

Planning Committee – 24 June 2015

Present: - Councillor Bowrah (Chairman)
Councillor Coles (Vice-Chairman)
Councillors M Adkins, Brown, Gage, Hill, Martin-Scott, Morrell,
Mrs Reed, Townsend, Watson, and Wren

Officers: - Matthew Bale (Area Planning Manager), 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 for application No. 38/15/0026, Councillor D Durdan for application Nos 14/15/0016 and 14/15/0008. Councillor Habgood and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

63. Apologies

Councillors Mrs Floyd, Nicholls and Wedderkopp

64. Minutes

The minutes of the meeting of the Planning Committee held on 27 May 2015 were taken and read and were signed.

65. Declarations of Interest

Councillors M Adkins and Coles declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as he was Vice-Chairman to Kingston St Mary Parish Council and Chairman to the Kingston St Mary Village Hall Association. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillors Coles, Townsend and Watson declared that they had received emails in respect of application No E/0006/38/15.

66. 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 development:-

38/15/0026

Demolition of former nursery building, conversion of former Cafod building into 2 No. dwellings with erection of attached single dwellings

and alterations to car parking arrangements and associated works at Former Cafod building, St George's Church, The Mount, Taunton as amended

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
- (A0) DrNo 604/7634/4 Elevations;
 - (A2) DrNo 604/7634/2 Ground Floor Plan;
 - (A2) DrNo 604/7634/3 First Floor Plan;
 - (A2) DrNo 604/7634/1 Site Plan;
 - (A4) Location Plan;
 - (A2) DrNo 1456/P01D Proposed Site Plan;
 - (A2) DrNo 1456/BP02C Revised Block Plan;
 - (A2) DrNo 1456/P02B Proposed Ground Floor Plan;
 - (A2) DrNo 1456/P03B Proposed First Floor Plan;
 - (A2) DrNo 1456/P04B Proposed Roof Plan;
 - (A2) DrNo 1456/P05B Proposed South East Elevation;
 - (A2) DrNo 1456/P06B Proposed North West Elevation;
 - (A2) DrNo 1456/P07B Proposed Dwelling Elevations;
 - (A2) DrNo 1456/P08A South West Elevation;
- (c) No new wall construction 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) The development hereby permitted shall not be commenced (including any demolition) until a dusk emergence survey report has been submitted to, and approved in writing by the Local Planning Authority. The survey shall ascertain the usage of the site by bats and shall be undertaken by an appropriately qualified person at an appropriate time of year (May to August) and use techniques and equipment appropriate to circumstances;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Preliminary Bat Roost assessment, dated March 2015 and the up to date Bat emergence survey and include: Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; Details of the timing of works to avoid periods of work when

the species could be harmed by disturbance; Measures for the enhancement of places of rest for bats and nesting birds;
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 boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no.BP02B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The windows in the upper floors of the north elevation of the new build dwelling and lower panes of the bedroom of unit 2 shall be glazed with obscure glass and limited opening or fixed to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission;
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 ('the 2015 Order') (or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A to C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (i) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise approved in writing by the Local Planning Authority; (ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (j) The design, materials and type of boundary treatment to be erected shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the development being occupied. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

(Notes to applicant:- (1) 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; (2) Applicant was advised about 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; (3) Applicant was advised about 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; (4) Applicant was advised about 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 (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; (5) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991)).

14/15/0016

Demolition of dwelling, garage and outbuildings and erection of 2 No detached dwellings each with detached garage and associated works at 16 Crown Lane, Creech Heathfield (amended scheme to 14/14/0060)

(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:-

- (A4) Location Plan;
- (A4) Existing Block Plan;
- (A4) Existing Site Plan;
- (A4) Proposed Block Plan;
- (A4) Proposed Site Plan;
- (A4) Proposed Floor plot 1 Plan;
- (A4) Proposed Elevations Plot 1 Plan;
- (A4) Proposed Floor Plot 2 Plan;
- (A4) Proposed Elevations Plot 2 Plan;
- (A4) Garage Floor & Elevations Plot 1 Plan;
- (A4) Garage floor & elevations Plot 2 Plan;
- (A4) Existing Dwelling Elevations;

(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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B, C & E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (e) The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (f) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (g) No site clearance works or vegetation removal shall take place between 1 March and 31 July inclusive without the prior written approval of the Local Planning Authority;
- (h) 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 a specialist consultant's report, and include:-
- A further bat activity survey to ascertain the usage of the site by bats. It shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances;
 - A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

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 any resting places and agreed accesses for the relevant species shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

(Notes to applicant:- (1) Applicant was advised that In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (3) Applicant was advised that any proposed works must not encroach on to the width of the public right of way (PROW) to the west boundary of the site; The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from SCC's Rights of Way Group:-

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:-

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained; (4) Applicant was advised that an open watercourse runs to the rear of the properties to the south of this site and any alterations to the watercourse will required Land Drainage Consent from Somerset County Council; (5) Applicant was advised that the proposed soakaways should be designed and constructed in accordance with Building Research Digest 365).

36/15/0009

Demolition of dwelling and erection of replacement dwelling with garage/workshop building at Dawnlea, Griggs Hill, Stoke Road, Stoke St Gregory

- (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 5045_01 Location Plan;
 - (A3) DrNo 5045_02 Existing Site Plan;
 - (A1) DrNo 5045_03 Existing Dwelling to be Demolished;
 - (A1) DrNo 5045_04 New Replacement Dwelling;
 - (A3) DrNo 5045_05 Replacement Garage / Workshop;
 - (A3) DrNo 5045_06 Proposed Site Plan;
 - (A3) DrNo 5045_07 Proposed Replacement Dwelling, Dawnlea, Griggs Hill, Stoke St Gregory;
- (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) 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 a specialist consultant's report, and include:-
- A further bat emergence survey and a further badger survey to ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species;
- 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 any resting places and agreed accesses for the relevant species shall be permanently maintained. The development shall not be occupied until the scheme for

the maintenance and provision of the new resting places and related accesses have been fully implemented;

- (e) No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1 March and 31 August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest;
- (f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the 2015 Order”) (or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B and C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

(Notes to applicant:- (1) 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; (2) Applicant was advised that with regard to 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).

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

14/15/0008

Change of use of land for the siting of a mobile home on land adjoining North End Farm, North End, Creech St Michael

Reason

The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves an appropriate need, such as the need for affordable homes. Whilst the site adjoins the settlement limit, it is not considered that there are no other suitable sites within the rural centre itself, or that the need cannot be met by the affordable homes currently under construction within the village, or other affordable dwellings soon to be constructed in the adjacent Parish. The scheme therefore represents an unjustified dwelling outside of settlement limits that would set an undesirable precedent for future development. As such, the proposal is contrary to Policy DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

67. E/0006/38/15 – Breach of planning condition restricting clothing sales to 20% of retail space, Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton

Reported that it had come to the attention of the Council that the company Go Outdoors appeared to be in breach of condition 10 of planning permission 38/13/0267 in that the amount of floor space that was devoted to clothing and footwear was more than the 20% allowed.

A site inspection had taken place and discussions had been held with the occupier's agent over the means of calculating the division of floor space.

Two plans were subsequently submitted to the Council by the agent showing either 12% or 31% floor area (depending on the method of measurement employed) given over to clothing and footwear. However, in the opinion of the Area Planning Manager the level was currently well in excess of 30%.

It was acknowledged that the method of interpreting the floor area was not clear, however officers were satisfied that a breach existed and the occupiers had therefore been instructed to reduce the amount of floor space to comply with the 20% level.

In the circumstances, the Committee had been recommended to authorise the service of an enforcement notice to ensure condition 10 of planning permission 38/13/0267 was complied with.

Noted that the company had very recently submitted a further planning application (Ref 38/15/0241) to vary the original condition to allow 25% of the net floor space to be used for the sale of clothing and footwear.

Resolved that:-

- (1) The proposed enforcement action be held in abeyance until application 38/15/0241 had been determined;
- (2) In the event that application 38/15/0241 was refused, the Solicitor to the Council be authorised to serve an enforcement notice requiring:-
 - (a) The cessation of the breach of condition 10 of planning permission 38/13/0267 which restricted more than 20% of the internal net floor area of the store known as Go Outdoors, Units 2 and 3 St Johns Business Park, Priory Way Industrial Estate, Taunton to be used for the sale of clothing and footwear; and
 - (b) The removal of clothing and footwear in excess of the permitted 20% from the net floor area of the retail store;
- (3) Any enforcement notice served should have a compliance period on one month; and
- (4) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

69. Appeals

Reported that two appeals were received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6.55 p.m.)