

Planning Committee – 30 November 2011

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

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area
Co-ordinator), Miss M Casey (Planning and Litigation Solicitor) and
Mrs G Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

110. Apologies/Substitution

Apologies: Councillors Mrs Messenger, Mrs Smith and Tooze
Substitution: Councillor Horsley for Councillor Mrs Smith

111. Minutes

The minutes of the meeting of the Planning Committee held on 19 October 2011 were taken as read and were signed.

112. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. 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 Mrs Reed declared a personal interest as her daughter worked as an administrator in Development Control. Councillor Wren declared a prejudicial interest in application No 23/11/0033/LB and left the meeting during the consideration of this item. Councillor Wren also declared a personal interest as an employee of Natural England. Councillor Horsley declared a prejudicial interest in application No 38/11/0620 and left the meeting during the consideration of this item. Councillors Bowrah, A Govier and Mrs Reed declared that they had attended a town council meeting where Agenda items 8 and 9 had been discussed. However, they did not consider that they had fettered their discretion. Councillor Mrs Hill declared that she was a Member of the Hestercombe House Board of Trustees and considered that she had not fettered her discretion with regard to Agenda item 10.

113. Application for Planning Permission

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

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

23/11/0033/LB

Installation of 12 ASolar PV panels on south facing roof at Haven House, Fore Street, Milverton

Reasons

The panels, by reason of their location, expanse of coverage and prominence, would have a detrimental impact on the character of the building. Therefore, the building would not be preserved, contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

114. Application to alter the approved layout and house design for plots 8 and 9 of approval 20/04/0026 for the development at Hill Farm, Kingston St Mary (20/11/0015)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the contributions towards leisure and recreation facilities sought under the previous planning permission, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A4) DrNO 1111-05 Location plan;
 - (A1) DrNo 1111_04 Rev A site layout; and
 - (A1) DrNo 1111_03 Rev A Floor plans and elevations - plots 8 and 9 and covered parking;
- (c) Prior to their installation, details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Prior to its implementation, 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.

Reasons for planning permission, if granted:-

The proposed development, when compared to the extant permission would not impact unreasonably upon the character and appearance of the area generally and the natural beauty of the Quantock Hills Area of Outstanding Natural Beauty specifically; the amenity of existing and proposed neighbouring residents or the highway network. It was, therefore, in accordance with Policies S1 (General Requirements), S2 (Design) and EN10 (Areas of Outstanding Natural Beauty) of the Taunton Deane Local Plan and Policy 49 (Transport Requirements of New Developments) of the Somerset and Exmoor National Park Joint Structure Plan Review.

115. Change of use from mixed A1 retail and A3 cafe use to mixed A3 cafe and A5 hot food takeaway use at 25 Bridge Street, Taunton (38/11/0620)

Reported this application.

Resolved that subject to the receipt of no adverse comments from Environmental Health and no new objections raising new issues by 8 December 2011, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following condition be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

(Notes to applicant:- (1) Applicant was advised that any alterations to the shop front will require planning permission, and that any new signage may require advertisement consent; (2) Applicant was advised that any external flue will require separate planning permission and the granting of this permission does not infer that such a flue would be acceptable. The flue should vent above the highest part of the building, 1m above the eaves of the building or nearby windows, to allow for fumes and odours to disperse.)

Reasons for planning permission, if granted:-

The proposal was considered not to have a detrimental impact upon visual amenity, residential amenity or the vitality and viability of the defined Secondary Shopping Area and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and T21 (Secondary Shopping Area).

116. Conversion/alteration/extension to provide four shops and six apartments at Nos. 2 - 6 Cornhill, Wellington and outline application for the demolition of existing structures and the erection of 30 dwellings on land adjoining North Street Car Park, Wellington (43/11/0083)

Reported this application.

Resolved that subject to:-

- (1) The receipt of further information as to the historic significance of some of the buildings to be demolished and the agreement of the Heritage Lead that the demolition was justified and would preserve the character and appearance of the Conservation Area;
- (2) The Applicant entering into a Section 106 Agreement to secure the provision of £5750 towards children's play facilities; and
- (3) The submission of an amended plan showing a more suitable rear elevation for Nos. 4 and 5 Cornhill,

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

- (a) Insofar as it relates to the works to Nos. 2 - 6 Cornhill, the development hereby permitted shall be begun within three years of the date of this permission. Insofar as it relates to the erection of 30 dwellings (new build plots 1-30), approval of the details of the 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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 09007-L.01.01 Rev A Location Plan;
 - (A3) DrNo 09007-L.01.02 Rev A Existing Site Plan;
 - (A1) DrNo 09007-L.01.03 Rev C Proposed Site Layout;
 - (A3) DrNo 09007-L04.01 Proposed Elevations;
 - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
 - (A1) DrNo 09159-L04.01 Rev B Existing Elevations;
 - (A3) DrNo 09159 L02.01 Existing Floor Plans;
 - (A1) DrNo 09159-L04.02 Rev B Proposed Elevations;
 - (A1) DrNo 09159-L02.02 Rev B Proposed Floor and Roof Plans;
- (c) Full details of facilities for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (d) Full details of facilities bin storage shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted in respect of condition (a). The approved details shall be implemented prior to the occupation of the plot to which they relate and shall thereafter be retained as such;
- (e) No development 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;

- (f) No demolition or alteration to Nos. 2 - 6 Cornhill shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to, and agreed in writing with, the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition or alteration of the existing buildings;
- (g) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ecologic Environmental consultant's submitted reports; dated January 2011 and up to date bat surveys and include:-
 - 1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 - 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; and
 - 3. Measures for the enhancement of places of rest for, breeding birds and 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 bird and bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (h) Prior to the occupation of the development hereby permitted, a residential travel plan shall be submitted to, and approved in writing by, the Local Planning Authority. The travel plan shall be based upon the principles set out in the 'Residential Travel Plan Statement'. The approved travel plan shall be implemented in accordance with the details agreed within the travel plan;
- (i) The proposed estate roads, footways, footpaths, cycleways, sewers, drains, vehicle overhang margins, junctions, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The approved details shall be implemented such that each dwelling is served by a properly consolidated surface, at least to base course level, prior to its occupation. The scheme shall be completed prior to occupation of 90% of the new build dwellings (plots 1-30) hereby permitted;
- (j) The works to Nos. 2 - 6 Cornhill hereby permitted shall be carried out such that the buildings are capable of occupation prior to the occupation of 50% of the new build dwellings (plots 1-30);
- (k) The ground floors of Nos. 2 - 6 Cornhill are hereby permitted for uses in the following Classes of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without

- modification): A1, A2, B1(a), D1;
- (l) The ground floors of Nos. 4 and 5 Cornhill may be used independently to each other or as one single unit in accordance with Condition (k).
 - (m) The applicant shall ensure that all construction vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction commencing, and thereafter maintained until the use of the construction on-site discontinues;
 - (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), the dwellings hereby permitted shall not be extended and no windows (other than those that may be approved under condition (a)) shall be inserted into the rear elevations of plots 21-24, and there shall be no alteration or erection of any means of enclosure other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
 - (o) Prior to the commencement of the new build development (plots 1-30) hereby permitted full details of the means of vehicular access to the site where the vehicular access crosses from the North Street Car Park over the footpath between that car park and Fore Street shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and thereafter retained as such in accordance with the approved details prior to the occupation of any dwellings hereby permitted.

Reasons for planning permission, if granted:-

The proposed development was well designed in terms of its layout and scale and paid respect to the historic built environment of the centre of Wellington. It would not impact unreasonably upon the local highway network or the amenities of existing neighbouring property. The character and appearance of the Conservation Area would be preserved and, in some respects, enhanced and the listed buildings within and their settings would be preserved. The proposal was, therefore, considered to be acceptable in accordance with Policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN23 (Areas of High Archaeological Potential), and M4 (Residential Parking Provision) of the Taunton Deane Local Plan; Policies 9 (The Built Historic Environment), Policy 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review; advice contained in Planning Policy Statement 5 (Planning for the Historic Environment) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

117. Erection of 4 No. two bedroom cottages and 3 No. two bedroom cottages to the rear of the former Three Cups, Fore Street, Wellington (43/11/0106)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure contributions towards recreation facilities, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 07/05/150 Floor Plans;
 - (A3) DrNo 07/05/151 Floor Plans;
 - (A3) DrNo 07/05/152 Elevations;
 - (A3) DrNo 07/05/153 Elevations;
 - (A3) DrNo 07/05/154 Elevations;
 - (A3) DrNo 07/05/201C Proposed Site Plan;
 - (A4) DrNo 07/05/2000 Location Plan;
 - (A3) DrNo 201D Proposed Site Plan;
 - (A3) DrNo 51A Floor Plans;
 - (A3) DrNo 153A Elevations;
- (c) No development 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;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such;
- (e) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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) Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;
- (g) Prior to its construction, full details of the proposed boundary between the public footpath and the access road/turning area shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary shall take the form of a wall of at least 1m in height. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration;

- (h) (i) Prior to its installation, 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;
- (i) Prior to the construction of the access/turning area, 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 and shall thereafter be retained as such;
- (j) Prior to the occupation of the dwellings hereby permitted, the bin and cycle storage facilities indicated on drawing 07/05/201D shall be provided and capable of use and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
- (k) 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 shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

Reasons for planning permission, if granted:-

The proposed development was acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the Conservation Area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

118. Installation of ground mounted photovoltaic panels in Gotten Copse at Hestercombe Gardens, Cheddon Fitzpaine (48/11/0030)

Reported this application.

Resolved that subject to the receipt of no adverse comments from English Nature by 13 December 2011, the Growth and Development Manager be authorised to

determine the application in consultation with the Chairman or Vice-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) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo 771.122 Location Plan;
 - (A1) DrNo 771.120 Section and Elevation;
 - (A1) DrNo 771.119A Site Plan;
- (c) Prior to the installation of any part of the solar panels and mounting, details/ specifications of the solar panels to be used on the development hereby permitted 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;
- (d) (i) Before any part of the permitted development is brought into use, further details of the planting, 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 the development being brought into use, 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, 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.
- (e) Prior to the installation of any part of the solar panels and mounting, details of the precise route of the cable, along with a tree protection method statement 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, unless otherwise agreed in writing by the Local Planning Authority.

Reasons for planning permission, if granted:-

The proposed photovoltaic panels, although visible in the landscape were not considered to appear prominent. The proposal was not considered to result in harm to the character and appearance of the countryside, the special historic interest of Hestercombe House and Gardens, its surrounding Conservation Area or listed buildings. As confirmed by the test of likely significant effect, there would be no significant effects on feeding habitat or flight lines of the protected Lesser Horseshoe Bats and due to the location, the proposal was not considered to result in material harm to the amenities of nearby properties or to the setting of the adjacent listed buildings. Furthermore, the scheme would promote renewable energy. As such, the proposal was in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Statement 22 (Renewable Energy), Planning Policy Statement 5 (Planning for the Historic

Environment), policies 5 (Landscape Character) and 9 (The Built Historic Environment) of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S1 (General Requirements), S2 (Design), EN3 (Local Wildlife and Geological Interest), EN12 (Landscape Character Areas), EN14 (Conservation Areas), C12 (Renewable Energy) and EN20 (Parks and Gardens of Special Historic Interest) of the Taunton Deane Local Plan.

119. Appeals

Reported that one appeal had been lodged and one appeal decision received, details of which were submitted.

(The meeting ended at 7.26 pm)