

## Planning Committee – 10 April 2013

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, C Hill, Mrs Hill,  
Miss James, Morrell, Mrs Smith, 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), Judith  
Jackson (Legal Services Manager), Maria Casey (Planning and  
Litigation Solicitor) and Emma Hill (Corporate Support Officer)

Also present: Councillors D Durdan and Miss K Durdan in connection with  
application No 14/12/0015 and Mrs A Elder, a Co-opted Member of the  
Standards Committee.

(The meeting commenced at 5.00 pm)

### 40. Apology

Councillor A Govier.

### 41. Minutes

The minutes of the meeting of the Planning Committee held on 20 March  
2013 were taken and read and were signed.

### 42. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of  
Somerset County Council. Councillor Nottrodt declared personal interests as  
a Director of Southwest One and that he knew one of the members of the  
public who had made representations in respect of application No 14/12/0015.  
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. Councillors Watson declared that application  
No 06/13/0001 had been considered at a meeting of the Bishops Lydeard and  
Cothelstone Parish Council which he had attended. He had not 'fettered his  
discretion'.

### 43. 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  
development:-

**38/13/0074****Replacement of conservatory with the erection of a single storey extension to the side of 25 Batts Park, 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 3412\_01 Existing and Proposed Floor Plans and Elevations;
- (A4) DrNo 3412\_02 Location Plan;
- (A4) DrNo 3412\_03 Site 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 granted planning permission.)

**Reasons for granting planning permission:-**

The proposed extension had been designed to reflect the style of the existing property and did not appear dominating to it. It was not deemed to cause harm to the appearance of the street scene and would have no impact on highway safety or to the residential amenities of the occupiers of neighbouring properties. As such, 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.

**48/13/0010****Erection of wooden carport at Greystones, Goosenford, 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:-

- (A4) Side View;
- (A4) Side Elevation;
- (A4) Layout Plan;
- (A4) 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 granted planning permission.)

## **Reasons 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 Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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

**14/12/0015**

**Change of use of land to site 5 No. mobile homes and 5 No. touring caravans with the conversion of stables to a utility block at Lapthorn, Adsborough**

### **Reasons**

- (a) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of the Taunton Deane Core Strategy (adopted 11/09/12) since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety;
- (b) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12) since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety;
- (c) The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12);
- (d) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

(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 looked for solutions to enable the grant of planning permission. However, in this case the applicant was unable to satisfy the key policy test in relation to highway safety and as such the application has been refused.)

**49/13/0004**

**Outline application with all matters reserved for the erection of a dwelling in the garden of Dene View, West Road, Wiveliscombe**

**Reasons**

- (a) The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 49 and Taunton Deane Core Strategy Policies SP1, CP4, CP6, DM1 and DM2 together with guidance contained within the National Planning Policy Framework;
- (b) The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan and Taunton Deane Core Strategy Policies DM1, DM2 and CP8 together with guidance set out within the National Planning Policy Framework;
- (c) The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal would therefore be contrary to Policy 49 of Somerset and Exmoor National Park Joint Structure Plan Review;
- (c) The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore contrary to the requirements of Policy 49 of the Structure Plan and Policies DM1 and CP6 of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.)

- 44. Outline planning application (with all matters reserved) for the erection of 10 No dwellings on The Paddock, Taunton Road, Bishops Lydeard (06/13/0001)**

Reported this application.

**Resolved** that subject to the applicant entering into a Section 106 Agreement to secure the provision of:-

- (i) 25% affordable housing provision. 1 social rented; 1 intermediate housing.
- (ii) Contributions of £2,688 for each 2+ bed dwelling to provide children's play.
- (iii) Contributions of £1,454 for each dwelling towards the provision of facilities for active recreation;
- (iv) Contributions of £194 per dwelling for allotment provision; and
- (v) Contributions of £1,118 per dwelling towards local community hall facilities in Bishops Lydeard,

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) 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 layout and alignment, gradient, widths and levels of the proposed road, road junctions, and points of access, visibility splays, footpaths, turning spaces, street lighting and drainage shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, in accordance with the approved details.
- (c) (i) The landscaping scheme that shall be submitted to and approved as part of a reserved matters application 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. (ii) 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) A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted with any reserved matters application seeking approval of layout. The agreed boundary treatments

shall be completed before any dwelling hereby permitted is first occupied and thereafter shall be so maintained;

- (e) 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 ;
  - 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) 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;
- (g) 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 gate fence wall or other means of enclosure shall be erected on the site beyond the forward-most part of the dwelling house(s) or of the exposed flank wall of any corner dwelling, other than that expressly authorised by this permission, without the further grant of planning permission;
- (h) There shall be no vehicular access to the site from Brendons 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) Applicant was advised that where works have to be undertaken on or adjoining the public highway a Section 50 New Roads and Street Works Act 1991 licence will be required. These are obtainable from the County Highway Authority; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway; (4) Applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways

Act 1980, will be subject to the Advance Payments Code (APC). Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Street Works Code; (5) Applicant was advised to agree a point of connection to the foul sewerage network with Wessex Water; (6) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development; (7) Applicant was advised to note 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; (8) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

**45. E/0122/42/12 – Unauthorised business running from Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton**

Reported that it had come to the attention of the Council that a site comprising old farm buildings and a yard at Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton was being used without planning permission in connection with a wood chipping business, together with the storage and distribution of wood products connected with the business.

The owner of the land had been contacted who had indicated that a planning application to regularise the situation would be submitted. Subsequently, an application for a Certificate of Lawfulness was submitted claiming the use of the land had begun more than 10 years ago and was therefore immune from enforcement action.

The Legal Services Manager had considered this application and had concluded that on the balance of probabilities, the claimed use of the land had not been continuous for a period of ten years.

**Resolved that:-**

- (1) Enforcement action be authorised to secure the cessation of the wood chipping business being operated from the site at Farthings Farm, Lipe Hill Lane, Comeytrowe, Taunton and any machinery used in association with that function;
- (2) Any enforcement notice served should have a two 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.

**46. 38/12/0265 – Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton**

Reference Minute Nos. 5 and 36/2013, reported that the Landscape Support Officer inspected the work that had been undertaken to the three Cherry trees covered by a Tree Preservation Order on this development site.

The inspection had revealed that one of the Cherry trees had been felled and the other two had had branches removed.

Reported that the tree survey by JP Associates, dated November 2012, stated that all three trees were in moribund condition and would be recorded as category U trees under the BS5837 criteria. These were trees that were 'unsuitable for retention beyond the short term and should normally be removed as part of any development proposals'.

The tree that had been felled was mostly dead with some of the main limbs having already collapsed. Although no evidence of the branches that had been pruned from the other two trees was seen, they were likely to have been dead or decayed, as the trees were generally in poor condition with evidence of basal decay and weeping.

Under the revised Tree Preservation Order legislation that came into force last year, it was now a requirement that five days notice had to be given to the Local Planning Authority before dead or dangerous trees or branches were removed, unless urgency dictated immediate action. No such notice in respect of the Cherry trees was received.

Based on the above comments above and the recent decision of the Planning Committee to grant permission for the removal of the trees, it was not considered expedient to take any further action. Replacement trees would be secured by the planning permission and therefore any prosecution action would not secure any further mitigation.

Members expressed concern that neither the developer nor the tree surgeon had given the required five day notice and requested the Landscape Lead to send an appropriate letter seeking confirmation that notice would be given to the Council in similar circumstances in the future.

**Resolved** that other than sending letters to the developer and the tree surgeon concerned, along the lines indicated above, no further action be taken.

**47. Appeals**

Reported that two new appeals had been lodged and one appeal decision received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.20 pm.)