

Planning Committee – 14 March 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs J Adkins, M Adkins, Brown, Booth, Cavill, Gage, C Hill,
Morrell, Nicholls, Mrs Reed, Townsend and Watson

Officers: - Bryn Kitching (Area Planning Manager), Tim Burton (Assistant Director –Planning and Environment), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Brendan Cleere (Director of Growth and Development), Andrew Goodchild (Assistant Director - Energy Infrastructure), Lisa McCaffrey (Somerset County Council Highways), St Modwen, Councillors Berry, Edwards, Ms Lisgo, Sully, Farbahi, Habgood, Horsley, Williams, Wren and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.20 pm)

19. Apologies/Substitutions

Apologies: Councillors Coles, Martin-Scott and Wedderkopp

Substitutions: Councillor Cavill for Councillor Martin-Scott
Councillor Booth for Councillor Coles

20. Declarations of Interest

All Councillors declared that they had received an email from a member of the public regarding application No. 38/17/0150

21. Applications for Planning Permission

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

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

38/17/0150

Outline planning application with some matters reserved, except for access for the NIDR only, for the redevelopment of the former cattle market site to provide up to 3500sqm of convenience retail development (Class A1), up to 6000sqm of non-food development (A1), up to 4000sqm of office (B1) or hotel (C1), up to 3900sqm of assembly/leisure (D2) and

non-residential institutions (D1) (of which no more than 1500sqm shall be D1) , up to 2600sqm of food and drink establishments (A3/A4/A5), and up to 200 residential units (C3) with redevelopment of the former Priory Bridge Road car park and former 84-94 Priory Bridge Road to provide up to 2964sqm of office (B1) and 5525sqm of office (B1) or hotel (C1) uses and a further 1300sqm of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, (in detail for the NIDR connection) highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton (resubmission of 38/15/0475)

Reported this application.

Resolved that subject to no new issues arising from the consultation on the amended description and addendums to the Environmental Statement and Transport Statement and planning obligations under S106 to secure the following items to the Council's satisfaction:-

- (a) Affordable Housing - 25% Affordable Housing with a tenure split of 60% social rented and 40% shared ownership. 10% of the total affordable housing provision should be in the form of fully adapted disabled units;
- (b) Temporary Flood Barriers - The provision of the off-site temporary flood barrier mitigation features as described in the Flood Risk Assessment addendum. Details of ownership, storage, deployment and maintenance of the temporary defences to be agreed prior to any ground raising taking place;
- (c) Public Art - A public art contribution either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to value of 1% of the development costs;
- (d) Children's Play - In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings;
- (e) Development Specific highway matters – Site Access;
- (f) Offsite highway mitigation necessary to accommodate proposed development - Contribution the Rowbarton Gyratory, Wickes Roundabout improvements;
- (g) Travel plan measures to include but no limited to - Bus services / stops and if required improvements, Parking, for bikes, motorcycles and vehicles, and Travel plan packs and incentives, Electric Charging points, Travel Plan coordinator and safe guarding sums and fees;

and

Subject to the Local Planning Authority being satisfied that the development agreement includes suitable non-competition / relocation clauses to help minimise the risk of detrimental impact on the vitality and viability of the existing Town Centre, particularly the Primary Shopping Area, as a result of the proposals.

and

subject to conditions as set out in the main report, suitable highway conditions based on the recommendations of the County Highway Authority contained in this update sheet and any further conditions recommended by consultees as a result of the latest consultation – please note that the precise wording of some of the condition may require further amendment to allow for the development to come forward in a phased manner.

the Assistant Director – planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if outline planning permission was granted, the following conditions (subject to minor change or additional conditions following further consultation responses) be imposed:-

- (a) Approval of the details of the layout, scale, appearance, access (other than the main access off the NIDR) and landscaping of the site (hereinafter call '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 two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 11-032 P004 Rev AC Parameters Land Use & Massing;
 - (A1) DrNo 11-032 P005 Rev R Parameters Movement Plan;
 - (A1) DrNo 11-032 P006 Rev Y Parameters Public Realm & Green Infrastructure;
 - (A1) DrNo 11-032 P007 Rev K Parameters Frontages;
 - (A1) DrNo P13-405 P107 Northern Access Design;
 - (A3) DrNo P13-405 P106 Rev Canal Road Entrance;
- (c) The boulevard and pedestrian/cycle crossing of the NIDR shall be constructed and open for public use prior to the occupation of any of the units in Zones A1, B, C, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC in accordance with details to be submitted to, and approved in writing by, the Local planning Authority;
- (d) No unit within Zones B and C shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish;

- (e) No unit within Zones A1, E1 and E2 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC shall be occupied until such time as all other units within those zones have been constructed to shell finish;
- (f) Floor space within Use Class A1 hereby approved shall not exceed 9,500sq m gross floor area and 7,251sq m net sales area. The Class A1 retail floor space shall be provided in non-food retail floor space (6,000sq m gross maximum for the sale of comparison goods) and foodstore floor space (3,500sq m gross maximum for the sale of convenience and comparison goods). Floor space within Use Classes A3/A4/A5 hereby approved shall not exceed 2,600sq m gross. Floor space within Use Classes D1/D2 hereby approved shall not exceed 3,900sq m gross of which no more than 1,500sq m gross shall be within Use Class D1. The Use Classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The distribution and amount of Class A and D floor space hereby approved, including the minimum and maximum number of units and floor space in each zone, is to be controlled via the contents of 'land use and massing' plan reference 11-032 P004 Rev AC;
- (g) No more than 2,083sq m of the net sales area of the Class A1 retail floor space hereby approved shall be used for the sale of convenience goods and no more than 5,168sq m of the net sales area of Class A1 floor space shall be used for the sale of comparison goods;
- (h) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to the Local Planning Authority a Masterplan and Design Guide for the Area to which that application for approval of reserved matters relates. The Masterplan and Design Guide shall be accompanied by a statement explaining how it accords with the Masterplan Framework approved by this outline consent. If they do not accord with these documents then reasons for this will need to be given. The Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces, building design, building materials, surface materials, street furniture and tree species for the Area to which they relate. The Masterplan and Design Guide should demonstrate how the Area will function and explain its overall character and grain;
- (i) Prior to the laying out of any of the car parking zones 1, 2 or 3 shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, details of the car park management regime, including pricing, management and minimum and maximum stays shall be submitted to, and approved in writing by, the local planning authority. The car park shall subsequently be operated in accordance with the approved scheme;
- (j) The development hereby permitted shall not be commenced until a scheme of works for the diversion and/or protection of foul and surface water infrastructure is submitted to, and approved in writing by, the local

Planning Authority. The drainage scheme shall include appropriate arrangements for any temporary works needed to accommodate live flows and works to seal off any redundant connections and shall be completed in accordance with the approved details and timetable agreed with the local planning authority;

- (k) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work, involving monitoring of ground works and building recording, in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological monitoring, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme;
- (l) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of any phase of development to which it relates. The content of the LEMP shall include the following;
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organization responsible for implementation of the plan;
 - h) On-going monitoring and remedial measures;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details;

- (m) Prior to occupation of any unit with Zones D, E2 or F as the shown on the Land Use and Massing, drawing ref. 11-032 P004 rev. AC, a "lighting design for bats and riverine species" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and other riverine species and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority;

- (n) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the LPA:

- 1) A preliminary risk assessment which has identified:

all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site;

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action;

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved;

- (o) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written

approval from the LPA. The remediation strategy shall be implemented as approved;

- (p) No development shall commence until the design of the flood relief culvert and ancillary work has been submitted to, and approved in writing by, the LPA. The culvert scheme shall subsequently be fully implemented in accordance with the approved details before the development is occupied;
- (q) The development hereby permitted shall not be commenced until such time as external ground and internal finished floor levels have been submitted to, and approved in writing by, the Local Planning Authority;
- (r) The development hereby permitted shall not be commenced until such time as external ground and internal finished floor levels have been submitted to, and approved in writing by, the Local Planning Authority;
- (s) Conditions as recommended by the County Highway Authority;

(Notes to applicant:- Applicant was advised by the Environment Agency that This project provides a fantastic opportunity for Taunton to enhance the centre of the town by creating a community green space alongside the river corridor that can deliver ecosystem services through the provision of green infrastructure, recreation and public open space; Otters are known to be present within the River Tone. We would welcome plans to further biodiversity gain within the development through the provision of reed beds, tree planting, bird and bat boxes and otter ledges. This would help to maintain the continuity of the river corridor habitat; There are opportunities to create shared use pedestrian and cycle pathways alongside the river, linking up key areas of the town for access by sustainable travel. The riverfront area could include fishing platforms and access for canoes and boats; Applicant was advised by the Council's Ecological Officer 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; Applicant was advised by the Environment Agency that for the purposes of condition x regarding contamination We note the recommendation for "further investigation particularly of the former canal will be required to enable risk assessment and design of remedial works, if required. Sampling and chemical testing of groundwater and the River Tone will be required to enable further risk assessment." We also note a number of potential contaminant sources were identified. Please show where these potential sources of contamination are on a simple site plan. Mark on the site where the exploratory holes are done in the site investigation and annotate where there is any evidence of contamination (e.g. visual, lab test results) so that it's easy to see where the concerns are. It doesn't need to be a CAD drawing cluttered with trees and proposed buildings - they're not relevant. The plan needs to show the site boundary, existing/previous infrastructure (i.e. the canal), a north arrow and a scale bar; Applicant was advised by The Environment Agency that for the

purposes of condition x regarding ground raising and finished floor levels, We recommend that the external ground levels across the site must be raised above the 1 in 100 year plus climate change flood level, with the finished floor levels at least 300 mm above the proposed external ground levels.)

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

48/17/0064

Erection of extension to rear of garage, installation of CCTV system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers lane, Bathpool

- (a) The development hereby permitted shall be begun within three years of the date of permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A2) Proposed Garage Extension;
 - (A2) Proposed Glasshouse and Gates;
 - (A3) Proposed Installation of CCTV Cameras;
 - (A4) Location Plan;
 - (A4) Site plan;
 - (A4) Proposed Glasshouse Proposed Rear (North) Elevation;
 - (A4) Proposed Garage Extension Side (West) Elevation;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning condition to enable the grant of planning permission.)

48/17/0065/LB

Erection of extension to rear of garage, installation of CCTV system, replacement of shed with glass house and replacement of side boundary gate at The Old Dairy, Dyers Lane, Bathpool

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans;
- (A2) Proposed Garage Extension;
 - (A2) Proposed Glasshouse and Gates;
 - (A3) Proposed Installation of CCTV Cameras;

- (A4) Location Plan;
- (A4) Site plan;
- (A4) Proposed Glasshouse Proposed Rear (North) Elevation;
- (A4) Proposed Garage Extension Side (West) Elevation;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

23. Appeals

Reported that two appeal decisions had been received details of which were submitted.

(The meeting ended at 8.10 pm)

Planning Committee – 4 April 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs J Adkins, M Adkins, Brown, Coles, Gage, C Hill,
Morrell, Nicholls, Mrs Reed, Townsend and Watson

Officers: - Bryn Kitching (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, Habgood and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

24. Apology

Apology: Councillor Wedderkopp

25. Declarations of Interest

Councillor Brown declared a personal interest on application No. E/0264/46/16 as he knew the applicants.

26. Applications for Planning Permission

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

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

49/17/0021

Formation of ramped access to north porch, alterations to entrance driveway and insertion of glazing to upper panels of the west and north porch doors at St Andrews Church, Church Street, Wiveliscombe

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

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 603.WD.03 North Porch Plan, Section & Elevations;
- (A1) DrNo 603.WD.02 Rev E Driveway access ramp plan and section;
- (A1) DrNo 603.P.021 Proposed north & West Elevations;

27. E/0264/46/16 – Alleged unauthorised stationing and occupation of two mobile homes at Sellicks Nurseries, Chelston

Reported that it had come to the attention of the Council in December 2016 of an alleged unauthorised stationing and occupation of two mobile homes at Sellicks Nurseries, Chelston.

Contact was made with the owner who advised that he was going to submit an application. This never transpired. A Planning Contravention Notice was issued on the 1st August 2017, this was not returned.

The site was revisited in September 2017 with the owner requesting to liaise with the Planning Manager regarding various issues on the site. Unfortunately time passed and contact was never made.

The Planning Contravention Notice was returned on 23 February 2018 which confirmed Mr R and Mrs A Sellick and Mr E Sellick resided on the site. The mobile homes were placed on the land late 2016 early 2017.

Resolved that:-

- (1) An enforcement notice be served seeking the removal of :-
 - (a) Cease the use of the site for the stationing and occupation of mobile homes from the site;
 - (b) Remove the mobile homes from the site;
 - (c) Remove all residential and domestic equipment and materials associated with the unauthorised use from the site;
- (2) Any enforcement notice served to have a compliance period of:
 - With regards to a) above 6 months from the date on which the notice takes effect;
 - With regards to b) above 6 month from the date on which the notice takes effect;
 - With regards to c) above 6 months from the date on which the notice takes effect;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take Prosecution Action should the notice not be complied with.

28. E/0009/49/16 – Alleged unauthorised siting of containers at Candletrees, Jews Farm, Wiveliscombe

Reported that a Planning application was submitted in 2016 for the Change of Use of Land to allow the siting of two storage containers in the farm yard of Candletrees, Jews Farm, Jews Lane, Wiveliscombe.

The application was refused and a recommendation to take Enforcement Action was approved for the removal of the two storage containers stacked one on top of the other sited along the boundary of the adjoining property from the site. The Notice also stated that they could not be sited in the location applied for in the application and both containers to be removed from the site.

It was noted that one of the containers had been removed from its unauthorised location and relocated within the site adjacent to a barn that was used for the stabling of horses, and was used for the storage of tack.

Given the new siting of the container alongside the main buildings and amongst other containers it was not considered to cause unacceptable harm to neighbours or other matters of interest.

Resolved that:- Despite the technical non-compliance with the Notice it was considered that it was neither expedient or in the public interest to take Prosecution action in the this case. It was also advised that the applicant contact the planning officer for further guidance.

29. Appeals

Reported that one appeal and five decisions had been received details of which were submitted.

(The meeting ended at 7.05 pm)