

Planning Committee – 23 November 2016

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillor Booth, Brown, Coles, Gage, Hall, C Hill, Morrell, Sully,
Mrs Reed, Townsend, Watson and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal
Planning Officer), Martin Evans (Solicitor) and Tracey Meadows
(Democratic Services Officer)

Also present: Councillor Stone in connection with application No. 24/16/0044.
Councillor Berry. Mrs A Elder, Chairman of the Standards Advisory
Committee.

(The meeting commenced at 5 pm)

102. Apologies/Substitutions

Apologies: Councillors M Adkins, Martin-Scott, Nicholls and Wren

Substitutions: Councillor Hall for Councillor M Adkins
Councillor Coles for Councillor Nicholls
Councillor Sully for Councillor Martin-Scott

103. Minutes

The minutes of the meetings of the Planning Committee held on the 2
November 2016 were taken and were signed.

104. Public Question Time

Councillor Ross raised concerns regarding a number of long running planning
issues in the Wiveliscombe Ward. His current concerns related to the secure
hospital to be built at the Gateway to Wiveliscombe.

The planning permission which had been granted in 2013 was due to expire in
mid-December. The permission was subject to conditions, some of which
were condition precedent.

However, it had come to his attention that work had begun on site despite a
Highway condition not being discharged first. He had queried why this had
happened.

There was apparently no policy here at Taunton Deane to put discharge
notices on the website despite the fact that many other local authorities did so.

Councillor Ross said he had a lengthy list of questions which he would submit to the Committee and the Planning Department for a response. He gave the following as an example of the questions he would be asking:-

- Why were local residents not afforded the same openness and transparency in the planning process as elsewhere in the country?
- Was the Council having problems resourcing discharging of conditions? and
- Why was the Council allowing the developers to breach the condition?

He stated that he would be particularly interested in the Committee's views as to how open and transparent we were in Taunton Deane.

The Chairman thanked Councillor Ross for drawing this matter to the attention of Members.

105. Chairman's response to a Public Question asked at the October meeting of the Committee

Councillor Morrell had previously raised concerns regarding the completeness of the Minutes of the Committee.

The Chairman reported that he had subsequently met with the Vice-Chairman, the Democratic Services Manager, the Solicitor and the Area Planning Manager to discuss the issue.

Whilst the format and the content of the Minutes was ultimately a matter for the Committee to decide upon, it was noted that the current format had been established for many years and were consistent with the Minutes of the Planning Committees of other Councils in that they generally only recorded the final resolution of an agenda item.

It was also noted that if a dispute arose over what had been said at a particular Committee meeting, the entire proceedings were now recorded and the audio could be checked.

106. Declarations of Interest

Councillors Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Coles also declared a personal

interest a Member of Devon and Somerset Fire and Rescue Service. Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. Councillor C Hill declared a personal interest on application No. 30/16/0029 as the applicant was known to him. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association.

107. 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:-

24/16/0044

Proposed reconstruction of agricultural building to form dwelling house and change of use of land to residential curtilage at Higher Knapp Farm, North Curry (retention of part works already undertaken)

Conditions

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

- (A3) DrNo 2173-PL-101 Rev A Location Plan & Site Plan
- (A3) DrNo 2173-PL-102 Block Plan
- (A3) DrNo 2173-PL-103 Proposed Floor Plans
- (A3) DrNo 2173-PL-104 Proposed Elevations
- (A3) DrNo 2173-PL-105 Proposed Cross Sections

Reason for granting permission contrary to the recommendation of the Area Planning Manager:-

Permission had been previously granted for an identically designed building. There was one remaining wall and this ensured that this was not entirely a new build in the open countryside.

07/16/0013

Construction of a Gas Fired Energy Reserve facility and ancillary infrastructure on land adjacent to Hele Manor, Hele

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 9660-0002-05 Site Location Plan;
- (A3) DrNo 9660-0001-06 Illustrative Site Layout;
- (A1) DrNo 9660-0007-01 Illustrative Site Elevations (External);
- (A1) DrNo 9660-0006-01 Illustrative Site Elevations;
- (A3) DrNo 9660-0005-01 Illustrative Landscape Proposals;

(c) (i) Before any part of the development hereby permitted 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. The scheme shall include increased landscape planting to the north and north-west of the site; (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) No works shall be undertaken on site (other than those required to fulfil this condition) unless details for surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a schedule of implementation for the surface water drainage works. The works shall be carried out in accordance with the approved details and schedule of implementation and shall thereafter be retained in that form;

(e) A condition survey of the existing public highway shall be carried out and agreed in writing with the Local Planning Authority prior to the commencement of any works on site. Any damage to the highway occurring as a result of the development hereby permitted shall be remedied to the satisfaction of the Local Highways Authority once all works have been completed on site;

(f) A banksman shall be employed at the access point to control all vehicles accessing and exiting the site throughout the duration of the construction works;

(g) Before the development hereby permitted is first brought into use a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall thereafter be maintained as such at all times;

- (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 only;
- (i) The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) Prior to the installation of the gas containers, details of the container cladding shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (k) Before the development hereby permitted is first brought into use an acoustic barrier shall be installed in accordance with details that shall have been previously submitted to, and approved in writing by, the Local Planning Authority and thereafter retained as such;
- (l) 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, 1 hour Leq, at any time when measured alongside the road adjacent to Bridge House to the west of the site; 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;
- (m) The development hereby permitted shall be carried out in accordance with all the recommendations, details and timings made in RPG's Preliminary Ecology Appraisal report dated August 2016;

(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 that it would be necessary to complete a temporary Traffic Regulation Order (TRO) application form and this should be applied for as soon as possible. Please be aware that the application for a temporary TRO is a separate process and will need to be in place prior to the commencement of development; (3) Applicant was advised that the alteration of the existing agricultural access will involve construction works within the existing highway limits. These works together with routes from the A38 to the site must be agreed in advance with the Highway Service

Manager for the Taunton Deane Area. They will be able to advise upon and issue the relevant licences, necessary under the Highways Act 1980; (4) Applicant was advised that temporary signage should be provided warning drivers of a 'Concealed Works Access' (or similar) along the highway; (5) Applicant was advised that the protection afforded to species under UK and EU legislation is irrespective of the planning system and you should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. A precautionary approach should be followed during the stripping of longer vegetation.)

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

43/16/0063

Erection of a dog kennel at The Byre, Westford, Wellington (retention of works already undertaken)

Reason

The proposed development would result in the loss of car parking spaces and a turning area required under condition No. 4 of permission 43/08/008 dated 21 November 2008 for the use of The Byre as a residential dwelling and as a result would give rise to parking and manoeuvring on the adopted highway which would be likely to create safety issues and danger for all users of the road contrary to Policy DM1 of the adopted Taunton Deane Core Strategy;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council worked in a positive and pro-active way with the applicants and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

108. Erection of a detached dwelling with associated works to incorporate a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster (30/16/0029)

Reported this application.

Resolved that subject to receipt of an amended plan showing the revised treatment of the northern side elevations of the balconies, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted the following conditions be imposed:-

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 1514 - PL01A Site Location;
 - (A3) DrNo 1514 - PL03A Site Layout;
 - (A3) DrNo 1514 - PL13A South Elevation;
 - (A3) DrNo 1514 - PL12A North Elevation;
 - (A3) DrNo 1514 - PL11A East Elevation;
 - (A3) DrNo 1514 - PL10A West Elevation;
 - (A3) DrNo 1514 - PL09A First Floor Plan;
 - (A3) DrNo 1514 - PL08A Ground Floor Plan;
 - (A3) DrNo 1514 - PL07A Basement Plan;
 - (A3) DrNo 1514 - PL16 Roof Plan;
 - (A3) DrNo 1514 - PL14A Elevation and Section;
 - (A3) DrNo 1514 - PL20 East Elevation Section from Field;
 - (A3) DrNo 1514 - PL06A Section BB;
 - (A3) DrNo 1514 - PL05A Section AA;
- (c) No construction of the exterior of the dwelling 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;
- (d) (i) Before the dwelling hereby approved is occupied, 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 area allocated for parking on the submitted 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) The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and 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 dwelling to which it relates and shall thereafter be retained as such;

- (g) The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats as recommended;

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 roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (h) Prior to the commencement of development, other than demolition, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site; (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to, and approved in writing by, the Local Planning Authority; (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (i) 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), there shall be no addition or extension to the building without the further grant of planning permission;
- (j) 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), there shall be no further building, structure or other enclosure constructed or placed on the site without the further grant of planning permission;

- (k) The living room window in the northern side elevation shall be glazed with obscure glass to a height of 1.7m 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;

(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 also advised that with regard to the adjoining public footpath: - Any proposed works must not encroach on to the width of the footpath; 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 Somerset County Council 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; (3) Applicant was also advised that most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended); 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; (4) Applicant was also advised to be aware that comments received have identified that an area near to the site was once used as a garage. You are advised to take care during construction for any disused fuel tanks that may be present.)

109. Appeals

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

Resolved that the report be noted.

(The meeting ended at 7.30 pm)