

Planning Committee – 7 November 2012

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

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson, (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Mrs Reed and Mrs Stock-Williams in connection with application no 43/12/0084 and Councillor Ross in connection with application no 49/12/0052

(The meeting commenced at 5.00 pm)

128. Apology

Councillor Mrs Messenger

129. Declarations of Interest

Councillors A Govier and D Wedderkopp 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 Tooze declared a personal interest as an employee of UK Hydrographic Office and Councillor Wren declared a personal interest as an employee of Natural England. Councillors A Govier and Bowrah declared personal interests in respect of application No 43/12/0084. They declared that the application was discussed at the Wellington Town Council meeting, however they did not feel that they fettered their discretion.

130. 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:-

38/12/0380

Erection of two storey side extension and re-alignment of boundary wall at 27 Buckland Road, 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:-
 - (A4) DrNo 1612-04 Site Plan
 - (A4) DrNo 1612-03 Location Plan
 - (A2) DrNo 1612-02 Existing and Proposed Elevations
 - (A1) DrNo 1612-01 Existing and Proposed Floor Plans.
- (c) Notwithstanding the provisions of the Town Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the window to be installed in the east elevation of the extension shall be obscure glazed. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

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 Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/12/0365

Change of use from private dwelling (C3) to 6 bedroom residential care home (C2) for adults with learning disabilities, demolition of rear extensions, erection of replacement rear extension and the raising of roof pitch for the creation of rooms in roof with alterations to driveway and parking at 75 Bridgwater Road, 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 3415/01 Existing Plans and Elevations
 - (A1) DrNo 3415/02 Rev A Proposed Plans and Elevations
 - (A1) DrNo 3415/03 Rev A Proposed Location and Roof Plans
 - (A2) DrNo 3415/04 Rev A Proposed Block Plan.
- (c) Before the development hereby approved is occupied, the area allocated for the storage of cycles, as shown on the submitted site plan shall be made available for this purpose, in accordance with details that shall have been submitted and approved by the Local Planning Authority, and shall thereafter remain available and not be used for any

purpose, other than for the storage of refuse and cycles in connection with the development hereby permitted. The cycle storage shall be fully lockable.

- (d) The area allocated for parking and turning on the submitted plan, drawing number 3415/04 Rev A, shall be made available prior to the development hereby permitted being brought into use and shall be kept clear of obstruction and not used other than for parking and turning of vehicles in connection with the development hereby permitted.
- (e) All recommendations made in the Harcombe Environmental Services protected species report, dated September 2012, shall be undertaken by the applicant. 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.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) Badgers are protected by UK law under the protection of Badgers Act 1992; and 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.)

Reason for granting planning permission:-

The proposed care home was considered to be in an appropriate location, where sustainable transport methods were available and would not result in detriment to highway safety. The resulting building had been designed to reflect the style and design of the existing and nearby properties along Bridgwater Road and would not result in harm to the character of the street scene. Although the proposal would change the nature of the site, it was not deemed to result in material detriment to the residential amenities of the occupiers of nearby properties or to wildlife. As such, the proposal was in accordance with Taunton Deane Core Strategy Policy DM1 (General Requirements) and SP1 (Sustainable Development Locations).

36/12/0011

Erection of a fodder and machinery storage building at Matchams Farm, Stoke St Gregory

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A3) DrNo 3170-03B Rev B Building B elevations
 - (A4) DrNo 3170-04B landscaping plan
 - (A4) DrNo 3170-01B location plan
 - (A4) DrNo 3170-02B site plan
 - (A4) Drainage plan
 - (A4) Holding Tank.

- (b) The building, hereby approved, shall not be used to house livestock.
- (c) The first 5m of the access to the west, as measured from the edge of the adjoining carriageway, shall be properly consolidated and hard surfaced (not loose stone or gravel) in material to be agreed in writing by the Local Planning Authority and thereafter carried out within three months of the date of the permission hereby granted.

(Note to applicant: - Applicant was advised that Land Drainage Consent will be required to be concluded for any connection to, or any modification of, any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.)

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 Core Strategy Policies DM1 and CP8.

36/12/0010

Erection of a general purpose agricultural building and alteration to access arrangements at Matchams Farm, Stoke St Gregory

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) DrNo 3170-06A proposed floor plan
 - (A3) DrNo 3170-03A Rev B building A elevations
 - (A4) DrNo 3170-04A landscaping plan
 - (A4) DrNo 3170-02A site plan
 - (A4) DrNo 3170-01A location plan
 - (A4) Drainage Plan
 - (A4) Holding Tank
- (b) Only up to one third of the building, as indicated on the plan hereby approved, may be used to house livestock.
- (c) The first 5M of the access to the west, as measured from the edge of the adjoining carriageway, shall be properly consolidated hard surfaced and (not loose stone or gravel) in material to be agreed in writing by, the Local Planning Authority and thereafter carried out within three months of the date of the permission hereby granted.

(Note to applicant: - Applicant was advised that Land Drainage Consent would be required to be concluded for any connection to, or any modification of, any water course other than the Main River. Those details must be submitted and approved by the Parrett Internal Drainage Board.)

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 Core Strategy Policies DM1 and CP8.

(2) That **planning permission be deferred:-**

43/12/0084

Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington Medical Centre, Bulford, Wellington

131. Erection of 20 No. dwellings on land to the north of Style Road, Wiveliscombe (49/12/0052)

Reported this application.

Resolved that subject to:-

(a) The views of the Wessex Water regarding the potential for odour nuisance and agreement of any odour mitigation strategy (if required)

(b) The expiration of a further consultation period with No.53 and channa in Style Road and 9 Spring Gardens regarding amendments to plot; and

(c)The applicant entering into a Section 106 Agreement to secure the Following:-

(i) Affordable Housing – Provision of 5 units (2 bed dwellings) including 3 units for Social Rent.

(ii) Education – Payment of £51,720 to expand pupil capacity at Kingsmead School.

(iii) Public Open Space – Provision for ongoing maintenance/transfer to TDBC/Parish Council of public open space, play facilities and SUDS sustainable drainage scheme.

(iv) Style Flats Parking Area – Transfer of Provision for ongoing maintenance/transfer to TDBC/Parish Council of parking facilities for Style Flats.

(v) Payment of £1,118 per dwelling towards improving community hall facilities in Wiveliscombe.

(vi)Travel Plan - The submission and implementation of a Travel Plan.

(vii)Payment of 1% of development costs towards public art;

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

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - A3) DrNo 4195/12 - Location Plan
 - (A2) DrNo 13000/5001 B - Materials Layout
 - A2) DrNo 13093/5000 E - Planning Layout Phase 1
 - (A3) DrNo 13093/6000.3 P341 WD5 - Plot 11 Floor Plans & Elevations
 - (A3) DrNo 13093/6000.4 P341 WD5 - Plot 12 Floor Plans & Elevations
 - (A3) DrNo 13093/6001.2A H433 – Plot 6 Floor Plans and Elevations
 - (A3) DrNo 13093/6003 B H469 - Plots 1,4,5,10, 13 &15 Floor Plans & Elevations
 - (A3) DrNo 13093/6003.1A H469 - Plots 2 & 3 Floor Plans & Elevations
 - (A3) DrNo 13093/6004.1A H536 - Plots 7 & 14 Elevations
 - (A3) DrNo 13093/6004.2 H536 - Plots 7, 8, 9 & 14 Floor Plans
 - (A3) DrNo 13093/6004.3 H536 - Plots 8 & 9 Elevations
 - (A3) DrNo 13093/6006 C SH17 - Plots 16 to 20 Floor Plans & Elevations
 - (A3) DrNo 13093/6040 - Garages Floor Plans & Elevations
 - (A3) DrNo 13093/6050 B - Street Scenes
 - (A3) DrNo 13093/6055 - Boundary Treatments
 - (A1) DrNo 3695-100C - Preliminary Engineering Layout
 - (A1) DrNo 3695-101C - Preliminary Engineering Layout - Phase 1.
- (c) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation and details of how the scheme shall be maintained and managed after completion shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and agreed timetable.
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's submitted report dated July 2012 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

- Measures for the retention and replacement and enhancement of places of rest for the species;
- Confirmation of the appointment of a suitably qualified Ecological Clerk of Works; and
- A Landscape and Ecological Management Plan.

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 bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat tubes, accesses and boxes; and bird boxes and related accesses has been implemented.

- (e) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (i) to (iii) 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 (iv) has been complied with in relation to that contamination.

(i) Site Characterisation

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. 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: The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all likely pollutant linkages. If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

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;

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

(i) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, 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.

(ii) 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.

(iii) 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 section (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section(ii), which is subject to the approval in writing of the Local Planning Authority.

(v) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage(ii) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

(vi) 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.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- (g) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.
- (h) (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted and retention (and protection measures) of the existing boundary trees and hedges (except the southern boundary to Style Road) 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.
 - (i) Prior to the occupation of the 15th dwelling hereby permitted, the public open space indicated on drawing 19093/5000 rev D, including the Local Equipped Area for Play, allotments and access roads/footpaths, shall be constructed in accordance with full details that shall have been submitted to, and approved in writing by, the Local Planning Authority beforehand.
 - (j) The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The agreed details shall be implemented such that each dwelling shall be accessed by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.
 - (k) Details of any external lighting, including street lighting and lighting within the Public Open Space shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. Such lighting shall be designed in accordance with the wildlife mitigation strategy approved pursuant to condition (a) above.

Reason for granting planning permission, if granted:-

The proposed development would form part of a wider residential development on land allocated for such purposes. The development would provide affordable housing and public open space in accordance with the requirements of Policy WV1 (Land North of Style Road) of the Taunton Deane Local Plan and Policy CP4 of the Taunton Deane Core Strategy. Whilst the highway improvements to Style Road and the junction of Burges Lane and Ford Road required by policy WV1 would not be delivered by the current application, a development of the scale hereby permitted can be accommodated within the existing highway network and would not cause harm to highway safety. The proposed development was acceptably designed and does not impact

unreasonably upon any other nearby property. It did not give rise to flooding and did cause harm to wildlife. It was therefore, considered to be acceptable in accordance with Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in the National Planning Policy Framework.

132. Appeals

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

(The meeting ended at 8.15 pm)

Planning Committee – 28 November 2012

Present: - Councillor Coles (Vice - Chairman)(In the chair)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier,
Mrs Hill, Miss James, Mrs Smith, Tooze, Watson,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Andrew Randell (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

133. Apologies

Apologies: Councillors C Hill, Mrs Messenger, Nottrodt and A Wedderkopp

134. Minutes

The minutes of the meeting of the Planning Committee held on the 5 September 2012 and 17 October 2012 were taken as read and were signed.

135. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office and Councillor Wren declared a personal interest as an employee of Natural England. Councillor Coles declared that he had received a number of letters regarding application No 38/12/0389 from the architect. These had been submitted to the Legal Services Manager for information.

136. 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:-

14/12/0028

Change of use and conversion of agricultural barn to form a residential dwelling at Bedruthan, Bull Street, Creech St Michael

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:
 - (A2) DrNo 5811/3 Rev A Location- Site Plan
 - (A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing
 - (A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed
- (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) 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 modification) the window to be installed in the West elevation shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.
- (e) 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.
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (g) Finished floor levels of the development shall be set no lower than 9.14m AOD.
- (h) No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- (i) 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 be

based on the advice of ACE Consulting's submitted report, dated October 2011 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance shall be submitted. 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. 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.

- (j) The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed prior to the occupation.

(Notes to applicant: - Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

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 of Natural Habitats and Species (Amendment) Regulations 2012, 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.)

Reason for granting planning permission:-

The site was in a sustainable location within the village and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore did not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

38/12/0391

Erection of a single storey extension to the front elevation of 77 Lyngford Road, 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:-

- (A3) DrNo 05 Proposed Ground Floor Plan and Elevations
- (A3) DrNo 03 Existing Ground Floor Plan and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

(Note to Applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.)

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 was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/12/0398

Erection of dwelling with associated garage and parking provisions within the garden of Hawksworth House and land to the north at 1 Holway Avenue, 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 13 Rev Proposed Plans, Elevations and Section A-A Sketch Scheme 06
- (A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06
- (A1) DrNo 03 Rev C Existing Site Layout Plan
- (A3) DrNo SPP.1743.1A Tree Appraisal
- (A4) DrNo 11 Rev B Proposed Block Plan-SK05
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan
- (A1) DrNo 12A Proposed Site Layout Sketch Scheme 06 Design Drawing.

- (c) 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.

- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (e) The windows in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further planning permission.
- (f) The dwelling shall not be occupied until turning and parking spaces shown on drawing 12A are provided and the parking spaces shall be retained and only used in connection with the development hereby permitted.
- (g) A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (h) 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 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect badgers during construction has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works. 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.

(Notes to Applicant: -

Applicant was advised to take the following matters into account:-

- (i) The developer should 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 layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any

such development proposals that may affect its apparatus. It is recommended that the applicant contacts Wessex Water Sewer Protection Team.

(ii) The developer must agree a point of connection to the water and foul sewage network with Wessex Water.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory, adequate parking and turning was provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal was considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and retained policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

137. E/0106/44/12 – Dog breeding business allegedly not in accordance with planning permission at Beacon Lane Farm, Wellington

Reported that it had come to the attention of the Council that a breach of Development Control had occurred regarding the use of an agricultural field for the keeping of dogs and associated kennel structures and dog runs at Beacon Lane Farm, Foxmoor Road, Wellington.

Planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work was progressing on the conversion of the living unit and the dog breeding element was partially being used. Due to an increase in the number of breeding bitches being born at the business premises it had become necessary to find additional accommodation to house the dogs until the dog breeding element was fully functional.

The site currently comprises a large area of compacted stone laid to form a parking and access track to the site. On site were a number of timber kennels holding the dogs each fitted with a wire netted run. Dogs were not confined to within the kennels and were free to use the spacious runs.

There were six structures currently on the site housing about forty dogs. Although only a small portion of the field had been taken up by the development leaving the majority of the field left to be used for agricultural use, it comprised an unauthorised change of use and associated erection of buildings/structures.

Whilst the Council looked to support economic development within rural areas, the current arrangements being provided on the site were considered to harm the character and appearance of the area by degrading the visual landscape quality of this part of the Blackdowns Area of Outstanding Beauty

(ANOB). In addition, it is was considered that the noise generated by the use of the site, due to its open and uncontrolled nature results in significant audible disturbance to the peace and tranquillity of this area of the AONB to its detriment.

It was therefore deemed reasonable to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding.

Noted that the previously approved conversion of buildings at Beacon Lane Farm was justified on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. The main site was still in the middle on conversion and the owner had been advised to make the business floor space available as soon as possible. In order to allow the owner a reasonable time period to develop a feasible and acceptable plan to relocate these dogs from the outside pens, it was felt that a longer period of compliance with the Enforcement Notice would be reasonable and proportionate.

Resolved that:-

- (1) Enforcement action be authorised requiring :-
 - (a) The cessation of keeping dogs on the agricultural field south of Beacon Lane Farm, Wellington; and
- (2) Any enforcement notice served should have a six month compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.
 - (b) The removal from the field of all buildings and structures in connection with (a) above;

138. Proposed withdrawal of an Enforcement Notice 1 and 3 on land to the west of Bishop's Hull Road, Taunton

Reference Minute No. 87/2012, reported that the Committee had previously resolved that the prosecutions in respect of plats 1 and 3 should not proceed as it was not in the public interest to do so.

That resolution however meant that the enforcement notice in respect of plots 1 and 3 (now numbers 1 and 5 Quarty Drive) remained in force. Whilst the Council had resolved not to prosecute for the failure to comply with the notice and had not resolved to do the works in default, there were nevertheless likely to be difficulties when the current owners came to sell.

They had therefore approached the Council with a request that the notices be formally withdrawn, on the basis that the works could now be carried out under Permitted Development Rights and it was inequitable that the house owners should be penalised when the Council had resolved that it was not in the public interest to take action against the developer.

It was considered that no purpose was now served by the retention of the notices.

Resolved that: - the enforcement notice served on the 8 August 2011 in respect of plot 1 and plot 3 on land to the west of Bishop's Hull Road, Bishop's Hull be withdrawn.

(The meeting ended at 7.35pm)