

Planning Committee – 21 January 2009

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bishop, Bowrah, Mrs Copley, Denington,
Mrs Floyd, C Hill, House, Miss James, McMahon, Watson, Ms Webber
and Woolley

Officers:- Mr T Burton (Development Manager), Mr G Clifford (Area Planning
Manager – South), Miss M Casey (Planning and Litigation Solicitor)
and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Prior-Sankey in relation to application No 38/08/0349 and
Councillor Coles

(The meeting commenced at 5.00 pm)

11. Apologies

Councillors Critchard, Mrs Smith and D Wedderkopp.

12. Minutes

The minutes of the meetings held on 10 December 2008 and 7 January 2009
were taken as read and were signed.

13. Public Question Time

Mr Ward of the Civic Society asked if the submission of sketch plans was
considered safe.

The Development Manager replied that each application was judged on its
merits and, if necessary, more detailed plans could be requested.

14. Applications for Planning Permission

The Committee received the report of the Development 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, subject to the standard conditions adopted by Minute No
86/1987 of the former Planning and Development Committee and such further
conditions as stated:-

31/08/0027

**Change of use to function facilities, together with formation of new
access and car park at Woodlands Castle, Ruishton, Taunton**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Details of the surfacing materials to the car park and drive hereby permitted shall be submitted to, and agreed in writing by, the Local Planning Authority prior to their installation and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development;
- (c) (i) Before any part of the permitted development 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;
- (d) The existing access onto the A358 shall be permanently closed when the access hereby permitted is brought into use. Details of the means of closure of the existing access shall be submitted to, and approved in writing by, the Local Planning Authority before the new access commences and shall be implemented as agreed;
- (e) The visibility splays and access point illustrated on Peter Evans Partnership drawing No 2241.01 shall be provided prior to the access use commencing and, in any event, within three months of the date of the permission, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be maintained;
- (f) Details of any external lighting shall be submitted to, and approved in writing by, the Local Planning Authority before its installation. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (g) Details of the means of surface water drainage for the proposed car parking area shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented prior to the car park being brought into use;
- (h) 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 be submitted to, and approved in writing by, the Local Planning Authority prior to the drive construction commencing and thereafter carried out as agreed;
- (i) The work and guidance set out in paragraphs 7.1 and 7.2 of the submitted Michael Woods Associates Survey Report shall be carried out during construction works.

(Note to applicant:- Applicant was advised that a revised scheme for the provision of disabled access should be considered instead of the unauthorised pergola deleted from the current proposal. A new planning and listed building application would need to be submitted to address this issue. Any new listed building submission should also address the treatment of the first floor toilets.)

Reason for granting planning permission:-

The proposal was considered not to harm visual or residential amenity. It had good transport links and did not adversely affect highway safety and did not adversely affect the character of the listed building. It was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), EC6 (Conversion of Rural Buildings), M2 (Parking), EN6 (Protection of Trees and Hedgerows) and PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

38/08/0349

Construction of two floodlit, sand-filled, all weather sports pitches, warm-up area, third generation 5-a-side football pitch, tarmac tennis courts and cricket net surrounds (resubmission of 38/2007/621) at Kings College, 65-75 South Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) (i) Before any part of the permitted development 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;
- (d) The floodlights shall not be illuminated other than between the hours of 9.00am and 9.30pm;
- (e) Following the commission of the floodlights but prior to operation, the lights shall be inspected by the Local Planning Authority to ensure that the luminaries are cowled such that the light source and lens are not visible from residential properties, such lights shall be maintained as such thereafter;
- (f) The development hereby permitted shall not be commenced until a Community Use Agreement for the outdoor sports facilities on the application site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development;

- (g) There shall be no storage of any excavated materials including soil or permanent land raising within the floodplain of the Black Brook as stated in the Aardvark Flood Risk Assessment;
- (h) A strip of land 5m wide adjacent to the top of the banks of all watercourses fronting the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land;
- (i) Prior to the commencement of development there shall be submitted to, and approved in writing by, the Local Planning Authority details of the proposed Sustainable Urban Drainage Scheme for the site. The development shall subsequently be implemented in accordance with the approved details before the development is completed;
- (j) The development hereby permitted shall not be commenced until details of an Environmental Management and Monitoring Strategy (EMMS) to protect badgers, breeding birds, reptiles, water voles and bats has been submitted to, and approved in writing, by the Local Planning Authority. The strategy shall be based on the advice of protected species reports submitted by Aardvark, dated July and November 2008, and shall include:-
 - (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - (iii) Details of the long term management of habitats on site to ensure the retention, replacement and enhancement of places of rest and foraging for the species;
 - (iv) Details of an annual badger monitoring programme, for a minimum of three years, to establish any effects of the development on the local badger population. The results must be submitted annually to the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details of the EMMS unless otherwise approved in writing by the Local Planning Authority and thereafter the site shall be permanently maintained according to the EMMS;
- (k) Details of the lighting columns and light levels for the floodlighting of the two tennis courts and five-a-side area to the north of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement;
- (l) Details of an area for parking on site for the community use shall be submitted to, and approved in writing by, the Local Planning Authority prior to works commencing and the parking shall be made available for future users.

(Notes to applicant:- (1) Applicant was advised that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of a designated 'main river'; (2) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected; (3) Applicant was advised that the Black Brook is an important wildlife corridor and should be appropriately protected in accordance with Planning Policy Statement 9. Following the RTP1 five point approach, the floodlit pitches

should be sited to avoid all adverse effects on wildlife species and habitats where possible; (4) Because of the need to protect and safeguard the environmental qualities of the site and the scale and likely programme of construction, applicant was recommended to provide undertakings to the Local Planning Authority to minimise detrimental effects to natural/water environmental features of the site and the risks of pollution. Such undertakings should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes; (5) Applicant was advised that in interpreting the results and potential impact of the ecological survey it does not appear that the ecological report has taken account of the Conservation (Natural Habitats) (Amendment) Regulations 2007. It is recommended that the advice of Natural England on the findings of the ecological survey should be sought; (6) Applicant was advised that the outfall discharge rate to the Black Brook should be limited to 7.09 l/s for all weather pitches. With regard to condition (j), the Local Planning Authority will expect to see a detailed method statement clearly stating how the species named above will be protected through the development process and to be provided with a mitigation proposal that will support these species in the long term. Details of the long term management of the site shall include the maintenance and enhancement of the Black Brook corridor, hedgelines and shrubby areas and the management of grassland within Kings College ownership, to enhance habitats. The monitoring of the badger population should include the results of a bait marking survey to be undertaken in the February before the development is started on site. The results of the survey will form the base line for a monitoring programme which should be carried out for a minimum of three years to establish any effect on the badger population in the area (there is a main sett at 36 Holway Hill). 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; (7) Applicant was advised to ensure that the floodlighting is switched off when the sports pitches are not in use).

Reason for granting planning permission:-

The proposal would improve existing facilities and promote better use of open recreational spaces and was therefore acceptable. The proposed lighting would enable full and safe use of the school sports pitch. Mitigation and future management of the site would safeguard any protected species. The proposal was therefore in accordance with Taunton Deane Local Plan Policies S1, C3 and EN34 and National Policy guidance in PPS1, PPS9 and PPS25.

(2) That **planning permission be refused** for the under-mentioned development, subject to the standard reasons adopted by Minute No 86/1987 of the former Planning and Development Committee and such further reasons as stated:-

31/08/0023

Change of use and conversion of barn to residential accommodation in paddock opposite Westcroft, Churchstanton (re-submission of 10/08/0022)

Reason

- (a) The site is remote from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure and there is no public transport services in close proximity to the site. As a result, occupiers of the proposed dwelling are likely to be dependent on private vehicles for most of their daily needs, which would foster a growth in the need to travel and it is not considered that the planning merits of the proposal are sufficient to outweigh the highway sustainability issues raised. On this basis, the proposal is contrary to advice given in PPG13 and RPG10 and Policies STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1(b) of the Taunton Deane Local Plan;
- (b) The barn is a single storey stone barn with a corrugated sheet roof and limited openings, within the Blackdown Hills Area of Outstanding Natural Beauty. Due to the nature of the roof and gable ends above eaves level not being of permanent and substantial construction, significant alterations would be required to convert the building to residential use and by virtue of the limited openings in the existing barn, the building is not deemed suitable for its intended use. As such it is not considered that the building is of a form suitable for conversion to this use and is therefore contrary to the guidance set out in the relevant sections of PPS7 (Sustainable Development in Rural Areas) and Policy H7 (Conversion of Rural Buildings) of the Taunton Deane Local Plan;
- (c) The site lies within a rural part of the Blackdown Hills Area of Outstanding Natural Beauty, where the natural beauty should be preserved and enhanced and development should not adversely affect the landscape character or appearance. The conversion of the barn, by virtue of the introduction of paraphernalia of domestic living, along with the installation of a driveway, would introduce a residential element, into a rural environment. The rustic nature of the site and the surrounding landscape would be eroded, which would fail to preserve and enhance the character of the landscape and the rural beauty of the Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies P3 (Areas of Outstanding Natural Beauty) and P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies S1 (General Requirements), H7 (Conversion of Rural Buildings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

- 15. Erection of three storey wing to replace 1960s south annex, demolition of metal deck roof to west annex and replacement with raised flat roof and addition of one storey with adjacent roof terrace, minor alterations to door and window openings of main warehouse for use as individual**

**office studios at Barnicotts Limited, 112 St Augustine Street, Taunton
(38/08/0492)**

Reported this application.

Resolved that subject to the receipt of satisfactory amended plans and the applicant entering into a Section 106 Agreement to secure contributions towards The Third Way and Northern Inner Distributor Road and Silk Mills Park and Ride extension, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Prior to the commencement of the development hereby approved details shall be submitted to, and be approved in writing by, the Local Planning Authority of a mechanism to secure the provision of contributions in respect of the Silk Mills Park and Ride Extension and the Third Way and Northern Inner Distributor Roads. The contributions shall then be provided fully in accordance with the approved mechanism prior to the use of any of the development approved, and maintained as such in accordance with the approved mechanism;
- (c) The development shall be carried out in accordance with the flood resilience measures as set out in the submitted Flood Risk Assessment prepared by Barnaby Gunning Architects, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The development hereby permitted shall not be occupied until a covered cycle rack facility has been provided within the site capable of accommodating ten bicycles in accordance with a design specification to be submitted to, and approved in writing by, the Local Planning Authority and to be constructed in accordance with those details that have been approved;
- (e) 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 be submitted to, and approved in writing by, the Local Planning Authority prior to the construction commencing and thereafter carried out as agreed;
- (f) Before the access is first brought into use, a properly consolidated and surfaced turning space for vehicles shall be constructed in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times;
- (g) Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority;
- (h) No development, excluding site works, shall begin until a sample panel of the proposed render has been built on the site and the finished texture and colour used within the panel has been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless any variation thereto is first approved in writing by the Local Planning Authority;

- (i) There shall be no bell casts formed in the render over window or door heads;
- (j) Where the extension for which consent is hereby granted abuts/encompasses elements of the existing listed building, the surfaces of the latter shall be retained in their entirety, ie. not provided with plaster or any other surface treatment or cladding, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (k) Before any structural works or repairs are undertaken, precise details of the methods, materials to be employed and areas affected shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (l) All repairs shall be progressed on the basis of minimal intervention with all repair works being affected in appropriate traditional materials and with workmanship commensurate with the buildings age/character unless any variation thereto is first approved in writing by the Local Planning Authority;
- (m) Prior to commissioning specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works unless any variation thereto is first agreed in writing by the Local Planning Authority: venting of recovered roof and WCs (including terminals); patent glazing; balustrading; metal cladding; fire escapes; doors; architraves; windows; cills; junctions between extant buildings and extensions; ceilings; partitions and works in respect of Part L of the Building Regulations for the listed building only.

Reason for planning permission, if granted:-

It was considered that the proposal was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings and would provide a suitable re-use of a building that would benefit the local economy.

16. Erection of three storey wing to replace 1960s annex, demolition of metal deck roof to west annex and replacement with raised flat roof and addition of one storey with adjacent roof terrace, minor alterations to door and window openings of main warehouse for use as individual office studios, 112 St Augustine Street, Taunton (38/08/0494LB)

Reported this application.

Resolved that subject to the receipt of satisfactory amended plans, the Development Manager be authorised to determine the application and, if listed building consent was granted, the following conditions be imposed:-

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) Only those materials specified in the application shall be used in carrying out the works hereby approved unless otherwise agreed in writing with the Local Planning Authority;

- (c) No development, excluding site works, shall begin until a sample panel of the proposed render has been built on the site and the finished texture and colour used within the panel has been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (d) There shall be no bell casts formed in the render over window or door heads;
- (e) Where the extension for which consent is hereby granted abuts/ encompasses elements of the existing listed building, the surfaces of the latter shall be retained in their entirety and not provided with plaster or any other surface treatment or cladding, unless any variation thereto is first approved in writing by the Local Planning Authority;
- (f) Before any structural works or repairs are undertaken precise details of the methods, materials to be employed and areas affected shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved work, unless any variation thereto is first agreed in writing by the Local Planning Authority;
- (g) All repairs shall be progressed on the basis of minimal intervention with all repair works being affected in appropriate traditional materials and with workmanship commensurate with the buildings age/character unless any variation thereto is first approved in writing by the Local Planning Authority;
- (h) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: venting of recovered roof and wcs (including terminals); patent glazing; balustrading; metal cladding; fire escapes; doors; architraves; windows; cills; junctions between extant buildings and extensions; ceilings; partitions and works in respect of Part L of the Building Regulations for the listed building only.

Reason for planning permission, if granted:-

It was considered that the proposal provided a suitable reuse for this listed building securing its future maintenance and thus was in line with PPG15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

17. Appeals

Reported that three appeal decisions had been recently received, details of which were submitted. All three appeals had been dismissed.

Also reported that eight new appeals had been lodged, details of which were submitted.

(The meeting ended at 8.12 p.m.)

