

## **Planning Committee – 15 October 2014**

Present: - Councillor Nottrodt (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Allgrove, Denington, Gaines, Mrs Hill, Watson,  
Ms Webber, A Wedderkopp, D Wedderkopp and Wren

Officers: - John Burton (Major Applications Co-Ordinator), Matthew Bale  
(Development Management Lead), Tim Burton (Director Planning and  
Development), Roy Pinney (Legal Services Manager), Maria Casey  
(Planning and Litigation Solicitor) and Tracey Meadows (Corporate  
Support Officer)

Also present: Councillor Cavill in connection with application No 46/14/0028;  
Councillor Hall in connection with application No 38/14/0309;  
Ian Timms and David Evans in connection with application No  
46/14/0028 and Mrs A Elder, a Co-opted Member of the Standards  
Committee.

(The meeting commenced at 5.00 pm)

### **98. Apologies/Substitutions**

Apologies : Councillors Bishop, Bowrah and Miss James

Substitutions : Councillor Denington for Councillor Bishop and Councillor  
Ms Webber for Councillor Bowrah

### **99. Minutes**

The minutes of the Planning Committee meeting held on the 24 September  
2014 were taken as read and were signed.

### **100. Declarations of Interest**

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal  
interests as Members of Somerset County Council. Councillor A Wedderkopp  
also declared that application No 38/14/0309 was in his ward. He declared  
that he had not “fettered his discretion”. Councillor Nottrodt declared a  
personal interest as a Director of Southwest One. Councillor Gaines declared  
that he had attended a public meeting where application No 09/14/0016 had  
been discussed. He declared that he would not take part in the discussion of  
this urgent update report. Councillor Wren declared a personal interest as he  
was Clerk to Milverton Parish Council. He also declared that he had had  
correspondence in connection with application Nos 27/14/0019 and  
46/14/0028 and declared that he had not “fettered his discretion”.

## 101. Applications for Planning Permission

The Committee received the report of the Development Management Lead 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:-

**46/14/0028**

**Change of use of land from horticulture to storage of scaffolding poles and related materials, erection of an office/workshop building and variation of condition No. 8 of planning application 46/93/0004 to allow occupation of agricultural workers dwelling by persons connected with scaffolding business at Oaklee Cottage, Haywards Lane, West Buckland**

### Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo 2113-PL-01 Area & Location Plan;
  - (A2) DrNo 2113-PL-02 Roof/Block Plan;
  - (A3) DrNo 2113-PL-03 Proposed Elevations & Floor Plan;
  - (A3) DrNo 2113-PP-04 Cross Sections;
- (b) The occupation of the dwelling known as Oaklee Cottage shall be limited to a person or persons connected with the scaffolding business hereby approved only, or by a person solely or mainly working, or last working in the locality in agriculture, as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a dependent of such a person residing with him or her, or widow or widower of such a person;
- (c) Before any of the uses hereby approved are begun or operated, a Travel Plan Statement shall have been submitted to, and approved by the Local Planning Authority;
- (d) The training use and the building which is proposed to provide for that use, shall be entirely ancillary to the scaffolding business, and shall not be used by any other business or organisation unless the express consent of the Local Planning Authority has first been obtained;
- (e) No development shall take place until details of the materials to be used in the construction of the external surfaces of the new office and workshop building hereby approved 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;

- (f) No external lighting shall be placed or used at the site unless details of the external lighting have first been submitted to, and approved by the Local Planning Authority. Any such lighting scheme that may be approved shall be implemented in strict accordance with the approved details and thereafter maintained as such;

(Notes to applicant:- (i) 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; (ii) 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; (iii) Applicant was advised that his approval does not give consent for any form of advertisement at the site. Advertisements are considered under the Town and Country Planning (Control of advertisements) (England) Regulations 2007 and the applicant is hereby advised to take his own independent advice on whether any proposed advertisement may need authorisation under these Regulations. Failure to obtain any necessary authorisation for an advertisement would constitute a breach of planning control and render the owner of the site liable to enforcement action.)

**Reason for granting permission contrary to the recommendation of the Area Planning Manager:-**

Members were of the view that the specific nature of the site, the nature of the proposed use and fact that the business had demonstrated that it had not been able identify any suitable alternative sites after a protracted period of time meant that permission should be granted as the resulting economic benefit arising from accommodating the business was sufficient to outweigh the conflict with the development plan. The proposal would also bring an otherwise empty dwelling back into use.

**38/14/0309**

**Formation of retaining walls to off-street parking bay at 28 Wilton Street, Taunton**

**Conditions**

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A3) DrNo Y21/1 Existing Frontage;
  - (A3) DrNo Y21/2B Proposed Front Access Layout;
  - (A3) DrNo Y21/3A Location Plan and Block Plan;
- (b) (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;

- (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.

(Note to applicant:- Applicant was advised that in accordance 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.)

**27/14/0019**

**Change of use of agricultural land and erection of 10 No. dog boarding kennels and 1 No. isolation kennel at Fiveoak Cattery, Higher Knapp Farm, Hillfarrance**

### **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:-
- (A0) Drawing A (rev 06.10.2014) Plans and Elevations;
  - (A4) Drawing B (rev 13.10.2014) Location Plan;
- (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 the kennels being brought into use, the acoustic fence 'noise barrier' detailed on the location plan (drawing B, revised 13 October 2014) shall be erected in accordance with the details in the applicant's email of 15 September 2014 (section 2) and shall thereafter be maintained as such;
- (e) Prior to the kennels being brought into use a hay/haylage stack shall be constructed in the location indicated on the Location Plan, Drawing B dated 13 October 2014. The hay/haylage shall be stacked in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall measure 7m high by at least 3m wide and across the entire length of the area indicated for that purpose on the said plan. It shall physically adjoin the noise barrier indicated in blue on that plan and required by condition. The hay/haylage stack shall be maintained in the above condition for the duration of time that the kennels are in use. In the event that the hay/haylage stack is not maintained as required by this condition, then the use of the kennels shall cease immediately;
- (f) The kennels hereby permitted shall not be brought into use until the new access permitted under application 27/14/0002 has been fully provided in accordance with that permission and brought into use;
- (g) Prior to the kennels being brought into use, the kennels shall be constructed in full accordance with the assumptions (1-5) on page 6 of the 'Noise Assessment Report for Proposed New Kennels' prepared by Curload Consultants reference 1149 and dated January 2014 and detailed on Drawing A received 06 October 2014 and shall thereafter be maintained as such;
- (h) The buildings hereby permitted shall not be occupied until works for the disposal of sewage and surface water 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 and shall thereafter be maintained as such;
- (i) The area allocated for parking and turning on the submitted block plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (j) The existing hedge to the north-east of the proposed noise barrier shall be laid within six months of the date of this permission and shall then be allowed to grow up to the height of the acoustic fence/noise barrier required by condition (d), and shall be maintained in accordance with condition (c) of this planning permission. Thereafter the hedge shall be maintained at a height in excess of the noise barrier;

(Notes to applicant:- (i) Applicant was advised that in accordance with the 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) Applicant was advised that care should be taken when installing the acoustic fence to ensure that the adjoining hedge is not damaged so that it can effectively regrow to screen the fence without intervention in accordance with condition (c)).

**102. Urgent update Report - Erection of Telecommunications Base Station, comprising 1 No. mast, 6 No. Antennas 2 No. dishes and 6 No. radio equipment cabinets at land east of Bouchers Lane, Waterrow (09/14/0016)**

An application for the erection of a telecommunications base station, including a 20m high mast, was presented to Members at the previous meeting (Minute No 95/2014 refers). The site was land to the east of Bouchers Lane, Waterrow and the application had been unanimously approved by the Committee.

Part of the evidence Members were asked to consider was whether or not the proposed mast would have any impact upon the property known as "Bobshaws" which lay adjacent to the proposed mast.

There was a difference of opinion at the meeting on the distance involved from the mast to the new dwelling currently under construction. The owner of the adjacent agricultural holding had maintained in his letter of representation that "the mast would be within 20m of the property's curtilage and 70m from the dwelling". This was referenced both in the Committee report and verbally at the meeting. The Planning Officer stated in the Committee update sheet that "the nearest point of the side of the approved but unbuilt dwelling at "Bobshaws" to the nearest part of the lattice phone mast structure would be 170m". This was also referenced verbally by the Planning Officer at the meeting. It was now clear that none of the figures given to Members were accurate.

Further examination of this matter had revealed that the nearest point of the side of the approved unbuilt accommodation at 'Bobshaws' to the centre point of the lattice phone mast construction would be 147.5m. An error had been made when the measurement was taken and officers had apologised for this. The mast would therefore be about 20m nearer to the dwelling at 'Bobshaws' than reported.

Given that incorrect information was given at the meeting, Members were asked if they would have made a different decision on the mast had they been in possession of this accurate measurement.

The report detailed a number of considerations the Committee needed to take account of.

In the view of the Area Planning Manager the substantive issue for consideration was whether in the knowledge that the mast was only a little over 145m from the neighbouring dwelling under construction, rather than the previously advised 170m, would the Committee have come to a different conclusion in terms of the impact upon that property that would have led to a different decision on the application.

**Resolved** that the change on the reported distance of the telecommunications mast from 'Bobshaws' be noted and that, having regard to the relevant considerations, the decision of the Planning Committee made at the meeting held on 24 September 2014 be endorsed.

### **103. Appeals**

Reported that one appeal was received details of which were submitted.

**Resolved** that the reports be noted.

(The meeting ended at 8.50 p.m.)