

Planning Committee – 25 May 2011

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Govier, Hayward, Henley, Mrs Hill, Miss James, Mrs Messenger, Morrell, Mrs Reed, Mrs Smith, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East 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: Councillors Mrs Slattery and Stone in relation to application No 24/11/0009; Councillor Mrs Lees in relation to application No 38/10/0272; Councillors Mrs Govier and Mrs Stock-Williams in relation to application No 43/11/0024REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

38. Appointment of Chairman

Following the decision of the Committee, the Conservative Group Leader's nomination for the Chairmanship of the Planning Committee was referred back for re-consideration.

39. Appointment of Vice-Chairman

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

40. Apology/Substitution

Apology: Councillor Tooze
Substitution: Councillor Henley

41. Minutes

The minutes of the meeting of the Planning Committee held on 20 April 2011 were taken as read and were signed.

42. Public Question Time

Councillor Govier asked if the order for planning applications on the agenda could be reversed from time to time as he felt it was unfair to parishes that featured later in the alphabet. The Growth and Development Manager agreed that this would be looked at in the future.

43. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Watson declared a personal interest as an

alternate 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 Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared an interest in application No 38/11/0272 as his family owned property abutting the site. He would not vote on the application. Councillor Wren declared a personal interest in agenda item 15 as he had been the Clerk to Milverton Parish Council when the item had been considered.

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

37/11/0001

Erection of two detached two storey dwellings and ancillary garages at Dairy House Farm, Stoke St Mary

Conditions

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) As part of the details to be submitted, details of the existing and proposed site levels shall be submitted to, and approved in writing by, the Local Planning Authority and there shall be no variance to the agreed levels unless otherwise agreed by the Local Planning Authority;
- (d) 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. The applicant 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 and 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; (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;

- (e) Prior to commencement of the development, details of a strategy for dealing with foul and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include a full operation and maintenance strategy. The drainage strategy shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained;
- (f) Details of the position, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the Local Planning Authority prior to occupation. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (g) (i) The landscaping scheme submitted as part of the reserved matters 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; (ii) 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;
- (h) The proposed dwellings shall be constructed as one and a half storey buildings;
- (i) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (j) In this condition, ‘retained tree’ means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the dwellings:- (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:1989 (Tree Work); (ii) If any retained tree is removed, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;
- (k) Before development commences, including site clearance and any other preparatory works, a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS

5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. The protective fencing shall be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (l) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (m) Prior to commencement of trenching works within the canopy spread of existing trees, all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (n) The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated September 2010 and provide mitigation for bats in accordance with the recommendations and in accordance with a timetable which shall be submitted to, and approved in writing by, the Local Planning Authority. 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 roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The parking and turning areas shown on the plans submitted as reserved matters shall be laid out prior to occupation of the dwellings and thereafter be kept clear of obstruction and not used other than for the parking and turning of vehicles;

(Notes to applicant:- (1) Applicant was advised to 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 exact position on the design site layout should be plotted to assess the implications. 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/or 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; (2) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (3) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (4) Applicant was advised to have regard to the Stoke St Mary Parish Council Design Statement when designing the dwellings; (5) Applicant was advised that, in respect of the illustrative plan, it is considered that the proposed dwellings being at an angle to the access tend to overcome potential overlooking issues, but the amount of hard standing and parking area shown appears excessive and should be reduced in the detailed submission; (6) Applicant

was advised that no planters should be placed within the highway limits at any time and the existing planters should be removed with immediate effect; (7) Applicant was advised that the landscaping scheme should include a line of trees on the western side of the site and hedges in other locations as shown on plan ref 1823-2C).

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 continued use of the existing access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties. The revised illustrative plan with the re-orientation of the dwellings, together with the reduction to one and a half storeys, contributed to the character of the village. It was not considered that there would be any overlooking to neighbouring properties and the new dwellings were considered to be an appropriate use of already developed land within the village. It was not considered that the loss of the existing parking area would result in detriment to the character of the village or local roads and the retention of the existing landscape business was a benefit to the locality. The proposal was therefore considered to be in accordance with Planning Policy Statement 3, Planning Policy Statement 7, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

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

05/11/0010

Variation of Condition 1 to Application No 05/10/0014 to amend the external facing materials for Plot 49 (showhome) at land west of Bishop's Hull Road, Bishop's Hull

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to the e-mail dated 4 February and the approved plans;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by,

the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;

- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) 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 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or to harm the street scene given the materials used and the previously approved reconstituted stone and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

24/11/0009

Erection of conservatory to the rear at Chestnut Farm Barn, Helland, North Curry

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) 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 side window to be installed in the southern elevation of the extension shall be obscure glazed and non-opening. 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.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon the character of the existing dwelling, visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings). In addition, the impact of the conservatory on the historic asset was not considered to be significant and the proposal was considered to be in accordance with Planning Policy Statement 5 Planning for the Historic Environment.

38/10/0272

Erection of two one bedroom flats at land off 99 Station Road, Taunton

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) 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 dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for one bicycle per dwelling to be parked;
- (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 window or dormer windows shall be installed in the east or north elevations of the development hereby permitted without the further grant of planning permission;
- (f) None of the dwellings shall be occupied until details of the surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority and all agreed drainage works completed in accordance with those details unless otherwise agreed in writing by the Local Planning Authority;
- (g) Prior to the occupation of the dwellings hereby permitted, a plan showing the details of a safe access route into and out of the site and details of a sign to inform residents of the route shall be submitted to, and approved in writing by, the Local Planning Authority and provided on site. The safe access route shall thereafter be retained in accordance with the plan;
- (h) Finished floor levels shall be no lower than 15.3m AOD.

(Notes to applicant:- (1) Applicant was advised that, as the site is located within Flood Zone 2 and 3 areas, the incorporation of flood resistant techniques in the construction of the flats, examples of which include concrete floor with waterproof membranes; sealed service ducts; electrical and other plant to be located at a raised level; and high level electrical sockets, should be considered; (2) Applicant was advised of the need to protect the integrity of Wessex Water systems and

agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water).

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 access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties 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).

42/11/0010

Erection of rear and side single storey extension and conversion of garage to living accommodation at Dinham, Honiton Road, Trull

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.

Reason for granting planning permission:-

The proposed extensions were not considered to dominate the bungalow or result in harm to its character or that of the appearance of the surrounding area. There would be no adverse impact upon the amenities of the neighbouring properties or highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

- (3) That the following application be **deferred** for the reason stated:-

43/11/0024/REX

Conversion of mill building (former Haymans Coalyard warehouse) and extension to form 21 two bed apartments and formation of 32 car parking spaces and bike lockers for 42 bikes, Haymans Mill, Payton Road, Westford, Wellington (application to replace extant permission 43/07/0087)

Reason

To consider whether enforcement action could be taken to secure improvements to visibility and, if not, to ask the County Highways Authority if they would be supportive of defending any appeal on the grounds of a highways objection.

- 44. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/10/0014 for Phase 1, minor changes to layout, design and materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0016)**

Reported this application.

Resolved that subject to an acceptable negotiated solution to replace the half timber materials to three plots and the half-hip roofs to three plots which were unacceptable, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached to an e-mail dated 4 February 2011 and the revised schedule received 10 June 2011 for Plots 1-54 with drawing plans:-
 - (A3) DrNo SLP-03 Rev B
 - (A3) DrNo EF (PH1) -01 Rev H
 - (A1) DrNo TP-01 Rev AB;
- (b) The hedgerows along the southern, eastern and western boundaries of the site and adjacent to plots 29-38, 44, 45, 48 and 54 and plots 157-166 shall be retained and not be removed at any time unless otherwise agreed in writing by the Local Planning Authority;
- (c) The section of hedge to be translocated shall be carried out in accordance with details on plan L.09C on Application No 05/10/0014 and details of the maintenance of this hedge and infilling with appropriate planting shall be submitted to, and agreed in writing by, the Local Planning Authority within the first planting season after it has been moved and this shall then be carried out and maintained for a period of up to five years following the hedge translocation;
- (d) Where the hedge protection cannot be provided at 2m distance, details of alternative means of protection shall be submitted to, and agreed in writing by, the Local Planning Authority prior to construction work commencing in the vicinity of the hedge concerned and shall thereafter be provided during the construction;
- (e) Cycle storage prior to occupation shall be provided for each plot within garages or storage sheds and shall thereafter be retained;
- (f) Details of the emergency access surfacing and bollard provision shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being brought into use;
- (g) 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 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.;
- (h) Details of any culverting of the ditch serving the existing pond to the west of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the work being carried out;
- (i) Details of the hedge retention in respect of the section adjacent to the north of Plot 54 and any cutting back and replanting of the road frontage hedge shall be submitted to, and approved in writing by, the Local Planning Authority prior to

the work being carried out and any replanting shall be maintained for a period of up to five years.

Reason for planning permission, if granted:-

The proposal was not considered to have a detrimental impact on visual or residential amenity or to harm the street scene, given that proposed materials reflected those previously approved and, accordingly, this complied with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

46. Erection of single and two storey rear extension and erection of boundary wall at Brookside, Amberd Lane, Trull (42/11/0012)

Reported this application.

Resolved that subject to the receipt of an amended plan reducing the height of the first 2.4m of the fence from 1.8m to 900mm, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

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) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage and driveway hereby permitted shall be limited to the parking of domestic vehicles only for Brookside and shall not be used for further ancillary residential accommodation or any other purpose whatsoever.

(Notes to applicant:- (1) Applicant was advised that the boundary wall and fence hereby permitted shall be wholly contained within the ownership of the applicants and shall not encroach onto the adjacent public footpath in any way; (2) Applicant was advised that the County Rights of Way Group requested that:- (i) the health and safety of walkers must be taken into account during works to carry out the proposed development; (ii) Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians; (iii) Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so; (iv) if the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for planning permission, if granted:-

The proposed extensions have been designed to appear subordinate to the property and whilst these would alter its character, they were not considered to result in material harm to its appearance or to that of the surrounding area and there would be no adverse impact upon the amenities of the neighbouring properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN12 (Landscape Character Areas) of the Taunton Deane Local Plan.

47. Occupation of mobile home at Fernicaps Park Farm, Langford Budville

Reported that it had come to the Council's attention that a mobile home was being occupied at Fernicaps Park Farm, Langford Budville without the necessary planning consent.

The owner of the land had submitted a planning application to retain the mobile home but this had been refused in April 2011 under delegated powers.

Resolved that:-

- 1) Enforcement action be taken to remove the unauthorised mobile home being used for residential purposes on land at Fernicaps Park Farm, Langford Budville; 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.

48. Appeals

Reported that five new appeals had been lodged, details of which were submitted. Also reported that one appeal decision had been received, details of which were submitted.

(The meeting ended at 9.12 pm)

