

PLANNING COMMITTEE

Minutes of the Meeting held on 30 August 2012 at 4.30 pm

Present:

Councillor A F Knight	Chairman
Councillor I Melhuish	Vice Chairman
Councillor A P Hadley	Councillor B Heywood
Councillor E May	Councillor C Morgan
Councillor S J Pugsley	Councillor L W Smith
Councillor M A Smith	Councillor A H Trollope-Bellew
5Councillor K H Turner	

Officers in Attendance:

Planning Manager - Andrew Goodchild
Deputy Planning Manager - Ken Taylor
Principal Planning Officer – Liz Peeks
Committee Administrator - Linda Bulpin
Legal Advisor – Laila Jhaveri - Mendip D C

P133 Apologies for Absence

Apologies for absence were received from Councillor A M Chick, Councillor K M Mills and Councillor D D Ross

P134 Minutes

RESOLVED that the Minutes of the Planning Committee Meeting held on 26 July 2012 - circulated with the Agenda be confirmed as a correct record. Proposed by Councillor E May and seconded by Councillor C Morgan and all present voted in favour.

P135 Declarations of Lobbying

None

P136 Declarations of Interest

None

P137 Public Participation

Min No.	Reference No.	Application	Name	Position	Stance
138	3/32/11/043	South Bank, Outer Severn Estuary, Steart Peninsula, Bridgwater Bay	Mr John Chaplin	Director of Engineering Bristol Port Company	Supporting

P138 Town and Country Planning Act 1990 and Other Matters

Report of the Planning Team dated 22 August 2012 (circulated with the Agenda).

The Committee considered the reports, prepared by the Planning Team, relating to plans deposited in accordance with the planning legislation and, where appropriate, Members were advised of correspondence received and subsequent amendments since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning application files that constitute part of the background papers for each item).

RESOLVED that the recommendations contained in Section 1 of the Report be approved (in so far as they relate to the above), including, where appropriate, the conditions imposed and the reasons for refusal, subject to any amendments detailed below:

Reference **Location, Proposal and Decision**

3/32/11/043 **South Bank, Outer Severn Estuary, Steart Peninsula, Bridgwater Bay**
Creation of a range of dynamic intertidal habitats through managed realignment involving removal of part of the existing seawall & the construction of new embankments & drainage channels to form new habitats including mudflats, salt marshes & saline lagoons, transitional marsh, grazing marsh, ponds, raised islands & hedgerows. The construction of a single storey hide including education facility, footpaths & multi-user track (including bridleway), car park & visitor facilities & new vehicular access. Construction compound adjacent to Marsh Farm.

AGREED that the Habitats Regulation Assessment Report dated August 2012 (attached as appendix B) be agreed and adopted by the Council, as the competent authority, as an Appropriate Assessment having regard to the Wildlife and Countryside Act 1981 (as amended) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010. In reaching the decision to adopt the Habitats Assessment Report, the Council considers that the proposed development would not have an adverse impact on the integrity of a European site.

FURTHER AGREED that this proposal is acceptable and that a decision of approval be delegated to the Planning Manager to amend the schedule of conditions and reasons. Members noted that in view of the site being location partly within West Somerset District Council's administrative area and partly within Sedgemoor District Council's administrative area it is essential that the conditions for both planning permissions relate appropriately with each other. This may give rise for the need to amend the schedule of conditions.

SUBJECT ALSO to the amended and additional conditions contained in Late Correspondence.

1. The development hereby permitted shall be begun prior to 01 September 2020.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004, to avoid the accumulation of the unimplemented planning permission and to coincide with the expiry date of the Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010.

2. If the hereby-approved development is not commenced within 5 years of the date of this permission updated ecological surveys and mitigation programmer shall be submitted to and approved in writing by the Local Planning Authority prior to the approved development commencing. The development shall thereafter be carried out in accordance with the mitigation programme approved.

Reason: To enable the Local Planning Authority to retain control where development affects a species protected by law having regard to the provisions of Saved Policy NC/4 of the West Somerset District Local Plan (2006).

3. The development hereby permitted shall be carried out in accordance with the approved drawings: Drawing Numbers: Figure 1 - version 2, Figure 2.1 - version 1, Figure 2.5 - version 2, Figure 2.6 - version 1, B1614000/001 rev 8, B1614000/002 rev 6, B1614000/003 rev5,

B1614000/004, rev 4, B1614000/005 rev 3, B1614000/006 rev 3, B1614000/007 rev 4, B1614000/008/ rev 3, B1614000/009 rev 3, B1614000/010 rev 3, B1614000/011 rev 3, B1614000/012 rev 3, B1614000/013 rev 3, B1614000/015, B1614000/016 and B1614000/017 submitted on 23 December 2011 together with the Environmental Statement (3 volumes) dated December 2011

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

4. Prior to work commencing on the hereby-approved scheme details for the fencing on the driveway between Wall and Catsford Commons shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and the fence shall be erected prior to the formation of the breach.

Reason: To safeguard the appearance of the area and to comply with Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

5. Prior to works commencing on diverting any public rights of way details for the provision of the revised rights of way proposed including the permissive bridleway, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, and surfacing proposed and a programme of implementation. The programme of implementation shall include constructing the diverted public rights of way and permissive bridleway prior to the breach being implemented and the severance of the existing public rights of way and the permissive bridleway shall be provided at the same time as the diverted rights of way. The footpaths and permissive bridleway shall be provided in accordance with the approved details and programme of implementation unless an alternative programme of implementation has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the public rights of way network and permissive bridleway are provided in an appropriate form to comply with saved policy 38 of the Somerset and Exmoor National Park Joint Structure Plan Review

6. Within three years of the completion of the seawall/bank, details for the dedicated bridleway shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, and surfacing proposed and a programme of implementation for the dedicated bridleway. The bridleway shall be provided in accordance with the approved details and programme of implementation unless an alternative programme of implementation has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the dedicated bridleway is provided and to comply with saved policy 38 of the Somerset and Exmoor National Park Joint Structure Plan Review.

7. Prior to work commencing on the hereby approved development the highway works required by planning permission 47/12/00001 and condition 16 on 39/11/00006 issued by Sedgemoor District Council with regard to the provision of junction improvements at the junction of the C182 Withycombe Hill and the unclassified Steart Road shall be completed and thereafter retained as such.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. No works shall be undertaken on site unless a soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include

numbers, density, size, species and positions of all new trees, hedgerows and shrubs and a programme of implementation.

Reason: In the interests of the appearance of the development and the surrounding area having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

9. All soft landscape works shall be carried out in accordance with the details approved under condition 8. The works shall be carried out in accordance with the programme of implementation or a revised programme of implementation agreed in writing with the Local Planning Authority. Any trees, shrubs or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Saved Policies BD/1 and BD/2 of the West Somerset District Local Plan (2006).

10. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing, by the Local Planning Authority:

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.

The scheme shall be implemented as approved.

Reason: To protect controlled waters and to comply with saved policy PC/4 of West Somerset District Local Plan.

11. If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and to comply with saved policy PC/4 of the West Somerset District Local Plan.

12. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological 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.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to comply with saved policies W/5 and W/6 of West Somerset District Council Local Plan.

13. The primary tidal defence embankment shall be constructed and maintained to a minimum crest height of 9.3m AOD for the lifetime of the development.

Reason: To ensure no increase in flood risk to third parties and to comply with Policy W/6 of West Somerset District Local Plan.

14. No development hereby approved shall be commenced until a scheme detailing the pollution prevention measures to be adopted during the construction phase has been submitted to, and formally approved in writing by the Local Planning Authority. The scheme should include details of the following:

1. Site Security
2. Fuel oil storage, bunding, delivery and use
3. How both minor and major spillages will be dealt with
4. Containment of silt/soil contaminated run off.
5. Disposal of contaminated drainage, including water pumped from excavations
6. Site induction for workforce highlighting pollution prevention and awareness

The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To prevent pollution of the water environment and to comply with saved policy 59 of Somerset and Exmoor National Park Joint Structure Plan Review.

15. No works shall be undertaken on site unless a scheme has been secured for the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. The remaining archaeological evaluation must be completed at least 6 months before development commences.

Reason: To ensure that features of archaeological or architectural importance are recorded before their destruction, or concealment and to ensure improved understanding of heritage assets affected by the development and the public dissemination of that knowledge gained as per National Planning Policy Framework (2012) paragraphs 128 and 141 having regard to the provisions of Saved Policy AH/2 of the West Somerset District Local Plan (2006).

16. Prior to work commencing on site a phasing programme (including phasing of all mitigation measures) shall be submitted to and be agreed in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved programme.

Reason: To safeguard the amenities of neighbours and to safeguard biodiversity in accordance with the provisions of saved policies STR1 and NC/4 of Somerset and Exmoor National Park Structure Plan Review and West Somerset District Local Plan.

17. Before the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust, light and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the amenities of neighbours and to comply with saved policies 49 and STR1 of Somerset and Exmoor National Park Joint Structure Plan Review.

18. The hours of working during the construction phase shall be limited to between 07:30 - 18:00 on Mondays to Fridays, 07:30 - 13:00 on Saturdays. There shall be no working on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbours and to comply with saved policy PC/2 of West Somerset District Local Plan.

19. Prior to work commencing on the hereby-approved development a reserve management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be operated in accordance with the reserve management and maintenance plan.

Reason: To safeguard the biodiversity and flood defences of the proposal and to comply with saved policies NC/4 and 60 of West Somerset District Local Plan and Somerset and Exmoor National Park Joint Structure Plan Review

20. No works shall commence on the hereby approved development unless a barbastelle bat mitigation plan and programme which will set out the specific measures that will minimise short term effects on prey availability, including phasing of works so that not all existing habitat is affected at the same time and establishing some high value habitat early in the construction process will be submitted to and agreed in writing by the Local Planning Authority. The plan will include the following specific mitigation measures:

- The conversion of the 7.3ha arable field south of the pylon line to grassland/wild flower meadow as soon as construction commences (an increase in 1.1 habitat units when compared to the current arable field).
- The advance planting of at least 0.6ha of hedgerows, shrubs and copses (0.42 habitat units).
- An increase provision of hedgerow and scrub around the margins of the site.

The works shall thereafter be carried out in accordance with the approved mitigation plan and programme.

Reason: To safeguard the barbastelle bat and to comply with policy NC/4 of West Somerset District Local Plan.

21. Prior to commencement of work on the hereby-approved

development further assessment work on the risk of saline intrusion, details of any necessary mitigation plan and a programme of implementation of the mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved mitigation plan and programme.

Reason: To safeguard water resources and to comply with saved policy 59 of Somerset and Exmoor National Park Joint Structure Plan Review.

22. Should the scheme granted under planning permission 39/11/00006 by Sedgemoor District Council be constructed at the same time as the development hereby approved a coordinated plan for phased works and habitat management for foraging bats shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved coordinated plan.

Reason: In the interests of the bats and to comply with saved policy NC/4 of West Somerset District Local Plan.

23. Prior to the construction of the hereby-approved artificial badger setts, details of the badger setts and a programme of implementation shall be submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and programme of implementation.

Reason: To safeguard the badgers and the visual amenities of the area and to comply with saved policies BD/1, BD/2 and NC/4 of West Somerset District Local Plan.

24. Prior to work commencing on the hereby-approved Stert Drove embankment (in the vicinity of the existing SAC salt marsh), details to minimise damage from heavy machinery shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To mitigate the impacts on the salt marsh and to comply with saved policy NC/1 of West Somerset District Local Plan.

25. Tidal monitoring in terms of water quality of flows entering and discharging from the managed realignment area shall be undertaken in accordance with a monitoring programme that has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be used.

Reason: To monitor water quality and the potential impact on the intertidal flats fronting the breach and to comply with saved policy W/2 and NC/4 of West Somerset District Local Plan

26. No work shall commence on the hereby-approved scheme until mitigation measures for the displacement and/or relocation of the water voles including a programme of implementation for the mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved mitigation measures and programme of implementation.

Reason: In the interests of the water voles and to comply with saved policy NC/4 of West Somerset District Local Plan.

27. No work shall commence on the hereby-approved scheme until a Monitoring and Mitigation scheme for bird strike risk has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To mitigate the uncertainty that there will be an adverse effect on site integrity through increased mortality of SPA/Ramsar birds arising from

collision with existing overhead power lines and to comply with saved Policy NC/4 of West Somerset District Local Plan.

Committee's Consideration:

Increased traffic congestion in the area coupled with possible Hinkley Point C development.

Possible contaminated land issues

Altered tidal movements with the possible construction of the jetty

Types of hedging plants to be used

Land taken out of agricultural use

Timing for the relocation of wildlife

The possibility that the container port in Bristol will never be built

Planning Gain

P139 Exmoor National Park Matters

Cllr S Pugsley updated Members on the matters relating to West Somerset considered at the last meeting of the Exmoor National Park Planning Committee.

P140 Delegated Decision List

The Planning Manager answered any questions arising from the report.

P141 Appeals Lodged

Appellant	Proposal and Site	Decision
Mr & Mrs Morris	Townsend Farm, East Quantoxhead Stationing of mobile home for agricultural worker APP/H3320/A/12/2179215	Hearing
Mrs S Greenway (Enforcement Appeal)	60 Doniford Road Watchet, Construction of a boundary wall over 1 metre in height adjacent to the highway APP/H3320/C.12/2178995	Written Presentations
Mr S Greenway (Enforcement Appeal)	60 Doniford Road Watchet, Construction of a boundary wall over 1 metre in height adjacent to the highway, Appellant APP/H3320/C.12/2178994	Written Presentations

P142 Forthcoming Site Visits - Monday 17 September

09:30 - Depart from, Council Offices, Williton

10:00 - 3/21/12/077 - Beechfield House, The Parks, Minehead, TA24 8BT

11:00 - 3/39/12/025 - Land to the east of Doniford Road/Liddymore Lane, Williton

11:45 - 3/37/12/036 - Land between Beverley Drive and Goviers Lane, Watchet

12:30 - 3/32/12/047 - Lawsons Burgage, Shurton Lane, Stogursey, TA5 1QL

13:00-13:30 – finish

P143 Highway Authority Issue

The meeting closed at 5.55 pm