

Planning Committee – 30 June 2010

Present:- Councillors Mrs Allgrove, Bishop, Coles, Ms Court, Mrs Floyd, Gaines, Mrs Hill, House, Miss James, McMahon, Morrell, Mrs Smith, Stuart-Thorn, Watson, Ms Webber, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Area Planning Manager), Mr G Clifford (East Area Co-ordinator), Mr M Bale (West 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: Councillor Mrs Lewin-Harris in relation to application No 06/10/0008

(The meeting commenced at 5.00 pm)

69. Appointment of Chairman

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

70. Appointment of Vice-Chairman

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

71. Apologies/Substitutions

Apologies: Councillors Denington, C Hill and D Wedderkopp

Substitutions: Councillor Stuart-Thorn for Councillor Denington, Councillor Ms Webber for Councillor C Hill and Councillor Ms Court for Councillor D Wedderkopp

72. Minutes

The minutes of the meeting of the Planning Committee held on 9 June 2010 were taken as read and were signed.

73. Declarations of Interest

Councillors McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon also declared a personal interest as a Director of Southwest One. 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 House declared that he had attended a parish council meeting where application No 24/10/0019 and agenda items 10 and 11 had been discussed and he considered that he had not fettered his discretion. Councillor Watson declared that he had attended a parish council meeting where application No 06/10/0008 had been discussed and he too considered that he had not fettered his discretion.

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 **planning permission be granted** for the under-mentioned development:-

24/10/0019

Change of use from residential house to children's residential home at The Orchards, Helland, North Curry

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The property shall be used for the care of no more than four children at any one time.

(Note to applicant:- Applicant was advised to ensure that the existing septic tank was in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. The consent of the Environment Agency would be required if it was found that a new system was necessary).

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or an adverse impact on highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and Policy 48 (Access and Parking) of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

06/10/0008

Erection of dwelling and garage in garden of Frog House, 43 Mount Street, Bishops Lydeard

Reasons

- (1) The development would be accessed via a private drive that did not afford adequate visibility from, or of vehicles emerging onto the public highway. It did not incorporate the necessary visibility splays which are essential in highway safety and it was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;

- (2) The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal was therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and S1 of the Taunton Deane Local Plan;
- (3) The proposed development would result in an increase in traffic using the lay-by on Mount Street to the front of Frog House. The lay-by did not offer sufficient visibility for vehicles emerging from the lay-by and was not wide enough to accommodate ancillary activities associated with the parking of domestic vehicles. It was, therefore, likely to lead to obstructions in the highway and additional pedestrian activity within the carriageway to the detriment of highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan;
- (4) The proposed development would result in the loss of an open area identified in the Bishops Lydeard Conservation Area Approval (September 2007) as an important green space. The contribution that this space makes to the provision of irregular open space patterns in this part of the Conservation Area would be lost to the detriment of its character and appearance. The proposal was therefore contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy 14 of the Taunton Deane Local Plan in that the character and appearance of the Conservation Area would not be preserved contrary to the duty outlined in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

75. Non-compliance with the requirements of an Enforcement Notice – Land at Lower Fyfett Farmhouse, Otterford

Reference Minute No 129/2009, reported that the enforcement notice served in respect of the change of use of agricultural land to form an access drive to Lower Fyfett Farmhouse, Otterford, Chard had not been complied with. As a result the owner had been successfully prosecuted in the Magistrate's Court and had been fined.

The owner had been given until 15 February 2010 to comply with the enforcement action and this date had been extended to 30 April 2010. However, no works to restore the site had taken place.

Reported that the owner had been informed that if works to restore the site were not completed by the end of June 2010, the Council could carry out the works itself under Section 178 of the Town and Country Planning Act 1990 and recover the costs involved.

Resolved that action under Section 178 of the Town and Country Planning Act 1990 to remove the unauthorised access track and restore the site at Lower Fyfett Farmhouse, Otterford, Chard be authorised.

76. Non-compliance with the requirements of an Enforcement Notice at Upcott Farm Cottage, Nynehead, Wellington

Reference Minute No 128/2007, reported that an enforcement notice had been served on the owner of Upcott Farm Cottage, Nynehead, Wellington on 22 January 2008 in relation to the unauthorised change of use of the property from a holiday let to a permanent residential dwelling and work to increase the height of the roof.

The owner of the property had appealed against the service of the enforcement notice but this had been dismissed on 12 August 2008.

An application for planning permission was subsequently submitted by the owner in an attempt to regularise the situation but this was refused on 8 July 2009. A further appeal against this decision was made.

Noted that following the outcome of the planning application, the Council commenced criminal proceedings in the Taunton Magistrates' Court for the non-compliance with the enforcement notice with a trial date set for 13 September 2010.

However, in the meantime, The Planning Inspectorate had considered the owner's appeal against the refusal of planning permission and had decided to allow the appeal. Permission was granted for the change of use from holiday accommodation to a dwelling but only for the occupation by the current occupants and their three children and alteration to the roof.

As a result of the Inspectorate's decision it was no longer considered to be in the public interest to continue with the criminal proceedings against the owner of the property whilst the current occupants remained at the property.

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 Upcott Farm Cottage, Nynehead, Wellington.

77. Occupation of a mobile home for an agricultural worker after permission had expired at Combe Farm, Ford Street, Wellington

Reported that it had come to the Council's attention that the occupation of a mobile home for an agricultural worker at Combe Farm, Ford Street, Wellington had continued since January 2000 when planning permission, which had been granted on a temporary basis, had expired.

It had been suggested to the owner of the land that as the unauthorised use had taken place for over a 10 year period an application for a Lawful Development Certificate could be submitted to regularise the situation. However, no such application had been received.

Further reported that from the evidence available, it was clear a Lawful Development Certificate would be granted if an application was made. In the view of the Growth and Development Manager, as the use had been continuing for over 10 years it was not in the public interest to take this matter any further.

Resolved that no further action be taken.

78. Non-compliance with a Section 215 Notice at Moor House, Stathe Road, Burrowbridge

Reference Minute No 127/2007, reported that a Notice served in accordance with Section 215 of the Town and Country Planning Act 1990 on the owner of land at Moor House, Stathe Road, Burrowbridge on 25 April 2008 had not been complied with.

Although the site had been tidied immediately following service of the Section 215 Notice, the appearance of the land had since deteriorated. Over the past six months the amount of items on the land had increased and despite a number of letters to the owner requesting the further tidying of the site, no improvements had been made.

Resolved that the Solicitor to the Council be authorised to institute legal proceedings against the owner of Moor House, Stathe Road, Burrowbridge for not complying with the requirements of the Section 215 Notice.

79. Change of use of land by the stationing of vehicles/motor home and erection of a structure for residential purposes on land adjacent to King William Drove, Stathe Road, Burrowbridge

Reported that it had come to the Council's attention that the use of an area of land adjacent to King William Drove, Stathe Road, Burrowbridge had been changed without planning permission.

The change of use comprised the stationing of a number of vehicles and a motor home on the land and the erection and occupation of a "straw house". The owner of the site had been contacted and advised to submit an application for planning permission but, to date no such application had been received.

Resolved that:-

1. Enforcement action be taken to ensure the land adjacent to King William Drove, Stathe Road, Burrowbridge was not used for residential purposes and to secure the removal of the unauthorised straw structure and the vehicles; 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.

80. Appeals

Reported that two appeals had been lodged, details of which were submitted.

Also reported that two appeal decisions had recently been received, details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 7.27 pm.)

Planning Committee – 21 July 2010

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

Officers:- Mr B Kitching (Area Planning Manager), Mrs J Moore (Major
Applications Co-ordinator), Mr A Pick (Major Applications
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)

81. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Floyd, McMahon, Morrell and
Mrs Smith

Substitution: Councillor Stuart-Thorn for Councillor Bowrah

82. Declarations of Interest

Councillors D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Miss James also declared an interest in application No 38/10/0149. She said that she would address the Committee as one of the Ward Councillors but would then leave the meeting and would not vote in respect of the application. Councillor C Hill declared a personal interest in application No 52/10/0013 as he knew the applicant. Councillor Mrs Allgrove declared that she had attended a parish council meeting where application No 52/10/0013 had been discussed. However, she had not spoken on this application and did not therefore consider that she had fettered her discretion.

83. 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:-

34/10/0020

Erection of dwelling with single garage in the garden of Brookfield, Rectory Drive, Staplegrove

Conditions

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

(A1) DrNo 0160_02 rev B Proposed site plan;
(A1) DrNo 0610_01 Existing site survey;
(A1) DrNo 0610_02 rev B Proposed elevations;
(A1) DrNo 0610_05 3D Images; and
(A1) DrNO 0610_02 rev B Proposed plans;

- (b) The first floor windows to be installed in the north elevation of the building shall be obscure 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) in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority. The obscure glazing shall be installed prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

(Note to applicant:- Applicant's attention is drawn to conditions attached to the outline planning permission 34/09/0019 and the need for compliance with said conditions at all times.)

Reason for granting planning permission:-

The proposed layout, scale, appearance access and landscaping were acceptable and were not considered to have a detrimental impact upon visual or residential amenity. The proposal was therefore considered acceptable and, accorded with Taunton Deane Local Plan Policies S1, S2 and M4.

52/10/0013

Erection of two dwellings in the garden of High Green, Comeytrowe Lane, Comeytrowe (revised access arrangements to 52/09/0048)

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:-

Location Plan – Drawing No. 02 Rev C September 2009;
Block Plan – Drawing No. 03 Rev C September 2009;
Proposed site layout Plots 1 and 2 – Drawing No. 19 Rev C March 2010;
Proposed ground floor plan and elevations of garage Plot 2 – Drawing No. 29 June 2010;
Existing site survey – Drawing No. 01 Rev B May 2009;
Existing and proposed elevational sections, Plots 1 and 2 – Drawing No. 25 March 2010;
Sectional elevation – Drawing No. 10 July 2009;

Proposed plans and elevations, Plot 2 – Drawing No. 21 March 2010;
Proposed elevations (Option D), Plot 1 – Drawing 11 Rev A July 2009;
and

Tree survey – Drawing No. SPP/1516/1 August 2009;

- (c) The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Local Planning Authority reference 52/09/0048 is begun. In the event that works are undertaken for the development referred to in the permission already granted, this permission (reference 52/10/0013) shall forthwith lapse and be of no effect;
- (d) Prior to 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) No demolition or clearance works or other operations likely to disturb nesting birds shall take place during the nesting season between 1 March and 31 August unless any variance is agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access together with parking and turning space for vehicles shall be constructed (not loose stone or gravel) details of which shall previously have been submitted to, and approved in writing by, the Local Planning Authority. The turning space and parking area shall be kept clear of obstruction at all times. Development shall be carried out in accordance with the approved details;
- (g) Prior to commencement of the development, details of the method for the disposal of surface water so as to prevent its discharge onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling;
- (h) At the proposed access there shall be no obstruction to visibility greater than 900mm above the adjoining road level within the visibility splays shown on the submitted proposed site layout plan, Drawing No. 19 Rev C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) (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.

- (j) Prior to the occupation of the dwelling a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be completed before the dwellings(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (k) All existing trees on site shall be protected in accordance with BS5837: 2005 Trees in relation to construction.

(Notes to applicant:- (1) 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 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office. Application for such a permit should be made at least four weeks before access works are intended to commence; (2) Applicant was advised the illustrative master plan for the future expansion of the site, submitted for information, is noted. The Local Planning Authority considers that any further residential development should be part of a wider comprehensive development through the Local Development Framework process and would not support piecemeal development; (3) All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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; (4) Applicant was advised to contact the Council's Landscape Officer to discuss the requirements of the landscaping scheme. The proposed landscape scheme should include reinforcing the roadside hedgerow with a double staggered row of Hazel, Hawthorn, Field Maple and Holly to reinforce the rural character of the lane.)

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed development by reason of its siting, scale and design would not adversely affect the residential amenity of surrounding properties or the character or appearance of the area. The revised siting of the access was considered to be acceptable and would not adversely affect highway safety or the appearance of the street scene, in lieu of the previously approved access under planning consent 52/09/0048. The revised access will ensure the protected tree within the roadside hedgerow will not be disturbed. The proposal therefore does not conflict with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

- (2) That the following planning application be **withdrawn**:-

42/10/0020

Change of use of part of paddock to form extension of domestic garden for children's play area including play equipment at Little Oaks, Staplehay, Trull (retention of use)

Also recommended that enforcement action be taken to secure the removal of all play equipment from the land and the cessation of the use of the land for private domestic purposes.

Resolved that a decision relating to the serving of an enforcement notice be deferred for six months to allow the applicants time to apply for a temporary permission to regularise the situation at Little Oaks, Staplehay, Trull.

84. Erection of detached three bedroom dwelling for accommodation for warden/manager and dependants in connection with tourism business and carp fishery together with separate service and storage facilities at Mill Meadow, Parsonage Lane, Kingston St Mary (20/10/0004)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following requirements:-

- (i) Use of the dwelling as warden/manager accommodation for a three year period;
- (ii) Plot 12 not to be constructed until permission is granted for the permanent use of the dwelling as a warden/manager unit; and
- (iii) In the event no permission was forthcoming for the unit within three years, the warden/manager unit to revert to tourism purposes only and be subject to the standard tourism occupancy condition and Plot 12 shall not be constructed;

the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (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;
Block plan Rev E received 20 July 2010;
 - (A3) Warden/manager accommodation ground/first floor plan;
 - (A3) Warden/manager accommodation elevations.
 - (A3) Service and storage facility elevations Drawing Nos SSF/W01; SSF/E01; SSF/S01; SSFN01; and
 - (A3) Service and storage facility ground and first floor plan. Drawings Nos SSF/G01 & SSF/F01;
- (c) Prior to commencement of development, 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;
- (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) Prior to the occupation of the development hereby permitted, a Flood Warning and Evacuation Plan must be submitted to, and agreed in writing with, the Local Planning Authority. The approved plan must identify an alternative, safe, dry access route to be used in the event of a flood. The approved plan must be maintained and operational for the lifetime of the development;
- (f) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:-
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
- (g) Prior to the occupation/use of the building(s) the recommendations of the County Contract's ecological assessment dated 20 January 2010 shall be carried out unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied/brought into use until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (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), no extensions, additions or other alterations (including dormer windows), outbuildings or enclosure, or fencing shall be carried out without the further grant of planning permission;

- (i) All existing trees, identified on the proposed plan, shall be protected in accordance with BS5837: 2005 Trees in relation to construction, or as agreed in writing with the Local Planning Authority.

(Notes to applicant:- (1) Applicant was advised that the alternative access route must be demonstrated to lie wholly above the 1 in 100 year flood event through a detailed topographical survey; (2) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation.)

Reason for planning permission, if granted:-

It was considered that having regard to Taunton Deane Local Plan Policies S1, S2 and S7, the proposal was considered acceptable in order to satisfy the demonstrated need on the site for tourism/fishery activities and would not adversely impact upon highway safety, residential amenity or the character or appearance of the area. As such, the proposal would accord with Government guidance contained within PPS7 and the Good Practice Guide for Tourism, and material planning considerations did not indicate otherwise.

85. Erection of dwelling on land adjacent to 61 Farm View, Taunton (amended scheme 38/10/0012) (38/10/0149)

Reported this application.

Resolved that subject to the receipt of additional details regarding the proposed parking space and pedestrian access to the rear of 61 Farm View, Taunton, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (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 15A Proposed plans and elevations;
 - (A2) DrNo 13 Existing site plan;
 - (A2) DrNo 14 Rev A Proposed site plan;
 - (A4) DrNo 02 Block plan; and
 - (A4) DrNo 01 Rev A Location plan;
- (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) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e)(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;
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to occupation;
- (h) Details of the means of foul and surface water disposal in respect of the new dwelling shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to occupation of the dwelling.

(Note for applicant:- Applicant was advised that the alteration to the access will involve construction works within the highway limits. These works must be agreed in advance with the Highway Service Manager at the Taunton Deane Area Highways Office. He will be able to advise upon and provide relevant licenses necessary under the Highways Act 1980.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties or the character of the area in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

86. Appeals

Reported that an appeal decision had recently been received, details of which were submitted.

Resolved that the report be noted.

87. Business requiring to be dealt with as a matter of urgency

The Chairman reported that he had certified that the item covered by Minute No 88 below should be dealt with as an urgent matter.

88. Injunction proceedings at Oxen Lane, North Curry

Submitted report previously circulated, concerning whether injunction proceedings against the remaining families occupying land at Oxen Lane, North Curry should be continued.

Following the unauthorised occupation of the land in October 2004, the Council had instituted injunction proceedings against all the residents, with a view to securing their removal from the site and the re-instatement of the land to its former agricultural condition.

In April 2007 an interim injunction was granted preventing any occupation of the land for the purposes of a residential gypsy site, although this was not enforceable against those families resident on the site at April 2007.

There were two remaining families on the site (the Smiths and the Hollands) who were currently protected from the terms of the interim injunction.

Reported that earlier in the year the Council had instructed its Counsel to prepare committal proceedings against the only remaining resident on the site who was not protected under the terms of the interim injunction.

However, prior to the issue of those proceedings the resident left the site for a short period of time during which the Council took direct action to remove his caravan and possessions from the land. These were placed in safe storage and subsequently transferred to an authorised site at Otterford.

Deane DLO then proceeded to clear the bulk of the land of all unauthorised fences, hard standings and the road way as far down as the two remaining Plots 8 and 16 which were lawfully occupied.

Currently the gravel taken from the hard standings and road way was stored on site in the form of a rough bund but this was not a permanent feature. Without ownership of the land the Council was unable to secure the land physically against further incursions.

In accordance with earlier instructions the Council's Barrister was instructed to prepare papers to re-instate the injunction against the two remaining families and seek their permanent removal from the land.

Both the Smith and the Holland families had been offered a permanent alternative site and further personal needs assessments had been carried out, details of which were reported.

Further reported that the Council had recently received a planning application on behalf of both families for two pitches at the end of the site currently forming Plots 8 and 16. The agent acting for the families had asked the Council to withhold taking any further enforcement action as it was believed the application had a chance of success because the works carried out by the Council to clear the rest of the site "precluded further occupation by other families"

This however was not the case. The Council could not physically secure the land, as explained above, and the current arrangements were therefore temporary. In addition, both families had been offered alternative permanent sites at Otterford.

Resolved that the injunction proceedings to secure the removal of the remaining families at Oxen Lane, North Curry and the re-instatement of Plots 8 and 16 to their former condition be continued.

(The meeting ended at 7.02 pm.)

Planning Committee – 11 August 2010

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

Officers:- Mr B Kitching (Area Planning Manager), Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major Applications 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)

89. Apologies/Substitutions

Apologies: The Vice-Chairman (Councillor Mrs Hill) and Councillors
Gaines and Morrell

Substitutions: Councillor Brooks for Councillor Mrs Hill and Councillor Mrs
Stock-Williams for Councillor Gaines

90. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Smith 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 Allgrove declared an interest in Agenda Item No 8. She considered she had fettered her discretion and would withdraw from the meeting when this item was reached.

91. 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:-

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

14/09/0043

Conversion of barn to provide accommodation for seasonal farm workers at West Newton Fruit Farm, Adsborough

Conditions

(a) The development hereby permitted shall be begun within three years of the date of this permission;

- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar;
- (e) The windows and doors hereby permitted shall be of timber only and thereafter maintained as such, unless otherwise agreed in writing with the Local Planning Authority;
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Alex Crossman Ecological Consulting's wildlife survey dated June 2009 and any further surveys and include:- (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance; and (iii) Measures for the enhancement of places of rest for wildlife. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented and thereafter the resting places and agreed accesses shall be permanently maintained;
- (g) Before the seasonal workers accommodation hereby permitted is first occupied, the first 6m of the access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (h) Parking and turning for the seasonal workers accommodation hereby permitted shall be limited to the area shown on drawing 41108/5 Rev B and this area shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (i) 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 points on the nearside carriageway edge 43m to the left of the access and 25m to the right of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (j) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses and shall (i) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (ii) If the report indicates that contamination may be present on or under the site, or

if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; and (iii) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works, the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;

- (k) The seasonal workers accommodation shall not be occupied between the months of November to February (inclusive) in any one year;
- (l) The occupation of the seasonal workers accommodation shall be limited to a person or persons solely or mainly working on West Newton Fruit Farm;
- (m) Notwithstanding the provisions of Article 3, Schedule 2, Part 5, Class A 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) the land edged red shall not be used as a caravan site for the accommodation during a particular season of a person or persons employed in farming operations or forestry on land in the same occupation being a circumstance for which a caravan site licence is not required as referred to in Section 2, Schedule 1, paragraphs 7 and 8 of the Caravan Sites and Control of Development Act 1960 without the further grant of planning permission;
- (n) 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 1 Classes A, B, D and E of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Prior to conversion work commencing, a traffic management scheme during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed.

(Notes to applicant:- (1) Applicant was advised that Condition (f) requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was advised that the alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the

Highway Services Manager; (3) Applicant was advised that it will be necessary, if required, to agree a point of connection with Wessex Water for water supply. The applicant should be aware 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 applicant should plot the exact position on the design site layout 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 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; (4) Applicant was advised that soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (5) Applicant was advised that with reference to condition (g), the use of a concrete or similar is considered a more appropriate material for a countryside location than tarmac; (6) Applicant was advised that, with reference to the installation of the septic tank, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. Environment Agency Consent to Discharge to underground strata may be required.)

Reason for granting planning permission:-

The proposed scheme was in association with a need for seasonal workers accommodation. The conversion of the barn could be undertaken without any adverse ecological impact or harm to the character of the rural building, the setting of the nearby listed building or to the appearance of the surrounding area. The scheme, as amended, was not considered to result in detriment to the amenities of neighbouring properties or to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EC6 (Conversion of Rural Buildings) of the Taunton Deane Local Plan.

20/10/0007

Change of use of land for the stationing of a temporary mobile home for an agricultural worker at Sweeters Pocket, Pickney Lane, Kingston St Mary

- (a) The permission hereby granted shall be for a limited period expiring on 11 August 2013 on or before which date the mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to, and approved in writing by, the Local Planning Authority beforehand;
- (b) The occupation of the mobile home shall be limited to a person solely or mainly working on the land known as Sweeters Pocket, as identified in the application, in agriculture or a widow or widower of such a person, and to any resident dependants;
- (c) Prior to occupation, details of the foul water drainage system and surface water drainage works shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency should be contacted prior to any works to extract water from a borehole; (2) Applicant was advised that percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to Discharge to underground strata is also required; (3) Applicant was advised that details as to why a connection to a public sewer is unfeasible would be required. If a new septic tank or treatment plant is the only feasible option for the disposal of foul water, or there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from the Environment Agency prior to any discharge and before any development commences).

Reason for granting planning permission:-

It was considered that, having regard to Taunton Deane Local Plan Policies S1, S2, S7 and EN12, the proposal would not adversely affect visual or residential amenity and would comply with the tests set out in Annex A of PPS7, and material planning considerations did not indicate otherwise.

34/10/0019

Erection of first floor extension to the side to enlarge two bedrooms at 3 Nash Green, Staplegrove

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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) 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 en-suite window to be installed in the south elevation of the extension shall be obscure 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;
- (e) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 windows or dormer windows shall be installed in the first floor elevation of the development hereby permitted unless the window is obscure 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.

(Note to applicant:- Applicant was advised to view the Considerate Constructors Scheme website).

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, the appearance of the street scene, 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).

92. Erection of part two-storey/part single storey rear extension, front porch, covered yard to side and alterations to side garage at Rose Cottage, Staplehay (42/10/0030)

Reported this application.

Resolved that subject to no further objections being received, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) 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 modifications, the garage doors shall be hung so as to open inwards only and shall thereafter remain as such.

Reason for planning permission, if granted:-

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).

93. Car sales business operating from 6 Showell Park, Staplegrove, Taunton

Reported that it had come to the Council's attention that a car sales business was being operated from 6 Showell Park, Staplegrove, Taunton contrary to planning guidelines.

The occupier of the property had been approached and had confirmed that he was a motor trader with a business located at St Audries Garage, West Quantoxhead. However, he regularly brought cars to Taunton as it was often

more convenient to exchange cars with clients rather than at his business premises.

Initially, following the intervention of the Enforcement Officer, the activity at Showell Park had diminished. However, in recent months neighbours had reported that the number of test drives and cars being traded from the property had substantially increased.

Further contact with the occupier during the middle of July 2010 revealed that although he no longer had his business at West Quantoxhead, he had found alternative premises and would shortly be moving his vehicles to that location.

By the end of July however, complaints were still being received about vehicles being parked at the Showell Close property and on the highway and sales which appeared to still be taking place.

Resolved that:-

- 1) Enforcement action be authorised to stop the property at 6 Showell Park, Staplegrove Road, Taunton being used to operate a car sales business;
- 2) Should the business use not cease or if, after ceasing, it was recommenced from the property within the next 12 months, an enforcement notice be served; and
- 3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

94. Appeals

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

Resolved that the report be noted.

(The meeting ended at 6 pm.)