

Planning Committee – 8 February 2012

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bowrah, Denington, A Govier, C Hill, Mrs Hill,
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, 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), Miss M Casey (Planning and Litigation Solicitor)
and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Henley in relation to application No 10/11/0049; and Mrs A Elder,
Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

8. Apology

Mrs Messenger.

9. Minutes

The minutes of the meeting of the Planning Committee held on 11 January 2012
were taken as read and were signed.

10. Declarations of Interest

Councillors Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. 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 Tooze declared a personal interest as an employee of UK Hydrographic Office. 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 Bishop declared that he had attended a parish council meeting where agenda item 7 (Altona Park, Hillfarrance) had been discussed. However, he did not consider that he had fettered his discretion. Councillors Bowrah, Govier and Mrs Reed all declared that they had attended a Town Council meeting where agenda items 10, 11 and 12 (Tone Mill, Wellington) had been discussed. However, none of the Councillors considered that they had fettered their discretion. Councillor Govier also declared that he had attended meetings of the Tone Mill Trust as the Ward Councillor.

11. Applications for Planning Permission

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

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

07/11/0023

Outline application for the erection of a dwelling and shared garage in the garden of 1 Gardeners Close, Bradford on Tone

Conditions

- (a) Approval of the details of the layout, scale, appearance, access 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 approved plans;
- (c) Details of all boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
- (d) Details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority as part of the details submitted pursuant to condition (a). The agreed details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;
- (e) The detailed layout submitted pursuant to condition (a) shall show sufficient parking facilities for the parking of two cars for the proposed dwelling and two cars for the existing dwelling. The parking facilities approved shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such.

Reason for granting planning permission:-

The proposal was not considered to have a detrimental impact upon visual or residential amenity, the character of the area or the local highway network and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); or Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 (Transport Requirements of New Development).

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

10/11/0049

Erection of a permanent agricultural workers dwelling at Timberlands, Biscombe, Churchstanton

Conditions

- (a) The development hereby permitted shall be begun within one year of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;
- (d) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (e) The dwelling shall not be occupied until the sewage disposal works have been agreed and completed in accordance with the details to be submitted unless otherwise agreed 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) 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 Class A (Extensions) and Part 2 Class A (Boundary treatment) of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason for granting planning permission:-

The proposal was not considered to harm the landscape character of the Area of Outstanding Natural Beauty and would harm neither visual nor residential amenity. The building was proposed for an agricultural worker as an exception to normal policy and accordingly the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EN10 (Areas of Outstanding Natural Beauty).

34/11/0040

Erection of garage with ancillary accommodation above and erection of indoor swimming pool with gym and changing area in the grounds of Staplegrove House, Staplegrove (amended scheme of 34/11/0032)

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;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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) Prior to commencement of trenching works within the canopy spread of the existing Horse Chestnut tree near the proposed Coach House, all trenching works, foundation details and surfacing materials shall be agreed with the Local Planning Authority. Works shall thereafter be carried out in accordance with those agreed details. All trenching works shall be hand dug and no roots larger than 20mm in diameter shall be severed without first notifying the Local Planning Authority. Good quality topsoil shall be used to backfill the trench and compacted without using machinery.

Reason for granting planning permission:-

The proposal would preserve the character and appearance of the Conservation Area and would not harm either visual or residential amenity. The setting of the listed building was not harmed. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H17 (Extensions), H18 (Ancillary Accommodation) and EN14 (Conservation Areas), Planning Policy Statement 5 (Planning and Historic Environment) or Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

38/11/0670

Erection of single detached dwelling with on site parking at 58 Greenway Avenue, Taunton (amended scheme to 38/11/0145)

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;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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) 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, alterations, additional windows or dormer windows other than those expressly authorised by this permission shall be carried out without the further grant of planning permission;

- (e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the bathroom window to be installed in the northern elevation of the dwelling shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed. The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (f) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (g) The proposed access or drive shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2m x 2m. Such visibility shall be provided before the development is brought into use and shall be maintained at all times;
- (h) There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 17m away from that point. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highways Act 1980 the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that, according to Wessex Water records, there is a public combined sewer crossing the site. Wessex Water requires a minimum 3m easement width on either side of its apparatus for the purpose of maintenance and repair. Diversion or protection works may need to be agreed and there should be no planting within 6m of the sewer. The integrity of the systems must be protected and arrangements for the protection of infrastructure crossing the site must be agreed prior to the commencement of works on site; (3) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this development).

Reason for granting planning permission:-

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).

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

27/11/0018

Change of use of land to site 3 no mobile homes, 3 no pitches for touring caravans, 3 no utility sheds, 1 no day room and the repositioning of stable block for use by Romany Gypsy families at Altona Park, Hillfarrance

Reason

The proposed development, by reason of the large site area, visual appearance and prominent position in the landscape, would have a detrimental impact on the rural setting and appearance of the area contrary to Taunton Deane Local Plan Policies H14 and EN12 and Core Strategy Policy DM3, in particular from local public footpaths and the nearby rail network. The site was not considered to be in a sustainable location and therefore the provision of further development (in particular due to its scale) outside of the existing site area would be contrary to the provisions of Core Strategy Policy DM3 which seeks to site gypsy and traveller sites in sustainable locations closer to services and facilities. The proposal would also comprise an inefficient use of land in an area where development should be strictly controlled and as such would be contrary to planning guidance contained in Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Statement 7.

12. Erection of 84 no dwellings and associated works as enabling development in connection with the repair and restoration of listed buildings at Tone Mill, Milverton Road, Tonedale, Wellington (43/11/0080)

Reported this application.

Noted that the application had required an amendment to the red line to incorporate a small area of land that was currently unregistered in respect of the emergency access. The applicant had served a public notice which expires on 15 February 2012.

Resolved that subject to no further representations being received in respect of the above, the grant of Planning and Listed Building Consent applications (43/11/0116 and 43/11/0117LB), and the applicants entering into a legal agreement or other mechanism to secure the following:-

1. Schedule of Works (in respect of works to secure the external envelope of the Tone Works Mill buildings and the restoration and conversion works north of the River Tone) in agreement with the Heritage Lead and English Heritage;
2. Prior to the commencement of development, the "enabling monies" in the form of (i) Heritage Asset Contribution of £780,000; and (ii) Heritage Land Owner's Subsidy of £800,000 shall be paid and made available to draw down funds to carry out the agreed Schedule of Works;
3. Submission of an application for "heritage grant" funding (as part of the conservation repair works) and submission of a business plan for the remainder of the heritage land within an agreed timescale;
4. Provision of a new pedestrian and cycle link and upgrade of existing links to provide an offsite cycleway and pedestrian route from the site to Crosslands;
5. Prior to the occupation of the first residential unit, an emergency pedestrian and vehicular access shall be provided and be capable of accommodating emerging service vehicles between Milverton Road and the site, including the provision of demountable bollards;
6. Provision of a new bus stop on Milverton Road to serve the development;

7. Securing and agreed Green Travel Plan for the development. This shall be supported by a schedule containing a full range of measures to assist with sustainable travel;
8. A management company shall be set up. The management company shall be limited by guarantee and procure that each freehold interest has a requirement that each transferee shall be required to apply for membership of and in the management company;
The management company shall be solely responsible for the ongoing management and maintenance of the following, and identified on a plan, of which the specifications shall first be agreed in writing and by the Council:-
 - a) Highways – Lowmoor Road and estate roads being constructed and maintained to an adoptable standard;
 - b) Flood relief channel, compensatory storage areas; and ancillary infrastructure works (flood channel wall) be secured for their dedicated use, to be agreed with the Environment Agency, and maintained thereafter as such in perpetuity;
 - c) Specifications of the play equipment to be agreed with the Council, together with its long term management and maintenance;
 - d) Open space, planting and common areas to be managed in accordance with an agreed maintenance schedule;
9. Adoption by the Highways Authority, if required, of the stone flood wall and railings between the highway and flood channel to sustain the highway. If the Highways Authority do not adopt such infrastructure this will fall under the responsibilities of the management company,

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, conditions covering the following would be expected to be imposed:-

- (a) Time limit;
- (b) Schedule of Plans;
- (c) Details and samples of materials;
- (d) Details and samples of retaining wall;
- (e) Boundary treatments;
- (f) Landscaping;
- (g) Hard landscaping;
- (h) Contamination;
- (i) Noise mitigation measures to Plots 19, 26-28 and 55-69;
- (j) Environment Agency and drainage conditions;
- (k) Highway conditions;
- (l) Wildlife Management Plan;
- (m) Archaeology watching brief;
- (n) Nynehead Parkland – monitoring condition;
- (o) Recording of buildings on Grease Works site;
- (p) Further conditions in response to consultation with the Highways Authority; Nature Conservation and Environment Agency.

Also **resolved** that in the event that no resolution can be agreed within six months, or extended with the authorisation of the Chairman should a decision be pending, the application be referred back to the Planning Committee.

Reason for planning permission, if granted:-

The proposed residential development would achieve important conservation works to secure the physical structure and restoration works to Tone Works, a grade II and II*, nationally important heritage asset. The physical repairs to the Mill and adaption measures would focus on, and facilitate, the long term viable re-use of these Mill buildings, with the greatest heritage value, for economic purposes. The impact on the setting of the listing building was considered to be acceptable having regard to the previous and potential alternative uses of that land. The heritage benefits were considered to be significant and represented an important public benefit that outweighed any identified conflict with planning policy. The scheme would give rise to conservation-led regeneration that would provide important economic, social and cultural benefits. The proposed residential development provided an acceptable layout and design, drawing upon locally distinctive materials within the scheme. The proposed flood mitigation measures were considered acceptable.

13. Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington (43/11/0116)

Reported this application.

Resolved that subject to:-

1. Submission of a cross section at the point of the new vehicular access route to the north and demonstrating that suitable landscape mitigation can be provided;
2. Planning permission for application No 43/11/0080 being granted; and
3. The applicant entering into a Section 106 Agreement that no works will commence until the heritage funds are available under the terms of application No 43/11/0080,

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, conditions covering the following would be imposed, or additional conditions as required following the submission of further information:-

- a) Time limit;
- b) Schedule of plans;
- c) Archaeological and building recording and monitoring;
- d) Contamination samples;
- e) Environment Agency;
- f) Contract let for approved refurbishment and conversion works;
- g) Highway visibility splays, subject to consultation with the Landscape Officer;
- h) Landscaping scheme;
- i) Ecological management strategy;
- j) Emergency pedestrian route to be made available.

(Note to applicant:- Applicant was advised that flood and ecological informative notes will be imposed).

Reason for planning permission, if granted:-

Whilst it was accepted that the proposals would cause some harm to the significance of this historic asset, the proposed alterations would be a continuation of the way in which the buildings had previously been adapted to serve the original purpose of the Mill. Any harm would be outweighed by the heritage benefits delivered from achieving a reuse of this site which was highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of Planning Policy Statement 5 and due regard had been paid to the statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 14. Demolition of southern dry house, demolition of single storey extensions to boiler house, demolition of single storey extension to steaming room, raising of ground floor level of dye house and store, construction of roof to dye house and store, alterations to tentering room/northern dry house, formation of additional vehicular access and laying of hardstanding to serve tentering room/northern dry house and alterations at Tone Mill, Milverton Road, Wellington (43/11/0117LB)**

Reported this application.

Resolved that subject to planning permission being granted for application No 43/11/0080, the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if listed building consent was granted, the following conditions would 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) The development hereby permitted shall be carried out in accordance with the approved plans;
- (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) The demolition for which consent is hereby granted shall not commence until proof that a contract has been let for the approved conversion and refurbishment works has been submitted to, and approved in writing by, the Local Planning Authority;
- (e) The buildings and parts of buildings for which consent is hereby granted to be demolished or removed shall not be removed in whole or in part until they have been fully recorded in accordance with a brief, which has first been agreed in writing by the Local Planning Authority;
- (f) Prior to the works of conversion and refurbishment commencing, a detailed schedule including specified materials for repairs and alterations, cross-referenced to scaled drawings shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved schedule being strictly adhered to in the implementation of repairs and alterations, unless any variation thereto is first agreed in writing by the Local Planning Authority;

- (g) No machinery or artifacts shall be removed, relocated or destroyed until such decisions have been agreed in writing by the Local Planning Authority and they have first been fully recorded, in accordance with a brief which shall first be agreed in writing by the Local Planning Authority;
- (h) Prior to commissioning, specific details of the following, or samples where appropriate shall be submitted to, and approved in writing by, the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority: slate; colour coated profiled roof sheet; doors; windows; horizontal boarding; blocking of openings (to include provision of ventilation).

Reasons for planning permission, if granted:-

Whilst it was accepted that the proposals would cause some harm to the significance of this historic asset, the proposed alterations would be a continuation of the way in which the buildings had previously been adapted to serve the original purpose of the Mill. Any harm would be outweighed by the heritage benefits delivered from achieving a reuse of this site which was highly sympathetic to its original function and giving it the prospect of a viable future. The proposals would therefore be in line with Policy HE9 of Planning Policy Statement 5, with due regard having been paid to the statutory duty imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 9 of the Somerset and Exmoor National Park Joint Structure plan Review.

15. Plots 41 and 54 not built in accordance with planning approval at Bishop's Hull Residential Development, Bishop's Hull, Taunton

Reference Minute No 66/2011, reported that the appeal against the enforcement notice served in respect of Plots 1 and 3, Kinglake, Bishops Hull had been dismissed by the Inspector.

The developers, Persimmon Homes (SW) Limited, had until 23 February 2012 to comply with the enforcement notice which required the dwellings to be built in accordance with the agreed plans.

The Committee had been recommended to authorise prosecution action if the required reinstatement works were not undertaken.

Further reported that two further dwellings at Plots 41 and 54 had also been constructed not in accordance with the approved plans and further enforcement action had therefore been recommended.

Resolved that:-

In respect of Plots 1 and 3 Kinglake, Bishops Hull, subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the developers if the enforcement notice served on 8 August 2011 was not complied with;

1. In respect of Plot 41 Kinglake, Bishops Hull, an enforcement notice be

served seeking the removal of the half timbered/herringbone brick finish to the front of the dwelling and its replacement with the red brick finish approved pursuant to planning permission No. 05/11/0016;

2. In respect of Plot 54 Kinglake, Bishops Hull, an enforcement notice be served seeking the removal of the tile hanging to the front of the dwelling and its replacement with the red brick finish approved pursuant to planning permission No 05/11/0016;
3. The time period for compliance with the enforcement notice(s) referred to in (2) and (3) above be two months; and
4. In respect of Plots 41 and 54 Kinglake, Bishops Hull, subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action against the developers if the enforcement notice(s) was not complied with.

16. Siting of a steel container at 154 Bridgwater Road, Taunton

Reported that complaints had been received regarding a steel container that had been sited within the curtilage of 154 Bridgwater Road, Taunton.

Although the container did have an impact on both neighbouring gardens, the Growth and Development Manager did not consider it expedient to take enforcement action to secure the removal of the container.

However, during the discussion of the item Members considered that the impact of the container did warrant significant harm being caused to neighbouring properties and agreed that enforcement action should be taken.

Resolved that:-

1. Enforcement action be authorised to seek the removal of the steel container from the curtilage of 154 Bridgwater Road, Taunton;
2. Any enforcement notice served should have a three month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

17. Appeals

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

18. 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.

19. Schedule of Alleged Contraventions up to 31 December 2011

Reported details of the Schedule of Alleged Contraventions for the third quarter of 2011 (October, November and December 2011). The Schedule provided details of the following information:-

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

Resolved that the report be noted.

(The meeting ended at 8.28 p.m.)