

## Planning Committee – 27 June 2012

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, A Govier, C Hill,  
Mrs Hill, Miss James, Morrell, Mrs Smith, P Watson, A Wedderkopp,  
D Wedderkopp.

Officers:- Mr B Kitching (Development Management Lead), Mrs J Jackson (Legal Services Manager), Miss M Casey (Planning and Litigation Solicitor), Matthew Bale (West Area Co-ordinator), Mrs G Croucher (Democratic Services Officer) Mrs T Meadows (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

### 80. Apologies/Substitutions

Apologies: Councillors Mrs Messenger, Tooze, Denington and Wren

Substitution: Councillor Mrs G Slattery for Councillor Tooze

### 81. Declarations of Interest

Councillors D Wedderkopp and A Govier declared personal interests as Members of Somerset County Council. Councillor Nottrodt 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 Coles declared that he had received correspondence regarding item No 49/12/0027, Councillor Watson declared that a family member resided in Priorswood Road, item No 38/12/0109 and Councillor Allgrove had received correspondence regarding item No E/0337/33/11. None of the Councillors considered that they had fettered their discretion.

### 82. 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:-

#### **49/12/0030**

**Erection of a dwelling with adjoining garage, parking and formation of access at land on Croft Way, Wiveliscombe (resubmission of withdrawn application 49/12/0016)**

#### **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 01 Location Plan
  - (A3) DrNo 02 Block Plan
  - (A1) DrNo 04 Rev A Existing Topographical Survey with Entrance Visibility Splay and Foul Sewer Drainage
  - (A3) DrNo 08 Rev A Proposed Block Plan
  - (A1) DrNo 09 Rev A Proposed Site Plan, Ground and First Floor Plans
  - (A1) DrNo 10 Rev A Existing and Proposed Site Sections, Section A-A and Elevations SK02
- (c) Full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development hereby permitted. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.
- (d) The 'Cell Web' root protection system shall be installed to a depth of 100mm within the area indicated on drawing 1141/09 rev A prior to the commencement of any other works on the site.
- (e) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling and access drive 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.
- (f) Prior to the occupation of the dwelling hereby permitted, a 2m close boarded timber fence (or other such screen that may otherwise be agreed in writing by the Local Planning Authority) shall be erected along the line of the existing post and wire fence at the southern site boundary in a position and for a length that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.
- (g) The windows hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.
- (h) No service trenches shall be dug within the root protection areas of the trees on the northern site boundary as identified in the submitted arboriculture report prepared by Sam Manton, submitted with the application, without the prior written agreement of the Local Planning Authority.

**Reason for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, 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) and Policy DM1 of the emerging Taunton Deane Core Strategy.

**20/12/0020 Erection of ground floor rear extension at 6 Kingston Court,  
Kingston St Mary, 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 following approved plans:-

(A1) DrNo 1111\_14 Existing and proposed plans and elevations

(A4) DrNo 1111\_13 Site plan Plot 6

(A4) DrNo 1111\_12 Location Plan Plot 6

**Reason for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, 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)

**05/12/0017**

**Erection of single storey rear and side extension at 23 Great Mead,  
Bishop's Hull**

**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 0812\_03 location plan
  - (A4)DrNo 0812\_04 site plan
  - (A1)DrNo 0812\_01 existing and proposed floor plans

**Reason for granting planning permission:-**

The proposed development would harm neither visual nor residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

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

**49/12/0027**

**Change of use and conversion of two traditional agricultural barns to  
one work place and dwelling with associated vehicular access and**

**parking, ground mounted photovoltaic panels, reed bed filtration system and protected bat roost at Cotcombe, Croford Hill, Wiveliscombe (amended description)**

**Reason**

- (1) By reason of there having been no marketing of the buildings for employment use, it has not been demonstrated that the premises are unlikely to attract a suitable business re-use. The proposal is, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and Policy DM2 of the emerging Taunton Deane Core Strategy.
- (2) The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Local Plan) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the plan. Notwithstanding the work/business floorspace the proposed conversion includes a permanent residential dwelling remote from adequate services, employment, education and other services and facilities required for day to day living. Such a proposal would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative means of travel. The proposal is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (B), H7 and EC6, Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy together with guidance contained within the National Planning Policy Framework.
- (3) The proposed development will result in the deliberate disturbance of a protected habitat for which there is no overriding reasons of public interest that would justify such disturbance. In addition it has not been demonstrated that there are no other satisfactory alternative sites on which the proposed development could not be accommodated. As a result the proposals fail to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010).

**42/12/0019**

**Installation of a balcony to the west elevation of ancillary building at Fisherman's Rest, Middle Sweethay, Trull (retention of works already undertaken)**

**Reason**

The balcony, by reason of its size, siting and design, represents an incongruous addition to the traditional form and linear appearance of the building and as such adversely affects the character and appearance of the building, the surrounding landscape and the setting of the Grade 11 listed building opposite. The proposal is contrary to Policies S1, S2 and H17 of Taunton Deane Local Plan Policy DM1 of the emerging Core Strategy Policy and the National Planning Policy Framework.

**Also resolved** that: - enforcement be authorised to secure removal of the balcony within 3 months and that the Solicitor to the Council be authorised to take prosecution action should the enforcement notice not be complied with.

**83. Residential development for the erection of 7 dwellings with associated access and 8 No parking spaces on land to the rear of the Gardeners Arms, Priorswood Road, Taunton (38/12/0109)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure:-

1. One unit of affordable housing; and
2. Contributions, towards the provision of community leisure facilities as follows:-
  - (a) £1454 per dwelling towards the provision of active outdoor recreation;
  - (b) £2688 per 2+ bedroomed dwelling towards children's play provision;
  - (c) £1118 per dwelling towards community halls; and
  - (d) £194 per dwelling towards the provision of allotments,

The Growth and Development Manager be authorised to determine the application, in Consultation with the Chairman or Vice-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 1193(PL-)05 Block Plan as Proposed;
  - (A1) DrNo 1193(PL-)04 Floor Plans, Elevations and Sections;
  - (A1) DrNo 1193(PL-)03 Floor Plans, Elevations and Sections;
  - (A1) DrNo 1193(PL-)02 Floor Plans, Elevations and Sections; and
  - (A1) DrNo 1193(PL-)01 B Site Plan as Proposed;
- (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) Prior to development commencing on site a drainage plan for the whole development shall be forwarded for approval in writing by the Local Planning Authority, including results of percolation tests carried out and shall include

soakaways to be constructed in accordance with Building Research Digest 365;

- (e) The applicant shall undertake all the recommendations made in Acorn Ecology Limited's Ecological Survey Report dated February 2012, (Appendix 4 Conservation Action statement) and provide mitigation for bats and birds as recommended. 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 bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (f) If the period of time, from the granting of planning permission and the commencement of development extends more than one year, then further wildlife surveys must be commissioned to ascertain any changes in the use of the site by protected species;
- (g) The first and second floor window(s) in the southern elevations facing the southern boundary of the site shall be glazed with obscure glass to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. The said windows shall be fixed shut or limited opening in a manner to be agreed in writing by the Local Planning Authority prior to their occupation and there shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (h) The area allocated for parking and turning on the submitted plan, drawing number 1193[PL-]01B shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (i) Notwithstanding the details shown on the approved plan 1193 [PL] 01 B, no development shall take place until a scheme detailing arrangements and specification for the site access and proposed highway improvements have been submitted to, and approved in writing by, the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter;
- (j) The proposed estate road, footways, tactile paving, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason for Planning permission, if granted:-**

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. An affordable housing unit will be provided and the proposed access would be satisfactory and the development would not have a detrimental impact on the visual or residential amenity of surrounding

residential properties and accordingly does not conflict with Somerset and Exmoor National Park joint Structure Plan Review Policies STR4 and 49, Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure Provision) and M4 (Residential Parking Provision) and Policy DM1 and CP4 of the emerging Taunton Deane Core Strategy.

**84. E/0337/33/11- Structure erected to accommodate a large Carnival Float at Crossways, Curland, Taunton**

Reported that it had come to the attention of the Council that a structure comprising scaffolding poles and tarpaulins had been sited within the farmyard adjacent to the boundary between the privately owned farmhouse and the remaining farmyard. The structure was used to house and work on a Carnival float owned by a local Carnival Club.

The structure had been erected without planning consent.

**Resolved** that:-

- (1) Enforcement action be taken to require (a) the removal of the structure constructed of scaffolding poles, tarpaulin sheets and galvanized steel sheeting and (b) the cessation of any construction work on the Carnival Float in its present position;
- (2) The Solicitor to the Council be authorised to take prosecution proceedings in the event that the enforcement notice was not complied with; and
- (3) The time period for compliance with the enforcement notice be four months from the date on which the Notice took effect.

**85. E/0261/10/10 – Building erected on common land adjacent to Timberlands Farm, Churchstanton**

Reported that it had come to the attention of the Council that the occupier of the land had erected a large 'pole barn' sited on a triangular piece of land east of Timberland Farm, Churchstanton to keep hay and straw dry.

A site visit had been carried out and the occupier was asked about the structure, it was claimed that the structure was moveable and therefore did not require planning permission. The Council's Senior Solicitor had been consulted and it was considered that the erection of the barn fell within the definition of development as it was a building operation that had resulted in a building. However in the view of the Growth and Development Manager the pole barn was a suitably designed agricultural building in keeping with Blackdown Hills Area of Outstanding Natural Beauty. As such it was not considered expedient to take enforcement action.

**Resolved** that no further action be taken.

**86. E/0145/42/11 - Access not built in accordance with approved plans at Lower Kibbear Farm, Kibbear, Trull**

Reported that it had come to the Council's attention that a wall at Lower Kibbear Farm, Kibbear, Trull had been constructed not in accordance with the approved plans.

Investigations of this matter had revealed that the wall had been in existence for over four years which made it immune from any action by the Local Planning Authority under Section 171B (1) of the Town and Country Planning Act 1990.

**Resolved** that no further action be taken

**87. Failure to comply with Enforcement Notices served in respect of Plots 1,3,54 and 41 on Persimmon site to the west of Bishop's Hull Road, Bishops Hull, Taunton.**

Reference Minute Nos. 66/2011 and 15/2012, reported that Meeting of 8 August 2011 and 8 February 2012.

Following the resolution to prosecute, the Council had received representations from Solicitors acting on behalf of Persimmon saying that the works to the buildings constituted permitted development and therefore prosecution action was not appropriate.

Whilst it was accepted by the Council, and had been accepted by the Inspector on appeal, that had the houses been completed the properties could have been altered to the current façade under permitted development rights, the current facades were unauthorised and therefore could be both the subject of enforcement action and prosecution.

Reported that there had been subsequent discussions between the owners of Plots 1 and 3 and Persimmon, since it was the owners rather than the company who were under threat of prosecution.

Persimmon had agreed to remove the existing facades and immediately replace them with like, in order to prevent prosecution action. As a result, the Council had been asked to consider bringing the matter of prosecution back to the Committee for re-consideration. However, before doing so it had been felt that a far greater commitment to do the works from Persimmon and the owners would be required.

Persimmon had now supplied an undertaking to comply with the notices by the end of August 2012, if required. The owners of Plots 1 and 3 had consented to these works being done.



Further reported that a balance had to be drawn between showing that the Council would follow through on enforcement action, to maintain its credibility, and the need to avoid taking action which to the general public would be perceived as costly and achieve nothing.

The entire front of both properties would need to be removed and the intention was to replace like with like, as this was what the owners wanted. In such circumstances it would not be in the public interest to proceed with the prosecution. Noted that Persimmon had complied with the Notice on Plot 41.

**Resolved** that on balance the earlier resolution to prosecute the owners of Plots 1 and 3 be rescinded and that no further action be taken against the owner of Plot 54.

(The meeting ended at 8.00 pm)