

Planning Committee – 16 January 2019

Present: - Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs J Adkins, M Adkins, Brown, Coles, C Hill, Martin-Scott,
Morrell, Nicholls, Mrs J Reed, Townsend and Watson

Officers: - Bryn Kitching (Planning Manager), Gareth Clifford (Planning Officer),
Martin Evans (Solicitor, Shape Partnership Services) and Tracey
Meadows (Democracy and Governance Case Manager)

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

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

Apologies: Councillors Bowrah, Gage and Wedderkopp

Substitution: Councillor Booth for Councillor Wedderkopp

2. Declarations of Interest

All Councillors declared that they had received correspondences from the objectors of application No.09/18/0012. They all declared that they had not 'fettered their discretion'. Councillor Booth declared that a work colleague was in the public gallery for application No. 09/18/0012. He declared that he had not 'fettered his discretion'. Councillor Watson declared that he was the Ward Councillor for Bishops Lydeard and Cothelstone. Councillor Brown declared that he had received a telephone call from a member of the public, he declared that he had not 'fetter his discretion'.

3. 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:-

4. 42/18/0040

Erection of 1 No. four bedroomed dwelling with detached single garage and ancillary works on land to the side of The Old Rectory, Wild Oak Lane Trull

Conditions

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

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

- (A1) DrNo 3056.001 Tree Survey & Constraints;
- (A1) DrNo 3056.002 Rev B Structure Planting Plan ;
- (A4) DrNo S0_229_101 Location Plan;
- (A4) DrNo S0_229_102 Block Plan;
- (A1) DrNo 229_103 Existing Site Plan;
- (A1) DrNo 229_104 Proposed Site Plan;
- (A1) DrNo 229_201 Proposed Ground Floor Plan;
- (A1) DrNo 229_202 Proposed First Floor Plan;
- (A1) DrNo 229_203 Roof Plan;
- (A1) DrNo 229_204 Site Elevations and Images;
- (A1) DrNo 229_205 Dwelling and Garage Elevations;

(c) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development 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;

(d) The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, 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 boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

(e) (i) Prior to its implementation, the landscaping scheme shall be carried out as per drawing 3056.002 Rev.B; (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;

- (f) 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;
- (g) There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing 2229_104:6. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such;
- (h) Before construction commences (including site clearance and any other preparatory works) the scheme for the protection of the TPO tree to be retained shall be implemented. Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

Notes to Applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has 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 Governments 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).

11/18/0015

Variation of Condition No. 02 of 11/18/0007 to enable holiday let to be used as a permanent dwelling on land to the east of Yarde Farm, Combe Florey

- (a) The building shall be constructed using the materials approved by Local Planning Authority on 6 October 2010 in relation to planning consent 11/05/0009;
- (b) The landscaping scheme approved by Local Planning Authority on 6 October 2010 in relation to planning consent 11/05/0009 shall be completely carried out within the first available planting season from the date of completion of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority 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;
- (c) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no addition or extension to the building(s) unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (f) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;

Reasons for granting planning permission:-

The planning committee felt that although the proposals were contrary to the development plan, material considerations such as:

- the presence of a previous farmhouse being on the site until it was burnt down;
- that the building would be in a group of other dwellings and holiday lets, and
- that there would be limited harm arising from the proposals to remove the condition outweighed the conflict with the development plan and indicated that planning permission should be granted;

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

28/18/0004

Conversion and extension of agricultural building to the residential dwelling at Orchard Portman Farm, Orchard Portman Road, Orchard Portman

Reason

The proposal, by reason of the size and position of the extension, inappropriately projecting and elongating the barn, the resultant profile of which would be transformed in a way that would not reflect its simple utilitarian form, together with the resulting increase in residential curtilage, exacerbated by the obtainable views of the site from the road, would unacceptably harm the character and appearance of the host building thereby being incompatible and adversely affecting the setting and open, rural countryside location. The proposal would therefore be contrary to policies DM2, DM4 and CP8 of the Core Strategy and Policy D7 of the Site Allocations and Development Management Plan;

(Notes to applicant:- (1) 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; (2) Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had 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.)

36/18/0043

Replacement of agricultural building with the erection of 2 No. dwellings with associated works at Crossways Farm, Slough Lane, Stoke St Gregory

Reasons

1. The proposed development site is outside of recognised settlement limits and is considered to be in an unsustainable location which would rely on travel by private motor vehicles, and is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policies CP1a, SP1, DM2, and SADMP policy H1(a), and NPPF (2018) paragraphs 78 and 79;
2. The proposed development is considered to be harmful to the pastoral character of the location, and is not considered to be conserving and enhancing the area in relation to the listed building at Crossways Farm in that it would introduce suburban elements into a predominantly rural location, which has designated heritage assets located in close proximity. Therefore the proposal is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policy CP8, and Taunton Deane Site Allocations and Development Management Plan (adopted December 2016) policy D7(A & B) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicants and looks 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.)

38/18/0429

Erection of a single storey extension to the rear and conversion of loft at 6 Birch Grove, Taunton

Reason

The impact of the proposed extension beyond the rear building line of this terraced row will be an adverse impact on the amenity and design of the terrace and would not preserve or enhance the character of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. (3) That the following application **be deferred** for the reasons stated:-

09/18/0012

Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)

Reason–

- Application deferred to allow the applicant to submit a second application for the Chalet and other parts of the development. Note that

If the second application was not received by 15th February 2019, Application No. 09/18/0012 would be determined at the Planning Committee on the 26 February 2019;

The following points to be noted;

- Landscape - the key piece of land for the planting of trees should be on the church side of the arena;
- S215 - Officers to look into a Section 215 on the site;
- Drainage - details to be reported back to the Planning Committee;

7. Appeals

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

(The meeting ended at 9:58 pm)