

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.)