

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.)