

Planning Committee – 29 September 2009

Present:- Councillor Mrs Hill (Chairman)
Councillors Bishop, Bowrah, Brooks, Denington,
Ms Durdan, Mrs Floyd, House, Miss James, McMahon, Mrs Stock-
Williams, Stuart-Thorn, Watson and D Wedderkopp

Officers:- Mr J Hamer (Development Control Area Manager, West), Mr B Kitching
(Area Planning Manager), Mrs J Moore (Development Control Principal
Officer, East), Mrs J Jackson (Legal Services Manager), Ms M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic
Services Officer)

Also present: Councillors Coles, Stone (in relation to item no 12) and Thorne (in
relation to application no 10/09/0018) and Mr P Malim (Independent
Member, Standards Committee)

(The meeting commenced at 5.00 pm)

100. Apologies/Substitutions

Apologies: The Vice-Chairman (Councillor Mrs Allgrove), Councillors Mrs
Copley, Critchard and C Hill

Substitutions: Councillor Mrs Stock-Williams for Councillor Mrs Copley
Councillor Stuart-Thorn for Councillor C Hill

101. Declarations of Interest

Councillor Ms Durdan declared a personal interest in application nos
14/09/0019 and 14/09/0023; Councillor Brooks declared a personal interest in
application no 24/09/0024; and Councillor House declared a personal interest
in application no 24/09/0024. Although he had spoken on the item, he
considered he had not “fettered his discretion”.

102. Members’ Code of Good Practice

Mr Peter Malim reported that he had now successfully updated the Planning
Committee Members’ Code of Good Practice to incorporate the latest
guidance.

Subject to approval by the Council’s Standards Committee, copies of the new
Code would be circulated to Members of the Planning Committee in due
course.

103. 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:-

10/09/0016

Change of use of barn to dwelling (resubmission of 10/08/0033) at Buttles Farm, Churchinford

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) The external surfaces of the building shall be retained as existing and where necessary repaired and/or renewed with salvaged materials from its existing building-matching materials, or those that are similar in age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (d) All rooflights hereby approved shall be a flush fitting conservation style with a central glazing bar;
- (e) All windows and folding doors hereby approved shall be of timber traditional, side hung balanced casements with equal sized panes of glass and shall be located within the wall thickness so as to provide a minimum external reveal of 100mm;
- (f) Prior to the commencement of development the history and current condition of the site shall be investigated to determine the likelihood of the existence of contamination arising from previous uses. The Local Planning Authority shall be provided with a written report which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site. If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment. If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect bats and breeding birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following:- (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; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. Once approved 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 and thereafter the resting places and agreed accesses for bats and swallows shall be permanently maintained;

- (h) The proposed modified access over the first 6m of its length shall be properly consolidated and surfaced, not loose stone or gravel, before it is brought into use. It shall be made of porous material or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwelling;
- (i) The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced and drained before the buildings are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted;
- (j) 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;
- (k) Before any works are commenced details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority;
- (l) All services shall be placed underground;
- (m) Prior to the development hereby permitted being brought into use details of the access gate shall 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;
- (n) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification) no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures (of the types described in Schedule 2 Part 1 Class A-E and G-H of the 1995 Order), other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (o) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no erection or other alteration of a gate, fence, wall or other means of enclosure (of the types described in Schedule 2 Part 2 of the 1995 Order), other than that expressly authorised by this permission shall be carried out, without the further grant of planning permission;
- (p) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, any entrance gates erected shall be hung so as to open inwards only.

(Notes to applicant:- (1) Applicant was advised 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 of the need to make provision for access for crevice dwellings bats along the roof ridge or

through the provision of a bat box placed high up on the south-east elevation; (3) Applicant was advised that a Section 184 Permit must be obtained from the Highways Authority; (4) 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; (5) Applicant was advised that there was the potential risk of contamination of the ground. There is also a potential risk from areas of filled ground as the fill could contain hazardous materials or could generate gasses as any waste breaks down).

Reason for granting planning permission:-

It was considered that the need to preserve this individual barn, by virtue of its historic interest, existing walled curtilage, contribution to the surrounding area and direct relationship with the neighbouring residential property, outweighed the concerns regarding sustainability issues as a result of occupiers being dependent on private vehicles; and the adverse impact of the introduction of the residential element into the Blackdown Hills Area of Outstanding Natural Beauty. As such, the proposal was in accordance with 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.

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

The Committee felt that this proposal to preserve the barn outweighed any concerns raised.

10/09/0018

Erection of 2 Storey Extension to side and detached garage at 4 Trickey Warren Cottages, Culmhead, Churchstanton

- (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) Before development commences (including site clearance and any other preparatory works), the trees shown to be retained on drawing C4611/102A shall be protected by protective fencing located 0.5m around the perimeter of the proposed garage. 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.
Note : The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.)

Reason for granting planning permission:-

The proposed extension and garage had been designed to be subordinate to, and in keeping with, the existing style of the property and would not compromise its character or that of the surrounding Blackdown Hills Area of Outstanding Natural Beauty. There would be no adverse impact upon the amenities of the neighbouring properties or any trees within the site. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), H17 (Extensions to Dwellings) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan.

14/09/0019

Erection of single storey industrial building at Creech Mill, Mill Lane, Creech St Michael (re-siting of consented building 14/06/0021)

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) Only those materials specified on the application form and agreed in association with planning permission 14/06/021 shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (c) The new building hereby permitted shall be used solely in connection with the adjacent industrial unit known as County Hardwoods. At no time shall the building be leased, sold or used as a separate planning unit or use without the prior express grant of planning permission;
- (d) This permission shall not be exercised in addition to any permission already granted (viz application No 14/06/021) and shall be treated as an alternative so that the developer may have the option of carrying out development in accordance with the present permission already granted, but not both. In the event of the development referred to in the permission granted being substantially carried out, this permission shall forthwith lapse and be of no effect.

(Note to applicant:- Applicant was advised that details of any soakaways should be proven and agreed with the Parrett Internal Drainage Board and Environment Agency prior to the commencement of any works approved.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity or highway safety and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan First Alteration Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

14/09/0023

Erection of one unit for Class B1 (business) and B8 (storage and distribution) at Creech Mills Industrial Estate, Creech St Michael (amended proposal to 14/08/0037)

- (a) The development hereby permitted shall be begun within three years of

- the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall match those used in the existing buildings on the site unless otherwise agreed in writing with the Local Planning Authority;
 - (c) The new building 1B hereby permitted shall be used for B1 or B8 use solely in connection with the current business known as L.A.T. Access. At no time shall the buildings or planning unit, contained within the red line shown on the submitted site plan, be subdivided either by being leased, sold or used as a separate planning unit, use or business without the prior express grant of planning permission.

Reason for granting planning permission:-

The proposal was considered not to result in additional traffic movements such as would be prejudicial to road safety nor to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Somerset and Exmoor National Park Structure Plan (first alteration) Policy 49 or Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

14/09/0032

Outline application for the erection of a detached dwelling and garage within the garden of Chants, Creech Heathfield

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of five years from the date of the occupation of the building for its permitted use.
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

- (ii) If any retained tree is removed, uprooted or destroyed or dies,

another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

- (c) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. 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.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005;

- (d) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (e) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (f) (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;
- (g) The new dwelling shall not be occupied until the means of vehicular access has been constructed in accordance with the details shown on plan D4590/102B, hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (h) At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plans (drawing no D4590/102). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (i) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of

- vehicles in connection with the development hereby permitted;
- (j) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the northern elevation of the development hereby permitted without the further grant of planning permission;
 - (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 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.

(Notes to applicant:- (1) Applicant was advised that the landscaping required as part of condition (f) refers to the need to provide additional tree planting on the southern boundary and a hedge will be expected to replace that removed fronting the highway; (2) Applicant was advised that the alteration of the access and/or minor works will involve construction works within the existing highway limits. Please contact the Highway Service Manager, Taunton Deane; (3) Applicant was advised that according to Wessex Water records, there is a public foul sewer crossing to the east of the site. Wessex Water requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. There should be no planting within 6m of the sewer. The developer is required to protect the integrity of Wessex systems and must agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site.)

Reason for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

24/09/0024

Replacement of 4 isolation kennels and erection of 6 additional kennels for applicant's own dogs at St Giles Kennels, Wrantage

- (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) Notwithstanding the details submitted, prior to the commencement of development, further details of noise insulation materials shall have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details as above and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.

(Notes to applicant:- Applicant was advised of the following requirements of the County Rights of Way Section:-

- We ask that the health and safety of walkers, horse riders and cyclists using the path be taken into consideration during any works involved in carrying out the proposed development;
- Somerset County Council (SCC) has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians, horse riders and cyclists. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so;
- If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If the works would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided.)

Reason for granting planning permission:-

The proposed kennels were not considered to adversely affect the character and appearance of the surrounding countryside. Whilst there could be some effect on noise levels, this proposal was not considered to contribute to the existing situation to such an extent as to result in material detriment to the residential amenities of neighbouring properties. As such, the proposal was in accordance with Policy P5 (Landscape Character) of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 (General Requirements) of the Taunton Deane Local Plan.

43/09/0058

Erection of single story extension and conversion of one outbuilding to form additional dwelling, North Street, Wellington

- (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) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ('the 1995 Order') (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and resting birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted reports, dated July 2009 and up to date surveys and 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 bats, and nesting birds could be harmed by disturbance; and
- (iii) Measures for the enhancement of places of rest for bats.

Once approved 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) The development hereby approved shall not be brought into use until a fully sheltered and secure cycle rack facility has been provided within the site in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority;
- (f) Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

(Notes to applicant:- (1) Applicant was advised that the development is located within a sewered area, with foul and surface water sewers. According to our records, there is a combined public sewer (foul/surface) crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum 3m easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems. The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus; (2) Applicant was advised that the

condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. 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.)

104. Change of use of land to use as a small gypsy site to site one mobile Home and one touring caravan at Plot 15, Greenacres, Oxen Lane, North Curry (Application No. 24/09/0030)

Reported that on the 26 August 2009 an application was received as above in respect of Plot 15 at Oxen Lane. The application was registered and consultees and neighbours were notified.

Given the history of the Oxen Lane site set out below, the Committee was asked to consider whether to exercise the powers under s70A of the Town and Country Planning Act 1990 to decline to determine the application.

If Taunton Deane declined to determine the application there would be no decision on the application and there could be no appeal to the Secretary of State. A decision to decline to determine could however be challenged by way of judicial review.

In order to decline to determine the present application, the Committee had to address the following questions/issues:-

- Q1. In the period since 26 August 2007, had the Secretary of State dismissed an appeal against a refusal of an application which was 'similar' to the present application (s70A(3) of the Town and Country Planning Act)?
- Q.2 If so, did Councillors think that there had been no significant change in the 'relevant considerations' since the Secretary of State's decision (s70A(1) of the Act)? and
- Q.3 If so, did Councillors consider that the guidance in Government Circular 8/2005 suggested that the discretion under s70A should be exercised?

Detailed responses to each of these questions were outlined in the report. The Growth and Development Manager had concluded that the discretion in s70A should be exercised and the application should not be determined.

However, it was important for the Members of the Committee to also consider the three questions posed.

Resolved that the determination of application No. 24/09/0030 in respect of Plot 15, Greenacres, Oxen Lane, North Curry be declined by the Local Planning Authority pursuant to its powers under s70 of the Town and Country Planning Act 1990.

105. Planning (Listed Buildings and Conservation Areas) Act 1990 - Wet Finishing Works, Tone Works, Milverton Road, Wellington

Reported that the Wet Finishing Works, Tone Works, Milverton Road, Wellington was part of a group of buildings, north of the River Tone, listed Grade II*.

Particular concern over the deteriorating nature of the subject building had increased in the last year, mainly as a result of unauthorised access and theft, the latter largely being stripping of lead to roofs.

Whilst the owner had robustly blocked openings to negate unauthorised access, there remained issues in preventing further deterioration, particularly by ingress of water.

The Chairman had therefore authorised service of an Urgent Works Notice, which was issued on 15 September 2009. With an 80% grant from English Heritage it was anticipated that the subject works necessary for the preservation of the listed building would commence on or about 23 September 2009, by the Councils appointed contractor.

Resolved that the Chairman's authorisation to serve an Urgent Works Notice in respect of The Wet Finishing Works, Tone Works, Milverton Road, Wellington be endorsed.

106. Unauthorised erection of a timber shed on the driveway of 17b Walkers Gate, Wellington

Reported that a complaint had been received concerning the erection of a timber shed on the driveway of 17b Walkers Gate, Wellington in breach of the original planning condition.

That condition stated that at least one garage and one parking space had to be provided for each dwelling at Walkers Gate.

The owners of the property had been contacted who confirmed that the timber shed had been in position for at least four years and was therefore immune from enforcement action.

The site had been visited and measurements taken. In the view of the Growth and Development Manager, as it was still possible to accommodate two vehicles on the remaining part of the driveway the planning condition had not been breached.

Resolved that no further action be taken.

107. Unauthorised erection of a fence and a smoking shelter at the Eagle Tavern, South Street, Taunton

Reported that following receipt of a complaint, an enforcement notice was served in respect of a wooden fence and a smoking shelter which had been

erected at the Eagle Tavern, South Street, Taunton without planning permission.

In response to the notice, the fence had been removed and the shelter, which was still on the site, had been altered slightly.

A recent site inspection had taken place and, in the view of the Growth and Development Manager if an application to retain the smoking shelter was to be submitted, it was likely to be viewed favourably. In the circumstances it was considered not to be expedient to take further enforcement action.

Resolved that no further action be taken.

108. Appeals

Reported that seven appeal decisions had recently been received, details of which were submitted. Four appeals had been dismissed whilst three had been allowed.

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

Resolved that the report be noted.

(The meeting ended at 7.50 p.m.)

