

Planning Committee – 17 July 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Mrs Gaden,
Gaines, C Hill, Mrs Hill, Miss James, Mrs Smith, Tooze, Watson,
A Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), John Burton (Major Applications Co-ordinator), Gareth Clifford (Area Co-ordinator East), Maria Casey (Planning and Litigation Solicitor), Roy Pinney (Legal Services Manager) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Gill Slattery and Stone in connection with application No 24/13/0024LB and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

86. Apology

Councillor D Wedderkopp.

87. Minutes

The minutes of the meetings of the Planning Committee held on the 22 May 2013, 5 June 2013 and 26 June 2013 were all taken and read and were signed.

88. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles and A Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. All Councillors declared that they had received correspondence from the applicant for application No 24/13/0024LB.

89. 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:-

46/13/0007

Erection of an agricultural workers dwelling to replace mobile home and erection of a plant store, grading, packing and seed store at Gerbestone Manor Farm, Gerbestone Lane, West Buckland (as amended)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A1) DrNo 13/40 Proposed Site Layout Plan;
 - (A1) DrNo 13/41A Plans and Elevations as Proposed;
 - (A1) DrNo 13/42B Plans and Elevations as Proposed;
 - (A3) DrNo 13/50 Proposed Site Location;
- (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) Prior to their application details/samples of the materials to be used in the construction of the external surfaces and roof of the development hereby permitted shall be 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.
- (e) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (f) 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), there shall be no extension, addition or other alteration to the dwelling house hereby permitted without the further grant of planning permission;

- (g) The plant, machinery, sampling and grading store hereby permitted shall be used solely for agricultural purposes in association with the free range chicken unit at Gerbestone Manor Farm, and shall not at any time provide habitable residential accommodation without the further grant of planning permission;
- (h) The access, driveway and areas for parking and turning shall be hard surfaced before the dwelling is first 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 Gerbestone Manor Farm;
- (i) Before development commences (including site clearance and any other preparatory works), a scheme for the protection of trees being retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (j) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of 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 proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) 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; Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations; (v) You are advised of the need to obtain the Environment Agency's Consent to Discharge to an underground strata in association with the proposed septic tank; (vi) The protective fencing referred to at Condition 09 of this permission should be as specified at Chapter 9 and detailed in figure 2 and 3 of BS5837:2005.)

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

24/13/0024 LB

Erection of storm porch to rear of Manor Court Farm, Huntham, North Curry

Reason

The proposed extension, by reason of its design and location, would disrupt the appearance and harm the significance of the listed building and is contrary to Policy CP8 of Taunton Deane Core Strategy, and in guidance is Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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 entered into pre-application discussions 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.)

- 90. E/0055/06/13 – Caravan and mobile home on site after expiry of temporary planning permission at Mill Field, Minehead Road, Bishops Lydeard**

Reported that an enforcement notice had been served in 2008 in respect of the unauthorised change of use of land know as Mill Field, Minehead Road, Bishops Lydeard for the stationing of an agricultural worker's mobile home.

Although an appeal against the service of the notice was dismissed a subsequent planning application to retain the mobile home in connection with game bird and pheasant rearing on the site was approved in May 2009 with a condition restricting the permission to a three year period.

A further application was submitted for a permanent agricultural worker's dwelling on the land at Mill Field but this was refused in October 2012.

Reported that permission to use the mobile home in connection with the rearing of birds had expired on 12 May 2012 and to date no renewal of that application had been received and the mobile home together with a touring caravan remained on the land.

In the view of the Growth and Development Manager there was no longer a functional need for the mobile home as evidence of activities over the preceding years had indicated that the game bird rearing work was not full time and could not be considered to require an on site presence 'at most times'.

Resolved that:-

- (1) Enforcement action be authorised requiring the residential use of the mobile home to cease and its removal from the Land at Mill Field. Minehead Road, Bishops Lydeard together with the removal of the touring caravan;
- (2) Any enforcement notice served should have a three 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.

91. Appeals

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

(The meeting ended at 6.50 pm.)