

Planning Committee – 28 January 2015

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

Officers: - Matt Bale (Development Management Lead), John Burton (Major Applications Co-ordinator), Gareth Clifford (Principal Planning Officer), Julie Moore (Major Applications Co-ordinator), Tim Burton (Assistant Director of Planning and Environment), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

11. Apologies/Substitution

Apologies : Councillors Bishop and Gaines

Substitution: Councillor Mrs Reed for Councillor Bishop

12. Declarations of Interest

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared that he knew the agent for application No. 38/14/0355. He felt that he had not fettered his discretion. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor C Hill declared that he was the direct neighbour of land the subject of application Nos 26/14/0017, 35/14/0015, 35/14/0023, 35/14/0024, 35/14/0025, 35/14/0021 and 35/14/0022. He left the meeting during consideration of these items. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. He also declared that he knew the agent for application No. 38/14/0355. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. All Councillors declared that they had received correspondence on application No. 38/14/0282

13. Applications for Planning Permission

The Committee received the report of the Area Planning 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:-

35/14/0015

Change of use of land for the storage of felled timber at Appley Orchard Farm, Appley Cross, Stawley (retention of works already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A1) DrNo 200-01 Site and Location Plans;
- (b) The use of site for the storage of timber hereby permitted shall be carried out solely by the applicant Mr Sam Owen and his spouse and shall be limited to benefit the applicant, Mr Sam Owen, only;
- (c) The site shall be used for agricultural purposes and the storage of timber only and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (d) The storage of timber shall be restricted to be only within those areas shown hatched on Dr No JW/0960/0514 200-001 and no timber stack shall exceed 4 m in height above existing ground level;
- (e) 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), the operation of any wood chipping machinery/apparatus within the site shall be limited to twelve (12) days within any calendar year and shall be limited to take place for a maximum of five hours on any one day between the hours of 08.00 and 16.00 on those days. Chipping shall not take place on weekends or Bank Holidays; there shall be no more than two days chipping within any calendar month and the chipping shall not be undertaken on consecutive days. There shall be no more than one chipper operating at any one time on the site;

(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 entered into pre-application discussions to enable the grant of planning permission.)

35/14/0023

Erection of poultry building (unit 1) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A1) DrNo 200-01 Location Plan;
 - (A1) DrNo 200-02 Survey Plan;
 - (A1) DrNo 200-03 Site Plan;
 - (A1) DrNo 200-04 Site Plan;
 - (A2) DrNo 200-05 Floor Plan and Elevation Unit 1;
 - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (i) Before any part of the development hereby approved 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;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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 with the applicant and

had negotiated amendments to the application to enable the grant of planning permission; (ii) 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 Government's 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) Applicant was advised that if the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that 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; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of run-off or dust causing pollution; (viii) Applicant was advised that storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

35/14/0024

Erection of poultry building (unit 2) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley

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 200-01 Location Plan;
 - (A1) DrNo 200-02 Survey Plan;
 - (A1) DrNo 200-03 Site Plan;
 - (A1) DrNo 200-04 Site Plan;
 - (A2) DrNo 200-05 Floor Plan and Elevation Unit 2;
 - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (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;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (ii) 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. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised that if the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that 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; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of run-off or dust causing pollution; (viii) Applicant was advised that storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

35/14/0025

Erection of poultry building (unit 3) with associated infrastructure and formation of vehicular access at Appley Orchard Farm, Appley Cross, Stawley

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 200-01 Location Plan;
 - (A1) DrNo 200-03 Site Plan;
 - (A1) DrNo 200-02 Survey Plan;
 - (A1) DrNo 200-04 Site Plan;
 - (A2) DrNo 200-05 Floor Plan and Elevation Unit 3;
 - (A3) DrNo 200-06 Site Sections;
- (c) The roof of unit 3 and its associated bulk feed bins shall be finished in the colour of 'merlin' grey (BS: 18B25) or equivalent in accordance with the e-mail received from the Agent dated 19 January 2015. All other colours shall be as submitted on the plans hereby approved;
- (d) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use;
- (e) The proposals hereby approved shall be carried out in strict accordance with the recommendations and mitigation measures suggested in the Ecological and Protected Species Survey submitted by Eco-Check Consultancy dated September 2014 and received by the Council on 1 December 2014;
- (f) (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;
- (g) The depopulation of poultry from the unit hereby approved shall not take place outside the hours of 07:00hrs and 19:00hrs;

(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 with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) 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. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iii) Applicant was advised If the total number of poultry places of all three sheds exceeds 40,000, the installation will require a permit from the Environment Agency under the Pollution Prevention and Control Regulations (PPC). It should be noted that for 39,999 and below there is no permit requirement; (iv) Applicant was advised that the site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. All wash water from cleaning the buildings should be collected in water tanks, with the subsequent disposal of collected wastes being undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009 guidance; (v) Applicant was advised that 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; (vi) Applicant was advised that the storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage; (vii) Applicant was advised that the storage and delivery areas for feed should be constructed in such a way as to minimise the risk of runoff or dust causing pollution; (viii) Applicant was advised that the storage of litter should be on an impervious base with contained drainage. If, however, this is impractical, it may be acceptable to use temporary field heaps provided that they comply with DEFRA's "Code on Good Agricultural Practice for the Protection of Water (The Water Code)).

14. Suspension of Standing Order

Resolved that Standing Order 28, Time limits for all meetings be suspended to enable the meeting to continue to its conclusion .

35/14/0021

Erection of extension to agricultural building at Appley Orchard Farm, Stawley

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 200-01 Location and Site Plans;
 - (A1) DrNo 200-02 Survey Plan;
 - (A1) DrNo 200-03 Existing Elevations and Floor Plans;
 - (A1) DrNo 200-04 Proposed Plan, Elevations and Section;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;

(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 with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that the means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage; (iii) Applicant was advised that access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000; (iv) Applicant was advised 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.)

35/14/0022

Change of use of land for siting of mobile home and erection of storage/utility building at Appley Orchard Farm, Stawley (Retention of works already undertaken)

Conditions

- (a) The mobile home hereby permitted on the site shall be entirely removed and the land restored to its former condition on or before the 31 January 2018;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 200-01 Location and Site Plans;
 - (A1) DrNo 200-02 Survey Plan;
 - (A1) DrNo 200-03 Floor Plan and Elevations;
 - (A1) DrNo 200-04 Floor Plan and Elevations;
- (c) The occupation of the temporary mobile home shall be limited to a person solely or mainly working within the surrounding agricultural unit known as Appley Orchard Farm, and to any resident dependants. Should the business operations at the site cease then the occupation of the mobile home shall cease and the said unit shall be removed from the site;
- (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) Unless within 12 months from the date of this decision at least one of the planning permissions for a poultry unit approved on 30 January 2015 under one of the LPA references 35/14/0023, 35/14/0024 or 35/14/0025 has been implemented and become operational, the use of the site for a mobile home and its ancillary storage/utility building shall cease and all structures referred to in this permission shall be permanently removed from the site;

(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 with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicant was advised that it should be noted 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.)

46/14/0039

Erection of single storey extension including silo and chimney on north west elevation at Rigid Containers, Chelston Business Park, Wellington

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 N5996-01 Survey Plan;
 - (A1) DrNo HT03301/3/5 Layout Plan;
 - (A1)DrNo14050.P.24 Rev A Large Scale Elevations and Sketches as proposed;
 - (A1) DrNo 14050.P.23 Rev C Large Scale Plan and Elevations as proposed;
 - (A1) DrNo 14050.P.22 Rev C Key Plan and Elevations as proposed;
 - (A1) DrNo 14050.P.21 Key Plan and Elevations as Existing;
 - (A1) DrNo 14050.P.20 Site Plan;
 - (A4) Report reference 6019/pja - Baseline environmental noise assessment, 25th November 2014;
- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing 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 with the application and had negotiated amendments to the application to enable the grant of planning permission.)

21/14/0014

Replacement of single storey rear extension with the erection of two storey and single storey rear extension at 3 Reynolds. Langford Budville

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 5044 01 Location Plan;
 - (A4) DrNo 5044 02 Site Plan;
 - (A2) DrNo 5044 03 PL Existing Floor Plans;

- (A2) DrNo 5044 04 PL Proposed Floor Plans;
- (A2) DrNo 5044 05 PL Existing and Proposed Elevations;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 186 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.)

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

26/14/0017

Removal of condition No 1 of application 26/08/0009 to enable dwelling to be sold as separate dwelling at Upcott Farm Cottage, Nynehead

Reason

The site is in the open countryside, outside the settlement of Nynehead. Nynehead provides limited services and residents of the site would be dependent upon private transport to service their day to day needs. The creation of an independent, unrestricted unit of accommodation in this location would lead to unsustainable development contrary to Policy DM2 of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

42/14/0061

Change of use of cottage annexe to separate unit of accommodation at Comeytrowe Manor West, Higher Comeytrowe, Taunton

Reason

Comeytrowe Manor West has an extremely close relationship with the annexe building, which is located only approximately 7.5 m away. The use of the annexe as a self-contained residential unit, by means of the close proximity, window positioning and requirement for amenity space, would result in mutual overlooking to the detriment of the privacy of the occupiers of both properties. Furthermore, the scheme does not include any private amenity space to serve the proposed dwelling. As such, the proposed scheme is considered to result in harm to the residential amenities of the main dwelling and future occupiers of the proposed dwelling. In addition, the requirement to provide a separate definition of a curtilage with associated walling or fencing, by virtue of the use of the building as a separate residential unit, would detract from the setting of the main dwelling, which is a listed building. It is therefore contrary to Policies DM1(e) (General Requirements) and CP8 (Environment) of the Taunton Deane Core Strategy and Paragraphs 17, 129, 131 and 132 of the National Planning Policy Framework.

15. Demolition of buildings and the erection of 66 No flexible living retirement flats and 12 No assisted living flats for people with learning difficulties and associated works at Parmin Close, Taunton (38/14/0355)

Reported this application

Resolved that:-

(a) Subject to the applicant entering into a Section 106 Agreement to control the age and occupancy of persons in the two blocks; and

(b) subject to the receipt of no Highway Authority objection by 3 February 2015;

the Assistant Director for Planning and Environment 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:-

- (A4) DrNo 3225/101 Location Plan;
- (A1) DrNo 3225-001 Rev Ground Floor Plan;
- (A1) DrNo 3225-002 Rev A First Floor Plan;
- (A1) DrNo 3225-003 Second Floor Plan;
- (A1) DrNo 3225-004 Rev A Third Floor Plan;
- (A1) DrNo 3225-005 Rev A Roof Plan;
- (A0) DrNo 3225-006 Rev A Site Plan;
- (A1) DrNo 3225-010 Rev A Elevations Flexible Retirement Block;
- (A1) DrNo 3225-011 Rev A Elevations Flexible Retirement Block;
- (A1) DrNo 3225-012 Rev A Typical Section Trough Main Block and Typical Section Trough Site;
- (A3) DrNo 3225-020 Ground Floor Plan - West Block;
- (A3) DrNo 3225-021 First Floor Plan - West Block;
- (A3) DrNo 3225-022 Second Floor Plan - West Block;
- (A3) DrNo 3225-023 Roof Plan - West Block;
- (A1) DrNo 3225-024 Elevations - West Block;
- (A0) DrNo 3225/205 Digital Survey;

(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 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 activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

(f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Limited submitted reports (Extended Ecological Assessment and A Bat Roost and Activity Assessment,) dated September and October 2014 , and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for the bats and nesting birds;
4. Details of a sensitive lighting scheme.

Once approved 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 and thereafter the resting places and agreed accesses for bats and nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

- (g) No flats shall be occupied until the parking spaces as shown on the approved drawing have been provided within the site and surfaced and marked out;
- (h) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until a new footway link is constructed from Parmin Way to Ruskin Close in accordance with details which shall have been previously submitted to, and approved in writing by, the Local Planning Authority;
- (i) The Travel Plan Statement submitted for this development shall be implemented within one month of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan measures shall be carried out as approved;
- (j) None of the dwellings shall be occupied until the surface water drainage strategy for the site has been completed in accordance with the details to be submitted to, and agreed in writing by, the Local Planning Authority, including the maintenance programme and who will carry it out. The scheme shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority;
- (k) 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 modification) the western facing window of flat 10 in the western block, the south facing kitchen windows in flats 32, 50 and 66 of the main block and west facing windows to flats 36 and 37 to be installed in the main block shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (l) Details of the boundary treatment to the site shall be submitted to, and approved in writing by, the Local Planning Authority and shall be erected prior to the occupation of the buildings;

(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 with the applicant and entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to discuss with any contractor construction hours and delivery times to avoid conflict with local residents as much as possible; (iii) Applicant was advised that ost resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted 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; (iv) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development. You are advised that the water main which serves the site will require diversion to accommodate the new layout; buildings above two storeys will require on site boosted storage. There must be no tree planting within 6 m of Wessex apparatus.)

16. Erection of Lidl food store with associated car parking on land off Castle Street, Taunton (38/14/0282)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure a monetary contribution to fund compensatory flood storage, the demolition of the existing Lidl store and revocation of the use;

The Assistant Director for Planning and Environment 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:-
 - (A1) DrNo 1134 Tree Protection Plan;
 - (A1) DrNo 1133 Tree Constraints Plan;
 - (A1) DrNo 07 Proposed Site Plan;
 - (A1) DrNo 06 Rev B Proposed Elevations;
 - (A1) DrNo 05 Rev A Proposed Elevations;
 - (A1) DrNo 04 Rev A Floor Plan as Proposed;
 - (A1) DrNo 03 Rev A Site Plan as Proposed;
 - (A1) DrNo 02 Site Plan as Existing;
 - (A1) DrNo 01 Site Plan as Proposed;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Devon Wildlife Consultant's Ecological Appraisal dated August 2014 and include:-
1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance.
 3. Measures for the enhancement of habitat and places of rest for wildlife.

Once approved 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 bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) Prior to the commencement of development there shall be submitted and approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage Scheme for the site to include any surface water drainage systems and their maintenance and the development shall be implemented in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority;
- (g) The retail store shall not be brought into use until the access road into the proposed car park has been realigned as agreed in accordance with plan 1370/03A or as otherwise agreed in writing by the Local Planning Authority;
- (h) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than three decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary:-

Mon-Fri 0800 hrs to 1800 hrs
Sat 0800 hrs to 1300 hrs

At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured;

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above;

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;

- (i) The boundary fence for noise attenuation shall be constructed as per the submitted Noise Report and shall be erected prior to the store being brought into use. The detail of the fence position shall be submitted and agreed prior to its erection and shall thereafter be retained as agreed;
- (j) Details of the positioning of any external plant on the site shall be submitted to and agreed in writing before the store is brought into use. Details of any plant enclosure to attenuate noise should be submitted to, and agreed in writing by, the Local Planning Authority following agreement with the Environmental Health Officer and shall be implemented prior to opening and thereafter maintained as such;
- (k) Vehicle mounted refrigeration units shall be turned off immediately when delivery vehicles enter the unloading area. Where it is necessary to maintain levels of refrigeration within vehicles, sufficient and suitable electrical outlets shall be provided for connection to all vehicles unloading or waiting to unload;
- (l) The surface of the unloading bay shall be treated with sound absorbing material to minimise noise from the movement of roll cages etc. used for the unloading of vehicles in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be implemented prior to the store opening and thereafter maintained as such;
- (m) The retail store shall not be brought into use until the Travel Plan has been approved for this development. It shall be submitted to, and approved by, the Local Planning Authority and shall thereafter be implemented within two months of the development being first used;
- (n) A Flood Warning and Evacuation Plan for the site shall be drawn up and put in place prior to the new store being brought into use;

(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 with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (ii) Applicants was advised that where works are to be undertaken on or adjoining the publicly maintainable 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. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion; (iii) Applicant was advised that he conditions relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process, be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should be noted 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; All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally, this will be from March until September.

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; (iv) Applicant was advised that there shall be no use of reversing alarms on delivery vehicles servicing the site.)

17. Miscellaneous Report – Application for the amendment of Schedule 1 and clause 1.1 of the Section 106 Agreement for planning application 48/05/0072 requiring 25% of the housing to be affordable and not 35% concerning land at Monkton Heathfield (48/14/0001 VSC)

Reported that the Consortium had submitted an application for the level of affordable housing on the Monkton Heathfield Local Plan site (planning permission 48/05/0072) to be reduced from 35% to 25% in order to release sufficient funds to enable the provision of the Western Relief Road.

In April 2013 the Government had introduced S106BA into the Town and Country Planning Act 1990 to allow for a variation of S106 Agreements relating solely to the quantum of affordable housing in cases where the cost of that level of affordable housing made the scheme unviable. Any permission relating to this section was to remain for up to three years.

Taunton Deane Borough Council had commissioned an independent viability report which had concluded that the scheme granted planning permission

under 48/05/0072 was indeed unviable, taking into account the provision of the Western Relief Road.

The Housing Enabling Officer had been involved in the process and had accepted the principle of the reduction in this case given the long term benefits to the continued delivery of affordable housing for this site and the future Core Strategy site.

Discussions were currently underway to ensure that there was a mechanism for the monies released by any reduction in affordable housing to be used to ensure that the Western Relief Road could be delivered without impacting on the timing of the delivery of the approved housing.

Resolved that it be agreed that “if or when a mechanism was agreed whereby the developer provided or funded in full the Western Relief Road, the affordable housing requirement would be reduced from 35% to 25% in order to ensure that the development remains viable”.

18. Appeals

Resolved that this item be deferred until the next meeting of the Committee.

(The meeting ended at 11.10 p.m.)