

Planning Committee – 8 April 2015

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

Officers: - Bryn Kitching (Area Planning Manager), Tim Burton (Assistant Director
- Planning and Environment), Gareth Clifford (Principal Planning
Officer), Roy Pinney (Legal Services Manager), Maria Casey (Planning
and Litigation Solicitor) and Tracey Meadows (Democratic Services
Officer)

Also present: Councillor Hall in connection with application No.38/14/0394.
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

37. Apologies

Councillors Gaines, Tooze and A Wedderkopp

38. Minutes

The minutes of the meetings of the Planning Committee held on the 12 and
18 March 2015 were taken and read and were signed.

39. Declarations of Interest

Councillors Coles and D Wedderkopp declared personal interests as
Members of Somerset County Council. Councillor Mrs Hill declared a
personal interest as an employee of Somerset County Council. Councillor
Wren declared a personal interest as he was Clerk to Milverton Parish
Council. Councillor Mrs Reed declared a prejudicial interest in relation to
application No.43/14/0137 and left the room whilst the application was
presented and discussed. The Chairman also declared that he was the Ward
Councillor for application No.43/14/0137. He stood down as Chairman for this
item and the Vice-Chairman (Councillor Coles) took the chair.

40. 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 the **detailed plans be approved** for the under-mentioned
development:-

05/14/0059

Reserved Matters application for outline application 05/13/0011 for a residential development on land adjoining Sherlands, Stonegallows, Bishop's Hull (resubmission of 05/14/0025)

Conditions

- (a) Prior to the commencement of the development hereby permitted, protective fencing shall be installed in the location indicated on drawing No. 11213/54 rev D to protect the trees along the western site boundary and details of similar protective fencing to the eastern boundary shall be agreed before construction commences. Such fencing shall be erected prior to the 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;
 - (b) The materials proposed for use in the development hereby approved shall be as stated on drawing No. 11213/54 rev D with the exception that the roof material for plots 3, 5 and 7 shall be Redland 50 Double Roman (colour Breckland Brown), unless otherwise agreed in writing by the Local Planning Authority. The approved materials shall be installed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such;
 - (c) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
 - (d) Prior to their installation, full details of the proposed materials of the porches/porticos for plots 5, 6 and 8 shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such;
- (2) That **planning permission be granted** for the under-mentioned development:-

42/14/0070

**Change of use of land from agricultural to parking area at The Barn,
Middle Sweethay Farm, Trull**

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:-
- (A3) DrNo 01 Rev A Location and Site Plans;
 - (A4) Location Plan;
 - (A1) DrNo BR/03 Proposed Floor Plans;
 - (A3) DrNo BR/03 Proposed Floor Plans (Parking Spaces);
- (c) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out and shall not be used other than for the parking of vehicles in connection with the holiday let unless otherwise agreed in writing by 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 applicant and had negotiated amendments to the application to enable the grant of planning permission.)

43/15/0004

**Variation of condition No. 04 (restricted opening hours) of 43/14/0103 at
20 Mantle Street, 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:-
- (A3) DrNo 1484.101 Rev B Proposal Drawings;
 - (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
 - (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;
- (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) The use hereby permitted shall not be open to customers outside the following times 23:00hrs – 08:00hrs;

- (e) Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time;
- (f) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details and shall thereafter be maintained as such.

41. Erection of a Terrace of 4 No. two bedroomed cottages and a terrace of 3 No. two bedroomed cottages on land to the rear of the former Three Cups, Fore Street, Wellington (32/14/0137)

Reported this application.

Resolved that subject to the applicant entering into a S106 agreement to provide off-site children's play equipment in the form of a climbing frame with slide and a roundabout, plus installation costs, at the Corner Close Play Area, the Assistant Director - 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:-
 - (A3) DrNo 07/05/154A Elevations;
 - (A3) DrNo 07/05/152 Elevations;
 - (A3) DrNo 07/05/153A Elevations;
 - (A3) DrNo 07/05/150 Floor Plans;
 - (A3) DrNo 07/05/250 Existing Site Plan;
 - (A3) DrNo 07/05/201D Proposed Site Plan;
 - (A3) DrNo 07/05/151A Ground and First Floor Plan;
 - (A4) DrNo 07/05/2000 Location Plan;
- (c) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;

- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such;
- (e) Prior to their installation, samples of the materials to be used in the construction of the external surfaces 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, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to, and approved in writing. The approved details shall be implemented prior to the occupation of any the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (g) Prior to its construction, full details of the proposed boundaries between the public footpath and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (h) (i) Prior to its installation, 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;
- (i) Prior to the construction of the access/turning area, 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 and shall thereafter be retained as such;
- (j) Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin and cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;

- (k) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any Order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission;
- (l) The access and turning head hereby approved shall be used for dropping off and turning only and shall otherwise be kept clear of obstruction at all times.

42. Miscellaneous Report - Application 38/14/0394 – Land at 1 Wheatleigh House, Taunton. Erection of two detached bungalows with garages and the erection of one garage

Submitted report previously circulated, which required Members to revisit its decision made at the last meeting of the Committee in connection with the above application to address a procedural and administrative issue which had been brought to officers' attention following the meeting.

On 12 March 2015, the Committee resolved to grant planning permission for a development proposal at 1 Wheatleigh House, Taunton consisting of the proposed construction of two detached bungalows with garages and the erection of a single garage to serve the existing property.

Prior to the meeting, each Member of the Committee had been sent a copy of a letter from the applicant's agent together with an artistic impression of the appearance of the proposed development.

On considering the application the Committee resolved that permission should be granted, with its reason for this decision being that the harm which would be caused to the listed building was less than substantial, and was outweighed by the public benefit which the development would bring in the form of the delivery of this type of accommodation in a highly sustainable location close to the town centre and other facilities.

On the 13 March 2015 an email was received by the Council's Legal Services Manager from a representative of Boon Brown Planning who had been acting on behalf of objectors to the proposal. He stated that he had not previously been aware of the content of the applicant's letter, as this had only appeared on the Council's website the morning after the Planning meeting.

Concerns had been raised about the letter, specifically the accuracy or otherwise of the artistic impression of the development proposal. The representative from Boon Brown stated that if he had had sight of these drawings in advance of the meeting he would have wished to include

representations about these drawings in his overall submissions to the Committee.

The Legal Services Manager had considered the matter and was of the view that it was necessary to provide Boon Brown with an opportunity to address the content of the letter and the accompanying drawing in further representations to the Committee prior to the application being formally determined.

The Committee received the further representations from Boon Brown but, after further consideration, Members indicated that they wished to adhere to the decision made at the previous meeting.

Further reported that it had also come to light that despite officers believing that English Heritage had been consulted on the application in December 2014, the consultation letter had not been sent.

A letter had now been forwarded and English Heritage had 21 days to make comments. As a result the application could not lawfully be determined until a response from English Heritage had been received.

Resolved that subject to English Heritage raising no new substantive issues (not previously considered by the Planning Committee), planning permission be granted.

43. Appeals

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

Resolved that the report be noted

(The meeting ended at 6.40 p.m.)