

Planning Committee – 18 July 2012

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

Officers:- Mr Bryan Kitching (Development Management Lead), Miss Maria Casey (Planning and Litigation Solicitor), Matthew Bale (West Area Co-ordinator), Mr Tim Burton (Growth and Development Manager) Mr Anthony Pick (Major Applications Co-Ordinator) Mrs Tracey Meadows (Corporate Support Officer)

(The meeting commenced at 5.00 pm)

88. Apologies/Substitution

Apologies: Councillors Bowrah and Mrs Messenger

Substitution: Councillor Mrs J Reed for Councillor Bowrah

89. Minutes

The Minutes of the meeting of the Planning Committee held on 23 May 2012 were taken as read and signed.

90. Public Question Time

Councillor Morrell reported that he had raised the following concerns at the meeting of Full Council on 17 July 2012 in relation to the Core Strategy being undeliverable due to JBA's flood risk assessment and the Leader of the Council's disinclination to refute the fact that the Core Strategy might have to be redrafted in the short-term due to this new information:-

1. As JBA were appointed in 2011, when was JBA's report confirming an increased risk of flooding within Taunton known to officers or Executive Councillors?
2. Was the Planning Inspector asked to delay his recommendations on the Core Strategy in anticipation of JBA's pending report?
3. Was the Planning Inspectorate made aware of JBA's report and, if not, why not?
4. As Members had to decide adoption of the Core Strategy within weeks, when would JBA's report be made available to elected Members?
5. What repercussions did JBA's findings have on the deliverability of the Core Strategy?
6. What consequences would there be in relation to Community Infrastructure Levy monies having to be diverted towards expensive flood attenuation measures?

The Chairman (Councillor Nottrodt) said that he would arrange for Councillor Morrell's questions to be answered.

91. **Declarations of Interest**

Councillors D Wedderkopp and A Govier declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a 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. Councillors Mrs Hill and Wren declared a personal interest on application no 08/12/0006; Councillor Wren reported he would not be voting on this application. Councillors Mrs Reed and A Govier declared personal interests on application no 43/11/0140 as Wellington Town Councillors.

92. **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:-

08/12/0006

Change of use from (B1) office to (A1) hair and beauty salon on the first floor of the west range of the Hestercombe Gardens Visitor Centre at Hestercombe Garden, Cheddon Fitzpaine.

Conditions

The premises shall be used as a hair and beauty salon ancillary to Hestercombe Gardens only and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reasons for granting planning permission:-

Whilst the site was remote from services and facilities, with limited public transport available, it was on the site of Hestercombe Gardens, which offered a wedding function and attracts a number of visitors. On the basis that the two salons were used largely in conjunction with the wedding function and by Hestercombe visitors, it could therefore be argued that it was reasonably sustainable in these terms. As such, the continued use of the two salons, was not considered to foster growth in the need to travel to an unacceptable level and was not therefore deemed contrary to the objectives of Government sustainable transport policy, as expressed in Part 4 of the National Planning Policy Framework and reflected in the Somerset and Exmoor National Park

Joint Structure Plan Review Policy STR1 (Sustainable Development) and STR6 (Development Outside Towns, Rural Centres and Villages) and Policy DM1 (General Requirements) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

38/12/0153

Erection of two storey extension to the rear of 10 Kilve Close, Taunton.

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) DrNo J08/03A location plan; and
 - (A3) DrNo J08/02A proposed drawing.

(Notes to Applicant:- Applicant was advised that any proposed construction Works should be undertaken having regard to the following comments from Wessex Water: - On 1 October 2011, in accordance with the Water Industry (schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (Section 105a sewers). At the date of transfer many of these sewers were unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contract our Sewer Protection Team at an early stage if you suspect that a Section 105a sewer may be affected).

Reasons for granting planning permission:-

The proposed extension had been designed to be subservient and in keeping with the existing style of the property and would not cause harm to its character. The extension was not considered to result in an unacceptable loss of light or overbearing impact and was not therefore considered to cause material detriment to the residential amenities of the occupiers of neighbouring properties. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local plan and Policy DM1 (General Requirements) of the emerging Taunton Deane Borough Council Core Strategy 2011-2028.

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

17/12/0006

Erection of a dwelling at land to the west of the Coach House, Church Road, Fitzhead

Reasons

(a) The proposed development by reason of its design, form, layout and appearance is considered to intrude visually within an attractive area of the village; consequently the proposals are considered to have a detrimental impact upon the visual amenity, character and appearance of the area. The application site is considered to be of insufficient size and of an awkward layout as to satisfactorily accommodate a dwelling house. The development, if allowed, would result in a cramped form of development with insufficient private amenity space, detrimental to the visual amenities of the area and the amenity of any future occupant. By extension the proposals will detract from the positive contribution that is made by the Coach House to the setting of Fitzhead Conservation Area to the detriment of the heritage asset. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policies S1 (D), S2 (A) and EN14, Policy DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

(b) The proposed development will result in a dwelling house being located close to the boundary of the plot and neighbouring properties to the East and West. By virtue of its siting, scale and design the proposals would result in the significant loss of privacy and outlook to neighbouring properties, detrimental to their amenity. The proposals are therefore considered to conflict with Taunton Deane Local Plan Policy S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.

(c) The proposed development will interfere with the Definitive Line of Public Right of Way number WG 5/9. It is considered that the proposed route does not constitute a suitable alternative route virtue of its insufficient width and the enclosed corridor erect that would result where the path runs between the side of the proposed dwelling and the existing boundary wall to the East. The proposals would make the use of the Public Right of Way less convenient for its users whilst also detracting from the enjoyment that the footpath provides for the members of the public. The proposals are therefore considered to be contrary to Taunton Deane Local Plan S1 (E) and Policy DM1 of the emerging Taunton Deane Core Strategy.

- 93. Outline application for the demolition of Agricultural Barns, felling of 3 No. Category R protected trees and development of land for up to 503 no, residential units with ancillary infrastructure comprising of new junction with Taunton road, part of Wellington relief road, sports pitches, a changing facility with car park, a primary school, allotments, children's play area, informal open space, balancing ponds, landscape planting, diversion of Public Footpath WG17/17 and creation of new Footpath at land on Longforth Farm, Wellington (43/11/0104)**

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following:-

Highways

- The design, construction, and funding of the roundabout, its approaches and the distributor road, which was subject to the Full Application (43/11/0105);
- The construction of a distributor road through the development site to link the B3187 to the existing employment development to the west (Relyon);
- A contribution of £100k for Travel Planning and cycle improvements;
- A toucan crossing to be constructed on the distributor road in accordance with a location to be agreed with the Local Planning Authority. Such provision shall be shown as part of the Reserved Matters application.

On site open space and maintenance

- Provision of 2 LEAPs and 1 NEAP;
- Transfer of 0.66 ha of serviced land for dedicated use as allotments;
- Retained and enhanced orchard (approximately 1 ha);
- Provision of 1.419 hectares of serviced land (to include water supply and electricity to serve a potential future pavilion and car park) as shown on the master plan for future use as sports pitches;
- 2.26 ha of incidental open space;
- 3.16 ha of proposed buffer / ecological planting;
- SUDS
- Provision of a commuted sum for the future maintenance of the above, or to be maintained by a separate management company.

Education

- 1.2 ha of serviced land for use as a primary school;
- The applicant to tender for the highway works costed. Any cost savings derived from the lowest tender against those costed in the viability report shall be directed as contributions towards the capital cost of constructing the primary school;

Affordable Housing

- 10% Affordable Housing provision which shall accord with the requirements of the Housing Enabling Officer;

Footpath Diversion

- The applicant shall use all reasonable endeavours to seek the diversion of footpath WG/17 (in accordance with the master plan) prior to the occupation of the 150th dwelling;

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

- (a) Time Limit;
- (b) Phasing;
- (c) Design Codes;
- (d) Site Levels;
- (e) Landscaping;
- (f) Tree Strategy;
- (g) Boundary Treatments;
- (h) Details/Samples of External Surfaces;
- (i) Estate Roads;
- (j) Lighting Strategy;
- (k) Surface and Foul Water Strategy (including maintenance);
- (l) Ecological Conservation Management Plan;
- (m) Archaeology;
- (n) Contamination;
- (o) Noise Mitigation;
- (p) Highway Conditions (as considered reasonable and necessary);
- (q) Cycle and Footway Linkages.

Also **resolved** that the Planning Officers in conjunction with the Developers and Network Rail be asked to use their best endeavours to improve the safety of the present rail crossing and only consider diverting the public footpath as a last resort. This to be undertaken within a reasonable time and without materially affecting the viability of the whole scheme.

Reason for outline planning permission, if granted:-

The application would deliver 503 residential dwellings and the first phase of the Northern Relief Road. The site was allocated in the emerging Core Strategy and accorded with the Spatial Vision for Wellington. The site was well linked and integrated with the existing built form of Wellington and would encourage travel within the town by modes other than the private car. Any impact on wildlife would be adequately mitigated and the favourable conservation status of European Protected Species would be maintained. Having regard to Policy CP7 and the viability of the scheme submitted the community benefits and infrastructure secured were considered acceptable in the planning balance. The proposal was considered to result in a sustainable urban extension to Wellington, contributing to maintaining a five year supply of deliverable housing sites. The proposal would therefore be in compliance with Policy SP3 and SS3 of Taunton Deane emerging Core Strategy which due to its advanced stage was given significant weight in the decision-making process and having regard to the policy guidance contained within the National Planning Policy Framework.

94. E/0024/43/12 – Unauthorised development at the Cleve Hotel and Country Club, Mantle Street, Wellington

Reported that it had come to attention of the Council that the design of the roof sited at the Cleve Hotel and Country Club, Mantle Street, Wellington had been amended and differed from the approved plans.

Instead of the roof structure finishing with a ridge where it abutted the main gable end of the existing building, an area of flat roof had been incorporated. Although the roof height had been reduced at this point it still aligned with other parts of the existing and proposed roof levels. Additional steel work had been provided to facilitate the change in construction.

Resolved that:-

(1) Enforcement action be authorised seeking the removal of the suspended box structure erected at first floor level covering the external staircase at the Cleve Hotel and Country Club, Mantle Street, Wellington;

(2) Any enforcement notice served should have a six month compliance period to enable the applicant to apply for further planning permission and implement it, if approved; 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.

95. E/0036/27/12 – Unauthorised use of land for the storage of non agricultural items on land to the south of Whisperfields, Oake

Reported that it had come to the attention of the Council that various non agricultural items had been stored in the corner of a field to the south of Whisperfields, Oake.

The owner had explained that he was in the process of moving to the area and was using this land to store items until he moved into his new property. He had confirmed that it was his intention to remove all non agricultural items by June 2013, however to date the items remained on the land.

The owner had also asked to retain two lock ups/lorry bodies and had been advised that a planning application would need to be submitted for to retain these items.

Resolved that:-

(1) Enforcement action be authorised seeking the cessation of the land south of Whisperfields, Oake being used to store non-agricultural items;

(2) Any enforcement notice served should have a six 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.

96. E/0037/27/12 – Caravan sited in field near Hillfarrance, Nr Taunton

Reported that it has come to the attention of the Council that the landowner was using this land near Hillfarrance to store his caravan until he moved into the new property he had bought in Taunton. He had confirmed that it was his intention to remove the caravan by the end of October. The caravan had already been relocated to an even more discreet location within the field but the change of use of the land had taken place without planning permission being sought.

Resolved that:-

(1) Enforcement action be authorised seeking the removal of a caravan sited in an agricultural field at Hillfarrance, Nr Taunton;

(2) Any enforcement notice served should have a six 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.

97. E/0046/30/11 – Use of land for the siting of two caravans together with residential occupation, field in Chrchstanton, Taunton

Reported that it has come to the attention of the Council that a field in Churchstanton was being used for the siting of two caravans which were being used for residential occupation.

The caravans were stark in appearance and did not blend in with the natural features of the surrounding countryside. The caravans therefore appeared as incongruous features, alien to the rustic appearance of the countryside, to the detriment of the rural character of the Blackdown Hills Area of Outstanding Natural Beauty. Furthermore their retention would set an undesirable precedent for the siting of caravans in inappropriate locations.

Resolved that:-

(1) Enforcement action be authorised seeking the removal of the two caravans which were being used for residential occupation on land at Churchstanton, Taunton;

(2) Any enforcement notice served should have a six 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.

98. E/0071/38/12 – Large pink sign at first floor level on principal elevation of a listed building at 5 Silver Street, Taunton

Reported that it has come to the attention of the Council that a large pink sign had been erected on the first floor level on the principal elevation of a listed building at 5 Silver Street, Taunton without planning consent.

The owner of the property had been advised that advertisement consent was required to retain the sign but that, to date, no such application had been received to regularise the situation.

Resolved that the Solicitor to the Council be authorised to take Prosecution Action to secure removal of the unauthorised sign at 5 Silver Street, Taunton.

(The meeting ended at 8.15 pm)