

## **Planning Committee – 22 September 2010**

Present:- Councillor Bishop (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Mrs Allgrove, Bowrah, Coles, Critchard, Denington, Gaines,  
C Hill, House, Miss James, McMahon, Morrell, Watson and  
A Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr B Kitching (Area  
Planning Manager), Mrs J Moore (Major Applications Co-ordinator), Mr  
M Bale (West Area Co-ordinator), Mrs J Jackson (Legal Services  
Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G  
Croucher (Democratic Services Officer)

Also present: Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

### **101. Apologies/Substitution**

Apologies: Councillors Mrs Floyd and D Wedderkopp.

Substitution: Councillor Critchard for Councillor Mrs Floyd.

### **102. Minutes**

The minutes of the meeting of the Planning Committee held on 1 September were taken as read and were signed.

### **103. Public Question Time**

Councillor Morrell raised his concerns about how the Planning Committee communicated with the public. The committee reports often contained errors and he felt this reduced the credibility of the material being discussed and should be proof read. He also asked if the site plans could be provided in the committee reports. The detail was not always clear when displayed from the overhead projector and would also help with the context for those reading the reports prior to the meeting of the Planning Committee.

The Chairman informed Councillor Morrell that he would discuss his suggestions with the Growth and Development Manager and Area Planning Manager.

### **104. Declarations of Interest**

Councillor McMahon declared a personal interest as a Member of Somerset County Council. Councillor McMahon also declared a personal interest as a Director of Southwest One. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Bishop declared a personal interest in application nos 07/10/0009 and 27/10/0009 as Ward

Councillor, Councillor McMahon declared a personal interest in application no 23/10/0009 as Ward Councillor and Councillors Bowrah and Critchard declared a personal interest in Agenda item 11 as Ward Councillors.

## **105. Applications for Planning Permission**

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

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

**14/10/0009**

**Demolition of vicarage and erection of replacement vicarage with parish office and 2 no dwellings with associated access at The Vicarage, Creech St Michael**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, 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;
- (d) None of the dwellings shall be occupied until works for the disposal of surface water and 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;
- (e) 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 Michael Woods Associate's submitted reports dated August and November 2009 and the advice of the reptile surveys to be undertaken 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 the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the retention and replacement and enhancement of places of rest for the 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. Thereafter the resting places and agreed accesses shall be permanently maintained;

- (f) The development hereby permitted shall not be commenced (including any ground works or site clearance) until reptile surveys have been carried out and have been submitted to, and approved in writing by, the Local Planning Authority;
- (g) All existing trees on site as shown on plan 758/TS02A shall be protected in the areas shown in accordance with BS5837:2005 Trees in relation to construction;
- (h) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use; (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)]; (ii) If any retained tree is removed, uprooted or is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (i) No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority;
- (j) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority;
- (k) 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;
- (l) The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (m) The bathroom, shower and landing windows to be installed in the north-east elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed). The windows shall be agreed in writing by the Local Planning Authority prior to installation and shall not be modified thereafter without the prior written consent of the Local Planning Authority;
- (n) The area allocated for parking and turning shown 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;
- (o) (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;
- (p) The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority;
  - (q) The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access;
  - (r) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, 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.

(Notes to applicant:- (1) Applicant was advised that having regard to the powers of the Highway Authority under the Highway Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (3) Applicant was advised that (a) it is recommended that a reptile survey should be carried out between the months of April and September; (b) the surveyor’s recommendation is that clearance of vegetation and demolition of the buildings should take place outside of the nesting season; (c) if work is to be undertaken on the trees then ivy should be removed by hand and placed on site to allow any bats to escape; (4) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (5) 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, details of which should be submitted to and approved in writing by the Local Planning Authority).

#### **Reason for granting planning permission:-**

It was considered that the proposal was in line with Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings (St Michael's Church), was in line with Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Requirements) of the Taunton Deane Local Plan. It was not considered that there were any detrimental impacts on the amenities of the nearby residents and that the replacement vicarage and the two new properties were a positive contribution to the character of the village.

**23/10/0009**

**Construction of extension to patio area, construction of decking, erection of retaining wall and timber fencing screen at The Globe, Fore Street, Milverton**

## **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;
- (d) (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.

(Note to applicant:- Applicant was advised that it had been noted that the existing block work wall was painted white and attention is drawn to planning permission 23/07/0027 and listed building consent 23/07/0028LB which required the block work screen wall to be rendered in full, as approved. Failure to undertake and complete the works with the correct finish was likely to result in enforcement action being sought by the Council).

## **Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon the visual amenity of the street scene, would preserve the character and appearance of the Conservation Area and would not harm the setting or historic interest of the listed building. Further, the proposals would not give rise to significant detriment to surrounding residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), Planning Policy Statement 5 (Planning for the Historic Environment) and was in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**27/10/0009**

**Construction of an access into Ayton Fields on land adjacent to Higher Knapp Farm, Hillfarrance (retention of works already undertaken)**

## **Conditions**

- (a) Within 6 months of permission being granted the access and track shall be hard surfaced (not loose stone or gravel) over its first 10m, details of which

- shall be submitted to, and approved in writing by, the Local Planning Authority;
- (b) Within 6 months of permission being granted 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;
  - (c) Within 6 months of the date of this permission details of improvements to visibility to the north-east shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall show the proposed works to the hedgerow and bank together with any replacement landscaping proposed. The approved details shall be implemented within 6 months of the date of this approval unless otherwise agreed in writing by the Local Planning Authority.

**Reason for granting planning permission:-**

The proposal was considered not to have a detrimental impact upon visual amenity or gave rise to any material harm to highway safety and was therefore considered acceptable and, accordingly, did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), Somerset and Exmoor National Park Joint Structure Plan Review policy 49 and Planning Policy Guidance Note 13 (Transport).

**42/10/0031**

**Change of use of part of paddock to form extension of domestic garden for children's play area including play equipment for a temporary period of 5 years at Little Oaks, Staplehay, Trull (retention of development already undertaken)**

**Conditions**

- (a) The climbing frame and goal posts shall be removed and the use of the land for residential purposes ceased on or before 30th September 2015;
- (b) The temporary development hereby permitted shall be in accordance with the approved plans;
- (c) The boundary between Little Oaks and the site shall be re-instated on or before 30th September 2015;
- (d) No additional play equipment or other domestic paraphernalia shall be placed on the site, other than the climbing frame and goal posts shown on drawing no Isca 010 PL 103.

**Reason for granting planning permission:-**

The Committee took the personal circumstances of the occupier into account and considered that the temporary consent would not result in long lasting harm to the character of the landscape.

**Reason for granting planning permission contrary to the recommendation of the Growth and Development Manager:-**

The Committee was of the opinion that the temporary consent would not result in long lasting harm to the character of the landscape.

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

**07/10/0016**

**Erection of two 4/5 bedroomed dwellings in the garden to the rear of Gardeners Hall, Back Lane, Bradford on Tone**

### **Reasons**

- (a) The proposed development would derive access via a track which does not afford sufficient visibility from or of vehicles exiting the site at its junction with Back Lane. It would, therefore, be detrimental to highway safety, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review;
- (b) The proposed development would derive access via a track which is of insufficient width to allow two vehicles to pass and would therefore lead to vehicles entering the site having to wait or reverse onto the highway in the event that a vehicle was leaving simultaneously. Such a situation would be detrimental to highway safety for all users of the road, contrary to Policy S1 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

**106. Outline planning application for erection of up to 11,200 sqm of office (B1) floorspace, up to 4,475 sqm of hotel (C1) floorspace, up to 49 residential units, together with associated car parking, landscaping, infrastructure works and new vehicular access on to Priory Bridge Road Car Park and 84-94 Priory Bridge Road, Taunton (38/10/0214)**

Reported this application.

**Resolved** that subject to:-

- (1) the receipt of detailed comments from the County Highways Authority; and
- (2) The submission of technical flood risk details that would enable the Environment Agency to withdraw their objection, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman, and if planning permission was granted, the following conditions be imposed:-

### **Conditions**

- (a) Approval of the details of the layout, scale, appearance 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) Application for approval of the reserved matters as required by condition (a) shall accord with the submitted outline planning application parameters plan Drwg No. 023\_DI\_284.6;
- (c) 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 Cotswold Wildlife Surveys August- September 2009 and Halcrow's Ecological appraisal May 2010 and any up to date surveys and include (i) Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development; (ii) Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance; (iii) Measures for the enhancement of places of rest for bats and birds. 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;
- (d) 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) Additional Site Characterisation - further investigation works shall be carried out in line with Sec 8 of the St Mowden Firepool Taunton Ground Conditions Report 03/06/10. This includes delineating hotspots and an investigation in the area surrounding hole WS105 to delineate the extent of asbestos cement present. A risk assessment must be completed to assess the nature and extent of any contamination. 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 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
  - 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 - 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 a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), 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 PPS23 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 11" and other authoritative guidance.

(e) Prior to development commencing, details of replacement public car parking with a minimum of 200 spaces shall be submitted to, and approved in writing by, the Local Planning Authority. Such replacement parking shall be provided in accordance with the approved details during the construction of the development.

(Note to applicant:- Applicant was informed that the condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method 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 are affected by this development proposal. Applicant should also note 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).

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

The development was on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that had good sustainable access links, provided a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accorded with Policies FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan, Policies S1, S2 EN4 and T3 of the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan, and the advice and guidance contained in Planning Policy Statement 4.

**107. Unauthorised sign for Asda Stores on land off Taunton Road, Wellington**

Reported that a sign advertising the Asda Stores in Longforth Road, Wellington had been erected on land off Taunton Road, Wellington without the necessary planning consent being granted.

The owners of the sign had been in contact informing the Council they could provide evidence of 10 year usage of the site for the display of signs.

**Resolved** that in the event that evidence of 10 year usage was provided, confirmation of deemed consent would be given and there would be no prosecution proceedings.

**108. Appeals**

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

**Resolved** that the report be noted.

(The meeting ended at 8.15 pm.)

