

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.)