

Planning Committee – 29 June 2011

Present:- Councillor Bishop (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Denington, Govier, C Hill, Mrs Hill, Horsley,
Miss James, Morrell, Mrs Reed, Mrs Smith, Tooze, Watson and
A Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (East Area
Co-ordinator), Mr A Pick (Major Applications Co-ordinator), Ms M Casey
(Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services
Officer)

Also present: Councillors Cavill, Mrs Govier, Henley and Hunt in connection with
application No 43/10/0143; Councillor Farbahi in connection with application
No 27/11/009/REX; and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

54. Apologies/Substitution

Apologies: Councillors Bowrah, Mrs Messenger, D Wedderkopp and Wren

Substitution: Councillor Horsley for Councillor Mrs Messenger

55. Minutes

The minutes of the meetings of the Planning Committee held on 25 May 2011 and
8 June 2011 were taken as read and were signed subject to Minute No 44 being
amended to read:-

“Resolved that:-

1. Subject to an acceptable negotiated solution to replace the half timber materials to three plots and the half-hip roofs to three plots which were unacceptable; and
2. Consideration be given to the suitability of hanging tiles to all plots on the development:

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-“

56. Declarations of Interest

Councillor Govier declared a personal interest as a Member of Somerset County Council. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Reed declared a

personal interest as her daughter worked as an administrator in Development Control. Councillor Govier declared a personal interest in application No 43/10/0143 as a member of the Board of NHS Somerset. Councillor Tooze declared a prejudicial interest in application No 43/10/0143 and left the room during the consideration of this item. Councillor Bishop declared that he had attended a parish council meeting where application No 27/11/0009/REX had been considered. However, he had not taken part in the discussion of the application and had not, therefore, fettered his discretion.

57. 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:-

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

38/11/0155

Demolition of conservatory and erection of extension to the rear of 18 Quantock Road, 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.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, and would not be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

27/11/009/REX

Provision for 50 no camping pitches and amenity block at land south of Harris's Farm, Hillcommon

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) 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;
- (c) (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;
- (d) Prior to the commencement of the development, details of a strategy for dealing with foul water and surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall be implemented in accordance with the approved details prior to the amenity block being brought into use and the site used for camping and thereafter retained;
 - (e) No works shall commence until the applicant has undertaken a wildlife survey (including an assessment of the badger sett on site). The results of the survey shall include full details of any mitigation plan containing measures for the avoidance of harm, mitigation and compensations, to be submitted to, and agreed in writing by, the Local Planning Authority. The mitigation plan shall be implemented in strict accordance with the agreed mitigation strategy;
 - (f) No site clearance works or development works shall take place between 1 March and 31 August unless any variation is agreed in writing by the Local Planning Authority;
 - (g) Before the use hereby permitted commences, the access arrangements to the B3227 included in the scheme permitted under reference 27/06/0015 (renewed under 27/09/0020) shall be completed in accordance with the details shown on drawing 18274/001/SK01 dated 11 July 2006.

(Notes to applicant:- (1) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions; (2) Applicant was advised that the Local Planning Authority will require evidence that no breeding birds would be adversely affected before giving any approval under condition (f) bearing in mind that all birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended); (3) The applicant was advised that authorisation for any changes to the surface of footpath WG9/5 must be obtained from Somerset County Council Right of Way Group. If the development would result in any of following, then authorisation for these works must be sought from Somerset County Council's Rights of Way Group:- (i) A public right of way being made less convenient for continued public use; (ii) New furniture being needed along a public right of way; (iii) Changes to the surface of a public right of way being needed; and (iv) Changes to the existing drainage arrangements associated with the public right of way. If the work involved in carrying out this proposed development would make a public right of way less convenient for continued public use or create a hazard to users of a public right of way then a temporary closure order will be necessary and a suitable alternative route must be provided).

Reason for granting planning permission:-

There has been no material change in policy guidance or material considerations since the previous permission was granted on 9 May 2008, reference 27/06/0023, for the camping facilities and amenity block. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable. The proposal accorded with Taunton Deane Local Plan Policies S1, S2, S7, EC25 and EN12 and guidance contained within Planning Policy Statement 1, Planning Policy Statement 4, Planning Policy Statement 7 and the Good Practice Guide on Tourism.

58. Erection of low/medium secure residential and treatment/care facility (Use Class C2A - secure residential institutions) with associated car parking and landscaping at land at Westpark 26 Business Park, Chelson, Wellington (43/10/0143)

Reported this application.

Resolved that subject to:-

- (1) The applicant entering into a Section 106 Agreement (or other suitable mechanism) to secure sustainable travel modes to reduce reliance upon single occupancy car travel in the form of a Green Travel Plan;
- (2) Confirmation from the Police that they are satisfied with the wording of a Unilateral Obligation to provide for any additional required Police resource; and
- (3) The agreed Unilateral Obligation being implemented within three months,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if the application was approved, the following conditions be imposed:-

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 in schedule 0911 dated 29 June 2011 and email dated 1 June in respect of materials;
- (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 and details of the design, materials and colour of the fencing, 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) The building hereby permitted shall be used for the purposes of a low/medium secure hospital and for no other purpose (including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);

- (e) The building shall not be occupied until details of a covered and secure cycle storage facility for 24 bicycles has been submitted to, and approved in writing by, the Local Planning Authority. The building shall not be occupied until the car and bicycle parking, turning areas and means of access shown on the approved plans have been constructed and made available for use and these shall therefore be retained in the form approved and for no other purpose;
- (f) The development hereby permitted shall not be occupied until a scheme of external lighting for the site has been submitted to, and approved in writing by, the Local Planning Authority. Lighting shall only be provided in accordance with the approved details and shall thereafter be retained in the approved form;
- (g) (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; (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;
- (h) All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction;
- (i) All the recommendations made in Ambios Ecology LLP'S mitigation strategy report dated 10 March 2011 shall be undertaken by the applicant. 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 roosts with related accesses has been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (j) In the event that development has not commenced within a period of 1 year from the date of the Ambios Ecology report dated 10 March 2011, a further ecological survey shall be undertaken to ascertain any changes in protected species presence or activities prior to the commencement of any works. Such surveys shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of any works, along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed;
- (k) 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 be implemented in accordance with the approved details prior to use of the building being brought into use;
- (l) The landscape bund on the south boundary and existing landscaping along the site boundaries identified on the submitted landscape plan UOM 1298 shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the consent of the Local Planning Authority or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by

trees or species of a similar size, to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season.

(Notes to applicant:- (1) Applicant was advised that the Environment Agency has identified some discrepancies between the micro-drainage and the current network plan detailed in the Flood Risk Assessment. Details submitted to discharge this condition should clarify this and ensure the details are consistent. Given the proposal relies on an offsite attenuation pond, it should be clear in any details submitted how the drainage for the site relates to the wider West Park Business Park drainage system; (2) Applicant was advised that safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of machinery, oils and chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The applicant is recommended to refer to the Environment Agency's pollution guidelines; (3) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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 would provide a regional hospital facility for those in need of care and treatment by reason of disability or mental health needs. The facility would generate a significant number of jobs and inward investment to the Borough and local economy. The design of the facility and the proposed palette of materials were considered acceptable and would have no significant adverse impact on the Business Park or surrounding area. The development, by reason of its scale and siting, would have no unreasonable impact on the amenity of adjacent local residents. The benefits of the scheme have been balanced against the perceived fear of crime and disorder from local residents. In this respect, it was considered that the planning benefits of the development, together with the security and operational requirements of the facility administered by the regulatory body – Care Quality Commission - outweigh the perceived fear of crime and disorder. The proposal was therefore in general conformity with Taunton Deane Local Plan Policies S1 - General Requirements; S2 – Design; EN12 – Landscape Character Areas; EN28 – Flooding; M1 – Transport; M2 – Parking; M3 – Parking; M5 – Cycling and W4 – Chelston House Farm and Government guidance contained within Planning Policy Statement 1 and Planning Policy Statement 4 and Circular 02/2006.

59. Stationing of mobile home on agricultural land for storage of domestic items at 18 Windmill Hill, North Curry

Reported that a mobile home had been situated on agricultural land at 18 Windmill Hill, North Curry for the storage of domestic items without the necessary planning consent.

The owner of the site had been contacted and an application for the change of use of the land had been submitted but this had been refused in June 2011.

Resolved that:-

1. Enforcement action be taken to remove the mobile home situated on agricultural land at 18 Windmill Hill, North Curry;
2. Any enforcement notice served should have a 24 month compliance period; and
3. Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with

60. Display of large advertisement sign on trailer in field adjacent to M5 Motorway north of Junction 25, Creech Heathfield, Taunton

Reported that it had come to the Council's attention that a sign had been displayed in a field adjacent to the M5 Motorway north of Junction 25, Creech Heathfield, Taunton without the necessary advertisement consent being granted.

The owner of the sign had been contacted and requested to remove the unauthorised sign but, to date, the unauthorised sign remained in place.

Resolved that, subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings to remove the unauthorised sign.

61. Appeals

Reported that four new appeals had been lodged, details of which were submitted. Also reported that four appeal decisions had been received, details of which were also submitted.

(The meeting ended at 7.55 pm)

