

Planning Committee – 16 October 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Gaines, Mrs Hill,
Miss James, Tooze, and Wren

Officers: - Tim Burton (Planning and Development Manager), John Burton (Major Applications Co-ordinator), Roy Pinney (Legal Services Manager), David Evans (Economic Development Manager) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Mrs Slattery and Stone in connection with application No 24/13/0037, Councillors Cavill and Ross in connection with application No 49/13/0025 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

120. Apology/Substitution

Apology: Councillor Hill

Substitutions: Councillor Denington for Councillor Hill;

121. Declarations of Interest

Councillor Nottrodt 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 Bishop declared that the applicant for application No 35/13/0007 was in his ward. He felt though that he had not “fettered his discretion”. Councillor Gaines declared that he knew the applicant for application No 49/13/0025 and stated that he would not be taking part in the discussion or voting. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England.

122. 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 development:-

35/13/0007

Erection of 4 No agricultural buildings, formation of hardcore pad and formation of vehicular access with associated infrastructure on land off Cockland Hill, Wellisford, Stawley

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 following plans:-
- (A1) DrNo 100-01 Location and Block Plan;
 - (A1) DrNo 100-02 Existing and Proposed Access;
 - (A1) DrNo 100-03 Building 1 (Sheep Building);
 - (A1) DrNo 100-04 (Young Stock Building);
 - (A1) DrNo 100-05 Building 3 (Finishing Building);
 - (A1) DrNo 100-06 Building4 (Straw Barn);
 - (A1) Dr No 100-07 Proposed Site Sections;
 - (A1) Dr No 100-08 Site Plan;
- (c) Before the works hereby approved are begun, a phasing programme for the removal of the existing farm structures to be relocated and replaced shall have been submitted to, and approved in writing by, the Local Planning Authority. The phasing programme shall include details of how and when the agreed structures will be removed from the site, noting that all of the rubble or debris shall be completely removed from the site and disposed of in an environmentally safe and appropriate manner, and how the land will be made good in a manner to be agreed with the Local Planning Authority. The works agreed shall then be carried out strictly in accordance with this phasing programme and the details it provides for;
- (d) All services to be provided to the new farm buildings shall be routed underground taking on board the need to avoid the canopy of any tree, or as may be agreed in writing by the Local Planning Authority, and the land above the routing returned afterwards to its former state or such state as may have been agreed by this permission;
- (e) 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;
- (f) (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. It is expected that the landscaping scheme will follow the strategy and conclusions given in the initial landscape and visual appraisal prepared by FPCr Environment and Design Limited (revision B, June 2013) submitted as part of the proposal, but will also include a detailed method statement for the realignment of the roadside

hedgerows; (ii) The approved scheme shall be completely carried out within the first available 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;

- (g) The proposal hereby granted shall be carried out strictly as specified in the 'General mitigation measures' proposed in the 'Ecological and Protected Species Survey', prepared by Eco-check Consultancy Limited and dated February 2013. This document forms part of the permission hereby granted and the further survey work it requires and the timing for works specified will need to be carried out in full as stated under the supervision of a competent and suitably qualified expert;
- (h) All external lighting required at the site shall be implemented in accordance with plans and details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. It is expected that the details to be submitted will show a lighting strategy on site strictly in accordance with the Bat Conservation Trust's publication Bats and Lighting in the UK (BC, 2008) and in accordance with the recommendations of the terms prescribed in the 'General Mitigation Measures' forming part of the 'Ecological and Protected Species Survey', prepared by Eco-check Consultancy Limited and dated February 2013, hereby approved;
- (i) Before the hard surfaced areas hereby approved are constructed and used, or at such time as may have been agreed in writing with the Local Planning Authority, full details of their colour, type and texture shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then be completed strictly in accordance with these approved details and retained as such at all times thereafter, unless agreed in writing by the Local Planning Authority;
- (j) None of the agricultural structures shall be used or occupied until sewage and drainage disposal works have been completed in accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority;
- (k) At the proposed access there shall be no obstruction to visibility greater than 900 mm above adjoining road level within the visibility splays shown on the submitted plan drawing No. 100-02. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (l) The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number No. 100-02, and shall be

made available for use before the agricultural buildings hereby approved are used. Once constructed the access shall be retained thereafter in that condition at all times;

- (m) The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed, the access shall thereafter be maintained in that condition at all times;
- (n) Before the development hereby approved is used provision shall have been made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall first have been submitted to, and approved in writing by, the Local Planning Authority.

(Notes to applicant: - (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the applicant to enable the grant of planning permission; (ii) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) 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. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.)

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

24/13/0037

Outline application for a residential development, Sustainable Urban Drainage attenuation pond, Children's Play Area and formation of access on land at Windmill Hill, North Curry, as amended

Reasons

- (a) The application lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy. The Council is approaching application of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing had been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus

resulting in adverse impacts significantly outweighing the benefits, contrary to Policy SD1 of the Core Strategy.

- (b) The proposal was considered to be prejudicial to highway safety as safe and suitable access for all (pedestrians) can not be achieved. The development is therefore considered to be contrary to Policy CP6 of the Taunton Deane Borough Council, Adopted Core Strategy 2011-2028.
- (c) The site, due to its size and greenfield nature, carries a risk of increased surface water flooding as a result of the development. This is due to an increase in impermeable area and also the creation of a formal drainage system, which will direct flows to watercourses and likely increase volumes of surface water from the site. The submitted Flood Risk Assessment, and various negotiations since, have not adequately demonstrated that surface water rates and volumes can be attenuated to ensure that flood risk is not increased either on site or elsewhere. Given the historic issues of surface water flooding in North Curry, this is an unacceptable risk to both life and property. On this basis, the application is therefore contrary to the National Planning Policy Framework, particularly section 10 (Meeting the challenge of climate change, flooding and coastal change) and the Taunton Deane Adopted Core Strategy Policies CP1 (c & f) [Climate change] and CP8 [Environment].
- (4) The site is situated on a major route into the village and the proposal would introduce development beyond the existing settlement boundaries detrimentally impacting upon this prominent and open rural area, resulting in the loss of open countryside, the loss of frontage hedgerow, the loss of publicly important views and the loss of amenity from the existing public footpath running on the east of the site, all of which would be contrary to Policies CP8 and DM1(d) of the Adopted Taunton Deane Core Strategy.
- (5) The proposal does not provide a suitable means for securing the appropriate affordable housing and community and leisure facilities, maintenance of on site facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan or education contributions and therefore would be contrary to Policies CP4, CP5, CP6 and CP7 of the Taunton Deane Core Strategy, and retained Policy C4 of the Taunton Deane Local Plan.

(Note to applicant: - Applicant was advised that although the reasons for refusal includes one relating to the lack of a Planning Obligation under S106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.)

123. Erection of two Health Care Facilities comprising a 28 bedroom locked rehabilitation unit (C2) and a 28 bedroomed low secure facility (C2A) with associated access and works at Wiveliscombe Business Park, Wiveliscombe (49/13/0025)

Reported this application.

Subject to the applicant and operator entering into a Unilateral Undertaking in respect of the operation of the facility and Police attendance/responsibilities, the Development Manager be authorised to determine the application in consultation with the Chairman/Vice Chairman and if planning consent was granted, 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 following approved plans:-
- (A3) DrNo A09.002L (PA)001/PA4 Site Location Plan;
 - (A1) DrNo A09.002L (PA)001/PA3 Site Location Plan;
 - (A1) DrNo A09.002.L (PA)002 Site Master Plan;
 - (A1) DrNo A09.002L (PA)003/PA3 Site Plan;
 - (A1) DrNo (9)200 Rev D Proposed Drainage GA;
 - (A1) DrNo (9)201 Rev C Details of Attenuation Pond and Outfall;
 - (A1) DrNo (9)202 Rev A Proposed Surface Drainage Details Sheet 1;
 - (A1) DrNo (9)203 Proposed Site Drainage Layout Plan;
 - (A3) DrNo S947/(9)203 Proposed Site Drainage;
 - (A1) DrNo 09.002E (PA) 020/PA3 Elevations Low Secure Care Facility;
 - (A1) DrNo 09.002E (PA) 025/PA3 Elevations Locked Rehabilitation Facility;
 - (A1) DrNo 09.002E (PA) 030/PA3 Sections Low Secure Care Facility;
 - (A1) DrNo 09.002E (PA) 035/PA3 Sections Locked Rehabilitation Facility;
 - (A1) DrNo 09.002S (PA) 040/PA3 Site Sections;
 - (A1) DrNo A 09.002.L(PA)002/PA6 Site Master Plan with cycle parking;
 - (A1) DrNo A 09.002.L(PA)015/PA5 Floor Plans of Rehabilitation Facility;
 - (A0) DrNo G01042SX Site Survey;
 - (A3) DrNo 09.002.L(PA)050 3D Model View Low Secure Unit;
 - (A3) DrNo 09.002.L(PA)051 3D Model View Entrance View of Rehabilitation Facility;
 - (A3) DrNo 09.002.L(PA)052 3D Model View Garden View of Rehabilitation Facility;
 - (A3) DrNo 09.002.L(PA)053 3D Model View looking northeast;
 - (A3) DrNo 09.002.L(PA)054 3D Model View looking southeast;
 - (A3) DrNo 09.002.L(PA)055 3D Model View looking northwest;
 - (A3) DrNo 09.002.L(PA)056 3D Model View looking southwest;
 - (A3) DrNo A 09.002L (PA)015 Floor Plans Rehabilitation Facility;
 - (A3) DrNo S947(9)301B Proposed General Arrangement of Proposed Section 278 Works;

- (A0) DrNo P109-2196-A Lighting Proposals;
 - (A0) DrNo 13-41-01 and 02 Landscape Proposals;
 - (A3) DrNo 13-41-03 Landscape Sections;
 - (A3) DrNo A09.002L(PA)002 PA6 Site Master 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) The premises shall comprise of two separate Units. One Unit shall be used for the purposes of a C2 Mental Health Rehabilitation Residential Facility and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The other Unit shall be used for the purposes of a C2A Low Secure Residential Mental Health Hospital Facility and for no other purpose (including any other purpose in C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (e) The buildings shall not be occupied until a means of vehicular access, the works to the B3227, the cycleway and footpath and bus lay-bys have been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority;
- (f) The area allocated for parking and cycle parking on the submitted plans shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles/cycles in connection with the development hereby permitted;
- (g) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority;

- (h) (i) The landscaping/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;
- (i) There shall be no floodlighting to the buildings hereby approved without the prior written consent of the Local Planning Authority;
- (j) 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 SLR Consulting Limited's ecological appraisal dated February 2013 and emergence bat surveys on individual trees if required and include:-
1. Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
 2. Details of the timing of works to avoid periods of work when wildlife could be harmed by disturbance;
 3. Measures for the enhancement of places of rest for dormice and nesting 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 bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (k) No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to, and formally approved in writing by, the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the scheme. The strategy shall thereafter be implemented;
- (l) The development hereby permitted shall be carried out in strict accordance with the details and plans within the approved Flood Risk Assessment (prepared by ACEIS and dated January 2013);
- (m) Prior to the commencement of development an Environmental Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures to protect wildlife during the construction of the surface water drainage infrastructure serving the development. The Construction Method Statement shall include details of how risks of water pollution shall be minimised during the construction phase of the development. The Environmental

Management Plan and Construction Method Statement shall be implemented in accordance with a timetable to be submitted and agreed with the Local Planning Authority;

- (n) No work shall commence on the development hereby permitted until revised details of the highway works have been submitted to, and approved in writing by, the Local Planning Authority. Such works shall then be fully constructed in accordance with the approved plans, to an agreed specification before the development is first brought into use.

(Notes to applicant: - Applicant was advised that:- (i) The condition relating to wildlife requires the submission of information to protect species. 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; (ii) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) Bats may be roosting in trees on site. Bat boxes could be incorporated within the scheme. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence; (2) Applicant was advised that there appears to be an inference in the FRA that the system for this development may be used to serve any future development. How this will be achieved would need to be detailed in any subsequent application. The surface water drainage pond is located very close to the existing watercourse along the southern boundary. The package treatment plant for foul drainage disposal may require a Permit or Exemption from the Environment Agency; (3) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

124. Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton (38/12/0265)

Reported that a letter had been received from Gadd Properties Limited requesting an amendment to the approved landscaping scheme under condition 04.

Following clearance of undergrowth it was evident a Beech Tree had been incorrectly plotted on the original survey commissioned and submitted by the developer. The tree was multi-stemmed and stood alone from the hedge it

had grown out of and was located in the proposed drive of plot 4 instead of the garden of plot 5. The tree was not an attractive form commensurate with its species and it was considered by the Landscape Officer that it would not have a long term future as a tree that would make a worthwhile contribution to the street scheme.

It was therefore proposed to remove the tree and replace it with a semi-mature Maple, especially bred for urban streets (4.5-5.5m high). The time of planting would be simultaneous with the removal of the Beech and the new tree would be protected by fencing until completion of construction. It was felt this would maintain the character of the area.

Resolved that the amended landscape drawing submitted by the developers in compliance with the planning condition be accepted.

125. E/0135/38/13 – Unauthorised change of use from Sui Generis to A1 at 43-45 East Reach, Taunton

Reported that a complaint had been received regarding the use of the premises at 43-45 East Reach, Taunton for A1 use following a retail survey carried out by the Council.

The survey had advised that the premises had a Sui Generis use.

Noted that a change of use from Sui Generis to another class was not permitted development and planning permission was required. However, no planning application to change the use had been submitted.

The site lay within a secondary shopping area where the use of a range of uses complimentary to the town centre location was acceptable. Although the use had changed from a motor cycle showroom to an A1 retail use selling furniture, this was in accordance with retail policy for the area and would be granted permission if an application was to be made.

Resolved that no further action be taken.

126. E/0160/38/12 – Unauthorised signage at the former Westgate Inn, 1 Westgate Street, Taunton

Reported that it had come to the Council's attention that a number of internally illuminated signs had been displayed at the former Westgate Inn, Westgate Street, Taunton without advertisement consent.

Although an application had been submitted to retain the signs a split decision had been issued which granted consent for the advertisement on the side elevation but refused consent for the larger sign on the front elevation.

Following this, the applicant had appealed against the refusal element of the decision but the Inspector had agreed with the Council's original assessment and dismissed the appeal.

The unauthorised sign continued to be displayed.

Resolved that subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action in respect of the unauthorised internally illuminated sign on the front elevation of the former Westgate Inn, 1 Westgate Street, Taunton.

127. Appeals

Reported that one new appeal and one decision had been lodged since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 9.37 pm.)