

Planning Committee – 29 June 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Denington, Govier, C Hill, Mrs Hill, Horsley,
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson and
A Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area
Co-ordinator), Mr A Pick (Major Applications Co-ordinator), Ms M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services
Officer)

Also present: Councillors Cavill, Mrs Govier, Henley and Hunt in connection with
application No 43/10/0143; Councillor Farbahi in connection with application
No 27/11/009/REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

54. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Messenger, D Wedderkopp and Wren

Substitution: Councillor Horsley for Councillor Mrs Messenger

55. Minutes

The minutes of the meetings of the Planning Committee held on 25 May 2011 and
8 June 2011 were taken as read and were signed subject to Minute No 44 being
amended to read:-

“Resolved that:-

1. Subject to an acceptable negotiated solution to replace the half timber materials to three plots and the half-hip roofs to three plots which were unacceptable; and
2. Consideration be given to the suitability of hanging tiles to all plots on the development:

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-“

56. Declarations of Interest

Councillor Govier declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a

personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared a personal interest in application No 43/10/0143 as a member of the Board of NHS Somerset. Councillor Tooze declared a prejudicial interest in application No 43/10/0143 and left the room during the consideration of this item. Councillor Bishop declared that he had attended a parish council meeting where application No 27/11/0009/REX had been considered. However, he had not taken part in the discussion of the application and had not, therefore, fettered his discretion.

57. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

That **planning permission be granted** for the under-mentioned development:-

38/11/0155

Demolition of conservatory and erection of extension to the rear of 18 Quantock Road, Taunton

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 approved plans.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, and would not be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

27/11/009/REX

Provision for 50 no camping pitches and amenity block at land south of Harris's Farm, Hillcommon

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) No development 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 unless otherwise agreed in writing by 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) Prior to the commencement of the development, details of a strategy for dealing with foul water and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall be implemented in accordance with the approved details prior to the amenity block being brought into use and the site used for camping and thereafter retained;
 - (e) No works shall commence until the applicant has undertaken a wildlife survey (including an assessment of the badger sett on site). The results of the survey shall include full details of any mitigation plan containing measures for the avoidance of harm, mitigation and compensations, to be submitted to, and agreed in writing by, the Local Planning Authority. The mitigation plan shall be implemented in strict accordance with the agreed mitigation strategy;
 - (f) No site clearance works or development works shall take place between 1 March and 31 August unless any variation is agreed in writing by the Local Planning Authority;
 - (g) Before the use hereby permitted commences, the access arrangements to the B3227 included in the scheme permitted under reference 27/06/0015 (renewed under 27/09/0020) shall be completed in accordance with the details shown on drawing 18274/001/SK01 dated 11 July 2006.

(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 applicant 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. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that the Local Planning Authority will require evidence that no breeding birds would be adversely affected before giving any approval under condition (f) bearing in mind that all birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended); (3) The applicant was advised that authorisation for any changes to the surface of footpath WG9/5 must be obtained from Somerset County Council Right of Way Group. If the development would result in any of following, then authorisation for these works must be sought from Somerset County Council's Rights of Way Group:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for granting planning permission:-

There has been no material change in policy guidance or material considerations since the previous permission was granted on 9 May 2008, reference 27/06/0023, for the camping facilities and amenity block. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7, EC25 and EN12 and guidance contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Statement 7 and the Good Practice Guide on Tourism.

58. Erection of low/medium secure residential and treatment/care facility (Use Class C2A - secure residential institutions) with associated car parking and landscaping at land at Westpark 26 Business Park, Chelson, Wellington (43/10/0143)

Reported this application.

Resolved that subject to:-

- (1) The applicant entering into a Section 106 Agreement (or other suitable mechanism) to secure sustainable travel modes to reduce reliance upon single occupancy car travel in the form of a Green Travel Plan;
- (2) Confirmation from the Police that they are satisfied with the wording of a Unilateral Obligation to provide for any additional required Police resource; and
- (3) The agreed Unilateral Obligation being implemented within three months,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, 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 approved plans listed in schedule 0911 dated 29 June 2011 and email dated 1 June in respect of materials;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted and details of the design, materials and colour of the fencing, 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, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The building hereby permitted shall be used for the purposes of a low/medium secure hospital and for no other purpose (including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);

- (e) The building shall not be occupied until details of a covered and secure cycle storage facility for 24 bicycles has been submitted to, and approved in writing by, the Local Planning Authority. The building shall not be occupied until the car and bicycle parking, turning areas and means of access shown on the approved plans have been constructed and made available for use and these shall therefore be retained in the form approved and for no other purpose;
- (f) The development hereby permitted shall not be occupied until a scheme of external lighting for the site has been submitted to, and approved in writing by, the Local Planning Authority. Lighting shall only be provided in accordance with the approved details and shall thereafter be retained in the approved form;
- (g) (i) The landscaping and planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction;
- (i) All the recommendations made in Ambios Ecology LLP'S mitigation strategy report dated 10 March 2011 shall be undertaken by the applicant. 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 with related accesses has been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (j) In the event that development has not commenced within a period of 1 year from the date of the Ambios Ecology report dated 10 March 2011, a further ecological survey shall be undertaken to ascertain any changes in protected species presence or activities prior to the commencement of any works. Such surveys shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of any works, along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed;
- (k) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to use of the building being brought into use;
- (l) The landscape bund on the south boundary and existing landscaping along the site boundaries identified on the submitted landscape plan UOM 1298 shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the consent of the Local Planning Authority or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by

trees or species of a similar size, to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency has identified some discrepancies between the micro-drainage and the current network plan detailed in the Flood Risk Assessment. Details submitted to discharge this condition should clarify this and ensure the details are consistent. Given the proposal relies on an offsite attenuation pond, it should be clear in any details submitted how the drainage for the site relates to the wider West Park Business Park drainage system; (2) Applicant was advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of machinery, oils and chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency's pollution guidelines; (3) 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 applicant 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).

Reason for planning permission, if granted:-

The development would provide a regional hospital facility for those in need of care and treatment by reason of disability or mental health needs. The facility would generate a significant number of jobs and inward investment to the Borough and local economy. The design of the facility and the proposed palette of materials were considered acceptable and would have no significant adverse impact on the Business Park or surrounding area. The development, by reason of its scale and siting, would have no unreasonable impact on the amenity of adjacent local residents. The benefits of the scheme have been balanced against the perceived fear of crime and disorder from local residents. In this respect, it was considered that the planning benefits of the development, together with the security and operational requirements of the facility administered by the regulatory body – Care Quality Commission - outweigh the perceived fear of crime and disorder. The proposal was therefore in general conformity with Taunton Deane Local Plan Policies S1 - General Requirements; S2 – Design; EN12 – Landscape Character Areas; EN28 – Flooding; M1 – Transport; M2 – Parking; M3 – Parking; M5 – Cycling and W4 – Chelston House Farm and Government guidance contained within Planning Policy Statement 1 and Planning Policy Statement 4 and Circular 02/2006.

59. Stationing of mobile home on agricultural land for storage of domestic items at 18 Windmill Hill, North Curry

Reported that a mobile home had been situated on agricultural land at 18 Windmill Hill, North Curry for the storage of domestic items without the necessary planning consent.

The owner of the site had been contacted and an application for the change of use of the land had been submitted but this had been refused in June 2011.

Resolved that:-

1. Enforcement action be taken to remove the mobile home situated on agricultural land at 18 Windmill Hill, North Curry;
2. Any enforcement notice served should have a 24 month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with

60. Display of large advertisement sign on trailer in field adjacent to M5 Motorway north of Junction 25, Creech Heathfield, Taunton

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway north of Junction 25, Creech Heathfield, Taunton without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

61. Appeals

Reported that four new appeals had been lodged, details of which were submitted. Also reported that four appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.55 pm)

Planning Committee – 20 July 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Brooks, Denington, Govier, C Hill,
Mrs Hill, Miss James, Mrs Messenger, Morrell, Mrs Reed, Mrs Smith,
Watson, A Wedderkopp, D Wedderkopp and Wren

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching
(Development Management Lead), Mr M Bale (West Area Co-ordinator),
Mr G Clifford (East Area Co-ordinator), Mr A Pick (Major Applications Co-
ordinator), Mrs J Jackson (Legal Services Manager) and Ms M Casey
(Planning and Litigation Solicitor)

Also present: Councillors Mrs Govier and Hunt in connection with application No
21/11/0004 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

62. Apology/Substitution

Apology: Councillor Tooze

Substitution: Councillor Brooks

63. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Wren declared a personal interest as an employee of Natural England. Councillor Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared that he had spoken against application No 21/11/0004 and had fettered his discretion. He addressed the Committee then left the meeting and did not vote in respect of the application. Councillors Bowrah and Mrs Reed declared that application No 21/11/0004 had been discussed at Wellington Town Council. However, they did not consider they had fettered their discretion. Councillor Wren declared a personal interest in application No 21/11/0004 as he had been Clerk to Milverton Parish Council when the item had been considered. Councillors Bowrah, Govier and Mrs Reed declared personal interests in application No 43/11/0052 as members of Wellington Town Council. Councillor Bishop declared that he had attended a parish council meeting where Agenda item 11 had been discussed. However, he did not consider that he had fettered his discretion.

64. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

That **planning permission be granted** for the under-mentioned developments:-

05/11/0019

Change of use of land to site a mobile home and erection of storage building at Fideoak Mills, Upcott Road, Bishop's Hull (amended scheme to 05/10/0038)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The residential use of the site shall cease and the mobile home hereby permitted shall be removed and the land restored to its former condition on or before 21 July 2014 in accordance with a scheme of work that shall be submitted to, and approved in writing by, the Local Planning Authority prior to those approved works being carried out;
- (c) The occupation of the mobile home shall be limited to a person solely or mainly working in the manufacture of charcoal at Fideoak Mill, or a widow or widower of such a person, and to any resident dependants;
- (d) The mobile home hereby permitted shall not be occupied until the storage building has been erected and is capable of use;
- (e) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (1) to (3) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) has been complied with in relation to that contamination.
 - (a) Site Characterisation - an investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:- (i) the collection and interpretation of relevant information to form a conceptual model of the site and a preliminary risk assessment of all the likely pollutant linkages; (ii) if the preliminary risk assessment identifies any potentially significant pollutant linkages, a ground investigation shall be carried out to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants; (iii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; archaeological sites and ancient monuments. This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- (b) Submission of Remediation Scheme – if any unacceptable risks are identified as a result of the investigation and assessment referred to in (a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This shall detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and shall be subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- (c) Implementation of Approved Remediation Scheme - the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- (d) Reporting of Unexpected Contamination - in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section (a) and, where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of section (b), which is subject to the approval in writing of the Local Planning Authority.
- (e) Verification of remedial works - following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement shall also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (the Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (b) above). The verification report and signed statement shall be subject to the approval in writing of the Local Planning Authority.
- (f) Long Term Monitoring and Maintenance - if a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved. All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;
- (f) Prior to the commencement of the development hereby permitted, full details of the flood plain compensation scheme for the access road to be provided on a level-for-level basis shall have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be completed and maintained in accordance with the approved plans;
- (g) Prior to the commencement of the development hereby permitted, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full details of the pond and limit run-off rates to the greenfield rate. The submitted details shall clarify the

- intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the storage building is completed;
- (h) The storage building hereby permitted shall be used only for the storage of items in association with the charcoal burning activities being undertaken on the site.

(Note to applicant:- Applicant was advised to keep a detailed log of charcoal burning activities and separate accounts for the charcoal burning to support such an application if intending to submit a further application for residential development based upon the needs of the charcoal manufacturing enterprise in three years time).

Reason for granting planning permission:-

On the basis of the information provided, the Local Planning Authority was satisfied that there was a functional need for a worker to be on site at most times to supervise the proposed charcoal manufacturing business. Permission was granted for the dwelling for a temporary period of time to enable the business to establish and prove that it was financially viable. It was, therefore, considered to be in accordance with guidance in Planning Policy Statement 7 Annex A and was acceptable as an exception to policies that sought to restrict development within the open countryside. The proposed storage building was considered to supplement the proposed businesses already operational on site and, subject to conditions, would not result in sporadic industrial development in the open countryside. The building was not considered to result in a detrimental appearance to the visual amenities of the rural area and, therefore, accorded with Policies S1, S2 and S7 of the Taunton Deane Local Plan.

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Members considered that there was a functional need for a worker to be on site at all times.

10/11/0010

Temporary change of use of land to (B8) commercial usage to site 17 container storage units, Culmhead Business Park, Churchstanton

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;
 - (A3) Block Plan;
 - (A3) X-Sections and View from North Aspect; and
 - (A4) Drawing Side and end elevations;
- (c) Prior to the commencement of the use for storage, the containers shall be colour coated or painted in a grey colour to be agreed in writing by the Local Planning Authority;

(d) If the business use hereby granted ceases, the containers shall be removed from the site within six months;

(e) No additional lighting shall be erected on site without the need for a further planning application.

(Note to applicant:- Applicant was advised that the Area of Outstanding Natural Beauty Partnership has prepared a light pollution information sheet for businesses and organisations. Such advice should be taken into account if further applications are to be submitted).

Reason for granting planning permission:-

The existing business use and economic benefits of the proposal outweighed the other material planning considerations and would not be detrimental to the amenity of the area.

Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-

Member considered that the existing business would not be detrimental to the amenity of the area.

43/11/0052

Erection of dwelling at 50 Brendon Road, Wellington

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 approved plans.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or the highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 and S2 or M4.

49/11/0028

Variation of Condition No 1 of planning permission 49/09/0014 to be re-worded to "The log cabin hereby permitted shall be removed and land restored to its former condition on or before 30 June 2014" for Footlands Farm, Langley Marsh, Wiveliscombe

Condition

The log cabin hereby permitted shall be removed and the land restored to its former condition on or before 26th January 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and it was considered to be reasonable and justified to permit the use of the log cabin for a temporary period whilst works to convert The Granary were implemented and carried out. The proposal was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) S7 (Outside Settlements) and EN12 (Landscape Character Areas).

65. Outline application for residential development with ancillary retail units, together with landscaping and means of access at land west of Milverton Road, Wellington (Langford Budville Parish) (21/11/0004)

Reported this application.

Resolved that, subject to any additional consultee responses raising new issues being received by 26 July 2011 with regard to the revised ecological report and heritage statement, the Growth and Development Manager be authorised to refuse the application and amend the reasons for refusal accordingly (if applicable) in consultation with the Chairman or Vice-Chairman for the following reasons:-

Reasons

- (a) The proposal fails to meet the requirements of Planning Policy Statement 3 Paragraph 69 for the following reasons:-
 - (i) The site was in an unsustainable location, outside the settlement limits of Wellington, remote from the town centre and local services, primary school and community facilities, poorly served by public transport, has no traffic free pedestrian and cycle routes into the town and would increase reliance on the private motor car and foster growth in the need to travel. This was also considered to be contrary to advice given in Planning Policy Guidance 13, RPG10 and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies S1 and S7 of the Taunton Deane Local Plan;
 - (ii) It was contrary to the emerging Taunton Deane Core Strategy vision and key diagram which identify the River Tone as the natural boundary to the north of Wellington;
 - (iii) The elevated position of the proposed development would adversely affect the character of the rural landscape, the landscape setting of the approach route into Wellington, and the setting of the Tone Works grade II and II* listed mill complex. The proposal was therefore contrary to Taunton Deane Local Plan Policies S1, S2, S7, EN12, W14 and Planning Policy Statements 1 and 5;
 - (iv) Milverton Road, Station Road, Waterloo Road and North Street, by reason of their restricted width, poor alignment and the sub-standard junction of North Street with High Street and Fore Street, were considered unsuitable to serve as a means of access to the proposed development from the wider highway network. The proposal was therefore also contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The survey and assessment data submitted with the application was insufficient and the survey work was out of date. The site was being used by a number of

European Protected Species, protected under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981(as amended). The Local Planning Authority has a legal duty (under Section 40(1) of the National Environment and Rural Communities Act 2006, Regulation 3(4) of the Conservation of Habitats and Species Regulations 2010 and Section 74 of the Countryside and Rights of Way Act 2000 to ensure that the potential impact of development on species and habitats of principal importance has been addressed. In this instance, based on the submitted information, the Local Planning Authority were not satisfied that the three Habitats Directive derogation tests have been met. As such, the Local Planning Authority were unable to make an informed assessment in order to discharge its duty under Regulation 9 (5) of the Habitats Directive. The proposal would therefore conflict with criteria of paragraph 69 of Planning Policy Statement 3 with regards to the environmental sustainability of the site and guidance contained within Planning Policy Statement 9;

- (c) There was no mechanism in place, and details have not been fully agreed, to secure community and infrastructure benefits and contributions required that were directly related to the development in respect of:- travel plan / public transport contributions; off-site highway works; education contributions to provide for 49 primary school places, 35 secondary school places and 7 pre-school places; public art provision; affordable housing; village hall; children's play space; off site-playing fields; allotments; drainage - SuDs – maintenance agreement. The application was therefore contrary to Taunton Deane Local Plan Policy S1, C4, and H9, Policy STR6, 39, 42 and 44 of the Somerset and Exmoor National Park Joint Structure Plan and the Council's Taunton Deane Public Art Code and Policy for 'The provision of Community Halls' document.

66. Variation of Condition 1 pertaining to the schedule of approved drawings to application 05/11/0016 for seven house plots on Phase 1, minor changes to materials, at land west of Bishop's Hull Road, Bishop's Hull (05/11/0026)

Reported this application.

Resolved that, subject to no further comments raising new issues being received by 21 July 2011, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman, and if the application was refused, the following reason be imposed:-

Reason

The proposed design changes by reason of the half timbered design and tile hanging were considered out of character with the area and did not add to local distinctiveness and were considered contrary to Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy S2(A) of the Taunton Deane Local Plan and advice within the Taunton Deane Design Guide.

Also resolved that should permission be refused, enforcement action be authorised to secure the removal of the tile hanging and half timber detail from the relevant plots and revert them to their approved materials under application 05/11/0016.

67. Display of advertisement on a trailer for David Wilson Homes at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland

Reported that it had come to the Council's attention that an advertisement sign was being displayed on a trailer at Field No 8800 ST 1719 off Five Cross Way adjacent to M5 Motorway near Junction 26, West Buckland without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

68. Exclusion of the Press and Public

Resolved that the Press and Public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

69. Schedule of Alleged Contraventions up to 30 June 2011

Reported details of the Schedule of Alleged Contraventions for the first quarter of 2011 (April, May and June 2011). The Schedule provided details of the following information:-

1. Cases that were under investigation at the end of Quarter 1;
2. Cases that were closed during Quarter 1; and
3. Cases where formal enforcement action had been authorised with an update on the current situation as at end of Quarter 1.

Resolved that the report be noted.

(The meeting ended at 7.55 pm)

