

Planning Committee – 24 May 2017

Present: - Councillors M Adkins, Booth, Brown, Gage, Mrs M Hill, Morrell, Nicholls, Sully, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Tim Burton (Assistant Director – Planning and Environment), Martin Evans (Solicitor, Shape Partnership Services), Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, Habgood and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

26. Appointment of Chairman

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

27. 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.

In the absence of the Chairman, Councillor Mrs Hill took the Chair.

28. Apologies/Substitutions

Apologies: The Chairman (Councillor Bowrah) and Councillors Mrs Adkins, Martin-Scott and Mrs Reed

Substitutions: Councillor Wren for Councillor Mrs Adkins
Councillor Sully for Councillor Martin-Scott

29. Minutes

The minutes of the meetings of the Planning Committee held on the 5 and 26 April 2017 were taken read and were signed.

30. Declarations of Interest

Councillors M Adkins and Wedderkopp declared personal interests as Members of Somerset County Council. 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 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 one of the Ward

Members for application No.34/17/008. 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. He also declared that he would step down as a Member of the Committee to enable him to speak as the Ward Councillor for application No. 23/17/0003NMA. Councillors Booth, Brown and Gage declared that they had been lobbied by the applicants for application No. 42/17/0005.

31. Application 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:-

24/17/0010

Erection of an agricultural building for housing of livestock and storage with associated hardstanding, access track and access onto the highway on land at Newport Farm, Newport Road, North Curry (amended scheme to 24/16/0038)

- (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;
 - A1) DrNo 16/017/001 Rev B Proposed Field Access and Section;
 - (A3) DrNo 1867/01A Rev A Proposed Site Plan;
 - (A3) DrNo 1867/02A Rev A Barn Plans;
 - (A3) DrNo 1867/03A Rev A Barn Elevations;
 - (A3) DrNo 1867/05 Elevations of entrance looking from the road;
- (c) Prior to the erection of the building hereby permitted a detailed landscaping scheme which will include, the planting of trees and shrubs to the south between the site and the adjacent A378, to the west between the site and Ludwells Farm, within the site entrance and additional screening to the north of the building shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted scheme shall include species such as Oak and Maple and shall include numbers, density and size of all new trees and shrubs to be planted and a programme for their implementation;

- (d) Prior to the use of the development hereby permitted the proposed access over at least the first 10 m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced not loose stone or gravel, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times;
- (e) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 m from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (f) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times;
- (g) At the proposed access there shall be no obstruction to visibility greater than 300 mm above the adjoining road level within the visibility splays shown on the submitted plan Drawing Number 16/017/001 Revision B dated 16/01/2017. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (h) Before any internal or external lighting is installed, erected, placed or operated on the site, details shall have been first submitted to, and approved in writing by, the Local Planning Authority. Details shall include the lighting (manufacturer's specifications), number(s) of lights and their siting. There should be no 'light spill' outside the site. The works shall thereafter be carried out in accordance with the approved details and in no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme;
- (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, no development of the type described in Schedule 2, Part 6, Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out within the field without the further grant of planning permission;
- (j) Prior to the erection of the building hereby permitted details for the surface water drainage works to serve the development shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the use of the building. The works shall thereafter be retained in that form;
- (k) No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) 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;

- (l) Prior to the use of the development hereby permitted commencing, the existing access off the A378 to the west of the application site shall be closed up, details of which shall have previously been submitted to, and agreed in writing with the Local Planning Authority and shall thereafter be maintained in accordance with the approved details;
- (m) The development hereby permitted shall not be exercised in addition to any permission already granted (viz application no. 24/16/0038) and shall be treated as an alternative so the developer has the option of carrying out development in accordance with the present permission or the permission already granted but not both;

(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 imposed planning conditions to enable the grant of planning permission; (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; (3) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the . Application for such a permit should be made at least four weeks before access works are intended to commence; (4) Applicant was advised that further expansion of the site through additional development would not be supported in the interests of the visual amenities and in order to protect the character and appearance of the area; (5) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).)

34/17/0008

Erection of first floor rear extension and replacing the existing flat roof canopy to the front (west) elevation with a strong monopitched roof at 6 Stoneleigh Close, Taunton

- (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;
 - (A3) Revised Plans and Elevations received on 18 April 2017;

- (c) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) There shall be no alteration or additional windows installed in the west, north or south elevations of the dwelling without the further grant of planning permission. For the avoidance of doubt the west elevation has been incorrectly labelled 'east' on the drawing hereby permitted and 'west' in this condition refers to the actual direction not the label, the relevant elevation being the rear elevation of the dwelling;

(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 whilst it would appear from the application that the proposed development was to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.)

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

49/17/0007

Outline Planning Application with all matters reserved, except for means of access, for the erection of up to 130 dwellings with public open space, landscaping and sustainable drainage system with vehicular access point on land at North Street, Wiveliscombe

Reasons

- (1)The site is outside the defined settlement limit of Wiveliscombe. It would result in an unplanned extension of the town, preventing a full assessment of the most sustainable options for future growth that would consider a range of factors including the use of best and most versatile agricultural land and walking distances to key facilities and provision of services in order to achieve sustainable development. It is, therefore, contrary to Policies CP8 and DM2 of the Taunton Deane Core Strategy;

The site contributes to the landscape setting of Wiveliscombe, a contributory factor in defining the character of the settlement. It would infill a gap between Wiveliscombe to the south and Langley to the north leading to the coalescence of the two settlements to the detriment of their individual character. Accordingly, the development would fail to protect, conserve and enhance landscape and townscape character, and would destroy an open break between the settlements, contrary to Policies DM1 and CP8 of the Taunton Deane Core Strategy;

The application indicates that the proposal would result in a poor quality, characterless development with a poor relationship to the surrounding urban form that does not respect the local vernacular or character of the settlement contrary to Policy D7 of the Site Allocations and Development Management Plan;

There are no material considerations that would outweigh these significant and demonstrable harms or the fundamental conflict with the development plan;

- (2) Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework and Policy DM1 of the Taunton Deane Core Strategy since the proposed development is likely to result in a severe transport impact, which could be prejudicial to the safety, amenity and convenience of highway users;
- (3) Insufficient information has been submitted to demonstrate that occupiers of the proposed development would not be subject to adverse disturbance by odour nuisance from the nearby Sewage Treatment Works, contrary to Policy DM1 of the Taunton Deane Core Strategy;
- (4) There is no mechanism in place to secure appropriate affordable housing provision, children's play facilities, a public art contribution or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2, D13 and C2 of the Taunton Deane Site Allocations and Development Management Plan;

42/17/0005

Erection of 1 No. detached dwelling with associated works on land to the east of Wild Oak Lane, Trull

Reason

The proposed development is located outside the defined settlement boundary, within the Vivary Green Wedge and within the Local Green Space. No very special circumstances have been demonstrated to outweigh the potential harm and as such the development would be contrary to the National Planning Policy Framework and to adopted Local Plan Policies DM1d, DM2 and CP8 of the Taunton Deane Core Strategy and Policy E1 of the emerging Trull Neighbourhood Plan;

(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.

However in this case the applicant was unable to satisfy the key policy tests and as such the application had been refused.)

23/17/0003/NMA

Non-material amendment to application 23/78/0025 for revisions to road layout, omission of plots 20 and 54 and planting of trees and hedgerows on land at Creedwell Orchard, Milverton

Reason

The deletion of the access to the lane north of plot 25 is considered to be a material amendment to the extant planning permission. The other proposed amendments, taken cumulatively are also considered to result in a material amendment to the extant planning permission and are hereby refused.

As a result of this decision the development must be undertaken in accordance with approved plans on the original application. No substitution should be made without the prior consent from the Local Planning Authority. Failure to adhere to the details of the approved plans or to comply with the conditions on the original planning permission constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken;

Alternatively you may wish for the proposed amendment to be considered within a fresh planning application.

31. E/0180/27/16 – Alleged unauthorised development at Allerford Farm, Norton Fitzwarren

Reported that it had come to the attention of the Council that works had been undertaken on land at Allerford Farm, Norton Fitzwarren which were not in compliance with various planning approvals that had previously been granted.

A site visit had been carried out in October 2016 to inspect the works in progress. At the time it was clear that work was continuing and concrete was being poured on an area of land that had no planning permission. The owner of the land was therefore advised to either submit a further application for the work he was undertaking or make revisions to the work so that it was in accordance with the approved plans.

On a return visit it was established that the car park had been constructed larger than shown on the approved plans and an additional building of block construction was also being erected behind the trees beyond the manure bay. It was also noted that the construction of the manure bay and the concrete track had taken place outside the scope of the approved plans.

Resolved that:-

- (1) An enforcement notice be served seeking the removal of:-
- (a) All concrete areas laid without planning permission and external lighting;
 - (b) The base for a store on agricultural land as shown on the plan;
- (2) Any enforcement notice served to have a compliance period of four 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.

32. Appeals

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

Resolved that the report be noted.

(The meeting ended at 9.17 pm)