

Planning Committee – 21 May 2014

Present: - Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Gaines, C Hill, Mrs Hill, Horsley, Miss James, Morrell, Nottrodt, Mrs Reed, A Wedderkopp and D Wedderkopp

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area Co-ordinator – East), Matthew Bale (Area Co-ordinator - West), John Burton (Major Applications Co-ordinator), Julie Moore (Major Applications Co-ordinator), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Stone in connection with application No 24/14/0011, Councillor Farbahi in connection No 52/14/0012 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

54. Appointment of Chairman

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

55. Appointment of Vice-Chairman

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

56. Apologies/Substitutions

Apologies : Councillors Tooze, Watson and Wren.

Substitutions : Councillor Horsley for Councillor Tooze.
Councillor Mrs Reed for Councillor Watson

57. Minutes

The minutes of the meeting of the Planning Committee held on 30 April 2014 were taken and read and were signed.

58. Declarations of Interest

Councillor Mrs Allgrove declared that item No 52/14/0012 had been discussed at a recent Comeytrowe Parish Council meeting. She felt that she had not fettered her discretion. Councillors Coles, A Wedderkopp 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 Nottrodt declared a personal interest as a Director of Southwest One. All Councillors declared that they had received various emails from the applicant of application Nos 24/14/0011 and 48/13/0081. All

declared that they had not fettered their discretion. The Development Management Lead, Bryn Kitching, declared that he knew the Planning Agent for application Nos 24/14/0011 and 48/13/0077. He left the room whilst the items were discussed.

59. Applications for Planning Permission

The Committee received the report of the Assistant Director – Planning and Environment on applications for planning permission and it was resolved that they be dealt with as follows:-

- (1) That the **detailed plans be approved** for the under-mentioned development:-

Application for the approval of reserved matters in relation to phase 6 of outline application 48/05/0072 for the erection of 82 No. dwellings including infrastructure, open space and landscaping on land off Bridgwater Road, Monkton Heathfield (48/13/0081)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo RHSW.5315.02.AP001 Rev E Adoption Plan;
- (A1) DrNo RHSW.5315.02.EP001 Rev H Enclosure Plan ;
- (A1) DrNo RHSW.5315.02.MP001 Rev F Materials Plan;
- (A1) DrNo RHSW.5315.02.SH001 Rev E Storey Heights;
- (A1) DrNo RHSW.5315.02.SI001 Rev M Site Layout;
- (A1) DrNo RHSW.5315.02.SL002 Rev E Indicative Slab Levels;
- (A0) DrNo RHSW.5315.02.SS001 Rev D Street Scenes;
- (A0) DrNo RHSW.5315.02.LP001 Rev A Location Plan;
- (A0) DrNo RHSW.5315.02.SS002 Rev B Street Scenes;
- (A1) DrNo RED17988-15E 1 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15F 2 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15E 3 of 6 Landscape Proposals;
- (A1) DrNo RED17988-15E 4 of 6 Landscape Proposals;
- (A1) DrNo RED17988- 15E 5 of 6 Landscape Proposals;
- (A1) DrNo RED17988 – 15F 6 of 6 Landscape Proposals;
- (A3) DrNo House Type Booklett (C);
- (A0) DrNo JBR 2308 204-1 Rev A Section 278 GeneralArrangement;
- (A1) DrNo JBR 2308 204-2 Rev A Section 278 Location Plan;
- (A0) DrNo JBR 2308 201-3 Section 278 Contours and White Lining;
- (A1) DrNo 210-1 Section 278 General Arrangement;
- (A1) DrNo 210-2 Section 278 Location Plan;
- (A1) DrNo Round-About Highway Proposals;
- JBR2397 – 304 REV B Central Parkland North;

- JBR2397- 309 Rev A Shared space square;
- House Type Booklet (D);
- Broadway – EHSB04 Rev B elevations;
- Broadway – EHSB04 layout;
- Kenilworth-E4H112 Elevations;
- Kenilworth-E4H112 Rev B layout;
- Windsor – E4H118 Rev B Elevations and layout;
- Kensington- E4H135 and 137 Rev B Layout;
- Kensington- E4H135 and 137 Rev A elevations;
- Worcester-E3H118 Rev A elevations and layout;
- Windsor – E4H118 Rev B Elevations and layout;
- Marlow – E4H126 Rev A Elevations and layout;
- Oxford – E4h130 -2 Elevations and layout;
- Cambridge – E4H138 Elevations and layout;
- Shaftsbury – E4H140-2 Elevations and layout;
- Canterbury-E4H141 Rev A Elevations;
- Canterbury-E4H141 Rev A Layout;
- Welwyn- E4H153 Elevations;
- Welwyn – E4H153 Rev B layout;
- Tavy- E42AF083 Elevations;
- Tavy- E42AF083 Layout;
- Dart- D3AF090 Elevation;
- Dart- D3AF090 Layout;
- Single garage type 1 Double garage type 2;
- Garage 04 type 2 Rev B;

(b) No development shall commence on site until the necessary reserved matters or other written approvals have been granted for the following details and where required fully provided on site in accordance with the approved details:-

- Internal spine road;
- Surface water drainage arrangements;
- Public Open Space (including landscaping) and Children’s Play Area for the land immediately to the east of the site and included within planning application 48/14/0015;
- Strategic cycle and footpath network;
- Phase 2 Wildlife Management Plan;
- Revised Design Code;
- Landscape Strategy and Management Plan;

(c) Prior to their erection on site full details of the proposed timber boarding and its finish shall be submitted to, and approved in writing by, the Local Planning Authority. All timber boarding erected on site shall be in accordance with the approved details. All other materials shall be as specified in the materials plan HSW.5315.02.MP001 Rev F unless otherwise agreed in writing with the Local Planning Authority and the

banding shown on the house types fronting the southern spine road shall be of the same brick as the main wall of the dwelling;

- (d) The development hereby permitted shall not gain vehicular access to the existing A38 (Bridgwater Road) from the proposed junction (immediately to the south of this site) with the internal spine road until the Eastern Relief Road has been implemented, constructed and is open for public use and the traffic calming scheme (including bus gates) has been approved and implemented on the A38 between the northern and southern junctions of the Eastern Relief Road unless such a traffic calming scheme cannot be implemented under the terms of the Section 106 Agreement with Somerset County Council as the Highway Authority;

In such an event the development shall not have access onto the existing A38 (Bridgwater Road) until the Eastern Relief Road has been implemented, constructed and is open for public use and the right hand turn lane and associated works indicated on Drawings No. ACC 5066-JBR 2308-204-1 Rev A and ACC 5066-JBR 2308-204-3 rev A (or an alternative right turn lane detail that may be approved under planning application 48/14/0009) has been constructed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority;

- (e) The proposed estate roads, footways, tactile paving, cycleways, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhangs margins, multi propose crossing, embankments, visibility splays, accesses, carriageway gradients, drive gradients and associated furniture and works shall be constructed in accordance with the approved highway details. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, unless agreed in writing by the Local Planning Authority;

- (f) No part of the private access or driveways shall be laid out at a gradient steeper than 1 in 10;

- (g) Prior to the occupation of 50% of the dwellings hereby permitted, the public open space and children's play area located on land identified as the Central Parkland North immediately to the east of the site and illustrated on plan number JBR2397_304_P1 shall be provided on site in accordance with the approved details and available for public use;

- (h) The approved noise bunds adjacent to the proposed Eastern Relief Road shall be completed prior to the occupation of any adjacent dwellings (plots 212-217 and 219-224) hereby approved and shall thereafter be maintained in accordance with those approved details;

- (i) Prior to the construction of the "shared space square" shown on plan JBR2397-309 Rev A full details of the materials to be used shall be submitted to, and approved in writing by the Local Planning Authority. The shared space square shall thereafter be constructed in accordance with

those approved details. The five trees shown within the shared space square shall be planted in the first available season following the commencement of construction on The Square and shall thereafter be maintained in a healthy weed free condition and any trees that cease to grow, shall be replaced by trees of similar size and species or other appropriate trees as may be approved in writing by the Local Planning Authority;

- (j) Prior to the commencement of works on site full details of the proposed footway, cycleway and refuge crossings of the A38, as shown on drawing RHSW.5315.02.SL001, shall have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall then be fully constructed in accordance with the approved plans before the development is first occupied;
- (k) Prior to the commencement of works on site full details of the proposed bund shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include cross sections and proposed materials for the bund. Once approved the bund shall be constructed in strict accordance with those details and thereafter maintained unless an alternative is first submitted to, and agreed in writing by, the Local Planning Authority.

(Notes to applicant:- (i) Applicant was advised of the need to comply with the conditions of the outline approval 48/05/0072 and the requirements of the Section 106 Agreement between the consortium and Somerset County Council and Unilateral Undertaking with Taunton Deane Borough Council; (ii) Applicant was advised that the Section 106 Agreement and Unilateral Undertaking attached to the outline planning permission incorporates various trigger points associated with development. You are advised that these trigger points relate to the phasing plan attached to those documents and should not be confused with the phasing currently being used for development purposes. (iii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

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

48/13/0077

Change of use from private dwelling to Children's Nursery at 156 Bridgwater Road and change of use of part of 154 for parking and turning, Bridgwater Road, Taunton (resubmission of 48/13/0026)

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) Location Plan;
 - (A3) DrNo 2582.01E Proposed Parking Layout;
 - (A3) Landscape Plan;
 - (A4) Location Plan, Proposed Planting;
 - (A3) DrNo 100.001 Rev A Existing Ground/ First floor Layouts;
 - (A3) DrNo 100.02 Existing Roof Layouts;
 - (A3) DrNo 100.011rev B Proposed Ground/First Floor Layouts;
 - (A4) DrNo 100.021 Rev A Proposed Usable Designation;
 - (A3) DrNo 300.001 Existing Elevations: Main Building;
 - (A3) DrNo 300.011 Proposed Building: Main Building;
 - (A3) DrNo 300.012 Rev A Proposed Elevations: Annexe and Garage;
- (c) The premises shall be used for a Children's Day Nursery and for no other purpose (including any other purpose in Class D1 (D1B and D1C) of the Schedule to the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.);
- (d) The use hereby permitted shall not be open to customers outside the following times 0800 – 1800 hours Monday to Friday (inclusive);
- (e) The number of children to be taught and/or cared for at the premises shall not exceed 35 at any one time;
- (f) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) Unless the use (hereby permitted) ceases to operate 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;
- (g) There shall be no more than 10 children looked after/taught/playing in the outside areas at any one time;
- (h) The areas allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences and shall not be used other than for the parking and turning of

vehicles as defined in the approved plan, in connection with the development hereby permitted;

- (i) Prior to commencement of the use, hereby permitted, details of the surface water drainage, including areas to be used for car parking, shall be submitted to, and approved in writing by, the Local Planning Authority and the works completed in accordance with the approved details

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

51/14/0005

Change of use of land to store dredged material on land to the south of Stathe Road and east of Stanmoor Road, Burrowbridge

Conditions

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan;
 - (A3) DrNo 122316-00034 Rev A.0 Planning Application Site 2;
 - (A3) DrNo 122316-00037 Rev A.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in "Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna" and " Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance" in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to

operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (vi) Applicant was advised that the proposed Traffic Management Plan shall include discussion with neighbours, particularly at the Old Barn, Stanmoor Orchard on Stathe Road, regarding access safety improvements during the works.)

51/14/0006

Change of use of land to store dredged material on land between Saltmoor Farm and West Yeo, Burrowbridge

Conditions

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 122316-00028 Rev A.0 Stockpile Location Plan;
 - (A3) DrNo 122316-00035 Rev A.0 Planning Application Site 3;
 - (A3) DrNo 122316-00038 Rev A.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed on “Table 6-10 potential impacts of the proposed scheme on the Flora and Fauna” and “Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance” in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and /or minor works or temporary signage will involve works within the existing highways limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.)

52/14/0012

Erection of six floodlights to illuminate sports pitch at Queens College, Trull Road, Comeytrowe

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 CC4217 02 Philips Floodlights;
 - (A1) DrNo GTB-Po-17-1 Proposed Lighting;
- (c) The floodlighting hereby permitted shall be illuminated only between the hours of 1400 and 2130 hours Monday to Saturday and not at any times on Sundays and only in the months of October to March inclusive;
- (d) The floodlighting scheme hereby permitted shall be implemented fully in accordance with the details and specifications set out in the design and access statement with amended Philips Lighting document received 21 May 2014 and shall thereafter be retained as such;
- (i) Before any part of the permitted development is in use, 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;

(Notes to applicant: - (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the landscaping scheme should include some trees and higher growing shrubs; (iii) Applicant was advised that the Council will be consulting with neighbouring residents regarding the landscaping scheme required by condition (e). You are advised to agree a mutually acceptable scheme prior to submission to the Council.)

- (3) That **Planning permission be refused** for the under-mentioned development:-

24/14/0011

Residential development of land for up to 6 no workplace homes at Knapp Lane Acre, Knapp Lane, North Curry

Reason

- (i) The application site lies outside the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore an unsustainable development contrary to Policies CP4, SP1 and DM2 of the Taunton Deane Core Strategy.
- (ii) The proposed development would have a detrimental impact on the rural character of the countryside area within which it sits and this is incapable of appropriate mitigation through landscaping of the site. It is therefore considered to be contrary to Policies CP1, DM1 and CP8 of the adopted Taunton Deane Core Strategy.
- (iii) The proposal does not accord with Policies CP6 and CP8 of the Taunton Deane Core Strategy 2011-2028 (adopted 11 September 2012) since the site has insufficient frontage to Knapp Lane to enable an estate road junction to be satisfactorily laid out incorporating the necessary visibility splays which are essential in the interests of highway safety; and furthermore the highway network close to the site is unsuitable in terms of its geometry at and between junctions for large commercial vehicles more likely to be generated by live work units than purely residential units.
- (iv) The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to Policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused; (ii) Although the reasons for refusal include one relating to the lack of a planning obligation under Section 106 of the Town and Country Planning Act, this had been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.)

24/14/0019

Erection of five dwellings with garaging, car parking and vehicular access at land off White Street, North Curry

Reason

- (1) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore an unsustainable development contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
- (2) The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II Listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of Policies CP8, CP1 (h) and DM1 (d) of the Taunton Deane Core Strategy.
- (3) The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is therefore considered to be contrary to Policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.
- (4) The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to Policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

(Notes to applicant:- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused; (ii) Although the reason for refusal includes one relating to the lack of a Planning Obligation under Section 106 of the Town and Country Planning Act, this had been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.)

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

48/14/0010

Erection of an agricultural workers dwelling, demolition of stables and erection of extension to agricultural building for general purpose at the Willows, Noahs Hill, West Monkton

Reason – To enable the additional information submitted by agent to be properly assessed before being reported to Committee.

60. Change of use of land to store dredged material on fields of Burrow Drove, on the north bank of the River Parrett, North West of Grove hill (51/14/0004)

Reported this application.

Resolved that subject to the receipt of no adverse comments in respect of the altered access being received by 30 May 2014, the Assistant Director Planning and Environment be authorised to determine the application in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

Conditions

- (a) The use hereby permitted shall be discontinued and the land restored to its former condition or allowing for a level of up to 300mm of dredged material to remain, on or before 30/11/2015;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 122316 –00028 Rev A.O Stockpile Location Plan;
 - (A3) DrNo 122316 – 00033 Rev B.0 Planning Application Site 1;
 - (A3) DrNo 122316 – 00036 Rev B.0 Stockpile Location Plan;
- (c) The measures put forward to avoid or mitigate potential impacts on species protected in European and domestic legislation detailed in “Table 6-10 Potential impacts of the proposed scheme on the Flora and Fauna” and “Table 11-1: Significant environmental effects identified by the EIA, mitigation measures identified and residual significance” in the Rivers Parrett and Tone Dredge Environmental Statement Addendum (April 2014) shall be carried out as indicated during the construction and decommissioning of the stockpiles, including a Badger assessment prior to removal of the stockpiles.

(Notes to applicant:- (i) Applicant was advised that the alteration of the access and/or minor works or temporary signage will involve works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the Taunton Deane Area who will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980; (ii) 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; (iii) Applicant was advised that provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

61. Appeals

Reported that one decision had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 9.25pm)

Planning Committee – 4 June 2014

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Denington, C Hill, Mrs Hill,
Morrell, Tooze, Mrs Reed, A Wedderkopp and D Wedderkopp and
Wren

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

Also present: Councillor Stone for application No E/0154/24/12. Mrs A Elder, a
Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

62. Apologies/Substitutions

Apologies : Councillors Bowrah, Gaines, Miss James and Watson

Substitutions : Councillor Denington for Councillor Bowrah
Councillor Mrs Reed for Councillor Watson

63. Declarations of Interest

Councillors Coles, A Wedderkopp 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 Nottrodt declared a personal interest as a Director of Southwest
One. Councillor Wren declared that he was no longer an employee of Natural
England

64. 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:-

49/14/0023

**Erection of replacement timber building on footprint of existing at lower
level, at Footlands Farm, Wiveliscombe**

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 1109_S_03 Floor Plans and Elevations;
 - (A3) DrNo 1109_S@02 Location Plan ;
 - (A4) DrNo 1109_S_01 Site Plan:

(Note to applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning policy Framework the Council had worked in a positive and pro-active way and has granted planning permission.)

38/14/0075

Erection of two storey extension to the rear and single storey extensions to the side and front at 41 Wellington Road, Taunton (Retention of part works already undertaken)

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 17-2011-01 location & Site Plans;
 - (A4) Proposed First Floor Plan;
 - (A4) Proposed Side Elevation;
 - (A4) Proposed Rear Elevation;
 - (A4) Proposed Side Elevation;
 - (A4) Proposed Ground Floor Plan;
 - (A4) Proposed Front Elevation;

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

30/14/0007

Erection of detached dwelling with detached garaging and associated works on land adjacent to Wayside, Howleigh Lane, Blagdon Hill

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 115.3.01 Rev E Location and Site Plan;
 - (A3) DrNo 115.3.03 Ground and First Floor Plan;
 - (A3) DrNo 115.3.03 Ground and First Floor Plans;
 - (A3) DrNo 115.3.04 Roof Plan, Perspective view;
 - (A3) 115.3.05 Rev A North, South and East Elevations;
 - (A3) DrNo 115.3.06 Rev A North East, South East and South West Elevations;
 - (A3)DrNo 115.3.07 Rev A West and North West Elevations Sections S-01 and S-02;
 - (A3)DrNo 115.3.08 Ground and Roof Plans NSE and W Elevations Section S-1;
 - (A4) DrNo 115.3.09 Sketch Site Section;
- (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 as may be approved in writing by the Local Planning Authority;
- (e) The application shall undertake all the recommendations made in Appendix 4 of Blackdown Environmental's Preliminary Ecological appraisal report dated January 2014, and provide mitigation for birds and bats as recommended. The works shall be implemented in accordance with the approved details and timing of works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (f) The proposed access shall be constructed in accordance with details shown on the submitted plan, Drawing No. 115.3.02, and shall be

available for use before the commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times;

- (g) The proposed access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2 m x 2 m . Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (i) 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 approved in writing by, the Local Planning Authority;

(Notes to applicant:- (i) 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (iii) Having regard to the powers of the Highway Authority under the Highways Act 1980, applicant was advised that the creation of the new access will require a Section 187 Permit. This must be obtained from the Highway Service Manager.. Application for such a permit should be made at least four weeks before access works are intended to commence; (iv) 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. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). 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.)

65. Miscellaneous Report – E/0154/24/12 Untidy site at 12 Town Close, North Curry

At the Planning Committee meeting of 30 January 2014, Members authorised the service of a Section 215 Notice on the property 12 Town Close, North Curry (Minute No. 15/2014 refers).

The notice had subsequently been served and required the removal of all the stored and accumulated items from the land by 12 May 2014.

A site visit had been made and although some progress had been made with the clearing of the rear garden, the notice had not been fully complied with. It had also been noted that structures had been erected which fell within 'permitted development' criteria. It was considered by officers that no action could be taken against the erection of a shed that was permitted development.

As the notice had not been fully complied with regarding the clearance of the site, it was normal planning practice to consider whether to proceed to prosecution action. The owner of the site had been advised by the Council's Legal Section that if the notice was not complied with within 14 days from the date of the meeting, the Council would commence prosecution proceedings.

Resolved that the report be noted.

66. E/0040/38/14 – Unauthorised illuminated sign at 21 East Street, Taunton

Reported that unauthorised trough lighting had been installed to illuminate the fascia sign at 21 East Street, Taunton without the relevant advertisement and listed building consents.

The agent had been informed that the trough illumination to the fascia was unauthorised and that it should be removed or replaced by the approved halo illumination. To date the trough lighting was still in situ.

Resolved that:-

- (1) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the owners of the listed building known as 21 East Street, Taunton in respect of the unauthorised illumination of a fascia sign at the property;
- (2) A listed building enforcement notice be served seeking the removal of the unauthorised trough lighting to the fascia sign at 21 East Street, Taunton; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice be not complied with.

67. E/0077/44/14 – Erection of alleged unauthorised structures on land at Beacon Lane Farm, Foxmoor Road, Wellington

Reported that 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 at Beacon Lane Farm, Foxmoor Road, Wellington.

Although work on converting the barn to residential accommodation had been completed the outbuildings planned to be used in connection with the dog breeding business had yet to be completed. Instead, the owners had situated a number of structures on the land to house an increasing number of dogs until the dog breeding element was fully functional.

The additional land used to house the dogs had no planning permission and Members had previously authorised the serving of an Enforcement Notice to stop land being used for the stationing of timber structures to house dogs. The notice was not complied with within the time and prosecution action was commenced.

The structures were removed a day before the matter was to be heard in the Magistrates Court.

Further reported that the structures had been relocated on a small area of land to the north of the converted barn but outside of the area originally granted planning permission.

A site meeting had been arranged to inform the owner that an application should be submitted in order to seek regularisation for the structures in their current position. Although it was agreed that an application would be submitted, this had not been received to date and therefore the structures currently remained unauthorised.

Resolved that:-

- (1) An enforcement notice be served seeking the removal from the land of all buildings and structures being used in connection with the dog breeding/kennelling activity at Beacon Lane Farm, Foxmoor Road, Wellington together with the removal of associated hardcore areas serving the said structures;
- (2) Any enforcement notice served should have two months compliance period; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

68. Appeals

Reported that three appeals had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.05pm)