

Planning Committee – 9 February 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Coles, Denington, Gaines,
Mrs Floyd, C Hill, House, Miss James, Morrell, Mrs Smith,
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area Co-ordinator), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Brooks in connection with application No 38/10/0446 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

6. Apologies/Substitution

Apologies: Councillors Bowrah and McMahon

Substitution: Councillor Stuart-Thorn for Councillor Bowrah

7. Minutes

The minutes of the meetings of the Planning Committee held on 12 January 2011 were taken as read and were signed, subject to it being noted that the Vice-Chairman (Councillor Mrs Hill) took the Chair for application No 07/10/0028.

8. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillor Mrs Hill and Councillor Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Floyd declared a personal interest in application No 38/10/0204 as her son was an employee of Tesco.

9. 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 development:-

30/09/0032

Change of use and conversion of garage block to holiday letting accommodation, formation of new vehicular access and erection of one bay green oak garage buildings at Oakwood Cottage, Pitminster

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;
- (c) Before any part of development hereby permitted is commenced, a scheme showing the area of hedgerow to be removed and the hedges to be retained shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include measures to protect the retained hedges and the roots of the hedge during construction;
- (d) (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;
- (e) Before the access is first brought into use, there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan. Such visibility shall be fully provided and shall thereafter be maintained at all times;
- (f) Before the new access and garage is first brought into use, the access, parking and turning area as measured from the edge of the adjoining carriageway shall be properly consolidated and surfaced, not loose stone or gravel, at all times in accordance with details which shall have been submitted to, and agreed in writing by, the Local Planning Authority;
- (g) No entrance gates shall be erected at any time nor should the garage be enclosed with any type of door or other means of enclosure at any time;
- (h) Before the new access and garage is first brought into use, 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 agreed in writing by, the Local Planning Authority;
- (i) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the parking of domestic vehicles only for Oakwood Cottage and shall not be used for further ancillary residential accommodation or other purpose whatsoever;
- (j) The area allocated for access, parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other

than for access, parking and turning, in connection with the development hereby permitted;

- (k) The holiday letting accommodation shall be occupied for holiday purposes only and the holiday letting accommodation shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners and occupiers of individual holiday letting accommodation on the site and of their main home addresses and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (l) No development shall commence until details of the finished floor levels and flood resilience measures to be included in the buildings have been submitted to, and agreed in writing by, the Local Planning Authority;
- (m) No part of the development hereby permitted shall be occupied until a Flood Warning and Evacuation Plan for the site has been submitted to, and agreed in writing by, the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that a licence under Section 171 of the Highways Act 1980 must be obtained where works are to be undertaken on or adjoining the publicly maintainable highway; (3) Applicant was advised that with regard to condition (l), the finished floor levels should be in accordance with the Flood Risk Assessment, with raising of 350mm for the holiday let and 225mm for the garaging. The flood resilience measures in the FRA should be undertaken as part of the development; (4) Applicant was advised that with regard to condition (m), a warning and evacuation plan should allow for users to be evacuated prior to a flood event occurring where possible. A boat may not be the most appropriate means of evacuation for the development as it does not consider safety risks and is unacceptable for recreational visitors to be responsible for the evacuation of the current occupiers of the site; (5) Applicant was advised that there may be a requirement for plans, sections, specifications and calculations of the proposed retaining wall and sustaining structure for approval by the Highway Authority in accordance with Section 167 of the Highways Act 1980).

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the character of the area and was considered not to increase the risk of flooding. Although the visibility splay was marginally deficient in one direction, this was considered not to be detrimental to highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

38/10/0446

Demolition of residential dwelling, change of use of land from residential (C3) to residential institution (C2) and erection of a 6 bedroom residential care home for young adults with multiple disabilities at 6 Bridgwater Road, Taunton (resubmission of 38/10/0343)

Reason

The proposal was considered an over development of the site due to the size of footprint and lack of amenity space around the building and would have an adverse overbearing impact on neighbouring properties and was considered contrary to Taunton Deane Local Planning Policies S1(D) and S2 (A).

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

The Committee considered that the over development of the site would result in inadequate amenity space and would have an overbearing impact on neighbouring properties.

10. Extension to retail store and provision of new car park, landscaping and associated works at Tesco Stores Ltd, Castle Street, Taunton (38/10/0204)

Reported this application.

Resolved that subject to the applicants entering a Section 106 Agreement to provide land for the cycleway link to Somerset College and a monetary contribution to fund flood storage alleviation and improvements to the pedestrian and cycle route network and provision of an agreed Travel Plan, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

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;
- (c) 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;
- (d) (i) The landscaping on Drawing No ASP4 RevF, together with details of the replacement for the trees covered by Tree Preservation Orders, 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 before work on the new car park commences; (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;
- (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 shall 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) All existing trees on site shall be protected in accordance with details on Drawing No AA TPP 06 and a method statement to be agreed in writing by the Local Planning Authority prior to work affecting any trees commencing;
 - (g) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall be based on the advice of Aspect Ecology's submitted report dated June 2010 and updated water vole surveys and shall 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 species could be harmed by disturbance; and (3) Measures for the 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 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 and bird boxes and related accesses have been fully implemented;
 - (h) The new extension to the building shall not be brought into use until the means of vehicular access and parking has been constructed in accordance with the plan 6527_PL12 RevE hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
 - (i) Details of the footway crossing for vehicles, including the means of protecting the safety and right of way for pedestrians and cyclists, shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the new car park construction commencing and the details shall thereafter be provided as agreed;
 - (j) The extension construction shall not commence until a flood warning and evacuation plan have been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall thereafter be made available in store;
 - (k) Details of the means of flood resilient design to be incorporated into the store design to a minimum level of 16.57m AOD shall be submitted to, and agreed in writing by, the Local Planning Authority prior to work commencing and shall thereafter be included in the construction;
 - (l) Details of any new lighting to the car park areas shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and thereafter installed as agreed;

- (m) The new car park level shall be no lower than 16.27m AOD and agreement to anything higher shall be agreed in writing by the Local Planning Authority;
- (n) Details of the levels of the footway and cycleway to the south west of the new car park shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its construction;
- (o) Secure covered cycle parking shall be provided in locations identified on the plan or as otherwise agreed in writing by the Local Planning Authority and shall be provided prior to the new store extension being brought into use;
- (p) Finished floor levels of the building extensions shall be set no lower than 16.31m AOD;
- (q) No development shall commence until a scheme for surface water drainage disposal, including a sustainable surface water run-off limitation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed;
- (r) No development shall commence until full details of the access road and bridge across the Galmington Stream (Steps Water) has been submitted to, and agreed in writing by, the Local Planning Authority;
- (s) Details of the material finish to the CHP unit and details of the fencing around the sprinkler tank and CHP unit shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation and thereafter be so erected and maintained.

(Note to applicant:- Applicant was advised that the condition relating to wildlife requires 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.

Breeding Birds – Applicant was advised that nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and, if discovered, must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the trees should be checked for nesting birds before work begins;

Bats – Applicant was advised to 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; Applicant was also advised that trees with features such as rot holes, split branches or gaps behind loose bark may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the trees, work must cease immediately and advice must be obtained from Natural England, the Government's advisers on wildlife. 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 planning permission, if granted:-

The proposal was not considered to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Town Centre and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M2 (Parking Provision) EN6 (Tree Protection) and PPS4 relating to the Town Centre, PPS9 relating to biodiversity and PPS25 relating to flood risk. In addition, the proposal did not conflict with Taunton Town Centre Area Action Plan Policy TG3 and complied with Policy F1. The access and parking were considered acceptable and in accordance with Somerset and Exmoor National Park Policy 49.

11. Non-Compliance with a Breach of Condition Notice - Residential Development of 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull

Reported that two Breach of Condition Notices had been served on the developer for the breach of some of the conditions relating to application No 05/07/0057. The conditions included:-

- 1) Works on site prior to the agreed highway works being completed;
- 2) Protection of retained hedges; and
- 3) Working hours during the course of construction.

The working hours condition had now been complied with. However the other conditions continued to be in breach.

Although the highways works were being carried out, these were not yet complete. Also, some of the hedges had protective fencing but this did not cover the whole site and it was not 2 metres from the hedge.

Prosecution proceedings against Persimmon Homes would now commence under delegated powers for the non-compliance with the Breach of Condition Notices.

Resolved that the report be noted.

12. Change of use of land from agricultural to residential at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington

Reported that it had come to the Council's attention that an area of agricultural land at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington was being used for residential purposes without the necessary change of use consent being obtained.

The occupier of the land had been contacted and she had stated that she intended to find an alternative location within the next six months.

Resolved that:-

1. Enforcement action be authorised to ensure the cessation of the use of the agricultural land for residential purposes at Brimstone Barn, Brimstone Lane, Rockwell Green, Wellington;
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.

13. Appeals

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

Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 7.20 pm.)