

Planning Committee – 21 June 2017

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Booth, Brown, Hall, C Hill, Morrell, Nicholls, Mrs Reed,
Sully, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Ian Timms (Assistant Director - Business and Development), Brendan Cleere (Director - Growth and Development), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, Habgood. Councillor Horsley for application 38/16/0357 and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

33. Apologies/Substitutions

Apologies: Councillors Mrs Adkins, M Adkins, Gage, Martin-Scott and Townsend

Substitutions: Councillor Wren for Councillor Mrs Adkins
Councillor Sully for Councillor Martin-Scott
Councillor Hall for Councillor M Adkins

34. Minutes

The minutes of the meeting of the Planning Committee held on the 24 May 2017 were taken read and were signed.

35. Declarations of Interest

Councillor Mrs Hill declared personal interests as a trustee to Hestercombe House and Gardens, a trustee to the Somerset Building Preservation Trust and as a Director of Apple FM. Councillor Nicholls declared a personal interest as a member of the Fire Brigade Union. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. All Councillors stated that they had received correspondences regarding application Nos. 25/17/0002 and 38/16/0357. They declared that they had not 'fettered their discretion'.

36. 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:-

48/17/0025

Erection of stage 2 of a steel framed agricultural building for the housing of livestock at Quantock Farm, West Monkton (retention of part works already undertaken)

- (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:-

- Proposed New Steel framed Cubical Building for Dairy Cows (Stage 2) and Site Location Plan, dated 20 April 2017;

An earth mound shall be constructed and maintained in the location shown on the submitted plan to a height of not less than 2 m in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and shall be provided within three months of the commencement of any part of the development.

(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.)

- (2) That the following application **be deferred** for the reasons stated:-

25/17/0002

Demolition of buildings and redevelopment of petrol filling station to include the erection of a sales building, replacement of underground tanks, installation of 4 No. pump islands, erection of canopy with 2 No. jet wash bays, alterations to the forecourt, car parking, soft landscaping and boundary treatments at Cross Keys Car Sales, Norton Fitzwarren

Reasons

- Highway issues;
- Environment Agency objection;
- Opening hours; and
- External lighting;

37. **Outline Planning Application with all matters reserved for the demolition of the swimming pool and erection of a mixed use development comprising of retail, commercial, restaurant, residential, car parking and**

associated public realm on land at Coal Orchard, Taunton (38/16/0357)

Reported this application.

Resolved that subject to a legal agreement to secure a turning head, an improved footway and the Travel Plan being concluded, 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 be imposed:-

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;

- (b) None of the dwellings shall be occupied until the drainage works for the site have been submitted to, and approved in writing by, the Local Planning Authority and completed in accordance with the details approved;
- (c) No wall construction 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;
- (d) No demolition of the Bicycle Chain building shall commence until a bat emergence and dawn survey report has been submitted to, and approved in writing by, the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to September) and use techniques and equipment appropriate to the circumstances;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Grass Roots submitted report, dated April 2016 and up to date bat surveys and include:-

- (1) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- (2) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

- (3) Measures for the retention and replacement and enhancement of places of rest for the species; and
- (4) Details of any lighting.

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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. 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;

- (f) The uses, floor areas and storey heights shall not exceed those illustrated on drawings LL-255-201, 202 and 203;
- (g) No new construction shall take place until the applicant, or their agents or successors in title, has secured the implementation of the agreed programme of archaeological work in accordance with the written scheme of investigation which has been submitted by the applicant and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority and any finds shall be recorded and reported;
- (h) Details of the new footway shall be provided and there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 33 m either side of the access or as agreed if less. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times;
- (i) No new construction work shall commence on the development hereby permitted until details of the access junction with an appropriate turning head linking to the adopted highway has been submitted to, and approved in writing by, the Local Planning Authority. The access shall then be fully constructed in accordance with the approved plan, to an agreed specification before the new car park and residential development is first brought into use;
- (j) Replacement space for the use of the Doctor's Surgery shall be provided prior to the demolition of the Bicycle Chain building;
- (k) An electrical vehicle charging point shall be provided within the public car park prior to the occupation of the 20th residential unit;
- (l) The development shall provide for covered and secure cycle storage facilities, details of which shall be submitted as part of the reserved matters condition above. Such facilities shall be provided prior to the

occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;

(m) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2016 Hydrock ref: R/C161148/001.02, and the overland plans dated 13 March 2017, and the following mitigation measures detailed within the FRA:-

- (1) No residential dwelling below 15.62 m AOD;
- (2) Provide flood resilience to the ground floor of the building;
- (3) Provide floodplain compensation storage for the building located in Flood Zone 3; and
- (4) No interruption to the overland flood route;

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;

(n) 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with;

(o) 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 spillage will be dealt with;
- (iv) Containment of silt/soil contaminated run-off;
- (v) Disposal of contaminated drainage, including water pumped from excavations; and
- (vi) Site induction for workforce highlighting pollution prevention and awareness.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented;

(p) Details of surfacing materials of the public realm, car park and delineation of parking spaces shall be submitted to, and approved in writing and thereafter carried out as agreed prior to occupation of any commercial units.

(Notes to Applicant:- (1) 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 with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain a favourable status for the wildlife that are affected by this development proposal; 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. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).)

38. Appeals

Reported that three new appeals had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 8.04 pm)