

## **Planning Committee – 20 March 2013**

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

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Corporate Support Officer)

Also present: Councillor Mrs Herbert in connection with agenda No. 10, Councillor Mrs Warmington in connection with application No. 13/12/0009 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **30. Apologies/Substitution**

Apologies : Councillors Denington and Miss James.

Substitution : Councillor Horsley for Councillor Miss James.

### **31. Minutes**

The minutes of the meeting of the Planning Committee held on 27 February 2013 were taken and read and were signed.

### **32. Declarations of Interest**

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Govier also declared that application No 43/12/0130 had been considered at a Wellington Town Council he had attended. He had not 'fettered his discretion'. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillors Nottrodt and Watson declared that application No 13/12/0009 had been considered at a meeting of the Bishops Lydeard and Cothelstone Parish Council which they had attended. Neither had 'fettered their discretion'. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England.

### **33. 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 **outline planning permission be granted** for the under-mentioned development:-

**14/12/0032**

**Outline application for the erection of a bungalow in the garden of 8 Heathfield Close, Creech St Michael (amended)**

**Conditions**

- (a) Approval of the details of the layout, scale, appearance, access 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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo VPH-Trott-001 Elevations/Floor Plans;
  - (A3) DrNo VPH-Trott-002/003 site plan dated 27-02-13 received on 07/03/13;
  - (A4) Block Plan; and
  - (A4) Plan No. 4 Location Plan with revised red line to adopted highway received on 19/03/13;
- (c) The parking and turning area shown on the submitted plan, shall be hard surfaced before the dwelling is occupied. It shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the new dwelling. This area shall be retained for parking and turning in association with the dwelling hereby permitted;
- (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 modifications, no vehicular access gates shall be erected adjacent to or within 5m of the boundary with Crown Lane without the submission of a planning application for their approval;
- (e) No site clearance works or development (or specified operations) shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority;
- (f) The dwelling shall be not occupied until works for the disposal of surface water and sewage 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) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence

1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;

- (h) The development shall provide for covered and secure storage facilities for cycles, details of which shall be indicated on the plans submitted in accordance with condition (a) above. Such facilities shall be provided prior to the occupation of the new dwelling and shall thereafter be retained for those purposes;
- (h) 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;
- (j) Further to the reference to landscaping in condition (a) above, for the avoidance of doubt:- (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;
- (k) 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, garage(s), loft conversions, rooflights, windows on the northern elevation other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) In respect of connections, applicant was advised to contact Wessex Water for both water supply and waste water. Separate systems of drainage will be required to serve the proposal. No surface water connections will be permitted to the foul sewer system; (3) Applicant was advised that if the surface water was to discharge to a soakaway, this should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application

site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property; (5) Applicant was reminded that the granting of planning permission does not override the requirement to obtain consent from the respective owners of Crown Lane for access and use of that Lane; (6) Somerset County Council (SCC) Rights of Way section advises that any proposed works must not encroach on to the width of the footpath. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. SCC has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the path resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC Rights of Way Group:-

- A Public Right of Way (PROW) being made less convenient for continued public use.
  - New furniture being needed along a PROW.
  - Changes to the surface of a PROW being needed.
  - Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would
- make a PROW less convenient for continued public use (or)
  - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided.)

#### **Reasons for granting planning permission:-**

The proposal, for a single dwelling, was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR5 (Development in Rural Centres and Villages) and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

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

**38/13/0041T**

**Application to fell one Prunus Tree included In Taunton Deane Borough (Taunton No.5) Tree Preservation Order 1991 at 4 Queens Drive, Taunton (TD523)**

## **Conditions**

- (a) The proposed work shall be completed before the expiration of two years from the date of this permission;
- (b) The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) in accordance with British Standard BS4428:(1989): 1 x *Prunus cerasifera* 'Pissardii' or 'Nigra', planted as a standard tree or larger (minimum trunk girth 8-10cm), and planted in the front garden within 5m of the felled tree. If within a period of five years from the date of planting the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted.

(Notes to applicant:- Applicant was advised of the following: 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. 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 Governments 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.)

**38/13/0027**

**Erection of single storey extension at 1 Cambridge Terrace, 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:-

(A4) DrNo 0612-02 Location Plan;

- (A4) DrNo 0612-03 Site Plan;
- (A1) DrNo 1612-01 REV A Floor Plans and Elevations; and
- (A1) DrNo 1612-01A Floor Plans and Elevations;

(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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons 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.

**13/12/0009**

**Erection of two storey rear extension at Fennington Oaks, Kingston St Mary**

(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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposed extension by reason of its scale and design details and position fails to respect the character of the existing linear dwelling and would adversely affect the visual amenity and character of the dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

**08/13/0001**

**Erection of conservatory to rear of 10 Standfast Place, Cheddon Fitzpaine**

**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) Existing and Proposed Floor Plans;
- (A3) Elevations as Existing;
- (A3) Elevations as Proposed;

- (A4) Block Plan;
- (A4) Location Plan; and
- (A4) Conservatory Details.

(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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons 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.

**34. Erection of 4 No. dwellings together with associated works (additional car parking within the vicinity including the change of use of the playing area) on land adjacent to 35 Penny Close and 72 Howard Road, Wellington (resubmission of 43/12/0072) (43/12/0130)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure a contribution of £7,770 + VAT towards the enhancement of children's play facilities at the existing Howard Road Play Area, 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 110558 L(0)01 Rev A Location Plan;
- (A3) DrNo 110558 L(0)02 Rev F Site Plan;
- (A3) DrNo 110558 L(0)11 Rev B Site A Plan;
- (A3) DrNo 110558 L(0)12 Existing Site Sections
- (A3) DrNo 110558 L(0)13 Rev B Proposed Site Elevations 1 and 2;
- (A3) DrNo 110558 L(0)101 Rev A House Type A1-2B4P;
- (A3) DrNo 110558 L(0)102A House Type B1;
- (A3) DrNo 110558 L(0)103 Rev A House Type B2-3B5P Brick;
- (A1) DrNo 110558 P(0)02 Topographical and Tree Surveys;
- (A3) DrNo 110558 L(0)21 Rev A Site B Plan;
- (A3) DrNo 110558 L(0)22 Existing Site Sections 3 and 4;
- (A3) DrNo 110558 L(0)23 Rev A Site B Proposed Side Elevations 3 and 4;

- (A3) DrNo 110558 L(0)24 Additional Parking Area Details;
- (A3) DrNo 1105-01 Landscape Proposals; and
- (A3) DrNo 1105-02 Landscape Proposals;
- (c) Prior to the commencement of any other works on site, the additional 11 parking spaces and access to them (six on the site of the former play area, three parallel to the highway at the eastern end of Penny Close and two unallocated spaces opposite plots 1 and 2) indicated on drawing L(0)02 rev F shall be provided to at least base course level and brought into use. The said parking spaces and access to them shall be fully surfaced in accordance with the drawings hereby permitted prior to the occupation of the 4th dwelling hereby permitted. The parking spaces relating to the proposed dwellings to which they will serve shall be provided and surfaced in accordance with the details hereby permitted prior to the occupation of the dwelling to which they relate unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) The landscaping/planting scheme shown on the submitted plan 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;
- (e) Only those materials specified on the plans hereby permitted shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

(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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

**Reasons for granting planning permission:-**

The proposal would provide affordable dwellings for the area without compromising car parking within the estate. Contributions to provide additional play equipment at Howard Road would enhance the play facilities for users in the area and provide superior facilities to those that would have existed on the former play area at Penny Close. The proposal was therefore considered to be acceptable in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy, Retained Policy C4 (Standards of play provision) of the Taunton Deane Local Plan, Policy 49 (Transport Requirements of New Developments) of the Taunton Deane Local Plan and advice contained in the National Planning Policy Framework.

**35. E/0168/35/12 – Conversion of store/garage to residential accommodation at The Globe Inn, Kittisford Road, Stawley, Wellington**



Reported that it had come to the attention of the Council that a former bottle store at The Globe Inn, Kittisford Road, Stawley had been converted without planning consent for use as residential accommodation.

The owner of The Globe Inn had been contacted and confirmation had been received that the store, now known as 'The Bunker', had been used for residential purposes since December 2012. The owner had also confirmed that he wished to use The Bunker as a residence for approximately four months a year and intended to submit a planning application to use the property as an occasional holiday let.

**Resolved that:-**

- (1) Enforcement action be authorised to stop the use of The Bunker, The Globe Inn, Kittisford Road, Stawley as a separate unit of accommodation;
- (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.

**36. E/0206/10/12 – Unauthorised occupation of mobile home at Ivylen, Stapley Road, Biscombe, Churchstanton**

Reported that it had come to the attention of the Council that a mobile home that had been sited for many years on land at Ivylen, Stapley Road, Biscombe, Churchstanton was currently being used as a separate unit of accommodation.

The owners of the of the property Ivylen, had been contacted and had confirmed that the mobile home had, in the past, been used by their children as overflow accommodation as the main house was rather small. However, in September 2012 they had allowed a family friend to make use of the mobile home pending a move to alternative accommodation.

The occupier of the mobile home currently helped with aspects of the business being operated from the main property and also took some meals with the family. Despite this, it was considered that the mobile home was being used as a separate unit of accommodation without the necessary planning consent.

**Resolved that:-**

- (1) Enforcement action be authorised to secure the cessation of the residential occupation of the mobile home sited on land at Ivylen, Stapley Road, Biscombe, Churchstanton;
- (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.

**37. 38/12/0265 – Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton**

Reference Minute No. 5/2013, reported that conditional approval had previously been granted for this development subject to a Section 106 Agreement being agreed to secure leisure and recreation financial contributions as well as allotment and community hall contributions.

The developers, Gadd Properties Limited, had approached the Council stating that there would be logistical complications in arranging for all seven separate landowners to sign the proposed Section 106 Agreement which was likely to put back the development by many weeks. Gadds had therefore suggested that the proposed S106 Agreement be substituted with an agreement in the form of the draft submitted with the report. It was considered that the Council would not be disadvantaged by this course of action.

Further reported that in connection with this proposed development, two additional items had arisen which needed further consideration by Members:-

- It had been suggested that Members might have been misadvised regarding the potential ultimate height of the Prunus Avium trees which were intended to replace the trees covered by a Tree Preservation Order (TPO); and
- As part of the site clearance, one of the three TPO Cherry trees had been felled and the others pruned without any express grant of any planning consent.

With regard to the first issue, the Landscape Lead had indicated that on such a site as this one, it was likely that the mature height for a Prunus Avium was likely to be 10-15 m and that they were sufficiently far away from the dwellings not to cause a problem in the future.

However, Members thought that different replacement trees ought to be agreed with the developer through the landscape condition, although the minimum height of such trees needed to be 4 m.

As to the felling of a TPO tree, this had been identified as being largely dead in the original tree survey. If this was the case, no permission to remove it would have been needed. The Landscape Lead would be investigating this matter further together with the alleged unauthorised works undertaken in respect of the other Cherry trees.

**Resolved that:-**

- (1) The proposed replacement trees – to be a minimum height of 4 m – be agreed with Gadd Properties Limited by the Landscape Lead through the landscaping condition imposed by the Committee at its meeting on 9 January 2013;
- (2) The proposed Section 106 Agreement to secure leisure and recreation financial contributions as well as allotment and community hall financial contributions be substituted by an Agreement in the form of the draft submitted with the Legal Services Manager's report, between the Council and Gadd Properties Limited to secure similar financial contributions; and
- (3) It be agreed that any decision relating to the potential breach of the Tree Preservation Order in relation to the three Cherry trees be deferred to allow the Landscape Lead to make further enquiries with a report to be submitted to the next meeting of the Committee.

**38. E/0181/46/10 – Alebar Farm, Bussels Farm Lane, Blackmoor, West Buckland**

Reference Minute No 28/2011, reported that an enforcement notice had been served on the owners of Alebar Farm, Bussels Farm Lane, Blackmoor, West Buckland seeking the cessation of the occupation of the mobile home situated on the land by 1 August 2012.

Negotiations with the owner of the land had continued after the service of the notice in an attempt to resolve the situation.

Promises had been given over recent months that an application for planning permission would be submitted with supporting evidence that the mobile home was required in conjunction with the care of animals on the farm. However, no such application had been received.

As a result, a prosecution file had been prepared to take action over the non-compliance with the enforcement notice which was due to be heard on 22 March 2013.

Further reported that the owner of the land had recently contacted the Council to say that she had purchased a farm in Cornwall and would be vacating Alebar Farm towards the end of June 2013.

**Resolved** that the prosecution action scheduled for 22 March 2013 be deferred in order to allow the owner of Alebar Farm, Bussels Lane, Blackmoor, West Buckland to relocate, as confirmed. Should this not occur, the prosecution action would be continued.

**39. Appeals**

Reported that two appeal decisions had been received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 7.49 pm.)