures for the retention and replacement and enhancement of places of rest for the nesting birds and badgers

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 nesting birds and badgers shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

- (g) No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full details of proposed on site storage, where run-off rates have been limited to those from a 1 in 1 year storm on the green-field site, the details shall clarify the intended future ownership and maintenance provision for drainage works serving the site. Details of exceedance flow paths and depths should be mapped and shown to be safe.

(Note to applicant:- Applicant was advised to note 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. Badgers are protected under the Protection of Badgers Act 1992. The applicant should comply with legal consents relating to badgers, including applying to Natural England for a licence.)

Reason for outline planning permission if granted:-

The proposal addressed a specific need for affordable housing in the locality in a location that was accessible to the Taunton Urban Area by public transport. Some small scale local facilities were within walking distance and bus stops were immediately adjacent to the site. The proposal was considered to accord with the provisions of H11 of the adopted Local Plan which allowed for 100% local needs affordable housing that would be retained in perpetuity.

75. E/0060/27/12 - A number of structures/buildings erected on land to North of Altona Park, Hillfarrance.

Reported that it had come to the Council's attention that a lean-to building constructed from scaffolding poles and clad externally in timber horizontal boarding together with a garden shed had been constructed without planning permission on land to the north of Altona Park, Hillfarrance. During a site visit, it had been noted that two small caravans had also been positioned on the land, one of which had been concealed under the lean-to structure.

Noted that despite the building appearing to be relatively permanent, tall trees and hedgerows on three sides of the land significantly reduced the visual impact of the building and the green stain used on the boarding reduced the prominence of the building in the landscape.

Although the building was partially located within Flood Zone 2, this had not resulted in any ground raising on the site and the building had, in fact, been constructed in part to allow water to flow through it. As such, it was not considered that the flood risks to people and property would be substantially increased as a result of the new building.

As far as the two small caravans on the land were concerned, these were being used for the storage of agricultural goods and for some shelter during the day. They were stored under the lean-to and against the northern boundary hedgerow and were not therefore visible within the landscape.

In the opinion of the Growth and Development Manager, the building was not considered to have a detrimental impact on visual amenity or landscape character and did not have an unacceptable impact on flooding or public safety. It was also acknowledged that the buildings were being used for agricultural purposes and that there had been no change of use of the land.

Resolved that no further action be taken.

76. E/0310/05/11- Vehicles for sale and operation of car maintenance and repairs at the Gables, Wellington Road, Bradford On Tone, Taunton

Reported that it had come to the attention of the Council that the site at The Gables was being used, without the benefit of planning permission, for the selling of motor vehicles on a commercial basis by the owner of the dwelling house.

In addition to car sales, a workshop building adjoining the residential curtilage of The Gables was being used by the owner for the storage of motor vehicles together with maintenance and repair work prior to selling them on.

The County Highways Authority had expressed the view that even if improved visibility splays were provided, this would fail to make access/egress at the site safe for users of the adjoining A38 road.

Resolved that:-

- (1) Enforcement action be taken to stop the unauthorised use of the land and buildings at The Gables, Wellington Road, Bradford on Tone for the operation of car maintenance and repairs, together with the sale of vehicles;
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and

The time period for compliance with the enforcement notice be six months from the date on which the Notice took effect

77. Appeals

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

78. Urgent business

The Chairman certified that the following item of business should be considered by Members as a decision was required before the next scheduled meeting of the Committee.

79. E391/43/2006 - White Lodge (formerly Drakes Lodge), Taunton Road, Wellington

Reported that in December 2006 it had come to the Council's attention that all the windows and doors at the White Lodge – a Grade II listed building – had been replaced with uPVC units.

The Property had been sold to the current owner and his wife at a reduced price to account for the cost of rectifying the unauthorised works by replacing the uPVC windows and doors with timber windows and doors.

In May 2009 a listed building enforcement notice was served allowing nine months from 29 June 2009 in which to carry out the required works. Following an appeal which was subsequently dismissed, the compliance time to carry out the required works was postponed to September 2010.

A report was submitted to the Planning Committee in March 2011 when it became clear that no remedial action to replace the windows and doors had been undertaken. Members agreed that the Solicitor to the Council should be authorised to issue prosecution proceedings against the Owner for failure to comply with the enforcement notice.

The issuing of the Court proceedings were deferred for a period of three months during which time the Owner was to be encouraged to engage with the Council in order to secure compliance with the requirements of the Notice.

The first hearing of the Court case was on 27 January 2012 but the case had been adjourned until 22 June 2012.

Further reported that the owner had instructed a solicitor to act for him in respect of the Court proceedings and to try and resolve the matter relating to the unauthorised works. It had been agreed that joiners skilled in work of this nature would inspect the property and a Schedule of Works and Cost of the Works would be agreed between the Council and the Owner.

It was now anticipated that the remedial works would be carried out as soon as possible and it was expected that they would be completed by the end of October 2012 at the latest.

In the circumstance, it was considered that it was no longer in the public interest to proceed with the criminal proceedings if the matter could be resolved by way of agreement.

Resolved that:-

- (1) The Solicitor to the Council be authorised to apply to the Taunton Magistrates' Court to withdraw the prosecution proceedings against the owner of White's Lodge, Taunton Road, Wellington for failure to comply with the listed building enforcement notice; and
- (2) In the event that the owner did not comply with the requirements of the listed building enforcement notice by the end of October 2012, the matter would be referred back to the Planning Committee to decide on the next course of action.

(The meeting ended at 8.40 pm)