

## Planning Committee – 26 November 2014

Present: - Councillor Nottrodt (Chairman)  
Councillors Mrs Allgrove, Bowrah, Gaines, C Hill, Mrs Hill, Miss James, Morrell, Tooze, Watson, A Wedderkopp, D Wedderkopp and Wren

Officers: - Julie Moore (Major Applications Co-ordinator), Matthew Bale (Development Management Lead), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### 110. Apologies

Apologies : Councillor Coles (Vice-Chairman) and Councillor Bishop

### 111. Declarations of Interest

Councillors A Wedderkopp and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Bowrah declared that he was the Ward Councillor for application Nos 43/14/0104LB & 43/14/0103. He declared that although he had been approached by local residents to discuss the applications he felt that he had “not fettered his discretion”.

### 112. Applications for Planning Permission

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

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

#### **43/14/104LB**

**Change of use of ground floor only from A1 (retail) to A3/A5 (Restaurant/Take Away) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington**

#### **Conditions**

(a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;

(b) The development hereby permitted shall be carried out in accordance with the following plans:-

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

(c) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved 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) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

(Note to applicant:- 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 application to enable the grant of listed building consent.)

### **43/14/0103**

**Change of use of ground floor only from A1 (Retail) to A3/A5 (Restaurant/Takeaway) with installation of kitchen, extractor unit and serving area at 20 Mantle Street, Wellington**

### **Conditions**

(a) The development hereby permitted shall be begun within three years of the date of this development;

(b) The development hereby permitted shall be carried out in accordance with the following plans:-

- (A3) DrNo 1484.101 Rev B Proposal Drawings;
- (A3) DrNo 1484.100 Rev A As Built Survey Drawings;
- (A3) DrNo 1484.099 Rev A Location Plan and Site Plan;

(c) Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority;

(d) The use hereby permitted shall not be open to customers outside the following times 22:30 hours – 08:00 hours;

- (e) Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time;
- (f) Prior to its installation, full details of any extraction equipment/flue shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such;

(Note to applicant:- Applicant was advised that in accordance 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 application to enable the grant of planning permission.)

### **27/14/0010**

**Erection of two storey extension to link farm house, swimming pool building and barn and conversion works to provide holiday accommodation with ancillary facilities at Allerford Farm, Norton Fitzwarren, Oake (amended description)**

### **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:-
- (A2) DrNo Y21/1K Ground Floor Plans;
  - (A3) DrNo Y21/3B Second Floor Plan;
  - (A3) DrNo Y21/3B Second Floor Plan;
  - (A3) DrNo Y21/4D South East and South West Elevation;
  - (A3) DrNo Y21/5C North West and North East Elevation;
  - (A3) DrNo Y21/6H Location and Site Plan;
  - (A3) DrNo Y21/7D Landscaping of Garden and Ancillary building Elevations and Floor Plan;
  - (A3) DrNo Y21/11 Revised Location Plan;
  - (A3) DrNo Y21/12 Revised Block 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) Prior to its implementation, 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;
- (e) The accommodation shall be occupied for holiday purposes only; The holiday accommodation shall not be occupied as a person's sole or main residence; The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual rooms/units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority;
- (f) No part of the accommodation hereby permitted shall be occupied until space has been laid out within the site for the parking of motor vehicles in accordance with the approved plan Dr No Y21/12 and shall thereafter be maintained at all times;
- (g) None of the accommodation shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. Once implemented, the drainage schemes shall thereafter be maintained at all times;
- (h) Prior to the commencement of any works hereby permitted, a full wildlife survey shall be undertaken by a qualified Ecologist and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment of the approved development upon those species found and mitigation measures (to include timing of works) to be carried out in order to safeguard protected species in accordance with the law. Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise agreed in writing by the Local Planning Authority;
- (i) No development shall take place until the applicant has submitted to, and approved in writing by, the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall address and provide information on the matters:

#### During Demolition/Construction Process

- command and control (decision making process and communications to ensure activation of FEP);
- training and exercising of personnel on site (H&S records of to whom and when);  
flood warning procedures (in terms of receipt and transmission of information and to whom);
- site evacuation procedures and routes; and,
- provision for identified safe refuges (who goes there and resources to sustain them).

#### During Occupation of Development

- occupant awareness of the likely frequency and duration of flood events;
- safe access to and from the development;
- subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

(j) The pool, sauna, gym, steam room, wet rooms, treatment rooms and dining area and associated facilities shall not be used by other than persons/guests resident at Allerford Farm;

(Notes to applicant:- (i) Applicant was advised that in accordance with the 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 entered into pre-application discussions to enable the grant of planning permission; (ii) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (iii) Applicant was advised that any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

#### **113. Miscellaneous Report - Outline planning application for residential development up to 320 dwellings, green infrastructure including public open space, associated works and demolition of buildings with all matters reserved including the point of access on land at Hartnells Farm, Monkton Heathfield (48/13/0008)**

Reported that at its meeting on 13 August 2014, conditional approval had previously been granted for this development subject to a Section 106 Agreement to secure the measures set out in Minute No. 84/2014. Subsequent to the former resolution the applicant had been advised that there was a potential conflict between the Section 106 requirement to fund the

Western Relief Road and the payment of CIL monies which were applicable to this Core Strategy site. This concern was justified as the Western Relief Road could be construed as an item of transport and movement infrastructure that was related to the growth of Taunton even if it had the role of mitigating the impact of development and thereby covered by the CIL Regulation 123 list. Section 106 Agreement monies could not be requested for items covered by CIL.

In accepting the need for the Western Relief Road before the occupation of the 151<sup>st</sup> dwelling, the applicant had suggested the replacement of the S106 Agreement contribution with a Grampian condition, that no more than 150 dwellings should be occupied before the Relief Road was provided on site. This approach would leave the discussions over the acquisition of third party land and the provision of the Relief Road to the private developers who need it to continue with their development..

**Resolved** that the existing resolution to grant planning permission be amended as follows:-

- (i) The measures to be secured by the Section 106 Agreement to be:-
  - (a) 25% affordable housing to be split 60% social rent and 40% intermediate;
  - (b) Drainage contributions to enable (i) the completion of a flood risk option study to identify an appropriate solution to overcome the drainage restrictions for this site (£500,000 max); and (ii) the delivery of the agreed surface water drainage solution (£450,000 max);
  - (c) Various highway works as outlined in the application;
  - (d) Travel plan to reduce vehicular traffic movements from the new dwellings;
  - (e) Provision and maintenance of public open space and children's play areas; and
  - (g) On site provision of Integrated Public Art; and
- (ii) The following additional condition be added to those already agreed:-

“No more than 150 dwellings shall be constructed prior to the completion of the Western Relief Road and its opening for public use to vehicular traffic”.

#### **114. Appeals**

Reported that three decisions and three appeals were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.00 p.m.)