

Planning Committee – 17 November 2010

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 B Kitching (Area Planning Manager),
Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms 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)

120. Apologies/Substitution

Apologies: Councillors Bowrah and McMahon

Substitution: Councillor Stuart-Thorn for Councillor McMahon

121. Minutes

The minutes of the meeting of the Planning Committee held on 20 October were taken as read and were signed.

122. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. 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 Bishop declared that he had attended a parish council meeting where application No 27/10/0011 had been considered. However, he had not taken part in the discussion of the application and had not, therefore, fettered his discretion. Councillor Denington declared that he had discussed application No 38/10/0318 but did not consider that he had fettered his discretion. Councillor House declared that he had attended a parish council meeting where agenda item 8 had been discussed. However, he did not consider that he had fettered his discretion.

123. 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:-

27/10/0011

Change of use from redundant barn to B1 use (light industrial unit) for the manufacture of horse boxes at 1 Allerford Farm Barns, Norton Fitzwarren

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 site shall be used for the manufacture of horse boxes only and for no other purpose;
- (d) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

(Note to applicant:- Applicant was advised to strongly encourage all vehicular traffic visiting the site to approach and leave via the B3227 to the east of the site).

Reason for granting planning permission:-

The proposed development would make a good use of an existing rural building and, given the surrounding buildings and land uses, was considered to comply with specific policy requirements for the conversion of rural buildings. The proposed development would not give rise to unacceptable landscape impacts or cause significant harm to the amenities of neighbouring residents or the highway network. As such, the proposal was considered to be acceptable and in accordance with Policies S1 (General Requirements), S2(Design), EC6 (Conversion of Rural Buildings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan and Policies STR1 (Sustainable Development), STR6 (Development outside Towns and Villages) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review.

38/10/0376

Change of use of dwelling to house of multiple occupation containing 8 units and one self-contained unit to include part conversion of garage to residential and erection of single storey extension to rear of 80 Alma Street, 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) Before the development hereby approved is occupied, the area allocated for the storage of refuse and cycles as shown on the submitted site plan, shall be made available for this purpose 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.

(Note to applicant:- Applicant was advised that (1) Although not shown on the public sewer record drawing it was possible there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex Water was currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3m of this apparatus; (2) Applicant was advised that surface water should not be discharged to the foul sewer; (3) Applicant was advised that it will be necessary to agree points of connection with Wessex Water for water supply and the satisfactory disposal of foul flows; (4) Applicant was advised 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 the exact position on the design site layout should be plotted to assess the implications. Please note that 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 as may affect its apparatus).

Reason for granting planning permission:-

The proposed house in multiple occupation was not considered an inappropriate use in this location and, due to the close proximity to the town centre facilities, was acceptable as a car free development. Cycle storage would be provided to encourage sustainable transport methods. The proposal would not result in harm to the street scene or the appearance of the surrounding area and would not result in material detriment to the residential amenities of the occupiers of nearby properties. As such, the proposal was in accordance with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

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

38/10/0318

Change of use of part of land to store 2 no mobile trailers at 31 Shoreditch Road, Taunton (retrospective)

Reasons

The proposed commercial vehicle storage, due to their size, height and advertisements, would have an adverse impact on the visual and residential amenity of neighbours contrary to Policy S1(D) of the Taunton Deane Local Plan.

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

The Committee considered that the vehicles were contrary to the visual amenity of the area.

124. Modification or discharge of a Planning Obligation (Section 106 Agreement), Manor Barton, Stoke Road, North Curry

Reported that an application to vary an existing Section 106 Agreement at Manor Barton, Stoke Road, North Curry to allow non-family members to occupy the annexe had been refused in April 2010.

The application was unusual and, as there was no set procedure to deal with this type of application, Ward Councillors and Parish Councils had, at the time not been consulted. However, following reconsideration of this matter the Ward Councillors and Parish Councils had now been given the opportunity to make comment.

As a result of the representations received, the matter had been referred to the Committee to determine.

In the view of the Growth and Development Manager there had been no physical change in the layout of the buildings or to the junction to Stoke Road that would overcome the original objections to the provision of a separate unit of accommodation.

Despite this, the Committee felt the request to modify the Section 106 Agreement was acceptable.

Resolved that the modification of the Section 106 Agreement at Manor Barton, Stoke Road, North Curry be agreed.

125. 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 9.30 pm.)

Planning Committee – 30 November 2010

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks, Coles, Denington, House,
Miss James, McMahon, Morrell, Mrs Smith, Mrs Stock-Williams,
Watson, Ms Webber, A Wedderkopp and D Wedderkopp

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

Also present: Mrs A Elder, Chairman of the Standards Committee and Mr P Lowndes (Transport Group Manager, Somerset County Council)

(The meeting commenced at 6.00 pm)

126. Apologies/Substitutions

Apologies: Councillors Mrs Floyd, Gaines and C Hill

Substitutions: Councillor Brooks for Councillor Mrs Floyd
Councillor Mrs Stock-Williams for Councillor Gaines
Councillor Ms Webber for Councillor C Hill

121. Public Question Time

Mr Malcolm Summers of Bishop's Hull Parish Council asked if Section 106 Agreements were in the public domain. Mrs Jackson replied that all Section 106 Agreements were registered with Land Charges.

122. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon declared a personal interest as a Director of Southwest One. 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.

123. Approval of reserved matters for application 05/07/0057, residential development of 171 dwellings on 7.65 ha, together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull, Taunton (05/10/0014)

Reported this application.

Resolved that subject to:- (1) amended plans being received addressing the issues relating to the layout, landscaping and the hedge adjacent to Plot 54 so

that they correspond to each other and to include the corrected materials for the house type drawings; and (2) the receipt of no further adverse comments on the affordable house type by 3 December 2010, 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 carried out in accordance with the approved plans;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time other than as agreed by the plans hereby approved;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09A and the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority and shall be carried out for a period of up to 5 years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and approved in writing by, the Local Planning Authority prior to construction work commencing adjacent to the hedge concerned;
- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) 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 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out.

(Notes to applicant:- (1) Applicant was advised of the need to comply with any outstanding conditions on the outline approval for this site; (2) Applicant's attention was drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990 relating to this site).

Reason for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and provided adequate play and open space and was therefore considered an acceptable layout and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and C4 (Provision of Open Space). The proposed development site was considered to be in a sustainable location and the Transport Authority had not objected on highway safety grounds. The development provided housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status and advice in Planning Policy Statement 3.

124. Variation of requirements for Section 106 Agreement relating to Station Farm, Bishops Lydeard (06/07/0028, 06/07/0043 and 06/07/0044)

Reference Minute No 122/2009, reported that a further variation to the Section 106 Agreement relating to the mixed use development comprising open market housing, affordable housing and tourist facilities, together with an application by the West Somerset Railway (WSR) for the erection of a single storey building to form a museum on land which was to be transferred to WSR as part of the development at Station Farm, Bishops Lydeard, had been received.

The developer of the original proposal had gone into administration and the new developer had re-assessed the viability of the scheme in the current financial climate.

The developer had asked to replace the obligation to provide the tourist facilities with an obligation to transfer the designated area of land to the WSR at a consideration of £1. There would be a further obligation to provide services to the land prior to the occupation of any open market housing.

The WSR, which welcomed this proposed variation, would be obligated to provide tourist related facilities on the land related to functions of a heritage railway and to continue to provide tourist information facilities as at the present station.

All other obligations would remain.

Resolved that subject to the Parish Council raising no objections to the proposed variation, the Development Management Lead be authorised to agree the application in consultation with the Chairman or Vice-Chairman to the variation to the heads of terms of the Section 106 Agreement.

(The meeting ended at 8.12 pm.)

