

Planning Committee – 17 October 2012

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

Officers: - Bryn Kitching (Development Management Lead), Anthony Pick
(Major Applications Co-ordinator), Gareth Clifford (East Area
Coordinator), Tim Burton (Growth and Development Manager), David
Evans (Economic Development Manager), Judith Jackson (Legal
Services Manager), and Tracey Meadows (Corporate Support Officer)

Also present: Tim Burton and David Evans

(The meeting commenced at 5.00 pm)

123. Apologies

Councillors Mrs Messenger and Mrs Smith

124. The minutes of the meeting of the Planning Committee held on 18 July,
15 August and 26 September 2012 were taken as read and were signed.

125. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as
Members of Somerset County Council. Councillor Nottrodt declared a
personal interest as a Director of Southwest One. Councillor Mrs Hill declared
a personal interest as an employee of Somerset County Council. Councillor
Tooze declared a personal interest as an employee of UK Hydrographic
Office and Councillor Wren declared a personal interest as an employee of
Natural England. He also declared a personal interest in respect of application
No 10/12/0024. The applicant was known to him so he would take no part in
the discussion or the vote.

126. 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:-

07/12/0018

**Alterations to the external landscaping to include a timber decking area,
pedestrian bridge and the relocation of disabled parking bays at The
Worlds End Public House, Heatherton Park, Bradford on Tone**

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the approved plans.
 - (A2) DrNo 04 Existing and Proposed Sectional Elevations A-A, B-B
 - (A2) DrNo 03 Proposed Landscape Plan
 - (A4) Block Plan
 - (A4) Location Plan

Reason for granting planning permission:-

The proposed development 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 Core Strategy Policy DM1.

10/12/0016

Erection of two additional poultry houses and associated infrastructure including feed bins and hardstanding at Churchinford Poultry Farm, Church Road, Churchinford

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 200-06 drainage plan
 - (A1) DrNo 200 -05 elevations
 - (A1) DrNo 200-04 floor plan
 - (A1) DrNo 200-03 layout plan
 - (A1) DrNo 200-02 survey plan
 - (A1) DrNo 200-01 location 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) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The

development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Eco-Check Consultancy Limited's submitted report, dated April 2012 and include details of protective measures to include method statements to avoid impacts on protected species during all stages of development, details of 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.
- (f) Details of the changes in ground levels on site shall be submitted to, and approved in writing by, the Local Planning Authority prior the construction commencing and thereafter be carried out as agreed.

(Notes to applicant: -

(i) Applicant was advised to take the following matters into account:- Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriated wildlife legislation. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

(ii) Applicant was advised that as Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places, a variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre to apply for a variation).

Reason for granting planning permission:-

The principle of expanding an existing business use outside defined settlement limits was considered acceptable and the proposal was considered not to harm visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Core Strategy Policies CP1 (Climate Change), CP6 (Transport and Access), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside).

10/12/0024

Development of Solar Photovoltaic farm comprising approximately 23,000 No panels, rated at up to 5MW, and covering an area of 21.4

hectares, complete with installation of associated infrastructure at former Culmhead Airfield, Culmhead, Churchstanton

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 plans:-
 - (A1) DrNo PE10015 Existing and Proposed Elevations
 - (A1) DrNo PE10015 Existing and Proposed Floor Plans
 - (A1) DrNo PE10015 Block Plan (Amended 12/10/12)
 - Figure 3.4 Fence detail
 - Figure 3.5 Substation building
 - Figure 3.6 Cable trenching
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (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 first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing to 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 development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EnvironGauge's Environmental Report and EnvironGauge's Badger Assessment; dated March 2012 and include details of protective measures to include method statements to avoid impacts on wildlife during all stages of development. Details of the timing of works to avoid periods of work when nesting/wintering birds could be harmed by disturbance.

Measures for habitat enhancement of the site for wildlife. Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

- (g) Details of a hedgerow management plan for the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to electricity generation commencing and shall thereafter be carried out as agreed for the lifetime of the solar array.
- (h) Details of the proposed infra-red lighting columns shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation and there shall be no external artificial lighting installed on the site other than that agreed.
- (i) Details of historical interpretation boards shall be submitted to, and agreed in writing by, the Local Planning Authority and shall be provided adjacent to the rights of way prior to the development generating electricity.
- (j) Prior to work commencing on the site details of a survey of the scheduled monument to assess its condition shall be submitted to, and agreed in writing by, the Local Planning Authority. The survey and production of a Conservation Management Plan shall be agreed with English Heritage and carried out prior to construction work commencing.
- (k) No development of the site shall commence (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to, and approved in writing by, the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site including sources, pathways and receptors
 - potentially unacceptable risks from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set on in (3) are complete and identifying any requirements or longer-term monitoring of pollutant linkages, maintenance and arrangements or contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in accordance with the details approved under this condition.
- (l) If, during any development phase (including de-commissioning), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the

Local Planning Authority) shall be carried out until the developer has submitted, to, and obtained written approval from, the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall subsequently be implemented in accordance with the approved strategy.

- (m) No development shall commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plan.
- (n) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- (o) No sub-station construction 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.
- (p) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:-

(1) Applicant was advised to take the following matters into account that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. 2. Applicant was advised that underground fuel storage should be undertaken in accordance with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). Any above ground fuel must be stored in accordance with the Control of Pollution (Oil Storage) (England) Regulations

2001. (Applicant was advised that any waste used on site or taken off site will be subject to the necessary waste exemptions and /or Environmental Permits required to be granted by the Environment Agency. (4) Applicant was advised that the Council was not aware of any watercourses on site. If any works are required in or adjacent to any watercourses, then the written consent of Somerset County Council as the Lead Flood Authority (LLFA), will be required. The LLFA took on consenting powers originally held by the Environment Agency on 06 April 2012. (5) Applicant was advised to contact the Taunton Deane Area Highways Office to seek clarification on a alternative route for the construction phase, to minimise disruption to the highway network due to a Traffic Regulation Order along the B3170 (Corfe) enforcing a 7.5T weight restriction. In addition correct and appropriate signage should be used during the construction phase to notify all highway users of the potential hazard that will be associated with the development).

Reason for granting planning permission:-

The proposed development would generate electricity from renewable resources contributing to tackling climate change and meeting renewable energy targets. The short term harm of views of the site from the public vantage points would be mitigated and the long term impact on the visual amenities of the area was considered limited. The benefits were considered to outweigh the limited visual harm and the proposal was not considered to harm wildlife interests, highway safety, flood risk of the landscape character of the Blackdown Hills Area Of Outstanding National Beauty. It was therefore considered to be acceptable and in accordance with guidance in the National Planning Policy Framework and Policies CP1 (Climate Change), CP8 (Environment), DM2 (Development in the Countryside) and DM1 (General Requirements).

19/12/0006

Reinstatement of hardcore area to south of entrance and reformation of hardcore area to north of entrance to land at Elm Bridge, Hatch Beauchamp

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) Location Plan
 - (A4) Layout Plan
- (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,

of 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.

Reason for granting planning permission:-

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 Core Strategy Policies DM1 and CP8.

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

06/12/0007

Erection of 3 No dwellings with associated parking, access and landscaping at Station Farm, Station Road, Bishop's Lydeard

Reason

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of employment land.

06/12/0036

Erection of 5 No dwellings with associated garages and parking, landscaping and provision of open space, at Station Farm, Station Road, Bishop's Lydeard

Reason

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishop's Lydeard Station' in that it would lead to the loss of a potential tourism/employment use that has an extant consent and no evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.

- 127. E/0116/08/12 – Shed erected on car parking area at 88 Waterleaze, Cheddon Fitzpaine**

Reported that it had come to the attention of the Council that a shed had been erected on a car parking area at 88 Waterleaze, Cheddon Fitzpaine without planning permission.

The owner had been contacted who had advised that the shed had been erected by the previous occupier in June 2009 in the corner of the car parking area close to the boundary with No 84 Waterleaze.

In the view of the Growth and Development Manager, the shed did not appear prominent or incongruous in the surrounding area. It was screened from public viewpoint by surrounding dwellings and trees and was not therefore considered to cause harm to the appearance of the area.

In addition, the height of the shed was considered not to have any overbearing impact or loss of light to the neighbouring properties and did not result in any increased noise and disturbance beyond the area being used for car parking.

Even with the shed in position, there were still sufficient space for two cars to park and, as such, the requirements of the original planning permission could still be met.

In the circumstances, the Growth and Development Manager felt that it would not be expedient to take enforcement action.

Resolved that:-

No further action be taken.

(The meeting ended at 8.25 pm)