

Planning Committee – 14 December 2011

- Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, Mrs Hill,
Miss James, Morrell, Nottrodt, Mrs Reed, Mrs Smith, Tooze, Watson,
Ms Webber, A Wedderkopp and D Wedderkopp
- Officers:- 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 and Miss M Casey (Planning and Litigation Solicitor)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

124. Apologies/Substitution

Apologies: Councillors C Hill, Mrs Messenger and Wren
Substitution: Councillor Nottrodt for Councillor C Hill
Councillor Ms Webber for Councillor Wren

125. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor 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 Tooze declared personal interests as an employee of the UK Hydrographic Office and also because a close family relative lived close to the application site in respect of agenda item No. 6. Councillor Mrs Allgrove also declared a personal interest in agenda item No. 6 as she was the Clerk to West Buckland Parish Council five years ago. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillors Mrs Allgrove and Bishop declared personal interests as members of the Somerset Waterways Trust. Councillor Ms Webber declared a personal interest as a Ward Councillor in respect of agenda item No. 8.

126. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager concerning 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:-

37/11/0025

Change of use of land for use as storage for grounds maintenance equipment and materials at Taunton Deane Nursery, Stoke Road, Stoke St Mary (resubmission of 37/11/0011) (retention of works already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plan:- A4 Location Plan;
 - (b) There shall be no storage of equipment or materials over 3m in height unless otherwise agreed in writing by the Local Planning Authority.
- (Note to applicant:- Applicant was advised that the visibility splays should be maintained at all times and it is recommended that any vegetation obscuring the splay is removed.)

Reasons for granting planning permission:-

The proposal was for a limited storage use on an existing commercial site with no new building and limited traffic movements and the proposal was considered not 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).

46/11/0013

New site access onto the A38 Link Road at Foxmoor Business Park, Haywards Lane, Chelston, Wellington

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:-
 - (A4) DrNo.2384.03C Site Location Plan;
 - (A1) DrNo 2384.08A Junction Details;
 - (A1) DrNo 3001 rev E Surface Water Drainage Design;
 - (A1) DrNo SPP.1657.1E Landscape Masterplan;
- (c) No development shall commence except the implementation of the landscaping scheme until full detailed plans and specifications for the left in/left out junction have been submitted to, and agreed in writing by, the Local Planning Authority. The access shall be constructed and thereafter maintained in complete accordance with those details;
- (d) No development shall commence until details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented prior to the commencement of works on the access road hereby permitted.
- (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 planting season prior to the commencement of works to form the new access, or as otherwise agreed 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 existing access from Haywards Lane shall be permanently closed to vehicular traffic, whilst maintaining a link for pedestrians and cycles only in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be closed in accordance with the approved details within one month of the new access being brought into use.

(Notes to applicant:- (1) Applicant was advised that where major works are to be undertaken on or adjoining the publicly maintainable highway an agreement under Section 278 must be entered into with the County Highway Authority; (2) Applicant was advised that the details required by Condition (c) shall be generally in accordance with Drawing 2384.08A.)

Reasons for granting planning permission:-

The proposal would create a new access to an existing business park, which would not cause harm to highway safety and would not have an unacceptable impact on the visual amenities of the area. It would improve the economic development potential of the business park and its resident businesses in terms of its visibility and access to the strategic road network, in particular the M5 Motorway. It would also improve the living conditions of a number of residents on Haywards Lane by removing a significant amount of traffic from the existing access routes which were narrow and poorly aligned. Such matters were considered to outweigh the conflict with the development plan, which sought to restrict new development in the open countryside and prevent new accesses onto County Routes, and was in accordance with Policy S1 (General Requirements) of the Taunton Deane Local Plan.

48/11/0039

Erection of agricultural cubicle building at Quantock Farm, West Monkton

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 plan:-
(A1) Unreferenced Plans (drawn by C A Gribble, dated 12/9/2011);
- (c) (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;
- (d) An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development.

Reasons for granting planning permission:-

The proposed development was considered to be acceptable, would not harm visual nor residential amenity or have any detrimental impact on the listed building. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and PPS5. In terms of the use of the building and traffic generation, the residents' concerns were noted, however the proposal was for recognised agricultural purposes in a rural area and as such was in accordance with PPS4 and PPS7.

127. Failure to comply with a Tree Replacement Notice at Beauford Park, Norton Fitzwarren

Reported that the site at Beauford Park, Norton Fitzwarren was subject to the provisions of a Tree Preservation Order (TPO) TD726 (Norton Fitzwarren No.2, 1997) dated 26 February 1997.

It had come to the Council's attention as long ago as 2006 that Wood 1 (W1) referred to in the TPO was no longer in existence.

The northern section of W1 was owned by J and B Small Park Homes, whilst the southern section was jointly owned by developers, BDW Trading Limited, Bellway Homes Limited and Strongvox Limited. This southern section was included in a current development proposal and was due to be re-planted by the developers in line with approved landscape drawings.

Under Section 206(1) of the Town and Country Planning Act 1990 a land-owner was under a duty to replace trees in woodlands that were removed, uprooted or destroyed in contravention of a Tree Preservation Order.

Following various unsuccessful approaches to the owners of the land comprising the northern section of the woodland at Beauford Park requesting the replacement of the felled trees, the Council had finally issued a Tree Replacement Notice in October 2009 with compliance by 26 February 2010.

Unfortunately, the requirements of the Notice had not been complied with.

Section 209 of the Town and Country Planning Act 1990, provided the Council with the power to enter the land, plant the trees and recover from the land owner any expenses reasonably incurred by the Council in respect of planting the trees required. This course of action was now recommended to the Committee.

Although the Tree Replacement Notice required 120 trees to be planted, due to various factors such as the poor ground conditions (caused by the dumping of hardcore, concrete and other materials), the presence of the electricity substation, the underground cables and the proximity of adjacent homes, the proposal was for the Council to plant just 30-35 trees and shrubs at an estimated cost of approximately £600.

Noted that the plants would be a mixture of native trees and shrubs, such as birch, willow (goat or grey), alder, field maple, hazel, dogwood, hawthorn and blackthorn, planted as bare-root whips and feathered trees.

Members requested that small trees, rather than bare root whips, should be planted on the land concerned.

Resolved that the proposed replacement tree works to be carried out by Deane DLO on land at Beauford Park, Norton Fitzwarren be agreed, with the expense incurred being recovered from the owners of the land, J and B Small Park Homes.

(The meeting ended at 6.15 p.m.)