

Planning Committee – 30 January 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, C Hill,
Miss James, Morrell, Mrs Smith, Tooze, Watson, A Wedderkopp,
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 Tracey Meadows (Corporate Support Officer)

Also present: Councillors Cavill, D Durdan and Miss K Durdan in connection with application No.14/12/0036 and Mrs A Elder, A Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

10. Apologies

Councillors Govier, Mrs M Hill and Mrs Messenger.

11. Minutes

The minutes of the meeting of the Planning Committee held on 12 December 2012 were taken and read and were signed.

12. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he would step down as Chairman of the Committee for the duration of the Amberd Lane report. The Vice-Chairman Councillor Coles took the Chair for this item. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England and Tracey Meadows (Corporate Support Officer) declared a prejudicial interest in application no. 38/12/0468 as the applicant was her daughter. She left the room during consideration of the application.

13. Residential Development at Amberd Lane, Trull

At the meeting of this Committee on 5 September 2012 the above application was considered for the residential development of land at Amberd Lane, Trull.

Following the Committee's decision to recommend approval of the application subject to the conclusion of a Section 106 (S106) Agreement, a letter was received from TLT Solicitors on behalf of a local resident. The first step in the pre-action protocol for Judicial Review of the Council's decision.

In her reply, the Legal and Democratic Services Manager had countered the various issues raised by the solicitors but an offer was also made to refer the matter back to the Committee so that the objectors concerns could be aired. The Committee could also be asked if, having considered the issues, it wished to affirm its earlier resolution to grant permission.

Following this, a meeting was held with two local residents who had since submitted a written statement of their concerns which were set out below together with the Legal Services Manager's responses:-

- 1. The Planning Officer failed to recognise that the policies of the Taunton Deane Core Strategy were pertinent to this application.**
- 2. The Planning Officer failed to acknowledge that the proposal was not in accord with the policies of the development plan.**

In the Committee report reference was made to various policies of the Core Strategy as being relevant planning policies (DM1, DM2, SP1 and CP8). However currently there were no Small Sites Allocation Document relating to sites such as Amberd Land although the first draft was due to be published for consultation shortly but was unlikely to be adopted until 2014 at the earliest.

Paragraph 14 of the Framework made it clear that in decision making, if the development plan was absent, permission should be granted unless:-

- Any adverse impacts of doing so would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicated development should be restricted.

It was this test against which the Planning Officer judged the application and the recommendation of conditional approval reflected this.

- 3. The items sought by way of a S106 Agreement did not comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010**

The Committee was informed by both the report and verbally at the meeting that some of the obligations offered by the developer were in excess of the standard requirements of the authority which would accord with the CIL Regulations.

However, it had been made very clear to Members that they should not allow additional obligations to sway their judgment on the application and there was no evidence of this.

4. Other administrative shortcomings

Reported that it was accepted that although the Environment Agency had been consulted, they had not responded. They had again been consulted and any response received would be reported to Members.

There was no evidence that undue weight was given by the Committee to the views of Trull Parish Council, and representations made at the meeting last September had made it clear that objectors considered that the Parish Council had been unduly swayed by the proposed benefits for the community

In view of the Legal Services Manager, it was not considered that any issues raised by the objector were sufficient to affect the validity of the decision reached at the meeting on the 5 September 2012.

Resolved that having considered the issues raised by the objector, the earlier decision of the Planning Committee in relation to application No 42/12/0013, be endorsed.

14. 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:-

38/12/0468

Erection of two storey extension to front 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 plans:-

- (A3) DrNo 07 Proposed Floor Plans and Elevations
- (A3) DrNo 06 Existing Floor Plans 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 had worked in a positive and pro-active way and had granted planning permission).

Reason for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

30/12/0048

Change of use of covered part of store to plumbers store and office at Fosgrove Lane, Pitminster

Conditions

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

(A1) DrNo 4234/12 Site Plan

- (c) 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. Such provision shall be installed before the change of use and thereafter maintained at all times.
- (d) 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 change of use of the storage use to any other purpose, including within use B1, shall occur without the further grant of planning permission.

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

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission.
- (ii) If new water supply connections are required from Wessex Water to serve this development information can be obtained from the water company.
- (iii) As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRCA) regarding on-site sewage disposal and septic tank systems. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.

Reasons for granting planning permission:-

The proposed use of the building as a plumbers store and office would utilise an existing building in the countryside, which requires minimal alteration to convert it to the intended use. The proposal was not considered to have a

detrimental impact on the rural character of the surrounding landscape or material harm on the residential amenities of nearby properties. Whilst the proposal would have some impact on traffic flows, the County Highways Authority had raise no objection and it was not considered that the proposal would result in detriment to highway safety that would warrant refusal of the application. As such, the proposal was in accordance with the provisions of Policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of Taunton Deane Core Strategy and the relevant sections of the National Planning Policy Framework.

30/12/0046

Variation of condition No. 6 of application 30/02/0013 to site an additional 2 No. mobile homes and 1 No. touring caravan for family members at Fosgrove Paddock, Fosgrove Lane, Pitminster.

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The site shall be occupied by a single gypsy family group as set out under the current submission.
- (c) No trade or business or storage of goods or materials in connection with any trade or business shall take place at the site.
- (d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting the Order), the design, siting and external appearance of any ancillary building or structure, whether or not required by the conditions of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 (revised 1997) shall be approved by the Local Planning Authority before such building or structure is erected or placed on the land.
- (e) No more than one commercial vehicle shall be parked at the site at any one time.
- (f) No caravans or mobile homes other than those hereby approved shall be sited on the land at any time without the prior written approval of the Local Planning Authority.

(Notes to Applicant: -

- (i) 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.
- (ii) You are advised that the boundary hedges should be allowed to grow and be maintained at 2m or above.

Reason for granting planning permission:-

The proposal for two additional mobile homes and a touring caravan for family members is considered not to have a detrimental impact upon visual or

residential amenity and was therefore considered acceptable given the lack of suitable alternative sites and, accordingly was considered in line with the NPPF 'Planning policy for traveller sites' and did not conflict with Policy DM1 (General Requirements) and Policy DM3 (Gypsy and Traveller sites of the Taunton Deane Core Strategy).

27/12/0024/REX

Erection of a Horticultural Nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/09/0020/REX)

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 Proposed access – 18274/001/SK01A
 - (A3) DrNo Street Scene – HLCM/10B
 - (A3) DrNo Ground Floor Plan – HLCM/08B
 - (A3) DrNo Side Elevation (West) – HLCM/07B
 - (A3) DrNo Side Elevation (East) – HLCM/06B
 - (A3) Rear Elevation (South) – HLCM/05B
 - (A3) Front Elevation (North) – HLCM/04B
 - (A4) Site Location Plan – HLCM/01
- (c) Before the commencement of any works hereby permitted, details or samples of the material to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a scheme of planting trees, shrubs and hedges, 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 to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme

shall be completely implemented before the development hereby permitted is occupied.

- (f) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use.
- (g) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge.
- (h) The existing access shall be permanently closed within one month of the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced.
- (i) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained at this height and in accordance with drawing 18274/001/sk01/A
- (j) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority.
- (k) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway.
- (l) Three months prior to commencement of works on site, a full up to date wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. The report shall include
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
 3. 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 wildlife shall be permanently maintained.
- (m) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning

Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

- (n) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority.
- (o) The development hereby approved shall be used for nursery/horticultural purposes only as described in the applicants' e-mail dated 29th September 2006.
- (p) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved unless an application for planning permission is first submitted to, and approved by, the Local Planning Authority.

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

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.

(ii) You are advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991).

(iii) you are advised by the County Rights of Way Group that:-

- The proposed works must not encroach onto the width of the footpath.
- The health and safety of walkers must be taken into account during works to carry out the proposed development.
- Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard for pedestrians.
- Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal.
- If the development made the public right of way less convenient for continued public use, required changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

(iv) Applicant was also advised of the following by the Nature Conservation Officer:-

1. The condition relating to wildlife requires the submission of information to protect and accommodate wildlife. The Local Planning Authority will expect to see a detailed wildlife survey and a method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

2. 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.

Reason for granting planning permission:-

There has been no significant change in policy guidance or material considerations since the previous permission was granted in November 2009, under reference 27/09/0020. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable and accorded with Policy 5 of the Somerset and Exmoor National park Joint Structure Plan Review, policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of the Taunton Deane Core Strategy.

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

42/12/0058

Erection of dwelling in rear garden and formation of new access at Ashridge, Honiton Road, Trull

Reasons

The proposal for this rear garden would result in a cramped form of single storey development out of keeping with and detrimental to the character of the area and contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2028.

15. Outline application for residential development of 35 No houses, Scout Hut, recreational open space and associated works at land south of Hyde Lane, Creech St Michael (14/12/0036)

Reported this application

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

- 25% Affordable Housing provision on site,
- Contribution of £85,799 towards primary education,
- Contribution of £92,345 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £2668 per dwelling towards the provision of children's play facilities,
- Contribution of £194 per dwelling for allotments or a reduction thereof if there is a partial provision made on site,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- provision of maintenance of the open space and flood attenuation area

- a contribution of £35,000 (or £1000 per plot) for the provision of a footway link to the secondary school,
- provision of footway link to Hollinsworth Park and the M5 bridge and
- Green Travel Plan measures

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (b) 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.
- (c) 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 buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (d)
 - (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.
- (e) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted

to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should 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 also include:-

- details of which areas drain to which attenuation facility and the associated volumes projected ; and
- details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- (f) 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 the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the submitted Sunflower international Ecological Consultancy's Ecological Mitigation report dated January 2012 and includes:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
3. 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 wildlife 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.

- (g) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not be detrimental to the amenity of the occupants of the premises on the completed development. The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

- (h) Proposals for the boundary treatment for the site adjacent to the M5 shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Highways Agency, and then implemented prior to occupation of any development.
- (i) Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.
- (j) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed.
- (k) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (l) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times.
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle 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.
- (o) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

- (p) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including a connection with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.

(ii) 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 the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

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.

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.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

(iii) Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel L_{Amax} applies in all bedrooms during the night (2300h to 0700h).

Reason for outline planning permission, if granted:-

The proposed development of up to 35 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal was in accordance with the provisions of Policies SD1 and SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy C4 of the Local Plan.

16. E/0172/17/12 – Occupied mobile home at Pond Cottage, Fitzhead Road, Fitzhead

Reported that it has come to the attention of the Council that a mobile home was being occupied without any special justification on land at Pond Cottage, Fitzhead Road, Fitzhead.

The site was in open countryside and accessed via a track from the main access to Pond Cottage. Although the occupants were related to the owners of the land, the mobile home was no longer being used as ancillary accommodation to Pond Cottage. Therefore it was considered that a change of use had occurred which required planning permission.

Resolved that:-

- (1) Enforcement action be authorised seeking the cessation of the occupation of the mobile home as a separate unit of accommodation, on land at Pond Cottage Fitzhead Road, Fitzhead.
- (2) Any enforcement notice served should have a six month compliance period for the occupants to find alternative accommodation; and
- (3) subject to being satisfied with the evidence, the Solicitor to the Council instigate legal proceedings.

17. E/0072/38/10 – Untidy site at 18 Hoveland Lane, Taunton

Reported that it has come to the attention of the Council that a residence in Hoveland Lane had become extremely untidy. A Notice under Section 215 of the Town and Country Planning Act 1990 requiring the gardens to be tidied and the fabric of the dwelling repaired had therefore been recommended.

The matter had been previously discussed with the owner and it was decided in the first instance to draw up a schedule of urgent works to be carried out in order to avoid the notice being served. A commencement was made but unfortunately the work was not completed.

The condition of the garden and dwelling had since been allowed to deteriorate further to a point where the adjoining property had had to engage professionals to deal with the infestation of vermin. The condition of the site was now so poor that the service of a Section 215 Notice was the only option available to the Local Planning Authority to secure the improvements needed so as not to be detrimental to the visual amenities of the neighbouring property and surrounding area.

Resolved that: - (a) the Solicitor to the Council be authorised to serve a Notice under Section 215 of the Town and Country Planning Act 1990, requiring;

- (1) The overgrown vegetation to be removed from the front garden area and the garden to be left in a tidy condition;
 - (2) The plastic bags partially filled with rubbish to be removed from the driveway and porch and;
 - (3) Repairs to be carried out to the fabric of the dwelling to prevent further deterioration which would detract further from the visual amenities of the area;
- (b) Any notice served should have a 4 month compliance period;
And;
- (c) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

18. E/0008/30/13 – Unauthorised change of use of land for siting of two touring caravans on land known as Gypsy Platt, Leigh Hill, Nr Burnworthy

Reported that it has come to the attention of the Council that land known as Gypsy Platt, Leigh Hill, Nr Burnworthy was being used to site two caravans which were being used for residential occupation.

The caravans were sited in an isolated area that was not well related to existing built structures and would be clearly visible from the adjacent lane. It was therefore stark and prominent in appearance, resulting in detriment to the landscape character and rural beauty of the Blackdown Hills Area of Outstanding Natural Beauty.

Resolved that:-

- (1) Enforcement action be authorised to secure the removal of the two caravans and cease residential occupation of the site at Gypsy Platt, Leigh Hill, Nr Burnworthy.
- (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.

19. E/0135/38/12 – Unauthorised use of property for sales of Motor Vehicles at 10 Fullands Road, Taunton

Reported that an Enforcement Notice had been issued on 4 December 2012 to stop the sale of motor vehicles from 10 Fullands Road, Taunton which had been taking place without planning permission.

The owner had now acquired commercial premises in Taunton where he now operated his car sales business.

Resolved that the enforcement notice be withdrawn.

20. Appeals

Reported that two appeals had been lodged, details of which were submitted.

(The meeting ended at 9.10pm)