

## **Planning Committee – 19 May 2010**

Present:- Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Ms Court, Denington, Ms Durdan, Mrs Floyd, C Hill, Mrs M Hill, House, Miss James, McMahon, Mrs Smith, Swaine, Watson, A Wedderkopp 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), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillor Morrell in connection with application Nos 38/10/0062, 38/10/0061 and agenda item 11 and Mr P Malim (Independent Member, Standards Committee)

(The meeting commenced at 5.00 pm)

### **50. Appointment of Chairman**

**Resolved** that Councillor Mrs Hill be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

### **51. Appointment of Vice-Chairman**

**Resolved** that Councillor Denington be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

### **52. Apology/Substitution**

Apology: Councillor Hayward  
Substitution: Councillor Bowrah

### **53. Minutes**

The minutes of the meeting of the Planning Committee held on 19 April 2010 were taken as read and were signed subject to the addition of Councillor D Wedderkopp declaring a personal interest as a Member of Somerset County Council.

### **54. Public Question Time**

Councillor Morrell asked that it be brought to the attention of the Planning Committee that incorrect information had been presented by officers to the meeting of the Committee held on 25 November 2009 relating to the proposed development on land west of Bishop's Hull Road, Bishop's Hull and the condition imposed relating to highway works. Councillor Morrell was also concerned that the Section 106 Agreement would be signed before all the issues raised previously had been resolved.

The Chairman explained that Mrs Jackson, the Legal Services Manager, would respond in writing to Councillor Morrell.

## **55. Declarations of Interest**

Councillors McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. The Chairman (Councillor Mrs Hill) and Councillor Mrs Smith declared personal interests as employees 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.

## **56. 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 **outline planning permission be granted** for the under-mentioned development:-

**38/10/0061**

**Outline application for new surgical centre at Musgrove Park Hospital, Taunton**

### **Conditions**

- (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 seven 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) The building shall be no larger than the maximum sizes as specified in the Design and Access Statement submitted;
- (c) A full drainage report shall be submitted to, and approved 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, of additional storage, if required, and how this would be achieved;
- (d) Details of any exterior lighting shall be submitted to, and approved in writing by, the Local Planning Authority before the buildings are occupied. Development shall be carried out in accordance with the approved details and thereafter maintained as such;

- (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;
- (f) Details of cycle and motorcycle parking shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter provided as agreed.

(Note to applicant:- Applicant was advised that the submitted Flood Risk Assessment (FRA) was fit for purpose. However, it was strongly encouraged that the use of SuDs at the site be investigated rather than conventional drainage systems which could have associated maintenance and sustainability issues. In particular, the use of ornamental ponds as suggested in the FRA should be explored. It should be demonstrated that a range of SuDs measures has been considered, and justification as to why these are or are not feasible at the site. The following issues could be considered: (i) Could infiltration techniques be used in this area; (ii) Was it possible to redirect flows to the watercourse rather than to sewer; (iii) Could there be proposals for permeable paving under the car parking area; (iv) What was the feasibility of specifically designed conveyance channels for overland flow so it did not run along highways. In older developments such as these it was likely that the existing drainage infrastructure was not designed in line with the current criteria in PPS25 (to the 100 year storm event plus climate change). In vulnerable developments such as hospitals it was vital that surface water flooding did not pose a flood risk. It was therefore strongly recommended that any redevelopment should include a betterment in the management of surface water. It was encouraged in line with PPS25 for further features to be implemented to manage run off, reduce the amount of overland flow which would run down highways and footpaths and more specifically sustainably manage surface water through design. A discharge into the Galmington Stream was preferable over discharge to surface water sewer provided it could be adequately attenuated. Drainage guidance stated 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. Some flood risk was shown in the micro-drainage report and it was required that the drainage network plan should understand where this point is and what risk it posed to the site).

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

The proposal was considered not to have a significant detrimental impact upon visual or residential amenity and no detrimental highway impact and was therefore considered acceptable and, accordingly, did 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).

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

**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**

### **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 listed on the submitted schedule and revised electrical services plan;
- (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 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;
- (e) 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 of any additional storage if required and how this would be achieved;
- (f) 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;
- (g) No site clearance works shall take place between 1 March and 31 July without the prior written approval of the Local Planning Authority;
- (h) 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, for example hum, drone or whine, 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;

- (i) 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;
- (j) 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;
- (k) The development hereby permitted shall not be occupied until a detailed Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority based upon the draft submitted by the applicant in May 2010 and shall include the following: annual staff percentage modal share targets for a period of not less than five years following first occupation; proposals for annual surveys and reporting of staff travel choices; a full audit of current cycle and motorcycle parking at the hospital; proposals for on-site signage at, and directing visitors towards, pedestrian and cycle exits from the hospital site; a postcode plot of staff home locations; detailed specifications for cycle parking, shelters and signage; detailed proposals and details for the number of changing areas, showers, lockers and drying facilities in the new hospital building; proposals for the provision of comprehensive smarter travel information on public-facing websites run by the NHS relating to travel to and from the hospital; proposals for modifying the current bus timetable leaflet to include all modes of transport. No part of that development shall be occupied prior to the implementation of those parts identified therein as capable of implementation prior to occupation. The travel plan shall then be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied;
- (l) 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;
- (m) 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;
- (n) A travel survey directed at all staff shall be completed prior to occupation of the building. The questions asked shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the survey and be based on Somerset County Council's standard Travel Plan Survey template. The results of the survey shall be provided to the Local Planning Authority not later than three months following the completion of the survey.

(Note to applicant:- Applicant was advised to note that the protection afforded to species under UK and EU legislation was irrespective of the planning

system and the developers 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 granting planning permission:-**

The proposal was considered not to have a significant detrimental impact upon visual or residential amenity and no detrimental highway impact and was therefore considered acceptable and, accordingly, did 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).

**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**

**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) 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.
- (Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the Highway Authority under the Highways Act 1980, a Section 184 Permit must be obtained; (2) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintainable highway, a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority).

**Reason for granting planning permission:-**

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

**49/10/0016**

**Erection of two storey extension at Whitcombe, Langley Cross, Wiveliscombe**

**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) and S2 (Design).

**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**

**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) 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.

(Notes to applicant:- (1) Applicant was advised to 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"; (2) Applicant was advised that 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 the developer should plot the exact position on the design site layout to assess the implications. It should be noted 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 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 its apparatus; (3) Applicant was advised that:- (i) Soakaways should be constructed in accordance with British Research Digest 365 (September 1991); (ii) With reference to the septic tank drainage, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage; (iii) Consent to discharge to an underground strata should be obtained from the Environment Agency).

**Reason for granting planning permission:-**

The proposed extensions were considered to be of a size and scale sympathetic to the existing cottage. The traditional character of the property would be maintained and there would be no adverse impact on the

appearance of the surrounding area. The neighbouring properties were a sufficient distance to avoid any impact upon their residential amenities and there would be no harm to highway safety. As such, the proposal was in accordance with Policies S1 (General Requirements), S2 (Design), EN12 (Landscape Character) and H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

**57. Variation of Section 106 Agreement and Unilateral Undertaking relating to proposed major development at Monkton Heathfield (48/2005/072 and 48/2007/006)**

Reported that planning permission for major development at Monkton Heathfield had been granted on appeal in 2008 and the developers had entered into a Section 106 Agreement with Somerset County Council. However, agreement could not be reached regarding affordable housing and the provision of community facilities and a Unilateral Undertaking was accepted on the basis of which permission was granted.

Due to the downturn in the housing market, no progress had been made with the development. Funding had now been secured by a consortium of developers that would enable progress to be made, although this would require a variation in the way the development would be carried out and alterations to the Section 106 Agreement and Unilateral Undertaking.

The consortium had reached agreement with Somerset County Council for a variation to the Section 106 Agreement and had requested three minor variations to the Unilateral Undertaking.

**Resolved that:-**

1. The Solicitor to the Council be authorised to agree a revised Unilateral Undertaking to secure the developer's obligations; and
2. The proposed changes to the Section 106 Agreement be noted.

**58. Business requiring to be dealt with as a matter of urgency**

The Chairman reported that she had agreed that the item covered by Minute No 59 below should be dealt with as an urgent matter.

**59. Residential development of 7.65 ha together with open space provision and access on land west of Bishop's Hull Road, Bishop's Hull (05/07/0057)**

Reference Minute No 134/2009, reported that the developers had entered into a Section 106 Agreement to cover a range of issues including an education contribution that equated to £15,531 for each additional secondary school place required to be provided.

However, there was now a requirement for additional primary school accommodation and an extra £2,605.45 per dwelling had been agreed.



**Resolved** that the contribution of £2,602.45 per dwelling be agreed.

**60. Double garage not built in accordance with the approved plans at Fairfield Gate, 9 Fairfield Terrace, Wood Street, Milverton**

Reported that it had come to the Council's attention that a double garage built at Fairfield Gate, 9 Fairfield Terrace, Wood Street, Milverton was not in accordance with the approved plans.

The owner had declined to submit a planning application to regularise the situation. However, no objection would be raised if an application should be submitted.

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

**61. Appeals**

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

Also reported that two appeal decisions had recently been received, details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.15 pm.)

