

Planning Committee – 11 December 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Gaines, C Hill, Mrs Hill,
Morrell, Mrs Reed, A Wedderkopp, D Wedderkopp and Wren

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

Also present: Councillor Stone for application No 24/13/0048.
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

144. Apologies/Substitution

Apologies: Councillors Miss James, Tooze and Watson

Substitution: Councillor Mrs Reed for Councillor Watson

145. Minutes

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

146. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Bishop declared that he had attended an Oake Parish Council meeting where application No 27/13/0017 was discussed. He felt that he had not 'fettered' his discretion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. She also declared a personal interest in application No 27/13/0017 as she had used the Cattery. Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England.

147. 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:-

25/13/0028

Erection of single storey rear extension at Shippon Barn, Norton Fitzwarren (amended scheme to 25/13/0016)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 01 Elevation and Block Plan;
 - (A3) DrNo 02 Floor Plans;
 - (A4) Location Plan;
 - (A4) existing Side Elevations;
- (c) The first floor Juliet balcony railing shall hereafter be retained as such;
- (d) The materials to be used in the construction of the external surfaces of the building 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 had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

29/12/0015

Change of use of land to site a temporary agricultural workers mobile home with hardstanding and associated works and renovation/formation of traditional stone barn at Feltham Park Farm, Corfe (part retention of works already undertaken, resubmission of 29/12/0004) (as amended)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 211/L1G Location Plan received 31 January 2013;
 - (A3) DrNo 211/L2P Site Layout;
 - (A3) DrNo 211/G4 Details Refurbished Existing Barn;
- (b) (i) Within one month of the date of the decision, 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;

- (c) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 31 December 2015.

(Note 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) Soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (iii) The arrangements for foul water disposal allow for discharge from a private treatment plant. This will require discharge consent granted through the Environment Agency; (iv) 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 (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems; (v) The proposed gating of the Public Right of Way to the south of the site is not within the red or blue line area and permission to alter the furniture on it would require permission from the landowner and Somerset County Council; (vi) The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers". It is recommended that any animal/equine waste is taken to a sealed system. There must be no release of liquid waste to controlled waters. Storage should be no closer than 10m of any surface water or 50m from any water supply sources; (vii) The applicant should be aware that the permission for a mobile home relates to a structure that falls within the definition of a caravan under the Caravan Sites and Control Of Development Act 1960. As such, the applicant can site a mobile home of his choice in terms of size and design, provided it falls within the above definition.)

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

24/13/0048

Outline application with all matters reserved for a residential development for 20 dwellings and associated public open space and allotments at land to the north west of Overlands, North Curry (amended scheme to 24/13/0032)

Reasons

- (1) The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies CP8, SP1 and DM2 of the Taunton Deane Core Strategy.

The Council's Preferred Options as part of its Site Allocations and Development Management Plan are still out at public consultation. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

- (2) The proposal does not provide a suitable means for securing the appropriate affordable housing, community/leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.
- (3) The applicant cannot demonstrate that there would be a legal and achievable link from the proposed development through either Canterbury Drive or Nine Acre Lane, and in the absence of this, the site remains remote from the village facilities, increasing the likelihood of car usage, making the site unsustainable, and therefore contrary to the National Planning Policy Framework and objective 1 and 6 and Policies SD1, CP6, CP8, SP1 and SP4 of the Taunton Deane Adopted Core Strategy.
- (4) In accordance with the National Playing Fields Association standards for play provision to meet the needs of the development, a children's play area should exist no further than 400 m away from the development. The existing parish play area and the shortest walking route to it as proposed by this development would greatly exceed this standard. On this basis the site should provide a Locally Equipped Area for Play (LEAP) of at least 400 sq. m. The application makes no such on-site provision for children's play. Therefore, the proposal is contrary to retained Local Plan Policy C4, which seeks the provision for play and active recreation for the future residents on development schemes.

(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 with the applicant and had looked 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 had been refused.)

27/13/0017

Change of use of agricultural land with erection of buildings to form Boarding Kennels and isolation unit, with replacement access and driveway at Fiveoak Boarding, Hillfarrance, Oake

Reason

It has not been satisfactory demonstrated that the proposed development will not give rise to noise disturbance to nearby residential properties , to the detriment of their amenity, contrary to Policy DM1.

148. Erection of 4 No two bedroomed dwellings and 1 No garage on Land at Bacon Drive, Taunton (resubmission of 38/13/0370) (38/13/0438)

Reported this application.

Resolved that subject to the receipt of no further representations raising new issues by 16 December 2013, the Growth and Development Manger be authorised to determine the application in consultation with the Chairman/Vice Chairman and, if planning permission was granted, the following conditions be imposed:-

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 3237/003 Rev A Location Plan
- (A3) DrNo 3237/008 Rev a Proposed Floor Plans
- (A3) DrNo 3237/011 Proposed Garage
- (A3) DrNo 3237/010 Rev A Site and Roof Plan
- (A3) DrNo 3237/007 Rev G Site Layout
- (A3) DrNo 3237/006 rev B Proposed Elevations
- (A1) DrNo 13.220/005 Rev B Drainage Strategy
- (A1) DrNo Digital Survey Plan

(c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local

Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

- (d) (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) Before any part of the development hereby permitted 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) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be 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 BS 5837:2012. Such fencing shall be erected prior to commencement of 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 activity whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (g) 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;
- (h) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works shall be hand dug and no roots larger than 200mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery;
- (i) The applicant shall undertake all the recommendations made in Green Ecology's Preliminary Ecological Appraisal report dated June 2013 and

provide mitigation for birds as recommended. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (j) The development shall provide for bin and cycle storage facilities, details of which shall be submitted to, and agreed in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (k) Details of the means of disposal of surface water from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development and thereafter carried out as agreed.

(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) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant was advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Deane Area. Application for such a permit should be made at least four weeks before access works are intended to commence.)

149. Appeals

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

150. Exclusion of the Press and Public

Resolved that the Press and Public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

151. Schedule of Alleged Contraventions up to 30 September 2013

Reported details of the Schedule of Alleged Contraventions for the second quarter of 2013/2014. The Schedule provided details of the following information:-

- (1) Cases that were under investigation at the end of Quarter 2 (July, August, September) 2013;
- (2) Cases that were closed during Quarter 2 (July, August, September) 2013;
- (3) Cases where formal enforcement action had been authorised with an update to the current situation as at the end of Quarter 2 (July, August, September) 2013.

Resolved that the report be noted.

(The meeting ended at 9.00 pm.)