

## **Planning Committee – 17 August 2011**

Present:- Councillor Bishop (Chairman)  
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, Mrs Hill,  
Miss James, Mrs Messenger, Morrell, Mrs Smith, Tooze, Watson,  
Ms Webber, A Wedderkopp and Wren

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

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.15 pm)

### **70. Apologies/Substitutions**

Apologies: Councillors Coles, C Hill, Mrs Reed and D Wedderkopp

Substitutions: Councillor Brooks for Councillor Coles and Councillor Ms Webber for Councillor Mrs Reed

### **71. Minutes**

The minutes of the meetings of the Planning Committee held on 29 June and 20 July 2011 were taken as read and were signed.

### **72. Public Question Time**

Councillor Morrell asked why the officer's pledge made at the 20 July 2011 meeting when it was agreed to issue a Breach of Condition Notice to Persimmon within seven days of that meeting had not been honoured.

Mrs Jackson replied that she would provide a response in writing to Councillor Morrell.

### **73. Declarations of Interest**

Councillors Brooks and Govier declared personal interests as Members of Somerset County Council. Councillors Mrs Hill and Mrs Smith declared personal interests as employees 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. Councillor Watson declared a personal interest in application Nos 06/11/0028 and 06/11/0029 as he knew the objectors. He also declared that he had attended a parish council meeting where the applications had been discussed. However, he did not consider that he had fettered his discretion. Councillor Brooks declared a personal interest in agenda item 12 as he knew the applicant. Mrs Jackson declared an interest in application Nos 06/11/0028 and 06/11/0029 and left the meeting during the consideration of these items.

#### **74. 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 **outline planning permission be granted** for the under-mentioned development:-

**06/11/0029**

**Erection of three dwellings on land adjacent to the Lethbridge Arms, Bishops Lydeard (resubmission of application 06/11/0015)**

##### **Conditions**

- (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 development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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 Devon Wildlife Consultants' submitted report and a further reptile survey dated February 2011 and shall include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and 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 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;
- (d) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (e) Visibility splays shall be provided at the new accesses as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways such that

there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;

- (f) The boundary wall along Station Road shall be altered to accommodate the requirements of condition (d) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-121 and in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in accordance with condition (a). The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
- (g) Full details of the boundary treatment to all plots shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate;
- (h) (i) The landscaping and planting scheme that shall be submitted to, and approved in writing by, the Local Planning Authority pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

(Note to applicant:- Applicant was advised that the 'half hip' roof design shown on the indicative section drawings is not considered appropriate for the detailed design required by condition (a)).

#### **Reason for granting planning permission:-**

The proposed development was considered to respect the character and form of surrounding residential development. It would not result in harm to the character and appearance of the Conservation Area or the settings of nearby listed buildings. It would not lead to unacceptable harm to the amenities of neighbouring residents or highway safety. It was, therefore, considered to accord with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN3 (Local Wildlife and Geological Interests); Policies 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the duties outlined in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and Conservation Areas respectively.

(2) That **planning permission be granted** for the under-mentioned developments:-

**38/11/0246**

**Erection of two storey and single storey extension to the side and porch to the front of 85 Farm View, 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 approved plans;
- (c) 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 first floor window to be installed in the east elevation of the extension shall be obscured 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.

**Reason for granting planning permission:-**

The proposed development would not harm either visual or 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).

**24/11/0022**

**Change of use of land from agricultural to equestrian, erection of stables and construction of ménage at Birds Farm, Knapp, North Curry**

**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) 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) (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) A new layby or passing area shall be constructed and surfaced in accordance with details as indicated on Plan No LPA.755.106 Rev A. Such a bay shall be completed before the use of the livery commences and shall at no time thereafter be obstructed.

(Notes to applicant:- (1) Applicant was advised to ensure that the manure heap is located or protected so that seepage does not pollute nearby water courses or constitute a nuisance to adjoining owners. Its regular removal should avoid the occurrence of such nuisances; (2) Applicant was advised that with regard to condition (d), the landscaping scheme should include details of the new field hedge proposed at the new layby; (3) Applicant was advised that the proposed works must not encroach on to the width of the footpath. If any changes to the surface of Public Footpath T17/65 are to be carried out, authorisation for these works must be obtained from Somerset County Council. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

#### **Reason for granting planning permission:-**

The proposal was not considered 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).

**06/11/0028**

**Change of use and conversion of barn to form residential dwelling at Lethbridge Arms Hotel, Gore Square, Bishops Lydeard (resubmission of application 06/11/0013)**

#### **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) 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 Devon Wildlife Consultants' submitted report dated February 2011 and a further summer bat survey and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of

- development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and 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 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;
- (d) 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;
  - (e) Prior to their installation, full details of all new windows and doors including the rooflights shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the finished materials, sections, mouldings, working arrangements, cills and depth of reveal. Such approved details shall be implemented before the dwelling hereby permitted is occupied and shall thereafter be retained as such;
  - (f) Visibility splays shall be provided at the new access as indicated on drawing HBHT11006/SK01 rev A produced by Hydrock Byways and Highways insofar as it relates to the access titled Plots 1 and 2, such that there is no obstruction to visibility in excess of 900mm in advance of the lines indicated on the drawing. Such splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
  - (g) The boundary wall shall be altered to accommodate the requirements of condition (f) and shall be extended along the eastern side of the proposed access as shown on drawing 2458-128 and in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The works required by this condition shall be carried out prior to the occupation of the dwelling hereby permitted and thereafter maintained as such;
  - (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), there shall be no extension, alteration or addition to the dwelling hereby permitted and no buildings shall be erected within the curtilage other than that expressly authorised by this permission without the further grant of planning permission.

#### **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity, the character and appearance of the Conservation Area, settings of listed buildings, highway safety or wildlife interest and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interests), EN14 (Conservation Areas); Somerset and Exmoor National Park Joint Structure Plan Review Policies 9 (The Built Historic Environment), 49 (Transport Requirements of New Development), and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) That the following application be deferred for the reason stated:-

**37/11/0010**

**Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken)**

**Reason**

For clarification of highways issues.

(4) That the following application be **withdrawn** for the reason stated:-

**37/11/0011**

**Change of use of land for use as storage and depot for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary**

**Reason**

To enable a further amended application to be submitted in due course.

**75. Condition of land adversely affecting the amenity of the area at 7 Wyndham Road, Taunton**

Reported that it had come to the Council's attention that the property at 7 Wyndham Road, Taunton was in a poor state of repair, unoccupied and insecure.

The Council's Empty Property Officer had established that the owner had died and the next of kin had been contacted. Negotiations had taken place to improve the condition of the property and fencing had been erected to keep the property secure. However, no significant works had taken place.

A further visit was made to the site which appeared to be secure. However, the front garden was very overgrown and strewn with rubbish. Vegetation was growing up to the first floor level and had also extended onto the pavement and the garage had broken windows. The fencing also added to the overall adverse effect of the property on the area.

**Resolved that:-**

1. A Notice under Section 215 of the Town and Country Planning Act 1990 be served requiring the owner of 7 Wyndham Road, Taunton to improve the condition of the property so that it did not adversely affect the area; and
2. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the Section 215 Notice not be complied with within three months.

**76. Removal of catering trailers stationed at 31 Shoreditch Road, Taunton**

Reference Minute No 53/2011, reported that an application to store two catering trailers at 31 Shoreditch Road, Taunton had been refused by the Committee in December 2010. The owner of the site had lodged an appeal against the refusal and this had recently been dismissed by the Planning Inspectorate. The Inspector agreed with the Committee's reason for refusal and also stated that the storage of one or more trailers at the site was considered to be a breach of planning control.

**Resolved that:-**

1. Enforcement action be authorised to ensure the removal of all catering trailers from 31 Shoreditch Road, Taunton;
2. Any enforcement notice served should have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceeding should the enforcement notice not be complied with.

**77. Display of advertisement for Persimmon Homes on land south of footbridge at Walford Cross, adjacent to M5 Motorway, Creech St Michael**

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway between Junction 25 and Walford Cross without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

**Resolved** that subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

**78. Appeals**

Reported that three new appeals had been lodged, details of which were submitted. Also reported that three appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.10 pm)





## Planning Committee – 7 September 2011

- Present:- Councillor Bishop (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Denington, Govier, Hill, Mrs Hill, Horsley, Miss James, Morrell, Mrs Reed, Watson, A Wedderkopp, D Wedderkopp and Wren
- Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### 79. Apologies/Substitution

Apologies: Councillors Mrs Messenger and Tooze

Substitution: Councillor Horsley for Councillor Tooze

### 80. Declarations of Interest

Councillors 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 Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Wren declared a personal interest as an employee of Natural England.

### 81. 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 **full planning permission be granted** for the under-mentioned development:-

**37/11/0010**

**Erection of 3 no polytunnels and clarification of vehicular movements at Taunton Deane Nursery, Stoke Road, Stoke St Mary (retention of works already undertaken)**

Note to applicant:- Applicant was advised that vegetation has grown throughout the summer months and now affects the visibility splay to the left when exiting the site (Stoke St Mary direction). Visibility splays should be maintained at all times, and it is recommended that this vegetation is removed.

### **Reason for granting planning permission:-**

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

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

**44/11/0006**

**Conversion of part of garages and erection of two storey link to dwelling to form disabled dependent's accommodation at Old Barn Court, Wrangway, Wellington (amended scheme to application 44/09/0002)**

### **Reason**

The proposed two storey and first floor extension, by virtue of size, scale, design and positioning, appeared as an incongruous addition, detracting from its simple linear form, to the detriment of the traditional character of the existing dwelling. Attaching the large two-storey extension to the front of the proposed annexe further exacerbated harm to the main dwelling. As such, the proposal was contrary to Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**44/11/0011**

**Conversion of redundant agricultural buildings to form work and office space with ancillary residential accommodation at Beacon Lane Farm, Wellington**

### **Reasons**

(a) The proposed live/work unit was not considered to provide sufficient employment or business space to support the operation of a successful business; the site was within a remote location with poor accessibility via an unclassified road network and a long private track and was therefore considered to be an unsuitable location for new business development. As a result, the proposed conversion scheme was considered to be tantamount to a new residential development with ancillary work space. The site was located outside of the defined settlement limits, as set out in the Taunton Deane Local Plan, where Development Plan policy provided that development should be strictly controlled and provided for were consistent with the policies and proposals set out in the Plan. The proposed conversion as a permanent residential dwelling remote from adequate services, employment and education would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The proposal was therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (B), H7 (A) and EC6, together with guidance contained within Planning Policy Statements 1, 3, 4 and 7;

- (b) The site was located within the designated area of the Blackdown Hills Area of Outstanding Natural Beauty where it was the policy of the Local Planning Authority to safeguard the exceptional landscape and wildlife quality of the countryside through the strict control of development. In the opinion of the Local Planning Authority the proposal would constitute a change to the character and appearance of the site and surroundings through the formation of a residential curtilage and domestic appearance to the traditional agricultural buildings whilst also generating additional traffic movements along the public right of way. Such would be clearly visible from public vantage points and therefore detrimental to the visual amenities, character and appearance of the Area of Outstanding Natural Beauty. The proposed development was therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN10;
- (c) The proposed development would result in an increase in traffic over the existing substandard access and junction of the private access track and the unclassified highway to the north, known locally as Foxmoor Road, which failed to provide the necessary visibility splays and was therefore considered to be prejudicial to road safety. The proposed access was located on a bend which provided for poor sight lines in a westerly direction. As a result of the proposed development, the increased use of the private track and existing substandard access would result in an actual and perceived harm to the safety of pedestrians using the public right of way and highway users where vehicles exiting the site would not be able to see or be seen from the west. The proposed development would therefore be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Adopted Policies 2000 and Policy S1 of the Taunton Deane Local Plan.

## **82. Non-compliance with Section 215 Notice at Moor House, Stathe Road, Burrowbridge**

Reference Minute No 78/2010, reported that legal proceedings had been instituted against the owner of Moor House, Stathe Road, Burrowbridge for not complying with the requirements of a Section 215 Notice.

Reported that the owner of the site had been in contact and that, despite suffering from illness, he was making efforts to clear up the site.

Further inspections of the site had taken place on 2 August and 30 August 2011 and the condition of the site was now in a satisfactory state.

**Resolved** that the Solicitor to the Council be authorised to apply to the Magistrates Court to withdraw the current legal proceedings against the owner of Moor House, Stathe Road, Burrowbridge as it was not in the public interest to continue with the prosecution.

## **83. Appeals**

Reported that one new appeal had been lodged, details of which were submitted. Also reported that two appeal decisions had been received, details of which were also submitted.

(The meeting ended at 6.53 pm)