

## **Planning Committee – 23 September 2015**

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

Officers: - Matthew Bale (Area Planning Manager), Julie Moore (Monkton Heathfield Project Team Leader), John Burton (Principle Planning Officer) Roy Pinney (Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Cavill for application No. 48/15/0027, Councillor Edwards for application No. 42/15/0020, Councillor Habgood and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **88. Apologies/Substitutions**

Apologies: Councillors Bowrah, Gage and Wedderkopp

Substitutions : Councillor Mrs J Adkins for Councillor Bowrah

### **89. Minutes**

The minutes of the meeting of the Planning Committee held on 2 September 2015 were taken and read and were signed.

### **90. 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 of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Nicholls declared a personal interest as he was Clerk to Comeytrowe Parish Council and a Member of the Fire Brigade Union. Councillor Martin-Scott declared personal interests as he was trustee to the Home Service Furniture Trust and a trustee to Trull Memorial Hall. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. All Councillors declared that they had received emails regarding application No. 48/15/0027. Councillor Watson declared that he was Ward Councillor for application No. 06/15/0020, he felt that he had not 'fettered his discretion'. Councillor Martin-Scott declared that he was the applicant for application No. 42/15/0020, he left the room whilst the application was being presented.

### **91. 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:-

**42/15/0035/T**

**Application to fell one horse chestnut tree included in Taunton Deane Borough (Trull No. 1) Tree Preservation Order 2012 9TD1100) at Amberd Lane, Trull**

### **Conditions**

- (a) The proposed work shall be completed before the expiration of two years from the date of this permission;
- (b) The following replacement tree shall be in accordance with British Standard BS3936 and be planted within two months of felling (unless otherwise agreed with the Authority) and in accordance with British Standard BS4428 (1989); 1 x English Oak (*Quercus robur*), planted as a 'standard' tree or larger, minimum trunk girth 8-10cm. The planting location of the new tree must be agreed in writing prior to planting; If within a period of 5 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed, or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent. A new Tree Preservation Order may be served to protect the new tree. Please inform this office when the new tree has been planted;

(Note to applicant:- 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.)

**42/15/0020**

**Erection of 1 No. 5 bedroomed detached dwelling with single garage and associated works in the garden to the side of the Old Rectory, Wild Oak Lane, 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 approved plans:-
- (A4) DrNo P01 Rev A Site Location Plan;
  - (A1) DrNo P02 Site Survey;
  - (A1) DrNo P03 Rev A Proposed Site Plan;
  - (A3) DrNo P04 Rev A Proposed Ground Floor;
  - (A3) DrNo P05 Rev A Proposed First Floor Plan;
  - (A3) DrNo P06 Rev A Proposed Second Floor Plan;
  - (A1) DrNo P07 Rev A Proposed Front & Rear Elevations;
  - (A2) DrNo P08 Rev A Proposed Right Side Elevations;
  - (A2) DrNo P09 Rev A Proposed Left Side Elevation and General Site Section;
  - (A4) DrNo P10 Proposed Garage Details;
  - (A3) DrNo P11 Rev A Axonometric Views;
  - (A1) DrNo P12 Rev A Additional Elevations;
- (c) 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;
- (d) (i) Prior to its implementation, 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) Prior to the occupation of the dwelling hereby permitted, full details of the boundary treatment to Wild Oak Lane shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) Prior to the occupation of the dwelling hereby permitted, full details of the proposed hard landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall be fully implemented prior to the occupation of the dwelling and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing no. P03 Rev A. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;

(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.)

**27/15/0013**

**Removal of condition 3 of application 27/10/0011 to allow an open B1 use of Barn 3 at Allerford Farm Barns, Norton Fitzwarren**

**Condition**

- (a) The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council;
- (b) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises; 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;

(Note to applicant:- Applicant was advised the in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had

worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

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

**06/15/0020**

**Erection of a detached dwelling with double garage and driveway on land north of Hazelhurst, and erection of replacement garage west of Hazelhurst, Minehead Road, Bishops Lydeard**

**Reason**

The proposed development is at variance with the prevailing design and character of the locality and will result in the loss of open space which contributes to the character of the area. Dwellings in the locality have long gardens and substantial plots, which contribute to and define the spacious character of the locality. The proposed development would be at odds with this character and in light of the size of other nearby plots and rear gardens, there is a significant danger of a precedent being set for further such undesirable development in the locality. It is, therefore contrary to Policy DM1 of the Taunton Deane Core Strategy.

**35/15/0346**

**Conversion and extension to detached garage to form an annexe at 17A The Avenue, Taunton**

**Reason**

The proposed accommodation is tantamount to a new build, given the scale of the extension and intervention into the existing building. Such new build ancillary accommodation is contrary to Policy H18 of the Taunton Deane Local Plan. It has not been demonstrated that a policy compliant extension to the existing dwelling would be more damaging to the character and appearance of the main dwelling or the wider conservation area, or the residential amenity of the neighbouring dwellings, contrary to Policy H18 of the Taunton Deane Local Plan.

**92. 48/15/0027**

**Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield (48/15/0027)**

Reported this application

**Resolved** that the detailed plans be approved subject to the receipt of acceptable details of the A38 highway works, acoustic survey report and

mitigation scheme, and boundary landscaping details the Planning Committee authorise the Chair of Planning in consultation with the Assistant Director of Planning and the Environment, having considered any representations received in respect of these matters, to grant conditional planning permission with the following conditions:-

### **Conditions**

(a) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo AP(00)01 Site Location Plans;
  - (A1) DrNo AP(00)02 Rev C Site Location Plan;
  - (A1) DrNo AP(00)03 Ground Floor Plan;
  - (A1) DrNo AP(00)04 Elevations Sheet 1/2;
  - (A1) DrNo AP(00)05 Elevations Sheet 2/2;
  - (A1) DrNo AP(00)06 Perspectives;
  - (A1) DrNo AP(00)06 Perspectives;
  - (A1) DrNo AP(00)07 Sections;
  - (A1) DrNo 30814\_LP(00)02 Rev K Proposed Landscape Plan;
  - (A1) DrNo 30814\_LP(90)003 Rev E Boundary Treatment Plan;
  - (A1) DrNo 30814\_LP(00)06 Rev C Landscape Materials Plan 1/2;
  - (A1) DrNo 30814\_LP(00)07 Rev C Landscape Materials Plan 2/2;
- Planting Schedule 30812\_Y(90)\_01\_P2;
- (A1) DrNo C-02 Rev P6 Drainage Strategy 2/2;
  - (A1) DrNo C-01 Rev P6 Drainage Strategy 1/2;
  - (A1) DrNo 30814\_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure;

(b) No commencement of use of the primary school hereby permitted shall take place until full details of alterations to the A38 are submitted to, approved in writing and fully constructed on site in strict accordance with the approved details. The alterations to the A38 shall be generally based upon the submitted sketch, plan no....., unless an alternative is first submitted to and approved by the Local Planning Authority;

(c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;

(d) (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;

- (e) Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments. Prior to the commencement of works on site to provide the proposed footpath and cycleway shall be provided in strict accordance with the approved details and shall thereafter be maintained as such;
- (f) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times;
- (g) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards on;
- (i) Prior to the commencement of use, a School Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied;
- (j) Notwithstanding the provisions of the Use Classes Order 19987(as amended) the community facilities shall be available for use by the general public and at no time shall be used solely for education purposes in connection with the adjacent primary school;
- (k) Prior to the commencement of the use of the building hereby permitted the agreed drainage strategy shall be fully implemented and operational and shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that the developer in delivering the necessary highway works associated with the development hereby permitted was required to consult with all frontager's affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the granting of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.)

### **93. Appeals**

Reported that one new appeal and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.30 p.m.)