

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

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

Also present: Councillors Coles and Mrs Lewin-Harris.

(The meeting commenced at 5.00 pm)

**52. Apologies/Substitution**

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

Substitution: Councillor Ms Durdan for Councillor Ms Webber.

**53. Minutes**

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

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

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

**54. Declarations of Interest**

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

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

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

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

**Resolved** that the following conditions be imposed:-

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

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

disturbance. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority;

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

**Reason for granting planning permission:-**

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

(The meeting ended at 5.55 pm)