

## **Planning Committee – 25 May 2016**

Present: - Councillors M Adkins, Booth, Bowrah, Brown, Gage, C Hill, Mrs M Hill, Martin-Scott, Morrell, Nicholls, Mrs Reed, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Susan Keal (Planning Officer), Roy Pinney (Legal Services Manager) and Tracey Meadows (Democratic Services Officer)

Also present: Councillor Gaines with regard to application No 49/16/0011 and enforcement item E/0101/35/16; Councillor Habgood with regard to application No 34/16/0010 and enforcement item E/0004/21/16; Councillor Coles and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

### **48. Appointment of Chairman**

**Resolved** that Councillor Bowrah be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **49. Appointment of Vice-Chairman**

**Resolved** that Councillor Mrs M Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

### **50. Minutes**

The minutes of the meeting of the Planning Committee held on the 27 April 2016 were taken read and were signed.

### **51. Declarations of Interest**

Councillors M Adkins and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. 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 Townsend also declared that he was Ward Councillor for application No. 34/16/0010, he declared that he had not 'fettered his discretion'. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. He also declared a personal interest in enforcement item. E/0004/21/16 as the applicant was personally known to

him. He declared that he would not take part in any discussion or vote on the application. Councillor Bowrah declared that as Chairman he had previously made the delegated decision on application No. 42/16/0009. He stated that he would step down and not take part in any of the discussion and would pass this application over to the Vice-Chairman who would take the Chair. All Councillors declared that they had received correspondence with regard to application No 34/16/0010 and enforcement item E/0101/35/16. Councillor Wedderkopp declared that he had spoken to a member of the public on application No. 34/16/0010, he declared that he had not 'fettered his discretion'.

## **52. 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:-

**43/15/0139**

**Erection of 1 No. two bedroomed bungalow and 1 No. two bedroomed house on land to the rear of 7 Martins Close, Wellington (amended scheme to 43/15/0029)**

### **Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this development;

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

- (A3) DrNo 001 V3 Location Plan;
- (A4) Site Plan;
- (A3) Boundaries Planting and Access;
- (A3) DrNo 003 NE and SE Elevations;
- (A3) Dr No 002 SW and NW Elevations;
- (A3) Dr No 005 First Floor Plan;
- (A3) Dr No 004 Ground Floor Plan;
- (A3) Dr No 008 Sections (2);
- (A3) Dr No 007 Sections (1);
- (A3) Dr No 006 Roof Plan;

(c) No 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 parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and/or provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwellings to which it relates and shall thereafter be retained as such;
- (e) The area allocated for parking on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the parking 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 occupation of either of the approved dwellings; (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 removal 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. Removal of vegetation off site should be undertaken in a precautionary manner to minimise potential impacts on all wildlife;
- (h) 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;
- (i) Notwithstanding the provisions of Article 3 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 first floor to the bungalow and no addition or extension to the dwellings shall be carried out without the further grant of planning permission;
- (j) Notwithstanding the provisions of Article 3 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 outbuildings shall be erected 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 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 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; Most resident birds are protected under the Wildlife and Countryside Act 1981 (as amended); (3) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (4) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages; Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence; further information can be obtained from our New Connections Team; S105a Public Sewers; (5) Applicant was informed that on 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (Section 105a sewers); at the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our Sewer Protection Team at an early stage if you suspect that a Section 105a sewer may be affected.)

**38/16/0151**

**Erection of a single storey extension to the side of 9 Westleigh Road, 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) DrNo WC02007 Site and Location Plans;
- (A3) DrNo WC02007 Existing and Proposed Floor Plans;
- (A3) DrNo WC02007 Proposed Elevations;
- (A3) DrNo WC02007 Existing Elevations;

(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 and had granted planning permission.)

**49/16/0011**

**Demolition of outbuildings and erection of two storey extension and amenity buildings to be used as ancillary accommodation at Ashbeers Farm, Wiveliscombe Road, Wiveliscombe**

**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 2405-309 Existing and Proposed Roof Plans;
  - (A1) DrNo 2405-300 Location and Site Plans;
  - (A1) DrNo 2405-302 Existing and Proposed Elevations 1;
  - (A1) DrNo 2405-303 Existing and Proposed Elevations 2;
  - (A1) DrNo 2405-304 Existing and Proposed Elevations 3;
  - (A1) DrNo 2405-305 Existing and Proposed Elevations 4;
  - (A1) DrNo 2405-306 Existing and Proposed Elevations 5;
  - (A1) DrNo 2405-307 Existing and Proposed Elevations 6;
  - (A1) DrNo 2405-308 Existing and Proposed Elevations 7,8 and 9;
- (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 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 accommodation and facilities hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Ashbeers, Wiveliscombe;

(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 and had granted planning permission; (2) 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; (3) Applicant was advised regarding 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.)

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

**34/16/0010**

**Outline application with all matters reserved for the erection of 2 No. two storey detached dwellings with double garages at Millgrove House, Staplegrove**

**Reason**

The proposed development represents residential development outside the defined settlement limits for Taunton. It is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy. The proposal would result in sporadic development in the open countryside, detrimental to the visual amenity of the area, contrary to Policy DM1 of the Taunton Deane Core Strategy.

**53. Erection of outbuilding in the garden of Amberd House West, Amberd Lane, Trull (42/16/0009)**

Reported that the above application had recently been determined under delegated authority.

It had now come to light that the matter should have been referred to the Planning Committee due to the level of objection received.

Whilst the decision had been made, it was now considered prudent to explore whether the Committee would have reached the same decision in order to establish whether any injustice had been caused by this failure to follow procedure.

Members were therefore requested to consider the submitted report and agree what decision they would have made had the application been before them in the normal manner.

After careful consideration, it was **resolved** that if the Planning Committee had originally considered the application, planning permission would have been granted, subject to the following conditions being 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 5472-01 Plans and Elevations;
  - (A3) DrNo P/102 Block Plan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no additional windows or other openings shall be installed in the north elevation of the development hereby permitted without the further grant of planning permission;
- (d) The development hereby approved shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Amberd House West and not used for permanent stabling of horses;

(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 and had granted planning permission.)

**54. E/0101/35/16 – Alleged untidy and unsafe site at the Globe inn, Appley, Stawley**

Reported that it had been brought to the Council's attention - by Stawley Parish Council - that renovation work to a barn on the north side of the Globe Inn, Appley, Stawley had currently been stopped although the owner had

indicated that work would be continued, using a phased approach, and was likely to be completed by March 2017. Noted that the barn was listed by virtue of the fact it was attached to the listed public house.

Stawley Parish Council had requested the Council to take action in accordance with Section 215 and /or a Section 54 of the Town and Country Planning Act 1990 due to the state of the site causing harm to the visual amenity of the area.

In the view of the Area Planning Manager,, it was not considered that the amenity of the land or the adjoining area was being adversely affected by the site. Serving a notice as requested by the Parish Council would therefore not be an appropriate course of action at this time.

**Resolved** that, although the site would continue to be monitored, no further action be taken at this time.

**55. E/0004/21/16 – Alleged unauthorised development/untidy site on land off Milverton Road, Langford Budville**

Reported that a complaint was received in January 2016 regarding the build-up of waste, materials and rubbish on land off Milverton Road, Langford Budville.

Following an inspection of the site, it had been noted that there had been a large accumulation of wooden pallets, vehicle tyres and bricks and builder's rubble. It was also noted that there were several cars, mobile homes and caravans located on the site. It was also reported that people intermittently came and stayed on the site for short periods of time.

The owner of the land had been instructed to either remove the materials or apply for planning permission to allow the materials, vehicles, mobile homes and caravans to remain on the land.

To date no planning application had been received and it appeared that more materials, together with a further caravan, had been located on the site.

**Resolved** that:-

(1) An enforcement notice be served to:-

- (a) Stop the use of the site off Milverton Road, Langford Budville for the stationing of a mobile homes and caravans;
- (b) Stop the use of the site for residential/domestic/commercial use;
- (c) Remove the mobile homes and caravans from the site; and



- (d) Remove all residential and domestic equipment, building materials, tyres, builder's rubble, wooden pallets and materials associated with the unauthorised uses from the site;
- (2) Any enforcement notice served to have a compliance period of three months from the date on which the notice took effect; and
- (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.

**56. E/0044/36/16 – Unauthorised siting of a mobile home at Curryload Farm, Curload Road, Curload, Stoke St Gregory**

Reported that a complaint had been received in February 2016 regarding the unauthorised occupation of a mobile home sited at Curryload Farm, Curload Road, Stoke St Gregory.

Reported that the occupants of the mobile home were not family, but friends of the owner of the farm, and were currently listed on the Homefinder Somerset awaiting the allocation of a Council house.

If the mobile home was being used in connection with the farm then there would be an argument for allowing it to be kept and ensuring the residential use ceased. However, in the current circumstances it was considered appropriate that the mobile home should be removed from the site to ensure both the cessation of the residential use and the adverse impact on the amenity of the area.

**Resolved that:-**

- (1) An enforcement notice be served to:-
  - (a) Stop the use of the site atv Curryload Farm, Curload Road, Curload, Stoke St. Gregory for the stationing of a mobile home;
  - (b) Remove the mobile home from the site;
  - (c) Remove all residential and domestic equipment and materials associated with the unauthorised use from the site;
- (2) Any enforcement notice served to have a compliance period of six months from the date on which the notice took effect and
- (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.

**56. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 8.25pm.)