

Planning Committee – 26 September 2012

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Denington, A Govier, C Hill, Mrs Hill,
Miss James, Morrell, Gill Slattery, Mrs Smith, Watson, A Wedderkopp,
D Wedderkopp and Wren

Officers:- Tim Burton (Growth and Development Manager), Matthew Bale (West Area Co-ordinator), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), Neil Pincombe (Somerset County Council) and Tracey Meadows (Corporate Support Officer)

Also present : Councillor Mrs Herbert in connection with application No 38/12/0244

(The meeting commenced at 5.00 pm)

114. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Messenger and Tooze

Substitution: Councillor Gill Slattery for Councillor Tooze

115. Minutes

The minutes of the meeting of the Planning Committee held on 27 June 2012 were taken as read and were signed.

116. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Wedderkopp also declared that he had had discussions with residents in connection with application No 38/12/0163 but considered that he had not fettered his discretion. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Nottrodt also declared that he had had discussions in connection with application No 38/12/0244 but considered that he had not fettered his discretion. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. He also declared a prejudicial interest as the Ward Member in respect of application No 23/12/0014/vsc and said that he would leave the room once he had made a formal statement to the Committee. Councillor Coles declared he had received letters/e-mails in connection with application Nos 23/12/0014vsc and 38/12/0244 but considered that he had not fettered his discretion.

117. 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:-

46/12/012

Erection of 6 No. B1 commercial units and formation of vehicular access at site at Former Brickyard, Higher Poole, 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:-
- (A3) DrNo 1921-01 location plan;
 - (A3) DrNo 1921-02 site/block/roof plan;
 - (A3) DrNo 1921-03 floor plans;
 - (A3) DrNo 1921-04 units A, B and C proposed elevations;
 - (A3) DrNo 1921-05 units D and E proposed elevations;
 - (A3) DrNo 1921-06 unit F; and
 - (A3) DrNo 1921-07 indicative site sections;
- (c) Prior to their installation, samples and/or details 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) Prior to its implementation, 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 commencement of the development, a 'Measures Only' Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan shall be implemented in accordance with a timetable that shall be agreed as part of the travel plan;
- (f) Prior to first occupation or first use of the development hereby permitted, secure, covered parking spaces for not less than two staff and visitors' bicycles per unit shall be laid out, constructed and drained in accordance

with a detailed scheme that shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be retained;

- (g) The proposed access, including drainage and visibility splays, shall be constructed in accordance with details shown on the submitted plan, drawing number 1921-02, and shall be available for use before first occupation of the development hereby permitted. Once constructed, the access shall thereafter be maintained as such, including that there shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays indicated;
- (h) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 m from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (i) No site clearance works or development (or specified operations) shall take place between 1 March and 1 September in any given year without the prior written approval of the Local Planning Authority;
- (j) The development hereby permitted shall not be commenced (including any ground works or site clearance) until the applicant has undertaken a reptile survey of the site carried out at the appropriate time of year. The results of the surveys shall be submitted to, and approved in writing by, the Local Planning authority before any work commences on site. If appropriate, the survey shall include details of a scheme to avoid harm to any reptiles.

Details of the scheme should include:-

- Methods for the safe trapping and translocation of any reptiles from areas where they are likely to come to harm from construction activities;
- Identifying refuge or receptor areas for reptiles and providing protection to these areas from construction activities; and
- Provision of information to all construction personnel about the scheme, including nature conservation and legal implications.

The agreed scheme shall be fully implemented in accordance with the agreed details and timings;

- (j) The applicant shall undertake all the recommendations made in Country Contracts report dated February 2012. 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;
- (k) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary – Monday - Friday 0800 hrs to 1800 hours; Saturday 0800 hours to 1300 hours.

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, for example hum, drone, or whine shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

(l) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions a) to c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.
- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme

works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager. Application for such a permit should be made at least four weeks before access works are intended to commence; (2) Applicant was advised that the Highway Service Manager must be consulted with regard to the required reinstatement of the verge/footway crossing at the access which is to be closed; (3) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall be fully implemented prior to construction, and thereafter maintained until first occupation; (4) Applicant was advised 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; (5) Applicant was advised to consider undertaking a Construction Environmental Management Plan during

construction of the site. The plan should include:-

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity nor harm the existing highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Core Strategy Policies DM1 (General Requirements), CP8 (Environment) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

25/12/0021

Erection of 32 No. dwellings with associated garages and landscaping at the Old Cider Works, Norton Fitzwarren

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:-
 - (A3) DrNo 1127/39/03 Elevations and Plans;
 - (A3) DrNo 1127/39/02 Elevations and Plans;
 - (A3) DrNo 1127/39/01 Elevations and Plans;
 - (A3) DrNo 1127/38/10A Elevations;
 - (A3) DrNo 1127/38/02 First Floor Plan;
 - (A3) DrNo 1127/38/01 Ground Floor Plan;
 - (A3) DrNo 1127/37/11A Elevations;
 - (A3) DrNo 1127/37/10A Elevations;
 - (A3) DrNo 1127/37/01 Ground Floor Plan;
 - (A3) DrNo 1127/36/11A Elevations;
 - (A3) DrNo 1127/36/10A Elevations;
 - (A3) DrNo 1127/36/02 First Floor Plan;
 - (A3) DrNo 1127/35/10A Elevations;
 - (A3) DrNo 1127/35/02 First Floor Plan;
 - (A3) DrNo 1127/35/01 Ground Floor Plan;
 - (A3) DrNo 1127/34/11A Elevations;
 - (A3) DrNo 1127/34/10A Elevations;
 - (A3) DrNo 1127/34/03 First Floor Plan;

- (A3) DrNo 1127/34/02 Ground Floor Plan;
 - (A3) DrNo 1127/34/01 Ground Floor Plan;
 - (A3) DrNo 1127/33/10A Elevations;
 - (A3) DrNo 1127/33/03 Second Floor Plan;
 - (A3) DrNo 1127/33/02 First Floor Plan;
 - (A3) DrNo 1127/33/01 Ground Floor Plan;
 - (A3) DrNo 1127/32/12A Elevations;
 - (A3) DrNo 1127/32/11A Elevations;
 - (A3) DrNo 1127/32/10A Elevations;
 - (A3) DrNo 1127/32/02A First Floor Plan;
 - (A3) DrNo 1127/32/01A Ground Floor Plan;
 - (A3) DrNo 1127/31/16 Elevations;
 - (A3) DrNo 1127/31/15A Elevations;
 - (A3) DrNo 1127/31/14A Elevations;
 - (A3) DrNo 1127/31/13A Elevations;
 - (A3) DrNo 1127/31/12A Elevations;
 - (A3) DrNo 1127/31/11A Elevations;
 - (A3) DrNo 1127/31/10A Elevations;
 - (A3) DrNo 1127/31/04 First Floor Plan;
 - (A3) DrNo 1127/31/03A First Floor Plan;
 - (A3) DrNo 112731/02 Ground Floor Plan;
 - (A3) DrNo 1127/31/01A Ground Floor Plan;
 - (A3) Parking Schedule;
 - (A3) DrNo 1127/07/02 Wall and Railing Details;
 - (A3) DrNo 1127/07/01 Fence Detail;
 - (A3) DrNo 1127/06B Site Context Plan;
 - (A3) DrNo 1127/05B Materials Layout Plan;
 - (A3) DrNo 1127/04 Site Location Plan;
 - (A3) DrNo 1127/03B Storey Heights Plan;
 - (A1) DrNo 1127/02/02A Street Scenes Sheet 2 of 2;
 - (A1) DrNo 1127/02/01A Street Scenes Sheet 1 of 2;
 - (A2) DrNo 1127/01C Site Layout Plan; and
 - (A3) DrNo 1127/01C Site Layout;
- (c) Any boundary walls shall be constructed of the same materials as the dwelling to which they relate unless otherwise agreed in writing by the Local Planning Authority;
- (d) The section of the relief road immediately to the south of the development hereby permitted shall be constructed at least as far as would allow access to the development hereby permitted via the said road prior to the occupation of any of the dwellings hereby permitted;
- (e) The LAP indicated on the site layout plan hereby permitted shall be laid out in accordance with details that were approved in respect of application 25/06/0020 on 24 November 2011. The site shall be enclosed by railings as indicated on drawing 1127/07/02 and shall be available for use prior to the occupation of 80% of the dwellings hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (f) No dwelling shall be occupied until that part of the service/estate road that

- gives access to it and any associated parking facilities have been provided in accordance with the details shown the plans hereby permitted;
- (g) No development shall commence until details of the finished ground levels of the site and finished floor levels of the development have been submitted to, and agreed in writing by, the Local Planning Authority;
- (h) Prior to the commencement of the development hereby permitted, a detailed design for disposal of surface water shall be submitted to, and agreed in writing by, the Local Planning Authority. The details shall include maintenance of any required infrastructure. The development shall be constructed and maintained in accordance with the details of the approved design. The agreed details shall be implemented prior to the occupation of the dwelling(s) to which they relate;

Reason for granting planning permission:-

The proposed development was considered to be an acceptably designed re-plan of the extant planning permission for this site, not impacting unreasonably upon the visual or residential amenities of the area or highway safety and providing for adequate parking provision in accordance with retained Policy M4 of the Taunton Deane Local Plan. The proposal was, therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and advice contained in the National Planning Policy Framework.

23/12/0026LB

Replacement of windows and doors and enlargement of window opening to the east elevation to form a doorway at Preston Farm, Preston Bowyer, Milverton (Retention of works already undertaken)

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 1741-101 Site and Location Plan;
 - (A3) DrNo 1741-208 Rev B Standard Window Details;
 - (A3) DrNo 1741-210 Rev B Standard Door Details - Part Glazing;
 - (A3) DrNo 1741-301 Existing South and East Elevations;
 - (A3) DrNo 1741-302 Existing North and West Elevations;
 - (A3) DrNo 1741-303 Existing Courtyard Elevations;
 - (A3) DrNo 1741-304 Proposed South and East Elevations;
 - (A3) DrNo 1741-305 Proposed North and West Elevations; and
 - (A3) DrNo 1741-306 Proposed Courtyard Elevations.

Reason for granting planning permission:-

It was not considered that the finish to the windows was detrimental to the appearance of the listed building and did not detract from the features of

historic or architectural interest that it possessed, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason for granting listed building consent contrary to the recommendation of the Growth and Development Manager:-

Members considered that the finish to the windows was not detrimental to the appearance of the listed building and did not detract from the features of historic or architectural interest that it possessed.

08/12/0013

Erection of single storey dwelling at land to the north of Maidenbrook Farmhouse, Tudor Park, Priorswood, Cheddon Fitzpaine (amended scheme to 08/11/0032)

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:-
 - (A3) DrNo 5403/79 Sketch Elevations as Proposed;
 - (A3) DrNo 5403/78 Sketch Elevations as Proposed;
 - (A3) DrNo 5403/77 Sketch First Floor Plan as Proposed;
 - (A3) DrNo 5403/76 Sketch Ground Floor Plan as Proposed;
 - (A3) DrNo 5403/72 Sketch Elevations as previously Approved;
 - (A3) DrNo 5403/71 Rev A Sketch Elevations as previously Approved;
 - (A3) DrNo 5403/70 Rev A Sketch Floor Plan as previously Approved;
 - (A3) DrNo 5403/68 Rev E Site Plan as previously Approved;
 - (A3) DrNo 5403/75 Site Plan; and
 - (A4) Location Plan;
- (c) No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m and which contains an area of brick surround to stonework, a brick cill, and an external corner, has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The stone to be used shall be the local stone as described in the agent's letter dated 26/04/12 as described in application 08/11/0032. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No works shall take place until samples of the roofing slates and ridge tiles to be used in the construction of the works hereby approved 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;
- (e) All guttering, downpipes and rainwater goods shall be constructed of cast

- iron and shall be painted black as described in the agent's letter dated 24/04/12 ref (260412) as submitted on application 08/11/0032, and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development;
- (f) Prior to commissioning specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority:- windows including sections; doors; finished treatment for all external joinery; rooflights; boundary walls; fencing; siting of meter boxes; ventilation terminals for kitchen, utility room and bathroom. In addition, the bargeboards, soffits and eaves shall all be painted black as stated in agent's letter dated 26/04/12 as submitted for application 08/11/0032;
- (g) The applicant shall undertake all the recommendations made in ACE Consulting's report dated July 2011. 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;
- (h) 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 have been submitted to, and approved in writing by, the Local Planning Authority, and thereafter retained for so long as the development remains in existence;
- (i) The dwelling hereby permitted shall not be occupied until a properly consolidated and surfaced parking and turning space for vehicles has been constructed within the site, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (j) Notwithstanding the provisions 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 hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever;
- (k) (i) The whole landscaping/planting scheme including the orchard planting shown on the submitted plan 5403/75 shall be completely carried out within the first available planting season from the date of commencement of the development.
(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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (l) 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 following types - extensions, conservatories, dormers, solar panels, chimneys, flues, satellite dishes, porches, boundaries, outbuildings, sheds, oil tanks, additional windows,

rooflights/velux windows, replacement of windows and/or doors, rendering, cladding or painting of external stonework, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

- (m) The boundary treatment shown on drawing 5403/75 shall be completed before the dwelling is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (n) The dwelling shall not be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (o) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (p) The proposed rooflights shall be "conservation" type rooflights only, details of which shall be submitted to, and approved in writing by, the Local Planning Authority, and thereafter installed and maintained.

(Note to applicant:- Applicant was advised 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.)

Reasons for granting planning permission:-

The proposal would not affect the character of the listed building and was therefore considered acceptable and, accordingly, did not conflict with National Planning Policy Framework Section 12, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Core Strategy Policies DM1 and CP8. The development now contributed to the character of the area around the listed building and the scheme was not considered to be to the detriment of this site when seen from the adjacent highway. The addition of a garage and installation of rooflights, following the recent approval of application 08/11/0032, was considered to be acceptable and not to be to the detriment of neighbours.

02/12/0011

Erection of Equestrian Managers dwelling and double garage at Three Oaks Racing Stables, Combe Florey Road, Ash Priors (resubmission of

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:-
 - (A3) DrNo 1349-100 A Location Plan;
 - (A3) DrNo 1349-101 A Site Plan;
 - (A3) DrNo 1349-102 A Proposed Floor Plans;
 - (A3) DrNo 1349-103 A Proposed Elevations; and

- (A3) DrNo 1349-104 A Proposed Garage Plans and Elevations;
- (c) Prior to the commencement of the erection of any part of the buildings, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall 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) The windows and doors hereby permitted shall be timber and thereafter maintained as such;
- (e) (i) The landscaping/planting scheme shown on the submitted plan 1349-101A and detailed in Part 6 of the Design and Access Statement shall be completely carried out within the first available planting season from the date of commencement of the development.
(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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The dwelling shall not be occupied until works for the disposal of (i) sewage and (ii) surface water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, at Three Oaks Racing Stables or in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act, 1990, or in forestry or a dependent of such a person residing with him or her or a widow or widower of such a person;
- (h) The temporary dwelling identified on drawing 1349-100A shall be removed and the land restored to its former condition, within two weeks of the date that the dwelling hereby permitted is first occupied;
- (i) 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, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission

(Notes to applicant:- (1) With reference to Condition (c) requiring sample materials, applicant was advised that the Landscape Officer is of the opinion that the roof should be dark grey in colour to reduce the landscape impact, particularly given the close proximity of the Public Footpath; (2) Applicant was advised that Wessex Water do not object to the proposal, providing there is no impact on Wessex Water infrastructure. It is the applicant's responsibility to ensure that the proposed scheme would not affect such infrastructure.

Reason for granting planning permission:-

The site lies in a countryside location, where it was the policy of the Local Planning Authority to resist new housing development unless it was demonstrated that the proposal serves a genuine appropriate rural need. Although marginal, given the circumstances, it was considered that there was a need for a worker to reside on the holding in order to sustain the business and the financial information submitted showed the business to be profitable and have a clear prospect of remaining so. The dwelling proposed was deemed commensurate to the needs of the holding and it was not considered that this need could be accommodated by another dwelling either on the unit or in the surrounding area. The proposed rural workers dwelling was situated in close proximity to the stables to enable quick access to deal with emergencies. Subject to landscaping as conditioned below, it would have no significant adverse impact on the character of the landscape and it was located a sufficient distance from neighbouring properties to avoid any adverse impact upon their residential amenities. As such, the proposal was in accordance with the guidance contained in Policies DM1 (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy 2011-2028, Policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Paragraph 55 of the National Planning Policy Framework 2012.

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

38/12/0244

Erection of dwelling with associated garage and parking provisions, within the garden of Hawksworth House and land to the north, at 1 Holway Avenue, Taunton

Reason

The proposed dwelling is considered an overdevelopment of the plot and is overbearing due to its scale and bulk and is out of keeping with the character of the area in general, contrary to Policy DM1d of Taunton Deane Core Strategy.

118. Demolition of buildings and erection of 7 No. residential dwellings with associated gardens, parking and access road at 7A - 13 Staplegrove Road, Taunton (38/12/0163)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to provide an affordable housing unit, 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:-
- (A3) DrNo 10 Plot 7 Proposed Plans and Elevations;
 - (A2) DrNo 09 Plots 5 and 6 Proposed Plans and Elevations;
 - (A1) DrNo 07 Rev C Proposed Site Plan;
 - (A1) DrNo 03 Existing Topographical Survey;
 - (A1) DrNo 08 Plots 1-4 Proposed Plans and Elevations;
 - (A1) DrNo 11 Rev B Proposed Site Plan - Plot 1 to 4, Proposed and Existing Street Elevation;
 - (A1) DrNo 12 Proposed SitePlan- Plots 5,6 and 7 Proposed and Existing Street Elevation;
 - (A4) DrNo 06 Rev B Proposed Block Plan;
 - (A4) DrNo 02 Block Plan;
 - (A4) DrNo 01 Location Plan; and
 - (A1) DrNo 13 Rev A Proposed Landscaping 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) The boundary treatment shown on drawings 11B and 13A shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated May 2012 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
 - Measures for the retention and replacement and enhancement of places of rest for the species.
- 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 and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (f) A further wildlife survey shall be carried out if no demolition of the buildings on site has occurred within two years;
- (g) 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:-

- a) 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.
- b) If the report indicates that contamination maybe 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 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.
- c) 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;
- (h) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (i) No demolition of buildings on the site shall commence until a contract had been let for the construction of the residential development;
- (j) The proposed windows shown on drawing 11B shall be vertical sliding sash only;
- (k) No dwelling shall be occupied until space has been laid out within the site in accordance with the plan number 7C for the parking of cars and the said spaces shall be thereafter retained;
- (l) The development shall provide for secure cycle storage facilities for each dwelling details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (m) Details of flood protection and resilience measures for the properties shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter be carried out prior to occupation of any dwelling.

(Notes to applicant:- (1) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services; (2) Applicant was advised to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction, and thereafter maintained until the use of the site discontinues.)

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 while there were issues over flood risk, the development would not have a detrimental impact on the amenity of surrounding properties and was considered in accordance with Policies SP1, CP4 and DM1 of the Taunton Deane Core Strategy and retained Policies of the 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).

119. Application to vary Section 52 Agreement relating to planning Permission 23/74/0011 to allow development to proceed without carrying out the highway works at land adjacent to Creedwell Orchard, Milverton (23/12/0014VSC)

Reported that a request had been made to vary the terms of a Section 52 Agreement attached to a 1974 planning permission at land off Creedwell Orchard, Milverton.

In 1975 application reference 23/74/0011 granted outline planning permission for the development of 80 dwellings on the site. Reserved matters approval was given in 1979.

In 2007, Taunton Deane Borough Council issued a Certificate of Lawfulness confirming that the 1975 planning permission had been implemented. Accordingly, the development could now be lawfully recommenced and carried out.

Attached to the 1975 permission was a Section 52 Agreement that sought to ensure that childrens' play facilities were provided on site and that various highway works were undertaken prior to occupation of any of the dwellings. Details of the highway works described in Schedule I of the agreement were submitted for the information of the Committee.

The request had now been made to remove the requirement to undertake the road widening works from the agreement (Clauses (1) and (2) of Schedule I refer). In support of the request, the applicants had prepared a transport statement suggesting that, in line with current guidance, the existing highway network was capable of providing a suitable and safe means of access to the site.

Submitted for consideration the consultation responses that had been received from the Somerset County Council's Transport Development Group and Rights of Way and Milverton Parish Council and details of representations received from the local Ward and County Councillors. In addition, 90 objections from local residents had also been received raising numerous issues under the following headings:-

- Procedural;
- Reasons for the agreement;
- Particular objections to the current proposal;
- Comparisons to 1974;
- Problems with the development overall;
- Forthcoming applications; and
- Other matters.

One letter of support had also been received.

Based on the evidence supplied by Entran, together with the counter evidence provided by Save Milverton Action Group, the Local Highway Authority had considered the likely impact on Creedwell Orchard and its junction with Fore Street. They had concluded that the development would not have a severe impact on this part of the highway network and, therefore, no works were required to Creedwell Orchard or its junction with Fore Street in order to accommodate the development.

In light of the above, there was no reasonable planning ground to resist the variation to the Section 52 Agreement that had been requested.

It was acknowledged that this would allow development to continue (subject to purchase of the land physically required for access) but this was the developer's right, given the extant permission.

Resolved that the Section 52 Agreement relating to application 23/74/0011, land at Creedwell Orchard, Milverton, be varied through the removal of Clauses (1) and (2) of Schedule I.

120. E/0135/38/12 – Car Business running from private residence at 10 Fullands Road, Taunton

Reported that it had come to the attention of the Council that a car selling business was currently being operated from 10 Fullands Road, Taunton without planning permission to change the use of the property.

The owner had been advised that he would need to relocate his business to more suitable premises but, to date, this had not occurred.

Resolved that:-

1. Enforcement action be authorised requiring the cessation of a car sales business being operated from 10 Fullands Road, Taunton;
2. Any enforcement notice served should have a six month compliance period; 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.

121. E/0025/07/11 – Unauthorised mobile home on land to the rear of Langs Farm, Bradford on Tone

Reference No. 25/2012, reported that since serving the enforcement notice the owner of the mobile home had submitted three statutory declarations showing that it had been there for more than four years.

These statements had been assessed against the facts held by the Council and further enquiries had been made.

Reported that there was nothing substantive to disprove the owner's claim that the mobile home had been in existence for more than four years. It was therefore considered to be immune from enforcement action.

Resolved that the enforcement notice which had been served earlier in the year seeking the removal of the mobile home from the land to the rear of Langs Farm, Bradford on Tone, be withdrawn.

122. Appeals

Reported that three appeals had been lodged and two appeal decisions had been received, details of which were submitted.

(The meeting ended at 9.38 pm)