

## **Planning Committee – 9 December 2015**

Present: - Councillor Bowrah (Chairman)  
Councillor Coles (Vice-Chairman)  
Councillors Mrs Adkins, M Adkins, Brown, Mrs Floyd, Gage, C Hill,  
Morrell, Nicholls, Mrs Reed, Townsend, Watson, Ms Webber and  
Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal  
Planning Officer), Julie Moore (Monkton Heathfield Project Team  
Leader), Maria Casey (Planning and Litigation Solicitor) and Tracey  
Meadows (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Advisory Committee

(The meeting commenced at 5.00 pm)

### **119. Apologies/ Substitutions**

Apologies: Councillors Martin-Scott and Wren

Substitutions: Councillor Mrs Adkins for Councillor Martin-Scott;  
Councillor Ms Webber for Councillor Wren

### **120. Declarations of Interest**

Councillors Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as 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 a Member of the Fire Brigade Union. Councillor Ms Webber declared that she was one of the the Ward Councillors for the West Monkton Ward. Councillor Bowrah declared that he was the Deputy Mayor of Wellington and a Member of Wellington Town Council. Councillor Coles declared that as he was a Member of the Somerset County Cricket Club he had a prejudicial interest. He left the room during the consideration of application No. 38/15/0424. Councillor Brown declared that he knew a member of the public in respect of application No. 38/15/0424. Councillor Mrs Reed declared that she had 'fettered her discretion' on application No. 08/15/0012 and therefore took no part in the consideration of the application. Councillor Gage declared a personal and prejudicial interest for application No. 08/15/0012. He left the room during the consideration of the application.

### **121. 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:-

**47/15/0002**

**Erection of a Scout Hall with toilet facilities with link to Chapel, use of Chapel for scouting (D2 use) and replacement of lean to extension with the erection of a single storey extension to the rear of West Hatch Chapel, Slough Green, West Hatch**

**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 Site Location Plan;
  - (A3) DrNo WH/08 Site Location Plan;
  - (A3) DrNo WHN/01A Proposed Site Plan;
  - (A3) DrNo WH/03 Proposed Chapel Floor Plan;
  - (A3) DrNo WH/04 Proposed Chapel Elevations;
  - (A2) DrNo WH/05 Proposed New Hall Floor Plan;
  - (A3) DrNo WH/06 Proposed New Hall Elevations;
  - (A3) DrNo WH/15 Entrance Elevations;
- (c) Prior to work commencing on the new building and extension hereby approved, samples of the materials to be used in the construction of the external surfaces 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) The landscaping/planting scheme shown on the submitted plan WHN/01 A 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) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, details of which must first be submitted to, and approved in writing the Local Planning Authority. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;

- (f) The access shall be hard surfaced before it is brought into use. It shall be made of porous material (not loose stone or gravel), or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the site, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) 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 modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 3 m from the carriageway edge and hung so as to open inwards only;
- (h) The area allocated for parking on the submitted plan WHN/01 A 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 of vehicles in connection with the development hereby permitted;
- (i) The visibility splays shown on approved drawing WHN/01 A shall be fully provided before the use of the Scout Hall hereby permitted is first used and shall thereafter be maintained at all times;
- (j) Details of the means of foul and surface water disposal shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to the use of the Scout Hall being implemented and shall thereafter be maintained as such;
- (k) The windows to be installed in the south elevation of the building shall be obscure glazed with restricted opening as shown on approved drawing WH/06 and shall not be modified thereafter without the prior written consent of 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 that new water supply connections would be required from Wessex Water.)

**38/15/0424**

**Erection of 5 No 54m high floodlight masts and 2 No substations placed around The County Ground, Somerset County Cricket Club, St James Street, Taunton**

### **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) Dr No EKV0015 Western Power Distribution Sub Station Surround;
- (A3) Dr No 133410J (2) Musco Spill Lighting Calculations;
- (A3) Dr No 133410J (1) Musco Spill Lighting Calculations;
- (A3) Dr No 331 Floodlight Location C: Site Plan showing proposed changes to access steps & ground levels;
- (A1) Dr No 330 Rev B Site Plan Showing Mast Locations (A-E);
- (A4) Dr No LE15256-1B Floodlight mast and light detail;
- (A4) Dr No LE15256-2B Floodlight mast and light detail;

(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) The floodlighting shall not be used between the hours of 23.00 and 10.00;

(e) The use of the lights hereby approved shall be limited to no more than 15 occasions in any cricket season and shall not be used more than two consecutive nights per week;

(f) The ecological enhancements and monitoring for bats specified in paragraphs 7.3 and 7.4 of the Clarkson and Woods Wildlife Impact Assessment dated October 2015 shall be carried out, once agreed in writing by the Local Planning Authority, prior to the lights being brought into use unless any variation thereto is 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.)

**122. 38/15/0330**

**Change of use from dwelling (use class C3) to house in multiple occupancy (use class Sui Generis) at 24 Queen Street, Taunton**

Noted that this application had been **withdrawn**.

**123. Application for approval of reserved matters following outline application 08/10/0024 in respect of appearance, landscaping, layout and**

**scale for the erection of 260 no dwellings with associated works on land off Nerrols Drive, Taunton(08/15/0012)**

Reported this application.

**Resolved** that subject to the submission of an acceptable affordable housing scheme including details and the two bed wheelchair accessible unit, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the detailed plan were approved, the following conditions be imposed:-

- (a) Notwithstanding the materials listed on the submitted plans, 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;
- (b) (i) The landscaping/planting scheme shown on the submitted plan for each phase shall be completely carried out within the first available planting season from the date of commencement of the development of that phase;  
(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;
- (c) The applicant shall undertake all the recommendations made in the Ecology Solutions Limited's Ecological Management Strategy for the Nerrols development dated September 2015 along with the scheme for mitigation of Impact on the Lesser Horseshoe Bat Mitigation Strategy produced by AMEC in February 2014, to discharge Condition 13 of the outline planning application, and the Landscape Strategy and Management plan submitted in respect of Condition 15 ( produced by Golby and Luck landscape architects); 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 provision and maintenance of the new bat roosts and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (d) No dwelling shall be occupied on the development hereby permitted until the off-site highway works have been submitted to, and approved in writing by, the Local Planning Authority. The said works shall then be fully

constructed in accordance with the approved plan, to an agreed specification before the first dwelling is occupied;

- (e) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance, in writing, by the Local Planning Authority and fully implemented prior to the commencement of works and thereafter maintained until the use of the site discontinues;
- (f) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (g) No part of the access drives for the dwellings hereby permitted shall be laid out at a gradient steeper than 1 in 10;
- (h) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;
- (j) Prior to the commencement of works on site, a drainage scheme for the highway drainage of the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority;
- (k) There shall be an area of hard standing at least 6 m in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (l) Notwithstanding the submitted details full details of the play equipment for the LEAP and NEAP and their layout on site shall be submitted to, and approved in writing by, the Local Planning Authority;
- (m) The open spaces hereby permitted shall be laid out in accordance with the submitted details. Once provided on site the open spaces shall be available and maintained for the use of the general public at all times;

- (n) 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 2 Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Prior to the commencement of construction works on site, details for the provision of a children' play area in the southern area of the application site (including the timetable for its delivery and maintenance schedule) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved children's play area shall thereafter be maintained in a safe and useable condition in accordance with the approved details;
- (p) Prior to commencement of development, details for the lighting of the car parking courtyards shall be submitted to, and approved in writing by the Local Planning Authority. Prior to the occupation of the units which the car parking units serve, the approved lighting shall be installed and thereafter maintained in accordance with the approved details.

(Notes to applicant:- (1) Applicant was reminded to check that all the relevant outline conditions are cleared prior to commencement of works on site; (2) Applicant 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 developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council;

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant 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.)

**124. E/0042/48/15 – Unauthorised B1/B8 Business use of agricultural land at Hyde Egg Farm, Hyde Lane, Bathpool**

Reported that a complaint had been received regarding a new business operation on land at Hyde Egg Farm, Hyde Lane, Bathpool. The business related to a double glazing and conservatory company that had established

their office and workshop in one of the buildings. The complaint also made reference to the use of other buildings for car repair and car breaking.

An inspection had revealed that a number of different commercial activities were being undertaken on different parts of the site which appeared to have been leased to a number of different parties both formally and informally.

The owner of the site had been advised to submit a planning application to regularise the current situation on site, but to date no application had been forthcoming.

**Resolved that:-**

- (1) An enforcement notice be served requiring (a) the cessation of use of the site for B1 Office, B8 Storage and Distribution and sui generis use as a showroom and car repair; and (b) the removal of all equipment and materials associated with the unauthorised uses from the site at the former Hyde Egg Farm, Hyde Lane, Bathpool, Taunton;
- (2) Any enforcement notice served should have a six month compliance period for (a) above and a six month compliance period for (b);
- (3) 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.

**125. E/0120/43/15 – Unauthorised Dog breeding business, including erection of Kennels, at 18 Trinity Close, Wellington**

Reported that a number of complaints had been received regarding the erection of a kennel structure and the operation of a dog breeding business in the rear garden of 18 Trinity Close, Wellington.

An inspection had revealed that there were several dogs in the kennel and two running loose in the rear yard. Five litter boxes were found inside the dwelling that each held a bitch and a litter of puppies. In total 18 dogs and five litters of puppies had been noted at the property.

The Enforcement Officer had also noted that there was a strong odour present and also noise from the dogs was significant and could be heard some distance from the site.

It was considered that the use of the site had an unacceptable adverse impact to the amenities of the surrounding residential properties by reason of noise, odour and traffic.

**Resolved that:-**



- (1) An enforcement notice be served requiring (a) the cessation of use of the site for the breeding and sale of puppies and dogs; (b) the removal of the kennel structure located in the rear yard from the site; and (c) the removal of all equipment associated with the breeding and sale of dogs from the site at 18 Trinity Close, Wellington;
- (2) Any enforcement notice served should have a one month compliance period for (a) above and three month compliance periods for both (b) and (c);
- (3) 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.

**126. E/0156/37/14 – Unauthorised change of signage at the Half Moon Inn, Stoke Road, Stoke St Mary**

Reported that a complaint had been received regarding the replacement signage at the Half Moon Inn, Stoke St Mary.

It was noted that a number of signs had been replaced on the property and an additional sign had been erected on the other gable of the building.

Reported that a retrospective application for advertisement consent had been submitted which had resulted in a split decision being issued - the replacement signs were approved but the additional sign on the gable was refused.

The owner of the site had been instructed to remove the unauthorised sign on a number of occasions, however to date no action had taken place with regard this sign.

- (1) **Resolved** that subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action in respect of the continued unauthorised display of a sign erected on the gable furthest from the road at the Half Moon Inn, Stoke Road, Stoke St Mary.

**127. Appeals**

Reported that two appeals had been lodged and two decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.36 p.m.)