

Planning Committee – 11 May 2009

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Denington, Ms Durdan, C Hill, House, Miss James
and D Wedderkopp

Officers:- Mr T Burton (Development Manager), Mr J Hamer (Area Manager –
West), Mrs J Jackson (Legal Services Manager), Miss M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic
Services Officer)

Also present: Councillors Coles and Mrs Lewin-Harris.

(The meeting commenced at 5.00 pm)

52. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Copley, Critchard, Mrs Floyd,
McMahon, Mrs Smith, Watson, Ms Webber and Woolley.

Substitution: Councillor Ms Durdan for Councillor Ms Webber.

53. Minutes

The minutes of the meeting held on 30 March 2009 were taken as read and
were signed.

It was also agreed to amend Minute No 31, Change of use of site to private
hire minibus business at 154 Bridgwater Road, Bathpool, Taunton
(48/09/0003) of the minutes of the meeting held on 25 March 2009 to read:-

Also resolved that subject to being satisfied with the evidence, the Solicitor
to the Council institute legal proceedings in respect of the unauthorised
change of use of the site.

54. Declarations of Interest

Mrs J Jackson declared an interest in application No 06/08/0057. Although
she had left the meeting when the application was considered on 15 April
2009, the position had been clarified by the Monitoring Officer and she
remained in the meeting.

55. Change of use for mobile home for game bird rearing and pheasant rearing at Mill Field, Bishops Lydeard (06/08/0057)

Reference Minute No 45/2009, concerns had been raised over the validity of
the decision to grant conditional approval for the above application as the
voting had been unclear. Counsel's Opinion had been sought and advice
had now been received and the following had been concluded:-

- There had been a valid resolution to grant planning permission;
- The resolution had been made legitimately after hearing further information which had clearly changed the mind of one Councillor;
- Although there was much discussion around conditions, the conditions had not been put to the vote and a resolution had not been passed;
- There was a duty to give reasons when planning permission was granted; and
- The conditions and the reason for granting permission needed to be considered by the Committee to complete the resolution.

Resolved that the following conditions be imposed:-

- (a) The occupation of the caravan shall be limited to a person solely or mainly working, or last working on the application site in game bird rearing, or a widow or widower of such a person, and to any resident dependants;
- (b) The residential occupation of the caravan shall be for a limited period of three years from the date of this permission and all materials and equipment, including the caravan, brought on to the premises in connection with that use shall be removed by the aforementioned time. In the event that the game bird rearing operation ceases, all materials and equipment, including the caravan, brought on to the premises in connection with that use shall be removed within one month;
- (c) Within one month of the date of this permission full details of the access indicated on the plans hereby permitted shall be submitted to the Local Planning Authority for their agreement in writing. Such details shall indicate the works required to construct the visibility splays required by condition (d) below, the proposed surfacing materials, gradient of the access and method of disposal of surface water so that none is allowed to drain onto the highway. The agreed details shall be implemented within two months of the date of the written agreement of the Local Planning Authority and shall thereafter be maintained as such, being kept clear of obstructions at all times;
- (d) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 60m to the north and 40m to the south of the access unless otherwise agreed in writing by the Local Planning Authority;
- (e) Notwithstanding any details indicated on the plans hereby permitted, within one month of the date of this permission plans showing a parking area and the proposed surfacing materials providing for both commercial and residential vehicles shall be submitted to the Local Planning Authority for their agreement in writing. The agreed details shall be implemented within two months of the date of agreement and shall thereafter be maintained as such, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

- (f) Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge;
- (g) The existing vehicular access to the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority in accordance with condition (h) below. Such works shall be completed within one month of the new vehicular access hereby permitted being first brought into use;
- (h) (i) Within one month of the date of this permission a landscaping scheme, which shall include details of the species, sizes, 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; and (iii) For a period of five years after the completion of the landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (i) Within one month of the date of this permission full details of the proposed method of disposal of foul drainage of the caravan shall be submitted to the Local Planning Authority for their agreement. The agreed details shall be fully implemented within two months of the date of agreement unless otherwise agreed in writing by the Local Planning Authority;
- (j) There shall be no vehicular deliveries to, or collections from the site outside the hours of 08:00-18:00 Monday to Saturday;
- (k) All pens, huts, runs and any other structure for the housing of pheasants shall be removed between 31 August and 1 April in any year to be stored in a location to be agreed by the Local Planning Authority;
- (l) The details of paragraphs 3.2 - 3.6 of the Management Plan shall be strictly adhered to;
- (m) Entries in the pest control record and the record of areas used required by condition (l) shall be kept for a period of ten years and shall be made immediately available upon the written request of the Local Planning Authority;
- (n) Within two months of the date of this permission the gas bottle storage compound shall be completed and available for use;
- (o) Any gas bottles stored adjacent to pens shall be sited on a solid base, in accordance with paragraph 3.6 of the Management Plan, and shall be secured to prevent toppling and locked in place. Empty gas bottles shall be stored in the secure compound;
- (p) The development hereby permitted shall not be commenced until details of a strategy to protect otters, dormice, breeding birds and reptiles have been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Paul Channin and up to date surveys and include:- (i) The results of a survey for reptiles done at the optimal time of year in April or September; (ii) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; and (iii) Details of the timing of works to avoid periods of work when the species could be harmed by

disturbance. 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;

(q) No more than two batches of pheasants shall be raised within one year.

Reason for granting planning permission:-

The use was considered to be acceptable, not impacting unreasonably upon the character of the area, highway network or neighbouring property. It was considered that there was a functional need for the accommodation and the enterprise had been planned on a sound financial basis, in accordance with Policies S1, S7 and H13 of the Taunton Deane Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in Planning Policy Statement 7.

(The meeting ended at 5.55 pm)

Planning Committee – 20 May 2009

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Critchard, Denington, Ms Durdan, Mrs Floyd, C Hill, Mrs Hill, House and Watson

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

(The meeting commenced at 5.00 pm)

56. Appointment of Chairman

Resolved that Councillor Mrs Hill be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

57. Appointment of Vice-Chairman

Resolved that Councillor Mrs Allgrove be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

58. Apologies

Councillors Miss James, McMahon, Mrs Smith, D Wedderkopp and Woolley.

59. Minutes

The minutes of the meeting held on 15 April 2009 were taken as read and were signed.

60. 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 **the detailed plans be granted** for the under-mentioned development:-

02/09/0007

Reserved matters application for a proposed new dwelling on land adjacent to Brooklands, Ash Priors (Outline Application 02/08/0001)

Notes to applicant:- (1) Applicant was advised to be aware of the need to comply with and discharge the conditions attached to the outline permission 02/2008/001; (2) Applicant was advised that the existing building may contain asbestos panels, which will need careful removal. If the asbestos was contained within something like cement (for example roof or wall sheeting) and was in good condition, it was not normally necessary to utilise a specialist contractor. If the sheeting was to be broken up for any reason a specialist contractor must be used. If the asbestos was in a more friable condition or

material (lagging or water tank insulation) then a licensed specialist contractor must be used. All materials containing asbestos must be double bagged in special asbestos waste bags, sealed and disposed of at a licensed tip.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

61. Taunton Deane Borough (Taunton No 2) Tree Preservation Order 2009

Reported that an objection had been received in respect of a Tree Preservation Order served on a Birch Tree, Ash Tree and Apple Tree situated on land at 11 Denmark Terrace, Taunton.

Details of the reasons for the objection were reported. The comments of the Landscape Officer were also reported.

The Birch Tree was considered to be a good specimen with the potential to develop; the Apple Tree contributed to the amenity value of the area; and, after a further assessment of the Ash Tree, the Landscape Officer felt that it did not merit inclusion in the Tree Preservation Order.

Resolved the Taunton Deane Borough (Taunton No 2) Tree Preservation Order 2009 be modified to omit the Ash Tree and then confirmed.

62. Change of use from B1 to B2 for repair and servicing of motor vehicles at Unit 1, Hatch Mews Business Park, Hatch Beauchamp

Reported that an application had been submitted for the change of use from B1 to B2 at Unit 1, Hatch Mews Business Park, Hatch Beauchamp, Taunton.

Although the application had been refused under delegated powers on 24 April 2009 the B2 use of the premises had continued.

Resolved that:-

- 1) Enforcement action be taken to stop the unauthorised change of use from B1 to B2 at Unit 1, Hatch Mews Business Park, Hatch Beauchamp, Taunton; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with within six months.

63. Provision of an internally illuminated sign at Norton Stores, Norton Fitzwarren

Reported that it had come to the Council's attention that an internally illuminated sign had been displayed at Norton Stores, Norton Fitzwarren without the necessary advertisement consent.

The owners of the property had been contacted and an application for advertisement consent had been made but this had been refused under delegated powers.

Resolved that:-

- 1) Enforcement action be taken to remove the internally illuminated sign at Norton Stores, Norton Fitzwarren; and
- 2) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

64. Appeals

Reported that four appeal decisions had recently been received, details of which were submitted. Two of the appeals had been dismissed.

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

Resolved that the report be noted.

(The meeting ended at 5.40 pm)