

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 19 May 2010 at 17:00.

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### Agenda

- 1 (a) Appointment of Chairman  
(b) Appointment of Vice-Chairman
- 2 (a) Apologies  
(b) Minutes of the meeting of the Planning Committee held on 21 April 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/10/0062 – Erection of part of new surgical centre including 9,500 square metres of d1 floor space for a new ward building, central concourse and circulation space, ancillary retail, means of access and landscaping at Musgrove Park Hospital, Taunton
- 6 38/10/0061 - Outline application for new surgical centre at Musgrove Park Hospital, Taunton
- 7 42/10/0013 - Erection of part two-storey/part single storey rear extension, front porch, covered yard to side and alterations to side garage at Rose Cottage, Staplehay
- 8 49/10/0016 - Erection of two storey extension at Whitcombe, Langley Cross, Wiveliscombe
- 9 51/10/0002 - Renovation of and erection of part two storey/part single storey extension to rear and porch to front at Hoopers Cottage, Hoopers Lane, Burrowbridge

- 10 Variation of Section 106 Agreement and unilateral undertaking relating to proposed major development at Monkton Heathfield (Nos 48/2005/072 and 48/2007/006). Report of the Head of Legal Services (attached)
- 11 05/07/0057 - Residential development at Bishop's Hull Road, Bishop's Hull
- 12 23/06/0031 and E0076/23/10 - Double garage not built in accordance with the approved plans at Fairfield Gate, 9 Fairfield Terrace, Wood Street, Milverton
- 13 Planning Appeals - the latest appeals lodged and appeal decisions received (details attached)

Tonya Meers  
Legal and Democratic Services Manager

17 May 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

## **Planning Committee Members:-**

Councillor P Watson  
Councillor D Wedderkopp  
Councillor M Floyd  
Councillor K Durdan  
Councillor B Denington  
Councillor M Hill  
Councillor D House  
Councillor C Bishop  
Councillor J Allgrove  
Councillor C Hill  
Councillor S Brooks  
Councillor L James  
Councillor T McMahon  
Councillor N Court  
Councillor K Hayward  
Councillor B Swaine

## **Planning Committee – 21 April 2010**

Present:- Councillor Mrs Hill (Chairman)  
Councillor Mrs Allgrove (Vice-Chairman)  
Councillors Bishop, Brooks, Ms Court, Denington, Mrs Floyd, Hayward,  
C Hill, House, Miss James, McMahon, Stuart-Thorn, Swaine and  
D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Area  
Planning Manager), Mr G Clifford (East Area Co-ordinator),  
Mrs J Jackson (Legal Services Manager) and Ms M Casey (Planning  
and Litigation Solicitor)

Also present: Councillor Prior-Sankey in connection with application No 38/10/0030  
and Councillor Coles

(The meeting commenced at 5.00 pm)

### **40. Apologies/Substitution**

Apologies: Councillors Ms Durdan and Watson  
Substitution: Councillor Stuart-Thorn for Councillor Watson

### **41. Minutes**

The minutes of the meeting of the Planning Committee held on 24 March  
2010 were taken as read and were signed.

### **42. Declarations of Interest**

Councillor Brooks declared a personal interest as a Member of Somerset  
County Council. Councillor Miss James declared a personal interest as an  
employee of Viridor. Councillor Coles declared a personal interest as a  
Director of Southwest One.

### **43. 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:-

#### **34/10/0010**

**Amended proposal to previous application 34/09/0037 for the erection of  
a sun room at 3 Hillhead Cottages, Staplegrove**

#### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

**38/10/0030**

**Erection of 12 two storey dwelling houses with parking spaces at land to north of Poplar Road, 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 submitted 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) (i) The landscaping and planting schemes shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) Before development commences, including site clearance and any other preparatory works, the trees to be retained shall be protected in accordance with details contained within the submitted Tree Survey by Heartwood Arboricultural Consultants dated July 2007. Any protective works shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;
- (f) The proposed hedgerow adjacent to the public footpath and cycleway once planted shall thereafter be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to, and

approved in writing by, the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied;

- (h) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version) and the results of the assessment provided to the Local Planning Authority;
- (i) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (j) No site clearance works or development, or specified operations, shall take place between 1 March and 31 August without the prior written approval of the Local Planning Authority;
- (k) The development hereby approved shall be carried out in accordance with the recommendations made in Country Contract's Up-Date Ecological Assessment report dated November 2009;
- (l) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (m) Where the diverted cycleway meets the proposed development access, there shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the diverted cycleway and extending 15m to the south-west, towards the carriageway centreline of Poplar Road. Such visibility shall be provided in advance of commencing construction of the dwellings;
- (n) The proposed access onto Poplar Road shall see no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the proposed access and extending to a point 1m off the nearside Poplar Road carriageway edge, 22m to the south of the proposed access. Such visibility shall be provided in advance of commencing construction of the dwellings;
- (o) No dwelling shall be occupied until the realigned cycleway is complete in accordance with details that must be submitted to, and approved in writing by, the Local Planning Authority;
- (p) 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), there shall be no addition or extension to the dwellings, nor any further building, structure or outbuilding shall be erected without the further grant of planning permission;
- (q) 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 gates, fences, walls, or other means of enclosure shall be erected on the site beyond the forwardmost part front of the dwelling without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised that works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible; (2) Applicant was advised that with regard to condition (h), any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991). Details of porosity tests should also be submitted; (3) Applicant was advised that the developer should be aware of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site. If any such apparatus exists, the applicant should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus; (4) Applicant was advised that the developer must agree a point of connection to the foul sewerage network with Wessex Water; (5) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation; (6) Applicant was advised that all site operatives must be briefed to ensure that they are aware of the possible presence of wildlife on site. All trenches and pits dug on site must be covered at night or must have a means of escape to prevent animals being trapped. If any protected species are encountered they should be left undisturbed whilst expert advice is sought).

#### **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 and the development would not have a detrimental impact upon visual or residential amenity, nor would the development harm wildlife and existing trees, and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision) and EN8 (Trees in Settlements). PPS1, PPS3 and PPS9.

**48/10/0001**

**Demolition of bungalow and construction of new dwelling at 21 Greenway, Monkton Heathfield**

#### **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 submitted approved plans;
- (c) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge, and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (d) 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;
- (e) Any drives or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development. For the purposes of this condition, permeable means either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse;
- (f) The bathroom window, side dining room windows, toilet windows and utility room door to be installed in the southern and northern elevations of the building shall be obscure glazed and the windows shall be 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) to the satisfaction of the Local Planning Authority and shall not be modified thereafter without the prior written consent of the Local Planning Authority;
- (g) (i) The landscaping and planting schemes shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the landscaping scheme the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (i) 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 modifications) no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only;

- (j) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to domestic and private needs of the occupier and shall not be used for any business or other purposes whatsoever;
- (k) 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 Devon Wildlife Consultant's submitted report dated February 2010 and include details of protective measures to avoid impacts on protected species during all stages of development and measures for the enhancement of places of rest for protected species. 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 bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (l) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Classes A, B and C of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (m) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window or dormer windows shall be installed in any elevation of the development hereby permitted without the further grant of planning permission.

(Notes to applicant:- (1) Applicant was advised to contact the Council's Environmental Health Department in respect of the garage and dwelling prior to any demolition, in case there were any hazardous materials present; (2) Applicant was advised to agree with Wessex Water, prior to the commencement of any works on site, connections onto Wessex Water infrastructure; (3) Applicant was advised to be aware of the importance of checking with Wessex Water to ascertain whether there are any uncharted sewers or water mains within, or very near to, the site; (4) Applicant was advised that the soakaways should be constructed to BRD 365 (September 1991); (5) Applicant was advised to have regard to the position of any drains or other underground services which may cross the site or be close to the boundaries of the site; (6) Applicant was advised that provision should be made within the site for the disposal of surface water so as to prevent its discharge onto the highway; (7) Applicant was advised that alteration of the access will involve construction works within the existing highway limits. These must be agreed in advance with the Highway Service Manager; (8) Applicant was advised that condition (k) relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a statement clearly stating how wildlife will be protected through

the development process and be provided with a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal; (9) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant should ensure that any activity undertaken on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation).

**Reason for granting planning permission:-**

The proposal for this replacement dwelling was considered not to have a detrimental impact upon visual or residential amenity of the locality or the immediate neighbours and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design). The variety in dwelling type was considered acceptable and would bring character into this area in accordance with PPS3.

**44. Erection of office building with associated parking and works at site adjacent to Woodfield House, Tangier, Taunton (38/09/0168)**

Reported this application.

**Resolved** that subject to a Section 106 Agreement being entered into to secure (a) a contribution to the Third Way; (b) Park and Ride provision; (c) the implementation of a Travel Plan; and (d) a contribution for off-site flood storage alleviation, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 103 RevA, 104 RevB, 105 RevA, 201 RevA, 202 RevA, 301 RevB and Flood Plan No10014-SKC002;
- (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) A flood management strategy shall be submitted to, and approved in writing by, the Local Planning Authority and shall include maintenance of the vehicular access and pedestrian gate and the strategy shall be adopted prior to the occupation of the building and thereafter be maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority;
- (e) No development approved by this permission shall be commenced until a scheme for the prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:- (i) site security; (ii) fuel oil storage,

- bunding, delivery and use; (iii) how both minor and major spillages would be dealt with; (iv) containment of silt or soil contaminated run off; (v) disposal of silt or contaminated water pumped from excavations; (vi) site induction for workforce highlighting pollution prevention and awareness;
- (f) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2010 and letter dated 12 March 2010 from Hydrock to the Environment Agency and the following mitigation measures detailed within the FRA:- (i) identification and provision of safe routes into and out of the site to an appropriate safe haven; (ii) finished floor levels were set no lower than 16.7m above Ordnance Datum (AOD); (iii) the building is totally protected and would stay watertight up to a level of 16.7m AOD; and (iv) access to the river corridor for maintenance purposes was maintained;
- (g) Development shall not begin until full details of the water exclusion strategy for the car park have been submitted to, and approved in writing by, the Local Planning Authority. This must demonstrate that the car park is protected to a level of 17.2m AOD;
- (h) Development shall not begin until details of the flood defence walls and flood gates shown on drawing 10014-SKC002 Rev A are submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented as agreed;
- (i) Development shall not begin until 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 has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:- (i) details of how the scheme shall be maintained and managed after completion; (ii) management of the 1 in 100 year flood event with allowance for climate change; and (iii) management of the 1 in 30 year event during a tide lock scenario;
- (j) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor;
- (k) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund;

- (l) 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 (i) to (iii) 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 (iv) has been complied with in relation to that contamination:
- (i) 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: (a) 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; (b) 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; (c) 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 and 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.
  - (ii) Submission of Remediation Scheme - if any unacceptable risks are identified as a result of the investigation and assessment referred to in (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is 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;
  - (iii) 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;
  - (iv) 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 (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section (ii), which is subject to the approval in writing of the Local Planning Authority;
  - (v) Verification of

remedial works - following completion of measures identified in the approved remediation scheme a verification report (referred to in PP523 as a Validation Report) must be produced. The report should demonstrate the effectiveness of the remedial works. A statement should also be provided by the developer which is signed by someone 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 (ii) above. The verification report and signed statement are subject to the approval in writing of the Local Planning Authority; (vi) 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 ii" and other authoritative guidance;

- (m) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for bats and nesting birds has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of AMAs submitted report dated March 2008 and up to date surveys and include:-
- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - (ii) Details of timing of works to avoid periods when nesting birds could be harmed by disturbance;
  - (iii) Measures for the enhancement of places for rest for bats and nesting birds. Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise agreed in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (n) The parking layout shown on the submitted plans shall be provided prior to occupation of the new offices and thereafter be maintained as such;
- (o) A means of providing a temporary parking provision during construction works on site shall be provided and maintained and shall be submitted to, and agreed in writing by, the Local Planning Authority prior to work commencing and shall be maintained during the construction;
- (p) Covered cycle parking for a minimum of 10 bicycles shall be provided on site in a manner to be agreed and shall thereafter be maintained.

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how bats and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal. It should also be noted that the protection afforded to species under UK and EU law is irrespective of the planning system and the applicant should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife

legislation; (2) Applicant was advised that invitations for tenders for sub-contracted works must include a requirement for details of how the prevention of pollution requirements of condition (e) above will be implemented. Nothing other than uncontaminated excavated natural materials shall be deposited on the site. Any oil storage facility of 200 litres or more must include a bund and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"); (3) Applicant was advised that all waste disposed of off site must be taken to an appropriately licensed waste management facility in accordance with the Duty of Care and the Environmental Permitting Regulations 2007. If any waste is to be brought onto site, then the appropriate exemption must be applied for. Exemptions from the Waste Management Licensing Regulations for moving waste spoil or subsoil off-site will be required and the developer will need to contact the Environment Agency to apply for such activities; (4) Applicant was advised that Flood Defence Consent must be gained for an application 8m from the top of bank from the River Tone and the Mill Stream).

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

It was considered that the proposal complied with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design) in that the site had good transport links and neither residential nor visual amenity would be adversely affected and it provided adequate parking complying with Policy M3 and flood protection and alleviation in accordance with Policy EN28 of the Taunton Deane Local Plan and PPS25.

**45. Demolition of 37 dwellings and redevelopment with erection of 46 dwellings and provision of parking, landscaping and associated infrastructure including alterations to parking and boundary treatment at Nos 5-8 Burns Road, at Ruskin Close, Taunton (38/10/0050)**

Reported this application.

**Resolved** that subject to an agreement in respect of play provision, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A4) Drg No 2889-PL-100 Location Plan
  - (A3) Drg No 2889/PL/13 Bin and cycle store
  - (A3) Drg No 2889/PL/02 Proposed House types Type A - 2b 4p
  - (A3) Drg No 2889/PL/03 Proposed house types Type B 3b 5p
  - (A3) Drg No 2889/PL/04A Proposed house types Type D1 - 3b 5p
  - (A3) Drg NO 2889 PL 05 Proposed house types Type D2 3b 5p
  - (A3) Drg No 2889 PL 06 Proposed house types Type E 3b 5p
  - (A3) Drg No 2889/PL/08A Proposed flats over garages Type H 1b 2p

- (A3) Drg No 2889 PL 07 Proposed house types Type F 4b 6p
- (A3) Drg No 2889 PL 09 Proposed flats Plots 7 - 18
- (A1) Drg No 2889 PL 01 Proposed site layout plan
- (A1) Drg No 2889 PL 10 Proposed flats plots 19 - 30
- (A1) Drg No 2889 pl 11A Proposed flats street scenes
- (A1) Drg No 2889 PL 01E Proposed site layout
- A1) Drg No 2889 PL 21 Refuse vehicle tracking;
- (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) The door design shall be as indicated on the submitted drawings unless otherwise agreed in writing by the Local Planning Authority;
- (e) (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;
- (f) No dwelling shall be occupied until space has been laid out within the site in accordance with the submitted plan for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (g) The front boundary walls to the dwelling units shall be retained as indicated on the submitted drawing unless otherwise agreed in writing by the Local Planning Authority;
- (h) None of the dwellings shall be occupied until a drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority and the agreed works have been completed in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority. The strategy should include: (i) Details of flow path (exceedance) should be shown for when the capacity of the drainage system is exceeded; (ii) A full operation and maintenance strategy should be submitted and agreed and this should include: (a) details of how financial provision is to be made for the attenuation works, ensuring that this is provided for the lifetime of the development; and (b) identify who will be responsible for maintenance;
- (i) No dwelling shall be occupied until cycle and bin storage has been provided for within the site in accordance with the submitted plan unless otherwise agreed in writing by the Local Planning Authority. The cycle and bin storage areas shall thereafter be retained as agreed;
- (j) Before any building or engineering works are carried out on the site, the construction access and contractors' parking and compound area shall be provided, surfaced and drained in accordance with a detailed scheme,



- which shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall also indicate the eventual use of that area;
- (k) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority and thereafter provided prior to occupation of any dwelling;
  - (l) The proposed estate roads, footways, footpaths, tactile paving, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, visibility splays, accesses and car parking 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, materials and method of construction shall be submitted to the Local Planning Authority;
  - (m) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
  - (n) Before the dwellings hereby permitted are first occupied, a 1.8m wide footway shall be constructed over the entire Burns Road frontage of the site in accordance with a specification to be approved in writing by the Local Planning Authority;
  - (o) No construction of any dwelling shall take place until the road widening of Burns Road has been carried out in a manner to be agreed by the Local Planning Authority and prior to occupation of the proposed dwellings hereby permitted details shall be submitted of the realignment and resurfacing works of Burns Road shown on drawing no 2889/PL 01 C and approved in writing by the Local Planning Authority. Such works shall be fully constructed in accordance with the approved plans, to an agreed specification before the development is first brought into use.
- (Notes to applicant:- (1) Applicant was advised that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible; (2) Applicant's attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site).

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

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

**46. Change of use from 2 flats to single dwelling and 2 flats at 2A Salisbury Street, Taunton (38/10/0064)**

Reported this application.

**Resolved** that subject to the receipt of amended plans correcting the rear elevation, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman, and if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the submitted 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.

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

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and was therefore considered acceptable. Therefore, the scheme accorded with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

**47. Enforcement action at Taunton Vale Sports Club, Gipsy Lane, Taunton**

Reported that since the Taunton Vale Hockey Club had been erected local residents had made a number of complaints regarding the flood lighting provided.

In February 2009 the Committee had resolved to take enforcement action against the Hockey Club (Minute No 23/2009 refers) for failure to comply with a Breach of Condition Notice requiring a set of floodlights at the site to be shielded.

An application to vary the condition to allow a scheme that would not provide shielding and would not have a detrimental impact on local residents was considered in April 2009 and was deferred for further specialist advice to be sought.

The Hockey Club had now fixed shields to the floodlights and the condition had therefore been complied with.

**Resolved** that no further action be taken.

**48. Large shed erected at 139 Darby Way, Bishops Lydeard**

Reference Minute No 15/2010, reported that the Committee had agreed to take enforcement action to remove a large shed erected at 139 Darby Way, Bishops Lydeard without the necessary consent being granted.

It had now come to the Council's attention that a shed had been erected at the property prior to the current tenant taking over the tenancy in 2004 and it was therefore not considered expedient to take any further action.

**Resolved** that no further action be taken.

#### **49. Appeals**

Reported that two new appeals had been lodged, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.10 pm.)



## **Declaration of Interests**

### **Planning Committee**

- Members of Somerset County Council – Councillors Brooks, McMahon and Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

TAUNTON & SOMERSET NHS FOUNDATION TRUST

**ERECTION OF PART OF NEW SURGICAL CENTRE INCLUDING 9,500 SQUARE METRES OF D1 FLOOR SPACE FOR A NEW WARD BUILDING, CENTRAL CONCOURSE AND CIRCULATION SPACE, ANCILLARY RETAIL, MEANS OF ACCESS AND LANDSCAPING AT MUSGROVE PARK HOSPITAL, TAUNTON AS AMPLIFIED BY E-MAIL DATED 28 APRIL 2010, UPDATED TRAVEL PLAN DATED 30 APRIL 2010 AND FURTHER AMENDED BY E-MAIL DATED 6 MAY 2010**

321518.124302

Full Planning Permission

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**PROPOSAL**

The proposal is to provide a new surgical centre for the hospital of which this application is phase 1 of the development and will provide 112 beds in a new surgical ward building, a central concourse area with circulation space, an ancillary retail area, cycle parking and landscaping. The new ward building will provide improved, high quality in-patient accommodation in a 3 and 4 storey scheme to replace the 1940's ward buildings that are no longer suitable for the delivery of modern healthcare.

Phase 2 will include a new entrance, theatre block, critical care services and replacement car parking.

**SITE DESCRIPTION AND HISTORY**

The hospital site has had numerous applications for development. The site subject of the proposal is largely occupied by an existing surface car park of 158 spaces. An area of single storey link buildings to the west are to be demolished to provide a new link between the new building and existing ones. A single pine tree is to be felled to allow for the new building. Previous permission was granted in outline form in 2005 (38/05/0439) for the erection of a new surgical centre with a 6 storey and 3 storey buildings, although this has since lapsed.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - I have concerns over the proposed development mainly down to the lack of information provided in the Transport Statement and lack of Travel Plan. Firstly in terms of the Transport Statement, having spoken with Somerset County Council's Traffic Analysts they have concern that there is insufficient information provided to adequately judge the proposal. The application site covers 9500sqm whilst the threshold for a full Traffic Assessment for a D1 use is 1000sqm as set out by the Department for Transport. However as this proposal will replace some of the existing hospital building within the site, as such a Transport Statement would be deemed to be acceptable. The Highway Authority's

main concern is the Transport Statement concludes that this proposal would not see a significant impact on the existing vehicle movements. However there does not seem to be enough information provided to justify this statement. Therefore an amended Transport Statement would need to be submitted which provides further information on the amount of vehicle movements associated with the proposed development and how this compares to the existing vehicle movements as well as the amount of replacement beds and staff. In addition clarification of the future use of the existing hospital buildings which are related to the proposal would have to be provided. In regards to the travel plan I understand from conversations with the Travel Plan Co-ordinator that the hospital as a site had a Travel Plan agreed in 2004. However this has now expired and as such a new one will be required. This would have to take into account updates to the local public transport network and any sustainable travel initiatives which have been established since 2004. The completed Travel Plan should be submitted to the Highway Authority for comment. To discuss these matters further I would advise the applicant contact the County Council Travel Plan Co-ordinator on 01823 358079 for further information. Until an amended Transport Statement and a Travel Plan are received I am unable to provide my full observations on this proposal.

*DRAINAGE ENGINEER* - I am happy to accept the FRA included in this proposal. However as stated in the assessment this does not provide the final design for the treatment of surface water disposal. Therefore as suggested a condition should be attached to any approval given stating that a full drainage report shall be submitted and agreed before works commence on site. The report should include details of all existing and proposed impermeable areas, a final design of the proposed surface water system, details and location of existing surface water outfalls, an exceedance study and details if any additional storage, if required, and how this is to be achieved.

*HERITAGE AND LANDSCAPE OFFICER* - Good well considered hard and soft landscaping.

*NATURE CONSERVATION & RESERVES OFFICERS* - The proposal is for the construction of part of a new surgical centre and concourse area to be built on a car park at Musgrove Park hospital in Taunton. Aardvark Environmental carried out an ecological BREEAM assessment of the application site in September 2009. The site is predominately hard surfacing with some exotic shrubs, amenity grassland and a single pine tree. The surrounding land is predominately urban with a cemetery to the north of the site.

I support the surveyor's assessment that the application site as well as the cemetery, with its well mown grass, lacks potential for protected species. The tree on site contained no signs of nesting birds or roosting bats. This survey offers a snapshot of the site at the time of survey. It is possible that birds could nest in the vegetation on site at a future date and so I suggest a condition

*ENVIRONMENT AGENCY* - Thank you for consulting us in relation to the above application which was received on 4 March 2010. We have no objections to the application as submitted subject to a condition requiring the submission of a scheme for prevention of pollution during the construction phase.

We would also like to make the following recommendations in relation to the

proposed development:

### Surface Water Drainage

The site lies in Flood Zone 1 and is under one hectare in site area. In accordance with PPS25, a site-specific Flood Risk Assessment (FRA) is not required. However, the development still has potential to affect surface water drainage if this run-off is not managed and limited properly. The LPA should seek the advice of their Drainage Engineer and encourage the use of SuDs to limit run-off to existing levels wherever possible.

### Contaminated Land

When considering the potential impacts of contaminated land, the Environment Agency only provides comments in relation to impacts on controlled waters. We consider that the environmental sensitivity of controlled waters at the site is low and will therefore not be providing any site specific comments. The LPA should seek comments from their Environmental Health Team to ensure that any risks to human health are addressed within the development.

### Waste and Environmental Management

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. The applicant must also still comply with the duty of care for waste. The SWMP will allow the applicant to record all waste movements in one document, thereby assisting in duty of care compliance.

*WESSEX WATER* - Comment awaited.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - recommend that noise emissions arising from plant or equipment on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 5 Min Leq, when measured at any point on the facade of residential or other noise sensitive boundary.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

### **Representations**

1 letter of objection on the basis of the loss of historic pine tree due to the development and need for it to be TPO'd.

1 letter on behalf of 5 properties in Ashley Road with concerns raised over the adequacy of the Sunlight and Daylight Assessment Summary.

### **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,



PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPG13 - Transport,  
PPS25 - Development and Flood Risk,  
RPG10 - Regional Planning Guidance for the South West,  
RPG10 EN4 - RPG10 Policy EN 4: Quality in the Built Environment,  
RPG10 EN5 - RPG10 Policy EN 5: Health, Education, Safety & oth Social In,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M1 - TDBCLP - Non-residential Developments,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues for consideration are the need, design, amenity/privacy, noise and sustainability. The other issues to consider are access, parking, wildlife and drainage.

### **NEED**

The main driver for this development is the need to replace existing facilities and wards housed within buildings up to 70 years old dating back to the war that have reached the end of their useful life and are no longer suitable for providing modern health care facilities. The site serves Taunton and west Somerset and has a catchment of 347,000. The proposal will provide a new Surgical Centre, comprising a surgical ward re-provision, in-patient accommodation, a central concourse area with circulation, amenity space and ancillary retail, new operating theatres, clinical work stations and staff support areas and critical care services in modern buildings to replace those on the existing campus. The business case for the improvement of the surgical accommodation envisaged the redevelopment as a phased scheme. This would enable streamlined and patient-focused care to be delivered while still allowing continuous operation of clinical services. It has been accepted that there is a clear need for the improved facilities at the site that are the subject of the current submission.

### **DESIGN**

A comprehensive design statement has been submitted with the scheme to ensure the development is an appropriate high quality design that fits into its context. The design was considered with the following principles in mind, having a high design quality, delivering a layout that is functional and efficient to meet clinical priorities, having a design that is flexible to meet future changing needs of the hospital, integration with neighbours to minimise visual and amenity disturbance, providing a therapeutic and healing environment, providing a strong sense of place, being a

sustainable development, being accessible and buildable to allow the hospital to continue to operate.

The first phase of the scheme includes the replacement ward facilities which are designed in a three and four storey building around a central landscaped courtyard. The wards comprise 4 x 28 bed wards featuring single rooms with en-suites, clinical work stations, staff support area, security points and stairs/lift cores. This building covers a large area at the centre of the site while a new Central Concourse to the west will link the new ward building to the existing hospital through the south west corner of the site. Strong axial routes are set out by the access road running east-west and a proposed green link in phase 2 running perpendicular to this. The west elevation of the ward building will front the north-south green link spine while the north elevation faces the access road and the cemetery. This elevation is set back 20m from the roadside reducing impact on the neighbours and allowing for a linear park area of landscaping. The external appearance of the Ward building incorporates an assortment of frontage depths and materials. The base plinth is to be constructed in local sandstone and high quality, low maintenance surface finishes have been selected for durability. These include terracotta and zinc cladding. The east elevation is distinguished from the main ward blocks by a largely glazed connecting corridor between the ends of the north and south blocks. The glazed treatment and open shelter distinguish an entrance to the building

The heights and form of the hospital buildings have been considered carefully and have evolved to ensure the building responds to its context. The previous of outline envisaging a three and six storey building has been significantly modified. The submitted scheme provides a maximum height of four storeys which equates to 17.5m. The Central Concourse is mainly 2 storeys in height, the main entrance and link are 4 storeys in places stepping down to the lower scale 3 storeys where the ward blocks face the cemetery to the north and residential area to the east. This scale of development is reduced in height from that previously envisaged and the impact of the scale of buildings on the area and townscape is considered to be an acceptable one.

The applicant has looked carefully at the design and layout of the building and considered whether it is feasible to retain the existing Pine tree on the site. A specific objection has been raised in terms of the loss of this tree and a request made for a tree preservation order. The tree, named the 'Eisenhower tree' due to the site connections with the American military during the war, has been affected by development around it over the years and consequently is a stunted specimen. Moving the buildings away from the tree to retain it would not improve its current structure and would lead to a greater impact of the new buildings on the residents in Ashley Road to the east. This is not considered to be an acceptable option and the loss and replacement of the tree is considered the most appropriate option for the site and complies with policy EN6 of the Local Plan. As part of the concept for the site landscaping has been looked at in detail. Consequently the proposed landscaping scheme provides a significant net gain in soft landscaping and the number of 20 new trees on the site and the Trusts' Design vision 'Putting the park back in Musgrove Park' is to be welcomed.

#### AMENITY/PRIVACY

The design of the new building and specifically the ward blocks has been carried out to minimise the impact on the amenity and privacy of the nearest residential

properties that lie in Ashley Road. Strong objection was previously raised by residents to the outline scheme and Members required a note on the outline approval that any reserve matters application minimise the impact on nearby properties. The main visitor entrance is a taller element of the proposal, however this is located centrally to the north to protect residential amenity. The building steps down towards the east to lessen the impact on Ashley Road and the number of east facing rooms is limited to prevent overlooking and loss of privacy. The east elevation will largely consist of corridors featuring partially obscured glazing to prevent direct overlooking. A condition to address this provision is proposed. The building has been set 16m off the boundary with the nearest residential property at 50 Ashley Road and 20m back from the internal road to protect the majority of views to the west from gardens. The planting zone to the west of the gardens will also help soften the impact of the building. The ward building will be 13m high and visible from the properties in Ashley Road, particularly 44-50. A series of proposed views have been produced showing the impact on these properties and while the building will be clearly evident from the houses and gardens the impact is not considered to be one so overbearing to raise objection.

A Daylight Assessment Study was undertaken by the applicants in relation to the impact on 7 properties at the end of Ashley Road and all properties were considered to have passed and to fall within the recommended standards for daylight availability. This issue is one that has been queried by the nearby objectors and clarification has been sought from the applicants' agent. On the basis of the current information it is considered that the impact on neighbouring residential amenities is an acceptable one and not one which outweighs the benefits of the proposal and as such this warrants support of the scheme.

## NOISE

As part of the design process consideration has been given to noise issues on site, particularly in relation to the nearest neighbours. The road through the site is to be slightly realigned and an acoustic fence provided to the neighbours' boundary and landscape planting provided between the fence and road. In addition the re-siting of the car park to the north should reduce noise from vehicles coming and going and reduce vehicle movements past the residential properties. The consideration of any mechanical plant has also been considered with attenuation proposed and the Environmental Health Officer is recommending a condition to address noise levels and so prevent an adverse impact on neighbours.

## SUSTAINABILITY

The site is located within an identified strategic settlement where such facilities should be provided. The site already operates a green travel plan and this will be updated as part of the scheme. Under the BREEAM assessment for buildings the aspiration is to achieve Excellent, however due to site factors, such as the on site energy facility, the project will seek to achieve Very Good for the project. The intention is to utilise a number of different approaches to meet this aim including, passive design, integrated engineering systems such as automatic control regimes for energy efficiency and to minimise unnecessary use and use solar thermal hot water heating.

## OTHER ISSUES

The access to the site is not proposed to be changed and would be largely via the existing traffic light junction on Wellington Road. The proposal will not involve an increase in traffic to the site as it provides replacement facilities for those already in existence on site. This is accepted by the Highway Authority, although control over the demolition of the ward provision has been suggested to ensure additional traffic generating use in the existing buildings in this area is not provided. There is considered to be adequate parking on site to cater for use during construction and the level of parking use is also addressed in the green travel plan. Cycle parking for 40 cycles and access drop off in relation to the new building are proposed and replacement parking is considered as the second phase of the scheme. The provision of an up to date travel plan is proposed and the Highway Authority consider the detail of this should be conditioned.

The site currently has little wildlife habitat to speak of, although bird nesting in the tree and limited vegetation could occur. A condition is proposed to address this. Otherwise the landscaping scheme for the site will significantly improve potential wildlife habitat in compliance with PPS9. The site is in a location outside of a flood risk area, however the size of the overall development site warrants the submission of a Flood Risk Assessment (FRA) being over a hectare. An external lighting scheme for the site has been submitted and this is considered to be a low energy use scheme with protection of light sources to limit spill and impact on neighbours. The Drainage Officer considers a report should be required to ensure the surface water drainage details are satisfactory and do not add to run-off rates downstream. The provision of control over sustainable urban drainage is recommended by the Environment Agency, as is a condition to prevent pollution during construction.

## SUMMARY

The proposal is considered necessary to address the hospital and patient needs for the 21st century and the siting, design and scale of the building proposed is considered to adequately address the concerns over residential amenity and privacy and over the visual impact of the buildings on the wider area. The issue of the tree loss and replacement planting is considered to comply with policy and subject to the conditions to address issues raised the scheme is considered an appropriate sustainable design on this brownfield site and is recommended for approval.

## RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval and that permission be GRANTED subject to conditions of time limit, plan numbers, materials, landscaping, drainage, pollution control, wildlife, east elevation glazing to be agreed, noise level, acoustic fence provision, landscape wall detail, timing of ward demolition and travel plan for the following reason:

The proposal is considered not to have a significant detrimental impact upon visual or residential amenity and no detrimental highway impact and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M1, M2, M3 (Non-residential parking/transport), EN6 (Landscaping) and EN34 (Control of Lighting).

## RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule **[insert name or number of schedule of plans]**.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development unless otherwise agreed in writing by the Local Planning Authority.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. A full drainage report shall be submitted to and agreed in writing by the Local Planning Authority before construction works commence on site. The report shall include details of all existing and proposed impermeable areas, a final design of the proposed surface water system, details and location of existing surface water outfalls, an exceedance study and details if any additional storage, if required, and how this is to be achieved.

Reason: To prevent the risk of flooding in nearby water courses in accordance with Policy EN28 of the Taunton Deane Local Plan.

6. No development approved by this permission shall be commenced until a

scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority.

Reason: To ensure that pollution control is adequately maintained throughout the development.

7. No site clearance works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> July without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected.

8. Noise emissions arising from plant or equipment on any part of the land to which this permission relates shall not exceed background levels at any time by more than 3 decibels, expressed in terms of an A-Weighted, 5 Min Leq, when measured at any point on the facade of residential or other noise sensitive boundary.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes and measured at any point on the facade of residential or other noise sensitive boundary.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

9. The means of preventing overlooking from the windows in the eastern elevation shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out as agreed prior to occupation of the building and shall be retained as agreed.

Reason: To prevent loss of privacy from nearby dwellings.

10. Details of the landscape wall to the east of the access road, including its height and materials finish, shall be submitted to and approved in writing by the Local Planning Authority prior to its construction and the wall shall thereafter be provided as agreed prior to the re-aligned road being brought into use.

Reason: In the interests of the amenity of the area and public safety.

11. A staff travel survey shall be carried out prior to the occupation of the development and the Green Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car.

12. The acoustic fence indicated on the submitted plan shall be provided prior to the completion of the access road being re-aligned and brought into use.

Reason: In the interests of the amenity of neighbouring properties in accordance with Taunton Deane Local Plan policy S1.

13. The timing of the demolition of the ward buildings to the north-west of the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the completion of the new ward building and shall thereafter be carried out as agreed.

Reason: In the interests of limiting the traffic use of the site.

#### Notes for compliance

1.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

38/10/0061

TAUNTON & SOMERSET NHS FOUNDATION TRUST

## **OUTLINE APPLICATION FOR NEW SURGICAL CENTRE AT MUSGROVE PARK HOSPITAL, TAUNTON**

321408.124364

Outline Planning Permission

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### **PROPOSAL**

The proposal is to provide a new surgical centre for the hospital of which this application is phase 2 of the development and will provide a new entrance, theatre block, critical care services and replacement car parking. The application is in outline and covers the principle and scale of the new buildings as well as giving an indicative layout of the replacement car parking on the site of the old ward buildings to be demolished.

### **SITE DESCRIPTION AND HISTORY**

The hospital site has had numerous applications for development. The site subject of the proposal is largely occupied by old ward buildings which are to be demolished to provide replacement car parking. Previous permission was granted in outline form in 2005 (38/05/0439) for the erection of a new surgical centre with a 6 storey and 3 storey buildings, although this has since lapsed.

### **CONSULTATION AND REPRESENTATION RESPONSES**

#### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments awaited.

*DRAINAGE ENGINEER* - My comments are the same as for application 38/10/0062. As final drainage details have not been fully ascertained a condition should be attached to any approval as described and as proposed by the applicant that; a full drainage report should be submitted and agreed before any works commence on site. The report should include details of all existing and proposed impermeable areas, a final design of the surface water disposal system, details and locations of existing surface water outfalls, an exceedance study and details of any additional storage, if required, and how this is to be achieved.

*HERITAGE AND LANDSCAPE OFFICER* - Subject to detailed landscape and surfacing proposals the scheme looks like a positive enhancement of the existing facilities.

*NATURE CONSERVATION & RESERVES OFFICERS* - The submitted ecology Addendum: DF3 10310C by Ambios Ecology dated April 2010 covers phase 2 of proposed development site at Musgrove Park Hospital, Taunton.

I agree with the surveyor's findings that the site is of limited ecological value although birds may nest within the exotic shrubs in the courtyards. I suggest a



condition regarding the timing of site clearance works

*ENVIRONMENT AGENCY* - When considering the application, we take note of the cumulative impact of the redevelopment of the site, including the pending application for Phase 1 (Application Ref: 38/10/0062). The two sites when considered together total a site area of around 2.5 hectares and have the potential to increase flood risk in the area. This is even more relevant should further re-development proposals come forward in the future. On this basis, permission should only be granted subject to a condition requiring the submission of a surface water drainage scheme for the site.

In older developments such as these it is likely that the existing drainage infrastructure is not designed in line with the current criteria in PPS25 (to the 100 year storm event plus climate change). Especially in vulnerable developments such as hospitals it is vital that surface water flooding cannot pose a flood risk. It is therefore strongly recommended that any redevelopment include an betterment in the management of surface water. We would encourage in line with PPS25 for further features to be implemented to manage run off, reduce the amount of overland flow which will run down highways and footpaths and more specifically sustainably manage surface water through design.

A discharge into the Galmington Stream is preferable over discharge to surface water sewer provided it can be adequately attenuated. Drainage guidance states that sewers should be the final option in the management of surface water. In line with PPS25, all new development must aim to manage flood risk and reduce it where possible. Whilst the redevelopment is not for the whole site and therefore it is difficult to change existing drainage regimes, it would be best practice to use this opportunity to improve the existing drainage system where possible, upgrading it to cope with large storm events and the effect of climate change and making it as sustainable as possible. This approach could be used to integrate the wider drainage system to improve flows, both in quality and quantity.

Also suggest a condition requiring the submission of a scheme for prevention of pollution during the construction phase.

Exemptions from the Waste Management Licensing Regulations for moving waste spoil/subsoil off-site will also be required and developers will need to contact us to apply for such activities. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that the SWMP should contain depends on the estimated build cost, excluding VAT. The applicant must also still comply with the duty of care for waste. The SWMP will allow the applicant to record all waste movements in one document, thereby assisting in duty of care compliance.

*WESSEX WATER* -

## **Representations**

2 letters of no observations

1 letter that new building will substantially affect direct sunlight into garden but content that this is the best use of the space and the hospital's future.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS4 - Planning for Sustainable Economic Growth,  
PPG13 - Transport,  
PPS25 - Development and Flood Risk,  
RPG10 - Regional Planning Guidance for the South West,  
RPG10 EN4 - RPG10 Policy EN 4: Quality in the Built Environment,  
RPG10 EN5 - RPG10 Policy EN 5: Health, Education, Safety & oth Social In,  
STR1 - Sustainable Development,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M1 - TDBCLP - Non-residential Developments,  
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,  
M3 - TDBCLP - Non-residential Development & Transport Provision,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN28 - TDBCLP - Development and Flood Risk,  
EN34 - TDBCLP - Control of External Lighting,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration with the proposal is the scale and impact of the future development on the surrounding area. The outline scheme covers the second phase of the new Surgical Centre and is reliant on the provision of new ward facilities to enable other services to be temporarily moved before the demolition of the ward buildings to allow for the replacement parking area. The main built form of this phase of the development is emergency and elective operating theatres, with some day case surgery, GI investigation unit and clinical offices, the Intensive Treatment Unit (ITU) and High Dependency Unit (HDU), completion of the main entrance, access and landscaping.

The new build element of the scheme will be sited west of the Phase 1 development and will be limited in scale to a maximum of 50m x 130m and a maximum of 4 storeys. All matters of detail of the building are subject to reserve matters approval. The access will be maintained off Wellington Road and the provision of a new parking area to replace demolished ward buildings will occur to the north-west of the site with associated landscaping. The access and parking will serve existing uses on site and not serve development that would create additional traffic movements and so the impact is considered to be an acceptable one. This layout is not considered to adversely affect neighbouring amenity and is considered to be compliant with Local Plan policies S1 and S2.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval and permission be GRANTED subject to conditions of time limit, outline, scale of building, lighting, pollution control and drainage and note re drainage.

The proposal is considered not to have a significant detrimental impact upon visual or residential amenity and no detrimental highway impact and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M1, M2, M3 (Non-residential parking/transport), EN6 (Landscaping) and EN34 (Control of Lighting).

### **RECOMMENDED CONDITION(S) (if applicable)**

1. 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.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. The building shall be no larger than the maximum sizes as specified in the Design and Access Statement submitted.

Reason: In the interests of the visual amenity of the area.

3. A full drainage report shall be submitted to and agreed in writing by the Local Planning Authority before construction works commence on site. The report shall include details of all existing and proposed impermeable areas, a final design of the proposed surface water system, details and location of existing surface water outfalls, an exceedance study and details if any additional storage, if required, and how this is to be achieved.

Reason: To prevent the risk of flooding in nearby water courses in accordance with Policy EN28 of the Taunton Deane Local Plan.

4. Details of any exterior lighting shall be submitted to and approved in writing by the Local Planning Authority before **the building(s) is/are occupied**. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development in accordance with Policy S1(E) of the Taunton Deane Local Plan.

5. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been

approved by the Local Planning Authority.

Reason: To ensure that pollution control is adequately maintained throughout the development.

#### Notes for compliance

The submitted Flood Risk Assessment (FRA) appears to be fit for purpose. However, we would strongly encourage investigation into the use of SuDs at the site rather than conventional drainage systems which can have associated maintenance and sustainability issues. In particular, the use of ornamental ponds as suggested in the FRA should be explored.

In discharging the above condition, the applicant should demonstrate that a range of SuDs measures have been considered, and provide justification as to why these are / aren't feasible at the site. The following issues could be considered:

- Can infiltration techniques be used in this area?
- Is it possible to redirect flows to the watercourse rather than to sewer?
- Can there be proposals for permeable paving under car parking area?
- What is the feasibility of specifically designed conveyance channels for overland flow so it does not run along highways?

In older developments such as these it is likely that the existing drainage infrastructure is not designed in line with the current criteria in PPS25 (to the 100 year storm event plus climate change). Especially in vulnerable developments such as hospitals it is vital that surface water flooding cannot pose a flood risk. It is therefore strongly recommended that any redevelopment include an betterment in the management of surface water. We would encourage in line with PPS25 for further features to be implemented to manage run off, reduce the amount of overland flow which will run down highways and footpaths and more specifically sustainably manage surface water through design.

A discharge into the Galmington Stream is preferable over discharge to surface water sewer provided it can be adequately attenuated. Drainage guidance states that sewers should be the final option in the management of surface water. In line with PPS25, all new development must aim to manage flood risk and reduce it where possible. Whilst the redevelopment is not for the whole site and therefore it is difficult to change existing drainage regimes, it would be best practice to use this opportunity to improve the existing drainage system where possible, upgrading it to cope with large storm events and the effect of climate change and making it as sustainable as possible. This approach could be used to integrate the wider drainage system to improve flows, both in quality and quantity.

The Micro-Drainage report shows some flood risk however, we require the drainage network plan to understand where this point is and what risk it poses to the site.

1.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**

42/10/0013

MR R HARVEY

**ERECTION OF PART TWO-STOREY/PART SINGLE STOREY REAR EXTENSION, FRONT PORCH, COVERED YARD TO SIDE AND ALTERATIONS TO SIDE GARAGE AT ROSE COTTAGE, STAPLEHAY**

321307.121717

Full Planning Permission

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**PROPOSAL**

Rose Cottage is a white painted stone and tile detached property, with a large upvc clad flat roof dormer to the rear. It fronts Honiton Road, whilst the surrounding residential properties are generally set back from the road. To the west, to the other side of Danemead and Smithy are the garage and pub.

This application seeks permission for a part two storey/part single storey rear extension to form a new kitchen and living room with an additional bedroom above; a porch to the front; alterations to the existing attached garage to reduce the length, clad walls in timber and replace the roof with a pitched tile roof; and erect a timber and tile covered yard to the side.

This application comes before the planning committee as the agent is related to a member of staff.

**CONSULTATION AND REPRESENTATION RESPONSES**

NB At the time of writing the report, the consultation period is still running. Members will be updated of any further representations received at the committee meeting.

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments awaited

*TRULL PARISH COUNCIL* - Comments awaited

**Representations**

None at time of writing report.

**PLANNING POLICIES**

S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The proposed porch is considered to be of an appropriate scale, which does not detract from the front elevation of the property or result in any adverse impact on the street scene. The timber clad garage with a pitched tiled roof in place of the existing structure will have a positive impact on both the property and the street scene and the new covered yard on the other side of the property will mirror the appearance of the garage, albeit on a smaller scale.

The rear extension will lie partly on the footprint of the existing conservatory and will extend nearly four metres. The two storey element is set well in from the sides of the property and is on a lower ridge line with a span much narrower than that of the existing dwelling. As such, the two storey element appears subservient.

The existing property has a very large flat roof dormer, to which the single storey element would attach. Whilst this appears somewhat awkward, the existing rear elevation is of little architectural merit and the replacement of the large areas of upvc on the dormer with slate (the sides of which can be partly seen in the street scene) will improve the appearance of the property as a whole. As such, the benefits of the scheme are considered to outweigh any harm caused by the relationship between the existing dwelling and proposed extensions.

Over the boundary at Danemead, is a detached double garage set on a higher level, with the dwelling set back some distance. To the other side, the dwelling at St Ann's is similarly set away from Rose Cottage. As such, the proposed extensions will have no adverse impact on the residential amenities of the occupiers of the adjacent properties.

## **RECOMMENDATION AND REASON(S)**

Subject to no further objections being received

Recommended Decision: Conditional Approval

The proposed extensions have been designed to appear subordinate to the property and whilst these will alter its character, they are not considered to result in material harm to its appearance or to the surrounding area. There will be no adverse impact upon the amenities of the neighbouring properties or any trees within the site. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with

the following approved plans:

(A1) DrNo 051003 Existing and proposed floor plans

(A1) DrNo 0510-04 Existing elevations

(A1) DrNo 0510-04 Proposed elevations

3. Reason: For the avoidance of doubt and in the interests of proper planning. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**



49/10/0016

MR D SHARLAND

**ERECTION OF TWO STOREY EXTENSION AT WHITCOMBE, LANGLEY CROSS,  
WIVELISCOMBE**

308090.128891

Full Planning Permission

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**SITE DESCRIPTION AND HISTORY**

The site comprises 2-storey detached dwelling set back to the rear of the plot. The dwelling is built from red brick with buff decoration. There is a small porch to the front and brick chimneys on either gable end. Hedges separate the dwelling from the neighbours to the east and west. A bank and hedge separates the site from agricultural land which rises to the rear.

The site itself slopes up from the highway to the south, with all external amenity space provided between the dwelling and the road. An access drive runs along the western side of the site.

**PROPOSAL**

This application seeks full planning permission for the erection of a two-storey extension. The extension would be finished with materials to match the existing dwelling, including the buff decoration and quoins. The extension would be sited to the western side of the dwelling and would be set back from the front of the house. The set back would result in a lower ridge than the existing dwelling.

The application is before committee because the applicant is a member of staff.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*WIVELISCOMBE PARISH COUNCIL* – No comments received.

**Representations**

None.

**PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

**DETERMINING ISSUES AND CONSIDERATIONS**

The extension of a dwelling is acceptable in principle. The main issues in the

consideration of this application are the design of the proposal and the impact on neighbouring residents.

The proposed extension is considered to be sympathetically designed with respect to the existing dwelling. The proposal will be set back and down from the existing, allowing it to be subservient in terms of scale and appearance. This is considered to be important given the symmetrical nature of the existing dwelling, and ensures compliance with Policy H17.

The extension would bring the dwelling closer to the neighbouring property to the west. This neighbour is at a slightly lower level, but it would remain 3m at the minimum point from the boundary and is not considered to be unreasonably overbearing on this dwelling. No windows are proposed facing this neighbour, so it is not considered that the proposal would give rise to unacceptable overlooking.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

### **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

### **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr M Bale Tel: 01823 356454**



51/10/0002

HOOPERS ELM FARM LTD

**RENOVATION OF AND ERECTION OF PART TWO STOREY/PART SINGLE STOREY EXTENSION TO REAR AND PORCH TO FRONT AT HOOPERS COTTAGE, HOOPERS LANE, BURROWBRIDGE (AS AMENDED)**

334948.132066

Full Planning Permission

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**PROPOSAL**

Hoopers Cottage lies in a remote countryside location to the north west of Burrowbridge, opposite Hoopers Elm Farm. The property fronts Hoopers Lane and to the rear are farm buildings. The existing dwelling is a small grey render (brick and stone to the rear elevation) and tile cottage in a poor state of repair. It is understood, from the applicant, to have last been lived in approximately 18 months ago. The site lies within Flood Zone 3 (High Risk Area).

This application as submitted sought permission for a thatched porch to the front and a part two storey/part single storey asymmetric rear extension. The application initially also included a single storey extension to the side. Following concerns raised by the case officer, the single storey side extension has been removed and the thatched porch to the front has been reduced in size. The rear extension has been amended to a two storey extension on a lower ridge level, with a lean to single storey extension. The resulting property will have an enlarged living room, dining room, kitchen and WC at ground floor with two bedrooms and a bathroom above.

This application comes before the planning committee as the agent is related to a member of staff.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations

*BURROWBRIDGE PARISH COUNCIL* - Strongly supports as the dwelling is so small that it is not viable unless extended. Proposed accommodation for employee of dairy farm.

*WESSEX WATER* - There are water mains within the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for water supply. Council should be satisfied with arrangements for foul and surface water disposal. Suggests note to applicant regarding uncharted sewers or water mains.

*DRAINAGE ENGINEER* - Requests conditions/notes regarding soakaways and septic tank drainage.

**Representations**

None received

## **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
H17 - TDBCLP - Extensions to Dwellings,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The porch, as amended, is considered to be of an appropriate scale, which does not detract from the front elevation of the property. There were initially concerns regarding the dominating impact of the large asymmetric rear extension. Following the amendments, the two storey element lies on a lower ridge level and therefore appears subservient. The roof design is designed to match the existing dwelling, as is the majority of fenestration. Whilst large glazed doors are proposed at ground floor level, this is not considered to result in harm to the appearance of the dwelling. The single storey element is now set down with a separate roof and stepped in from the rear and side. As such, the proposed rear extensions are now considered much more sympathetic to the cottage and the traditional character is retained.

The proposed extensions are some distance away from neighbouring properties and will have no impact upon residential amenities.

The application is accompanied by a Flood Risk Assessment which states that the floor level will be raised by a minimum of 100mm.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposed extensions are considered to be of a size and scale sympathetic to the existing cottage. The traditional character of the property will be maintained and there will be no adverse impact on the appearance of the surrounding area. The neighbouring properties are a sufficient distance to avoid any impact upon their residential amenities and there will be no harm to highway safety. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), EN12 (Landscape Character) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

## **RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) Dr No C4636/001 Existing Floor Plans & Elevations

(A3) Site Location Plan

(A2) DrNo C4636/101B Proposed Elevations & Floor Plans - Revised proposal

3. Reason: For the avoidance of doubt and in the interests of proper planning. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

#### Notes for compliance

1. Please be aware that the proposed extension falls within a flood zone and therefore floor levels within the proposed development should be set no lower than existing levels and appropriate flood proofing should be incorporated. Further advice can be obtained from the documents, "Preparing for Floods" which can be found at <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>
2. Note to applicant at the request of Wessex Water:  
The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect it's apparatus.
3. Note to applicant at request of Council's Drainage Officer:
  - Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).
  - With reference to the septic tank drainage, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage.
  - Consent to discharge to an underground strata should be obtained from the Environment Agency.

**In preparing this report the Planning Officer has considered fully the**

**implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Miss K Purchase Tel: 01823 356468**

# Planning Committee - 19 May 2010

## Report of the Head of Legal and Democratic Services

### Miscellaneous Item

Variation of S106 agreement and unilateral undertaking relating to proposed major development at Monkton Heathfield (Nos 48/2005/072 and 48/2007/006)

#### 1. Background

Permission was granted on appeal in 2008 for major development at Monkton Heathfield comprising residential development, community facilities, employment and a new distributor road. In order to meet the requirements of the development the Developers entered into a S106 agreement with Somerset County Council to secure contributions in respect of County issues, essentially highways and education. Agreement could not be reached with this Authority as to affordable housing and the provision of community facilities and accordingly a unilateral undertaking was tabled at the Planning Inquiry which was found acceptable by the Planning Inspector and on the basis of which permission was granted.

Since the Inquiry in April 2008 the housing market has been in decline and no progress has been made with the development. However a Consortium of developers has now secured funding to enable commencement but, because of the financial constraints, it will need to vary the way in which the development will be carried out which will require alterations to the S106 agreement and the unilateral undertaking.

#### 2. The S106 Agreement

This authority is not a party to this agreement and the Consortium has negotiated variations with the County Council directly. The main elements are as follows;

1. Not to permit occupation of the 300<sup>th</sup> unit of housing before the Easter Relief Road is constructed. There are to be pedestrian/cycle crossing instead of bridges.
2. The education contribution to be paid on a "per plot" basis on occupation, to be paid quarterly.
3. The Bus Subsidy contribution to be made on a similar basis
4. Amendments to the timing for the payment of the contribution to highway improvements at Creech Castle and the Travel Counter contribution.
5. Variation of the timings for the contribution to the Temporary Classroom contribution.



All of these details have been agreed by the County Council and are reported for information only.

### 3. The Unilateral Undertaking

The Developer has asked for three minor variations to the Unilateral Undertaking containing obligations to this Authority. They are as follows;

- 1 A specification for the Dyers Brook Corridor to be submitted prior to the commencement of the part of the development including the Dyer's Brook.

This would replace an obligation to submit the specification prior to the occupation of the 100<sup>th</sup> dwelling.

- 2 The Retail Land to be marketed upon the commencement of the phase in which it is to be constructed.

This would replace an obligation to market the Retail Land on commencement of the development.

- 3 No more than 200 dwellings to be occupied before providing services to the southern employment land and no more than 600 dwellings to be occupied prior to the provision of services to the northern employment land.

This merely alters the order in which the employment land will be developed. The original obligation provided for the northern land to be brought forward first.

All these variations are considered reasonable given the changed circumstances and in order to facilitate the early commencement of development at this site.

### RECOMMENDATION

It is recommended that the Solicitor to the Council be authorised to agree a revised Unilateral Undertaking to secure the developer's obligations in the terms reported and that the proposed changes to the S106 agreement be noted.

Tonya Meers  
Head of Legal and Democratic Services

Contact Officer Judith Jackson 01823 356409 or [j.jackson@tauntondeane.gov.uk](mailto:j.jackson@tauntondeane.gov.uk)

## MISCELLANEOUS ITEM

05/07/0057

RESIDENTIAL DEVELOPMENT OF 7.65 HA TOGETHER WITH OPEN SPACE PROVISION AND ACCESS ON LAND WEST OF BISHOPS HULL ROAD, BISHOPS HULL AS AMENDED BY LETTER DATED 19 FEBRUARY 2008 AND ACCOMPANYING DETAILS, FURTHER AMENDED BY LETTER AND PLANS DATED 21 FEBRUARY 2008 AND FURTHER AMENDED BY ADDENDUM TO DESIGN AND ACCESS STATEMENT AND ILLUSTRATIVE PLANS RECEIVED 15 MAY 2008 AS AMPLIFIED BY EMAIL DATED 9 JUNE 2008 AND ACCOMPANYING DRAINAGE REPORT AND AMENDED BY TRANSPORT ASSESSMENT RECEIVED 22 JUNE 2009 AND AMENDED BY PLAN FIGURE 12B RECEIVED 8 SEPTEMBER 2009 AND AMPLIFIED BY LETTERS DATED 24 AUGUST 2009 AND 26 AUGUST 2009 AND ATTACHED ILLUSTRATIVE PLAN

The above application was considered by Members on 25<sup>th</sup> November 2009 and approved subject to a S106 Agreement to cover a range of issues.

One item was the provision of an education contribution to provide additional secondary school places on the basis of £15,531 per school space (31 spaces). The County Education Department have since required a provision for primary school accommodation as well as secondary school. Persimmon have agreed a figure with the County Council of £2602.45 per dwelling (220 dwellings) for both primary and secondary education.

For example:

31 spaces x £15,531 = £481,461  
220 dwellings x £2,602.45 = £572,539

As this differs from the previous resolution and increases the figure to be provided the issue is being reported back for Members to note and agree prior to any S106 Agreement being completed.

### Recommendation

Members agree the increased education contribution of £2,602.45 per dwelling

1. **File/Complaint Number** 23/06/0031 & E0076/23/10
2. **Location of Site** Fairfield Gate, 9 Fairfield Terrace, Wood Street. Milverton.
3. **Names of Owners** Mr I Walker, 9 Fairfield Terrace, Wood Street, Milverton.
4. **Names of Occupiers** As above
5. **Nature of Contravention** Double garage not built in accordance with the approved plans
6. **Planning History** Planning permission was granted for the erection of a dwelling and double garage on 9<sup>th</sup> November 2006. Work on the dwelling is virtually complete and is occupied. The garage foundations were started at the same time as the house but construction on the structure has only recently been started. Currently the building is at the stage where roofing tiles are ready to be laid. Concern was raised that the pitch of the roof may be steeper than that approved. After further investigation it was found that the roof pitch is that as approved. However, it was noticed that two small projections to the garage have been constructed which were not shown on the plans. The additions include a stairway to the loft space of the garage and an area approx 1m x 2m where a garden shed used to be sited. This area has now been incorporated within the garage space. I explained to Mr Walker that although minor a new planning application would have to be submitted in order to regularise the situation. The additions cannot be considered as permitted development as the structure has not been completed. Mr Walker informed me that he would not be submitting a Planning application for the additions.
7. **Reasons for taking Action** Having consulted the Planning Officer, he is of the view that the two projections do not have an effect on the neighbouring property and that if an application was submitted for their retention it would be likely to be recommended for approval. In view of this it would not be expedient for the Local Planning Authority to take any further action over the unauthorised additions.
8. **Recommendation** Due to the minor nature and impact on neighbours of the additions it is recommended not to take any further action.

**In preparing this report the Planning Officer has considered fully the Implications and requirements of the Human Rights Act 1998**

**CONTACT OFFICER: Mr John A W Hardy Tel: 356466**

**APPEALS RECEIVED : FOR COMMITTEE AGENDA : 19 MAY 2010**

<b>Appeal Proposal</b>	<b>Start Date</b>	<b>Application/Enforcement Number</b>
Erection of carport, store and log store at The Pound, Trents Farm, Royston Road, Churchinford	15 APRIL 2010	10/09/0023
Erection of two single storey one bedroom residential units at the rear of 49-53 Silver Street, Taunton	16 APRIL 2010	38/09/0357
Travellers in field at Poleshill, Langford Budville	05 MAY 2010	E0108/21/09

**APPEAL DECISION FOR COMMITTEE AGENDA – 19 MAY 2010**

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/C/09/2114632	LARGE EXTENSIONS TO BARNs TO FORM TEA ROOM/RESTAURANT AT NERROLS FARM	In light of the detailed report and site plans for consideration by Committee tonight the Planning Committee are requested to authorise enforcement action to secure the cessation of the unauthorised uses for the reasons as stated in the reason for refusal above.	Enforcement No E0342/08/08 Planning App No 48/09/0003	<p>Appeal A: The Inspector considered that from the photographs the barns appear wholly appropriate to their rural setting and are not incongruous to the setting of the listed building. The enclosure of the lean-to has made little difference to the impact on the setting of the farmhouse and planning permission should be granted for the alterations with the condition that the timber be stained in a more sympathetic colour. A further condition requiring the building to remain ancillary to the operation of the visitor attraction to prevent a separate use is to be imposed. The reptile house extension however did not preserve the character of the curtilage of the listed building. This part of the appeal therefore failed.</p> <p>Appeal B: Planning permission will be granted for the retention of the lean-to tea room and play area. The building is curtilage listed and any alterations will need to be authorised by such a consent. In the meantime the listed building enforcement notice remains in place as varied and the appellant is still obliged to comply with its requirements.</p>
APP/D3315/A/09/2119292/ NWF	ERECTION OF 4 BEDROOM DETACHED DWELLING WITH DETACHED GARAGE, ON LAND AT REAR OF 265/267 CHEDDON ROAD, TAUNTON (RESUBMISSION OF 38/08/0225)	Rydon Lane by reason of its restricted width, poor alignment and sub-standard junction with Cheddon Road is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review Adopted April 2000 and Policy S1 of the Taunton Deane	38/08/0523	The inspector found that, with the combination of the sub-standard visibility splay at the junction, the narrowness of the lane, the absence of designated passing places and the poor forward visibility at the bend, the increased traffic flows likely to arise as a result of the development would be against the interests of highway safety. He therefore DISMISSED

		<p>Local Plan.  No information has been submitted to determine whether there is a reptile population on site, assess the impact of the development on any reptiles, and provide mitigation measures if relevant. As such, it has not been demonstrated that the development would have no detrimental impact to reptiles that may be present and is therefore contrary to the requirements of Planning Policy Statement 9: Biodiversity and Geological Conservation and the Somerset and Exmoor National Park Joint Structure Plan Review Policy 1 (Nature Conservation).</p>		<p>the appeal.</p>
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**TDLP** = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park