

## Planning Committee – 20 January 2010

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Brooks, Mrs Copley, Ms Court, Denington,  
Ms Durdan, Mrs Floyd, C Hill, House, Miss James, McMahon, Watson  
and D Wedderkopp

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

Also present: Councillor Coles

(The meeting commenced at 5.00 pm)

### 1. Apologies/Substitution

Apologies: Councillors Bowrah and Critchard  
Substitution: Councillor Stuart-Thorn for Councillor Bowrah

### 2. Minutes

The minutes of the meeting of the Planning Committee held on 16 December 2009 were taken as read and were signed.

### 3. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor House declared that he had previously spoken in connection with application No 36/09/0017 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Councillor Brooks declared that he had previously spoken in connection with application Nos 38/09/0388 and 38/09/0389LB and considered he had “fettered his discretion”. He left the meeting during the discussion of this item.

### 4. 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:-

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

**34/09/0037**

**Erection of two storey side extension, rear conservatory, replacement garage and replacement porch at 3 Hillhead Cottages, Rectory Road, Staplegrove**

**Conditions**

- (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 extensions hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

**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), S2 (Design), and H 17 (Extensions to Dwellings).

**35/09/0006**

**Erection of 2 polytunnels at land at Bullock Field Hill, Stawley**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) (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;
- (c) No lighting shall be installed in the polytunnels hereby permitted without the further grant of planning permission.

**Reason for granting planning permission:-**

The proposed development was in an acceptable location for the agricultural purposes intended. The extensive landscaping proposed would, over time, ensure that the visual impact was reduced such that it would acceptably assimilate into the surrounding countryside. It was, therefore, in accordance with Policies S1, S2 and S7 of the Taunton Deane Local Plan and guidance contained in Planning Policy Statement 1.

**43/09/0110**

**Residential development to provide five dwellings in lieu of four previously approved, together with access, parking and associated works, Plots 24-27, land at former ABL and Westford Plastics site, Payton Road, Wellington**

**Conditions**

- (a) The development hereby permitted shall begin 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) The landscaping and planting schemes shown 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;
- (d) Within one month of completion of the landscape scheme the applicant shall be required to provide an as built and planted plan highlighting any variation between it and the approved landscape drawings. If there are no discrepancies a letter confirming no variations shall be received by this Authority within one month of the completion of the landscape scheme;
- (e) Work shall not commence until details of a strategy for the protection of the bats and their habitat within the development, together with the maintenance of access for the bats, has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall take place in accordance with the agreed scheme and thereafter the roosting places and agreed openings shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the bats' roosts and related accesses has been fully implemented;
- (f) The proposed roads, footpaths and turning spaces where applicable shall be constructed in such a manner as to ensure that each dwelling shall be served by a properly consolidated and surfaced carriageway and footpath before it is occupied;
- (g) The area allocated for parking shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no garage shall be erected on the site unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;
- (i) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending

or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site beyond the forward most part of the front of the dwelling houses or of the exposed flank wall of any corner dwelling unless an application for planning permission in that behalf is first submitted to, and approved in writing by, the Local Planning Authority;

- (j) The finished floor levels of the proposed dwelling shall be a minimum of 62.2m AOD;
- (k) There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways;
- (l) Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order revoking or re-enacting that Order), no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus ten per cent. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage;
- (m) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A3) 1025/22/01 Ground Floor Plan
  - (A3) Block Plan
  - (A3) Drg No 1025/01 Site Layout
  - (A3) Drg No 1025/04 Location Plan
  - (A3) Drg No 1025/05 Context Plan
  - (A3) Drg No 1025/06 Street Scenes
  - (A3) Drg No 1025/20/01 Ground Floor Plan
  - (A3) Drg No 1025/20/02 First Floor Plan
  - (A3) Drg No 1025/20/10 Elevations
  - (A3) Drg No 1025/21/01 Ground Floor Plan
  - (A3) Drg No 1025/21/02 First Floor Plan
  - (A3) Drg No 1025/21/10 Elevations
  - (A3) Drg No 1025/22/02 First Floor Plan
  - (A3) Drg No 1025/22/10 Elevations
  - (A1) Drg No 0706-24 Proposed Drainage Layout
  - (A1) Drg No 1025/02 Proposed Adoptable Highway
  - (A1) Drg No 1025/03 Materials Plan
  - (A2) Drg No 1025/23/01A Site Layout
  - (A3) Drg No 1025/23/10 Car Port and Bat Roost
  - (A3) Drg No 1025/23/11 Car Port and Bat Roost

**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).

**49/09/0054**

**Alterations to approved scheme for conversion of barn to dwelling (49/09/0059) and erection of agricultural building at Footlands Farm, Ford, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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 Classes A, B, C, D, E, F, G, and H and in Part 2 Class A of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (c) Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall: (i) provide a written report to the Local Planning Authority 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; (ii) 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; (iii) 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;
- (d) Where necessary the building shall be repaired with salvaged materials of similar age, colour and texture to the original, unless the written consent of the Local Planning Authority is obtained to any variation;
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;
- (f) Before any works are commenced, details of the finish to the timber work shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) (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 the planting scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) Details of all guttering, downpipes and disposal of rainwater shall be submitted to, and approved in writing by, the Local Planning Authority before development commences;
  - (i) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected or planted before any such part of the development to which it relates takes place;
  - (j) All repairs shall be progressed on the basis of minimal intervention with all repairs being effected in appropriate traditional materials and with workmanship commensurate with the buildings age and character;
  - (k) The windows hereby permitted shall be recessed in the wall to match existing recesses;
  - (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for further ancillary residential accommodation or any other purpose whatsoever;
  - (m) The altered access, parking, and turning area shall be properly consolidated and surfaced and not loose stone or gravel, in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority;
  - (n) The area allocated for turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the turning of vehicles in connection with the development hereby permitted;
  - (o) Any entrance gates erected shall be hung to open inwards;
  - (p) No development excluding site works, shall begin until a panel of the proposed stonework, measuring at least 1m x 1m, has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have 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 otherwise agreed in writing by the Local Planning Authority;
  - (q) 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;
  - (r) No development shall take place until a sample of the ridge tile has 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;
  - (s) No development shall take place until a sample of the slate to be used has 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;
- (t) No development shall take place until a sample of the weatherboard infill has 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;
  - (u) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
  - (v) The proposed rooflights shall be flush fitting "conservation type";
  - (w) The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to, and approved in writing by, the Local planning Authority before development commences;
  - (x) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;
  - (y) 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 be based on the submitted drawings and advice provided and shall include:-
    - (i) Details of protective measures to include method statements to avoid impacts on bats and breeding birds during all stages of development;
    - (ii) Details of the timing of works to avoid periods of work when the bats and breeding birds could be harmed by disturbance;
    - (iii) Measures for the retention and replacement and enhancement of places of rest for bats and breeding birds.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 birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roost and bird boxes and related accesses has been fully implemented.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species, The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats and breeding birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the bats and breeding birds 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; (2) Applicant was advised that bats are known to use the building(s) as identified in submitted reports. The species concerned are European Protected Species within the meaning of the

Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England (NE) in accordance with Regulation 44 (3) (b) of the above regulations. NE requires the Local Planning Authority to be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence; (3) Applicant was advised that a Section 184 Permit under the Highways Act, 1980 must be obtained).

### **Reason for granting planning permission:-**

The building was in keeping with its surroundings, limited alteration was proposed, it was unlikely to attract a suitable business re-use, was sited near a public road, and neither road safety nor visual and residential amenity, nor the setting of Lower Grants Farmhouse would be adversely affected. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1, S2, and H7, nor with Planning Policy Guidance Note 15, nor with Somerset and Exmoor National Park Joint Structure Plan Review Policy 9.

### **49/09/0055LB**

### **Alterations to approved scheme for conversion of barn to dwelling (49/09/0059) at Footlands Farm, Ford, Wiveliscombe**

### **Conditions**

- (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) No development, excluding site works, shall begin until a panel of the proposed stonework, measuring at least 1m x 1m, has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have 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 otherwise agreed in writing by the Local Planning Authority;
- (c) 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;
- (d) No development shall take place until a sample of the ridge tile has 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;
- (e) No development shall take place until a sample of the slate to be used has 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;
- (f) No development shall take place until a sample of the weatherboard infill has 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;
- (g) The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation;
  - (h) The proposed rooflights shall be flush fitting "conservation type";
  - (i) The proposed wood burner flue shall be matt black unless otherwise agreed in writing with the Local Planning Authority;
  - (j) The door to the northern elevation shall be retained in situ and details of its treatment shall be submitted to, and approved in writing by, the Local planning Authority before development commences;
  - (k) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority;

#### **Reason for granting planning permission:-**

It was considered that the proposal was in line with Planning Policy Guidance Note 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings.

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

**36/09/0017**

**Erection of 10 x 2 storey dwellings (to include 3 affordable housing units) and associated works at The Old Coal Yard, Stoke St Gregory**

#### **Reasons**

- (1) The proposed development site was located outside the confines of any recognised development boundary limits, in an area that had very limited public transport services. The residents of the development were likely to be reliant on the private car and there would therefore be an increase on the reliance on the private motor car, thus comprising unsustainable development which was contrary to advice given in Planning Policy Guidance Note 13, Planning Policy Statement No 3 Regional Planning Policy Guidance Note 13, and Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy S1 of the Taunton Deane Local Plan. Furthermore the site had not been allocated for potential residential development or considered for allocation in the Taunton Deane Core Strategy and Small Sites Consultation Document January 2010;
- (2) The buildings the subject of the proposed development were considered to be new dwellings which were not proven to be required for an existing agricultural purpose or activities. The application site was outside a town,

rural centre or village where development was strictly controlled. Development was restricted to that which benefits economic activity, maintains or enhances the environment and did not foster growth in the need to travel. The Local Planning Authority was of the opinion that the proposal did not satisfy all of the above criteria and was therefore contrary to Planning Policy Statement Nos 3 and 7, Policy STR6 of the adopted Somerset and Exmoor National Park Joint Structure Plan Review and Policy S7 of the Taunton Deane Local Plan;

- (3) The proposed layout was considered to be unacceptable in terms of design, in particular in terms of extent of hard surfacing, road layout and siting of dwellings was uncharacteristic of the area and was of poor quality, contrary to Planning Policy Statement No 1 (paras 17 and 35) and Policy S2 of Taunton Deane Local Plan.

#### **41/09/0026**

#### **Erection of 11kw wind turbine (18.3m high to hub with rotors at 13m diameter) at Bridgets Farm, Tolland**

##### **Reason**

The application site was located in an attractive area of countryside where it was considered that the proposed development, due to its size, form and siting, would have a significant adverse impact on the local landscape character by reason of its visual intrusion which would adversely affect the setting of this landscape. As such the proposal was considered contrary to advice given in Planning Policy Statements Nos 1, 7 and 22 and Taunton Deane Local Plan Policies C13(A) and EN12.

#### **5. Erection of 18 affordable apartments, together with associated access works, parking and landscaping on land at 49 Wordsworth Drive, Taunton (38/09/0359)**

Reported this application.

**Resolved** that subject to a Section 106 Agreement to secure play and recreation contributions, the Growth and 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) Before the commencement of works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building shall be submitted to, and be approved in writing by, the Local Planning Authority. The works shall be carried out as agreed and no other materials shall be used without the written consent of the Local Planning Authority;
- (c) No site clearance works or development shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (d) If the period of time between the survey of Aardvark EM Limited dated November 2009 and the commencement of the development extends to

more than one year beyond the date of the permission, then a further survey must be commissioned and submitted to and agreed in writing by the Local Planning Authority to ascertain changes in use by protected species;

- (e) (i) The landscaping and planting scheme shown on the drawing 2845/001F 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;
- (f) The existing trees and hedge along the southern boundary of the site shall be retained and shall not be lopped, topped or removed without the agreement in writing of the Local Planning Authority;
- (g) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (h) The development hereby approved shall not be occupied until the covered cycle storage has been provided with a capacity for at least 18 cycles in a position to be agreed in writing by the Local Planning Authority;
- (i) Before the flats hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed, not loose stone or gravel, and details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (j) At the proposed access there shall be no obstruction to visibility greater than 600mm above the adjoining road level within splays based on minimum co-ordinates of 2m x 31m in either direction. Such visibility shall be fully provided before works commence on the erection of the flats hereby permitted and shall thereafter be maintained at all times;
- (k) Before the flats hereby permitted are occupied, details of the means of surface water disposal to prevent increased discharge to the sewer system and discharge onto the highway shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed;
- (l) The windows in the first floor west elevation of units 8 and 10, the first floor south elevation of unit 13 and the second floor corridor of the south elevation serving units 17 and 18 shall be fixed and glazed with obscure glass of a level to be agreed in writing and this shall thereafter be retained. There shall be no alteration or additional windows in the elevations without the further grant of planning permission;
- (m) Prior to the occupation of any flat, the bin storage area shall be provided and shall thereafter be maintained in a position to be agreed in writing by the Local Planning Authority;
- (n) The development hereby permitted shall be carried out in accordance with the following approved plans: 2845/001F, 002D, 003F, 004G, 005H, 006H, 007I, 008H, 011A & 012.

(Notes to applicant:- (1) Applicant was advised that (i) All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to wildlife under UK and EU legislation is irrespective of the planning

system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (ii) As a few bats may be found within any building at any time of year, all contractors should be made aware in writing that bats may be found in door lintels, within wall cavities, under roof tiles/slates and cladding. If bats are found during building work all work in the proximity of the bats should stop immediately. Further advice should be sought from Natural England. Bats should not be handled but should be left in situ, gently covered until advice is obtained. In emergency situations bats should only be handled with gloves; (2) Applicant was advised that the alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with Somerset Highways who advise on the relevant licenses necessary under the Highway Act 1980 (Section 184); (3) Applicant was advised that attention is drawn to the Taunton Protocol and the aim to achieve carbon neutral construction).

**Reason for planning permission, if granted:-**

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision)

**Also resolved** that if the Section 106 Agreement was not completed by 4 February 2010 (or a date to be agreed by the Local Planning Authority), authorisation be granted for the refusal of the application due to non-compliance with Taunton Deane Local Plan Policy C4.

**6. Public realm improvements including removal of car park, demolition of Castle Hotel outbuilding and provision of parking, replacement boundary treatment to the Castle Hotel and Museum, installation of footbridge to Castle Gardens, improvements to north entrance to Museum, provision of new street furniture, lighting, landscaping and paving at Castle Green, Taunton (38/09/0388)**

Reported this application.

**Resolved** that subject to the receipt of amended plans replacing the proposed bollards with planters, the Growth and 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) 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) Details of proposed finished levels for the car parking area of the Castle Hotel shall be submitted to, and approved in writing by, the Local Planning Authority prior to its completion and shown in relation to the new boundary treatment and thereafter be carried out as agreed;
- (d) A scheme for the post-development monitoring of the impact of light on bats adjacent to the Mill Leat and northern Castle wall for a two year period shall be drawn up prior to completion of the scheme and shall include a review of the lighting scheme to be carried out thereafter as agreed, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Any alteration to the landscaping of the moat area shall be submitted to, and approved in writing by, the Local Planning Authority and any landscaping scheme 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;
- (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) There shall be no closure of Castle Way to vehicular traffic until such time as the Bus Stops have been relocated in locations to be agreed with the Local Planning Authority;
- (h) The lighting levels of the installation shall be carried out as per the dpa report Rev 2 dated 23/10/09 and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (i) Details of a timer switch to control the floodlighting of the northern Castle wall shall be submitted to, and approved in writing by, the Local Planning Authority before the lighting is installed. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (j) The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the

use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;

- (k) No works north of the Castle walls shall be commenced until a Management Plan containing details of a strategy to protect and enhance the development for protected species and containing proposals for future management of the site has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall be based on the advice of all the relevant 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 protected species could be harmed by disturbance; (iii) Measures for the enhancement of places of rest for the protected species; (iv) Proposed management of the site. 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;
- (l) The boundary treatment and hedge to the Castle Hotel shown on drawing 2673/361/2 shall be completed before the use of the new parking area is commenced or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained as such at a height no lower than 1.5m, measured from ground level outside the Hotel site, unless otherwise agreed in writing by the Local Planning Authority;
- (m) Notwithstanding the detail on the submitted plan, the surfacing material for the turning head shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the layout of the area commencing;
- (n) The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to, and approved in writing by, the Local Planning Authority and shall include the provision of a stone sample panel and shall be carried out as agreed following completion and opening of the new moat bridge;
- (o) Details of any new street furniture other than that specified on drawing 2673/501 shall be submitted to, and approved in writing by, the Local planning Authority prior to its installation;
- (p) The Pennant sandstone setts and channels on the approach to the Castle Gatehouse and the historic cast iron gully grates and their frames and pots shall be salvaged from the site for re-use by the County Council at a time to be agreed in writing by the Local Planning Authority;
- (q) A plan indicating the detail to the plinth of the moat boundary fence shall be submitted to, and agreed in writing by, the Local Planning Authority. A sample of the concrete or stone finish shall be provided on site and agreed in writing by the Local Planning Authority prior to this element of the work commencing;
- (r) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 2673 submitted on 20 January 2010;
- (s) Development shall not begin until a detailed surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

- (t) No groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (u) No works within the highway shall be carried out until details of the layout including the access and turning head have been submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed.

(Notes to applicant:- (1) Applicant was advised that a separate Listed Building Consent was required for this proposal before any works commence; (2) Applicant's attention was drawn to the need for Scheduled Ancient Monument Consent to enable works to commence; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species and the submission of management proposals. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation and management 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 wildlife under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity undertaken on the site must comply with the appropriate wildlife legislation; (4) Applicant was advised that the submitted Flood Risk Assessment (FRA) states that surface water drainage will be directed through a proposed network of infrastructure to replace the existing system which connects to a surface water sewer. Confirmation must be obtained from Wessex Water that the exiting system can accommodate the increased surface water flows generated as a result of the proposed development and that this will not affect their maintenance role. Should this not be the case, Wessex Water must be re-consulted).

**Reason for planning permission, if granted:-**

The proposal would enhance and maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and Planning Policy Guidance Note 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complied with Policies S1, S2, EN4, EN15 and EN34 of the Taunton Deane Local Plan and Policy G1 of the Taunton Town Centre Area Action Plan.

- 7. Demolition of Castle Hotel outbuilding, replacement boundary treatment to the Castle Hotel and Museum, improvements to north entrance to Museum and provision of new lighting at Castle Green, Taunton (amended proposal to 38/09/0166LB) (38/09/0389LB)**

Reported this application.

**Resolved** that subject to:-

- (1) The Secretary of State raising no objections; and
- (2) The receipt of amended plans replacing the proposed bollards with planters,  
the Growth and 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 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) No walling or fence shall be erected until a sample panel of the proposed fence plinth and concrete wall has been built on the site and 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 otherwise agreed in writing by the Local Planning Authority;
  - (c) The boundary treatment to the rear of the Castle Hotel outbuilding to be demolished shall be agreed in writing prior to complete demolition of the building and the material finish and height of the wall to be retained shall be agreed in writing by the Local Planning Authority and a plan indicating the position, design, materials and height of the boundary treatment shall be submitted. The agreed boundary treatment shall be completed before the use of the new car park area commences and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
  - (d) The developer shall afford access at all times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the excavations and record items of interest and finds during the demolition work;
  - (e) A full historic building survey and recording of the building prior to demolition shall be carried out by a specialist and the schedule shall be agreed in writing by the Local Planning Authority;
  - (f) Details of any new lighting fixings and cable runs to the rear of the Old Municipal Buildings and within Castle Bow shall be submitted to, and approved in writing by, the Local Planning Authority at an appropriate scale of 1:50 or 1:100 before any installation shall take place. Development shall be carried out in accordance with the approved details and thereafter maintained as such;
  - (g) The detail of the doorway infill in stone to the wall west of the new bridge on drawing 2673/362/2A shall be submitted to, and approved in writing by, the Local Planning Authority and shall include the provision of a stone sample panel and the colour and type of mortar for pointing used within the panel and shall be carried out as agreed following completion and opening of the new moat bridge;
  - (h) The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 2673;



- (i) Details of the making good of the end wall of the Castle Hotel outbuilding to be retained shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter carried out as agreed prior to the new parking area being brought into use.

**Reason for planning permission, if granted:-**

The proposal would enhance and maintain the character and appearance of the Conservation Area and would not affect the character of Listed Buildings and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policy EN14 (Conservation Areas) and Planning Policy Guidance 15 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and complied with Policies S1, S2 and EN15 of the Taunton Deane Local Plan and Policy G1 of the Taunton Town Centre Area Action Plan.

**8. County Hardwoods, Creech Mills Industrial Estate, Creech St Michael**

Reference Minute No 48/2009, reported that the Committee had previously authorised enforcement action in respect of storage containers on land at County Hardwoods, Creech Mills Industrial Estate, Creech St Michael.

The owner of the land had contacted the Council as he considered the site had been granted a mixed use permission. A further site inspection had been made and it had been agreed that the site was a single planning unit with a mixed use of B1, B2 and B8 uses.

However, local residents had raised a number of concerns and a meeting had taken place to consider their concerns and to identify possible solutions. It was possible that progress might be made in the future to improve the situation and that, in such circumstances it was considered inappropriate to proceed with the previously authorised enforcement action.

**Resolved** that the enforcement action agreed on 15 April 2009 be not proceeded with.

**9. Stoneyhead Cottage, Wrantage**

Reported that it had come to the Council's attention that a mobile home had been relocated outside of the area approved under a Lawful Development Certificate at Stoneyhead Cottage, Wrantage.

Although the owner of the land had considered submitting a planning application to retain the mobile home in its current position, to date no application had had been received.

**Resolved** that:-

- 1) Enforcement action be taken to remove the unauthorised mobile home located outside of the area approved under a Lawful Development Certificate at Stoneyhead Cottage, Wrantage; and

- 2) Subject to being satisfied with the evidence, the Secretary to the Council institute legal proceedings should the enforcement notice not be complied with.

## **10. Appeals**

Reported that one appeal decision had recently been received, details of which were submitted. The appeal had been dismissed.

Also reported that one new appeal had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 8.25 pm.)

