

Planning Committee – 13 July 2016

Present: - Councillors Mrs J Adkins, M Adkins, Booth, Brown, Coles, Martin-Scott, Morrell, Nicholls, Mrs Reed, Sully, Townsend, Watson and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Tim Burton (Assistant Director – Planning and Environment), Frances Wadsley (Planning Officer), Martin Evans (Solicitor) and Emma Hill (Democratic Services Officer)

Also present: Councillors Berry and Habgood and Councillors Parrish and Cavill in connection with application No. 48/16/0005.
John Fellingham and Lisa McCaffrey, SCC Highways and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

62. Appointment of Chairman

Resolved that in the absence of both the Chairman and Vice-Chairman, Councillor Wren be appointed Chairman of the Planning Committee for the duration of the meeting.

Councillor Wren took the Chair.

63. Apologies/Substitutions

Apologies: Councillors Bowrah, C Hill, Mrs M Hill, Gage and Wedderkopp

Substitutions: Councillor Mrs J Adkins for Councillor Bowrah
Councillor Coles for Councillor Mrs M Hill
Councillor Sully for Councillor C Hill

64. Minutes

The minutes of the meeting of the Planning Committee held on the 22 June 2016 were taken read and were signed.

65. Declarations of Interest

Councillors M Adkins and Coles 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. He also declared that he was the Ward Councillor for enforcement item No. E/0181/34/14 and had not 'fettered his discretion'.

Councillor Nicholls declared a personal interest as a member of the Fire Brigade Union. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council.

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:-

14/16/0022

Erection of an aviary building on land opposite Broomhay, White Street, Ham, Creech St Michael

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) Location Plan;
 - (A4) Site Plan;
 - (A4) DrNo 001 West and East Elevations;
 - (A4) DrNo 002 South and North Elevation;
 - (A4) DrNo 003 First Floor Plan;
 - (A4) DrNo 004 Section A-A;
- (c) No wall construction shall take place until a detailed section drawing and/or specification to show the concrete block plinth with vertical mortar joints and weep vents has been submitted to, and approved in writing by, the Local Planning Authority;
- (d) (i) Before any wall construction 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;

- (e) The development hereby permitted shall be used as a private aviary for the keeping and breeding of Peregrine Falcons only. It shall at no other time be used in connection with any commercial and/or retail activity of any kind;
- (f) The development hereby permitted shall accommodate a maximum of eight breeding pairs of birds of prey at any one time;
- (g) The tree screens as shown on the submitted Site Plan shall be completed before the building hereby permitted is first occupied and thereafter maintained as such;
- (h) 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 fencing other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (i) No lighting shall be installed on the site 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 and had imposed planning conditions to enable the grant of planning permission; (2) 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 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; (3) Applicant was advised that the requirements of Animal Health (DEFRA), English Nature, the RSPCA or any other animal organisation is independent from planning legislation and it is your responsibility to ensure all relevant licencing and other documentation for the breeding and keeping of birds of prey is obtained; (4)

Applicant was advised that the Environment Agency would oppose any conversion of this proposal into a residential development in the future on flood risk grounds.)

67. Replacement of buildings with the erection of a Class A1 foodstore with associated access, car parking and landscaping on land off Bridgwater Road, Bathpool (48/16/0005)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure a travel plan and highway works, 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, appropriate conditions, to be agreed with either the Chairman or Vice Chairman of the Committee, be imposed.

Reason for granting permission contrary to the recommendation of the Area Planning Manager:- The Committee considered that the economic benefits of the proposal outweighed the harm that the development would cause to the vitality and viability of the town centre and to the prospects of the delivery of a viable local centre at Monkton Heathfield. Subject to the imposition of suitable conditions, the impact on the local highway network is considered to be acceptable.

68. E/0146/24/16 – Alleged non-compliance with prior notification at Higher Knapp Farm, North Curry

Reported that following receipt of a complaint, the site at Higher Knapp Farm, had recently been inspected to see if the development was proceeding in accordance with the prior approval that had been granted.

It was noted that the majority of the barn (that was to have been retained) had been demolished and only a small proportion of the walls remained. Approximately 75% of the building had been removed and it appeared that what was remaining of the building had been demolished and rebuilt.

The development constituted the demolition and the erection of a new dwelling in the countryside and the owner of the site could no longer rely on the prior approval that had been issued.

The owners were considering what action to take to retain the current structure and might submit a full planning application for the dwelling.

However, the Area Planning Manager was of the view that the development was unacceptable in principle and had recommended that enforcement action should be taken.

The Committee agreed however to defer a decision on enforcement action to allow the owners of the land to submit a planning application.

Resolved that: enforcement action be deferred for one month to allow the receipt of a valid planning application and its determination thereafter.

69. E/0181/34/14 – Unauthorised cooler units installed on external wall at the Post Office, Staplegrove

Reported that a complaint had been received in November 2014 regarding the noise and disturbance from four new cooler units that had been installed at the rear of Staplegrove Post Office, Manor Road, Taunton without planning permission.

The owner of the Post Office was contacted and subsequently submitted a planning application to regularise the situation. However, the application was refused in March 2015 and the owner was advised to remove the cooler units in order to avoid enforcement action.

The owner had made further contact with the Council asking whether he could relocate the units. He was advised that a further planning application would need to be submitted but, to date, no such application had been received and the unauthorised cooler units remained in position.

Resolved that:-

- (1) An Enforcement Notice be served seeking the removal of the four cooler units that had been installed without planning permission at the Staplegrove Post Office, Manor Road, Taunton;
- (2) Any enforcement notice served to have a two month compliance period 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.

70. E/0093/37/15 – Alleged unauthorised occupation of mobile home and storage of caravans, Stoke Woods, Stoke St Mary

Reported that a complaint had been received regarding the stationing of a mobile home without planning permission on land at Stoke Woods, Stoke St Mary.

A site inspection had also revealed that there were also a number of caravans in various states of disrepair located in the middle of the site next to the owner's storage shed. The owner had alleged that the mobile home was

being used by a forestry worker (and partner) who were employed on the site and that the caravans were simply being stored on the land and not used.

A planning application to retain the mobile home had been submitted by the owner, however this contained insufficient information to enable it to be processed. Requests to provide the additional information had not met with a response.

Resolved that unless a valid planning application had been submitted within two weeks of the date of the meeting:-

- (1) An Enforcement Notice be served seeking the:-
 - (a) Cessation of the use of the site at Stoke Woods, Stoke St Mary for the stationing of a mobile home and caravans;
 - (b) Cessation of the use of the site for residential / domestic use;
 - (c) Removal of the mobile home and caravans from the site; and
 - (d) Removal of all residential and domestic equipment from the site.
- (2) Any enforcement notice served to have a three month compliance period 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.

71. E/0072/43/16 – Removal of hedgerow on south side of Payton Road, Westford, Wellington

Reported that a complaint had been received in March 2016 regarding the removal of a hedgerow from a field on the south side of Payton Road, Westford, Wellington.

The site was inspected and a comparison to historic records and photographs had revealed that a large area of hedgerow had been removed from the land (Hedgerow 1). Further investigation revealed that a second section of hedgerow had also been removed from the field (Hedgerow 2). These sections of hedgerow were classed as 'important' in terms of the regulations.

The field appeared to have been ploughed recently and the plough lines ran across the entire site and through the locations where the hedgerows had been located.

Reported that the owner of the field had contacted the Council to acknowledge that he had removed 63m of the hedgerow that was subject to the original complaint (Hedgerow 1) but suggested that it did not extend the entire distance from the edge of the field to the barn (which was 90m). He had offered to replant a Hawthorn hedge to the barn in the same location as the previous hedge in the planting season November 2016 - February 2017.

As far as Hedge 2 was concerned, the owner had stated that the material taken out of this hedge was only bramble that had grown up around an existing fence line. He stated that this had been removed some time before 2014. Analysis of historic images of the area did indicate that this was likely to have been the case.

Resolved that:-

- (a) A Hedgerow Replacement Notice be served on the owner of land on the south side of Payton Road, Westford, Wellington to plant a replacement hedge in the area shown on the plan to be included in the Notice using bare root stock plants, 60-90cm or 90-120cm as follows:-
- 5 hedge plants per metre length planted in double staggered rows with 40cm gaps between each row; and
 - The species of hedge plants to be:-
 - 25% Field Maple (*Acer campestre*);
 - 25% Hawthorn (*Crataegus monogyna*);
 - 20% Hazel (*Corylus avellana*);
 - 10% Blackthorn (*Prunus spinosa*);
 - 10% Dogwood (*Cornus sanguinea*);
 - 5% Guelder rose (*Viburnum opulus*); and
 - 5% Holly (*Ilex aquifolium*).
- (b) The period during which the works must be carried out to be between the 1 November 2016 to 30 November 2016; and
- (c) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the Hedgerow Replacement Notice not be complied with.

72. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.55pm)