

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)

