

## Planning Committee – 28 November 2012

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

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor), and Andrew Randell (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

### 133. Apologies

Apologies: Councillors C Hill, Mrs Messenger, Nottrodt and A Wedderkopp

### 134. Minutes

The minutes of the meeting of the Planning Committee held on the 5 September 2012 and 17 October 2012 were taken as read and were signed.

### 135. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. 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. Councillor Coles declared that he had received a number of letters regarding application No 38/12/0389 from the architect. These had been submitted to the Legal Services Manager for information.

### 136. 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:-

**14/12/0028**

**Change of use and conversion of agricultural barn to form a residential dwelling at Bedruthan, Bull Street, Creech St Michael**

**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:
  - (A2) DrNo 5811/3 Rev A Location- Site Plan
  - (A3) DrNo 5811/1 Rev A Floor and Elevations Plans as Existing
  - (A3) DrNo 5811/2 Rev B Floor and Elevation Plans as Proposed
- (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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the window to be installed in the West elevation shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.
- (e) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (g) Finished floor levels of the development shall be set no lower than 9.14m AOD.
- (h) No development shall commence until details of flood resilient design techniques in the construction of the development have been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be

based on the advice of ACE Consulting's submitted report, dated October 2011 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 shall be submitted. 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. 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.

- (j) The conversion works shall not commence until details of the works for the disposal of foul drainage and surface water sewage have been provided and agreed in writing by the Local Planning Authority and the agreed works to serve the development shall be carried out in accordance with details agreed prior to the occupation.

**(Notes to applicant:** - Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process.

**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. **BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. **BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.)

**Reason for granting planning permission:-**

The site was in a sustainable location within the village and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or flood risk and would enhance/maintain the character and appearance of the area and, therefore did not conflict with retained Taunton Deane Local Plan Policy M4 (Residential Parking Provision) and Policy DM1 of Taunton Deane Core Strategy.

**38/12/0391**

**Erection of a single storey extension to the front elevation of 77 Lyngford Road, Taunton**

## Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo 05 Proposed Ground Floor Plan and Elevations
- (A3) DrNo 03 Existing Ground Floor Plan and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

**(Note to Applicant:** - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.)

## 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 was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## 38/12/0398

**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**

## 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 13 Rev Proposed Plans, Elevations and Section A-A Sketch Scheme 06
- (A1) DrNo 12 Rev A Proposed Site Layout Sketch Scheme 06
- (A1) DrNo 03 Rev C Existing Site Layout Plan
- (A3) DrNo SPP.1743.1A Tree Appraisal
- (A4) DrNo 11 Rev B Proposed Block Plan-SK05
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan
- (A1) DrNo 12A Proposed Site Layout Sketch Scheme 06 Design Drawing.

- (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 take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (e) The windows in the first floor side elevations (south west and north east) shall be glazed with obscure glass and be fixed or limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further planning permission.
- (f) The dwelling shall not be occupied until turning and parking spaces shown on drawing 12A are provided and the parking spaces shall be retained and only used in connection with the development hereby permitted.
- (g) A method statement to avoid construction work impact on tree roots and branches and details of the foundation design shall be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site.
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A and B of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.
- (i) The development hereby permitted shall not be commenced until details of a strategy to protect badgers during construction has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include method statements to avoid impacts on protected species during all stages of development and details of the timing of the works. 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.

**(Notes to Applicant: -**

Applicant was advised to take the following matters into account:-

- (i) The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any

such development proposals that may affect its apparatus. It is recommended that the applicant contacts Wessex Water Sewer Protection Team.

(ii) The developer must agree a point of connection to the water and foul sewage network with Wessex Water.)

**Reason for granting planning permission:-**

The proposal, for residential development, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory, adequate parking and turning was provided and the development would not have a detrimental impact on the amenity of surrounding residential properties and the proposal was considered in accordance with Policies CP4, CP6, CP8 and DM1 of the Taunton Deane Core Strategy and retained Policies STR4 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and retained policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

**137. E/0106/44/12 – Dog breeding business allegedly not in accordance with planning permission at Beacon Lane Farm, Wellington**

Reported that it had come to the attention of the Council that a breach of Development Control had occurred regarding the use of an agricultural field for the keeping of dogs and associated kennel structures and dog runs at Beacon Lane Farm, Foxmoor Road, Wellington.

Planning permission had been granted in January 2012 for the change of use of land and conversion of redundant agricultural buildings to form a dog breeding enterprise with ancillary residential space. Work was progressing on the conversion of the living unit and the dog breeding element was partially being used. Due to an increase in the number of breeding bitches being born at the business premises it had become necessary to find additional accommodation to house the dogs until the dog breeding element was fully functional.

The site currently comprises a large area of compacted stone laid to form a parking and access track to the site. On site were a number of timber kennels holding the dogs each fitted with a wire netted run. Dogs were not confined to within the kennels and were free to use the spacious runs.

There were six structures currently on the site housing about forty dogs. Although only a small portion of the field had been taken up by the development leaving the majority of the field left to be used for agricultural use, it comprised an unauthorised change of use and associated erection of buildings/structures.

Whilst the Council looked to support economic development within rural areas, the current arrangements being provided on the site were considered to harm the character and appearance of the area by degrading the visual landscape quality of this part of the Blackdowns Area of Outstanding Beauty

(ANOB). In addition, it is was considered that the noise generated by the use of the site, due to its open and uncontrolled nature results in significant audible disturbance to the peace and tranquillity of this area of the AONB to its detriment.

It was therefore deemed reasonable to proceed with Enforcement Action seeking a cessation in the use of the site and the removal of the buildings, runs and hardstanding.

Noted that the previously approved conversion of buildings at Beacon Lane Farm was justified on the basis that dog breeding would be undertaken indoors thereby reducing the noise and disturbance to the surrounding area. The main site was still in the middle on conversion and the owner had been advised to make the business floor space available as soon as possible. In order to allow the owner a reasonable time period to develop a feasible and acceptable plan to relocate these dogs from the outside pens, it was felt that a longer period of compliance with the Enforcement Notice would be reasonable and proportionate.

**Resolved** that:-

- (1) Enforcement action be authorised requiring :-
  - (a) The cessation of keeping dogs on the agricultural field south of Beacon Lane Farm, Wellington; and
- (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.
  - (b) The removal from the field of all buildings and structures in connection with (a) above;

**138. Proposed withdrawal of an Enforcement Notice 1 and 3 on land to the west of Bishop's Hull Road, Taunton**

Reference Minute No. 87/2012, reported that the Committee had previously resolved that the prosecutions in respect of plats 1 and 3 should not proceed as it was not in the public interest to do so.

That resolution however meant that the enforcement notice in respect of plots 1 and 3 (now numbers 1 and 5 Quarty Drive) remained in force. Whilst the Council had resolved not to prosecute for the failure to comply with the notice and had not resolved to do the works in default, there were nevertheless likely to be difficulties when the current owners came to sell.

They had therefore approached the Council with a request that the notices be formally withdrawn, on the basis that the works could now be carried out under Permitted Development Rights and it was inequitable that the house owners should be penalised when the Council had resolved that it was not in the public interest to take action against the developer.

It was considered that no purpose was now served by the retention of the notices.

**Resolved** that: - the enforcement notice served on the 8 August 2011 in respect of plot 1 and plot 3 on land to the west of Bishop's Hull Road, Bishop's Hull be withdrawn.

(The meeting ended at 7.35pm)