

## **Planning Committee – 10 December 2014**

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

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Assistant  
Director Planning and Environment), Gareth Clifford (Principal Planning  
Officer), Roy Pinney (Legal Services Manager), Maria Casey (Planning  
and Litigation Solicitor) and Tracey Meadows (Corporate Support  
Officer)

Also present: Councillor Cavill in connection with application No. 48/14/0035 and  
Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

### **115. Apologies/Substitution**

Apologies : Councillors Bishop and Miss James

Substitution: Councillor Denington for Councillor Bishop

### **116. Minutes**

The minutes of the Planning Committee meeting held on the 26 November  
2014 were taken as read and were signed.

### **117. Declarations of Interest**

Councillors Coles, A Wedderkopp and D Wedderkopp declared personal  
interests as Members of Somerset County Council. Councillor Coles also  
declared that he was Ward Councillor for application Nos 38/14/0357,  
38/14/0371 and 38/14/0372LB. Councillor Mrs Hill declared a personal  
interest as an employee of Somerset County Council. Councillor Tooze  
declared a personal interest as an employee of UK Hydrographic Office.  
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 Morrell declared that he was the Ward  
Councillor for application No. 05/13/0067.

### **118. 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:-

**38/14/0357**

**Conversion of dwelling into five self-contained units at 16 Victoria Street, 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 following plans:-
- (A3) DrNo 5028\_01E Proposed Floor Plans;
  - (A3) DrNo 5028\_02 Existing Floor Plans;
  - (A4) DrNo 5028\_03 Location Plan;
  - (A4) DrNo 5028\_04B Site Plan;
- (c) Lockable cycle and bin storage, as indicated on the illustrative plan submitted, shall be provided on site prior to occupation of the flats hereby permitted
- (d) and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority;
- (e) The replacement windows to the front of the building shall be as indicated on the submitted drawing 01 Rev E and there shall be no variation thereto without the agreement in writing of the Local Planning Authority;

(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 and had imposed planning conditions to enable the grant of planning permission.)

**38/14/0371**

**Change of use of second floor office to residential flat at 2 Middle Street, Taunton**

**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:-
- (A4) DrNo 5030\_P01 Location Plan;
  - (A4) DrNo 5030\_P02 Rev A Site Plan;
  - (A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans;

- (c) The parking space shown on drawing 5030\_P\_02 Rev A shall be made available prior to the residential unit hereby permitted being brought into use and shall thereafter only be used in connection with the development hereby permitted;

(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 and had imposed planning conditions to enable the grant of planning permission.)

**38/14/0372/LB**

**Conversion of second floor office to residential flat at 2 Middle Street, 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 following approved plans:-
- (A4) DrNo 5030\_P\_01 Location Plan;
  - (A4) DrNo 5030\_P\_02 Rev A Site Plan;
  - (A2) DrNo 5030\_P\_03 Existing and Proposed Floor Plans;
- (c) The parking space shown on drawing 5030\_P\_02 Rev A shall be made available prior to the residential unit hereby permitted being brought into use and shall thereafter only be used in connection with the development hereby permitted;

(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 had imposed planning conditions to enable the grant of planning permission.)

**48/14/0035**

**Erection of 2 No. single storey dwellings with demolition of existing structures at South View Court, Monkton Heathfield, West Monkton (re-submission of 48/13/0018)**

**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:-

- (A4) Location Plan;
  - (A2) DrNo 2912/1 Rev A Site Plan;
  - (A3) DrNo 2912/6 Plans and Elevations as Existing;
  - (A2) DrNo 2912/10 Rev A Proposed Site Plan;
  - (A4) DrNo 2912/11 Rev A Floor Plan -Plot 1;
  - (A4) DrNo 2912/12 Elevations Plot 1;
  - (A4) DrNo 2912/13 Rev A Floor Plan Plot 2;
  - (A4) DrNo 2912/14 Rev A Elevations Plot 2;
  - (A4) DrNo 2912/15 Rev A Elevations Plot 2;
  - (A4) DrNo 2912/16 Elevations Plot 1;
  - (A3) DrNo 2912/17 Site Section A-A;
- (c) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2 m from the edge of the hedge and the fencing shall be removed only when the development had been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (d) 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;
- (e) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no extension, conservatory, garage, car-port, any outbuildings, additional windows, dormer windows or additional rooflights shall be carried out or erected without the further grant of planning permission;
- (f) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the bathroom windows to be installed in the northern elevations of the dwellings shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (g) The area allocated for parking/turning on the submitted plan 2912/10A shall be properly consolidated, surfaced, drained and marked out before the dwellings hereby approved are occupied and shall not be used other

than for the parking/turning of vehicles in connection with the development hereby permitted and for the owners/occupiers of the flats at Southview;

- (h) No dwelling shall be occupied until spaces have been provided within the site in accordance with plan no 2912/10A for bicycles to be parked;
- (i) The existing levels of the land, as shown on plans 2912/1A and 2912/10/A, upon which the buildings are to be erected and proposed floor levels of the dwellings shall not be increased in height to facilitate their construction unless with the written permission of the Local Planning Authority;
- (j) The development hereby permitted shall not commence until such time as details of the sewage disposal and surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details;

(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 application to enable the grant of planning permission; (ii) Applicant was advised that new water supply and waste water connections will be required from Wessex Water to serve this proposed development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from the New Connections Team. No building will be permitted within the statutory easement width of 3 m from the pipeline without agreement from Wessex Water. 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, applicants should plot the exact position on the design layout to assess the implications. 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/or 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 that may affect its apparatus; (iii) Applicant was advised of the following:-  
**WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation; **BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins. **BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012,

also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places; Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained; (iv) Applicant was advised that soakaways should be constructed in accordance with Building Research Digest 365 (September 1991.)

**119. Outline planning application for provision of student accommodation comprising up to 210 bed spaces, associated parking, landscaping and provision of sports pitches, including an all weather floodlit pitch, at Somerset College of Arts and Technology, Wellington Road, Taunton (05/13/0067)**

Reported that at its meeting on 19 March 2014, the Committee had granted outline planning permission for this development subject to (i) a Section 106 Agreement to secure various measures and (ii) the planning conditions, both of which were set out in Minute No. 34/2014.

The application had come back to Members for further consideration following the implementation of the Community Infrastructure Levy on 1 April 2014 and the decision of the Secretary of State not to call in the scheme in connection with the loss of playing field space.

The proposal sought outline permission for new halls of residence for students on the Wellington Road campus with up to 210 bed spaces, a new access from the internal road, the provision of a floodlit all weather pitch and grass football pitches for 5-a-side and 7-a-side. Following Sport England comments the scheme now proposed an intention to upgrade the existing all weather pitch and track at Castle School to enhance provision as part of a wider vision which had been agreed in principle for the shared use of all of the College's and School's sporting facilities combined. Community access to all of these facilities would be increased. A smaller floodlit training pitch would also be provided on the College land instead of the full size pitch and newly laid, drained, grass pitches would be retained on the remainder of the site providing a 7-a-side football pitch and a larger pitch suitable for 13-14 year old matches. The student accommodation would be in three and four storey buildings and all matters were to be reserved, other than access to the road to Heron Drive.

The scheme had been submitted with a Design and Access Statement, Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Habitat Reports, Transport Statement, Travel Plan, Tree Survey, Landscape and Visual Amenity Statement and Ground condition survey.

**Resolved** that the Committee's previous decision to grant outline permission be re-affirmed subject to:-

- (i) The applicants entering into a Section 106 Agreement to secure:-
  - (a) The improvements to Castle School running track and all weather pitch;
  - (b) Provision of a community use agreement for all the sports facilities; and
  - (c) Linking the timing of the student accommodation provision to development at Canonsgrove; and
- (ii) The planning conditions detailed in Minute No. 34/2014 being complied with

**120. Outline planning permission for residential development comprising up to 37 dwellings with associated parking and landscaping at Canonsgrove Halls of residence, Honiton Road, Staplehay (as amended) (42/13/0079)**

Reported this application.

**Resolved** that subject to the applicants entering into a Section 106 Agreement to secure:-

- (a) The maintenance for play area and open space, wildlife areas and water attenuation feature at Canonsgrove; and
- (b) Linking the timing of the residential development at Canonsgrove to student accommodation provision at Somerset College,

the Area Planning Manager be authorised to determine the application in consultation with the Chairman or Vice Chairman and, if outline planning permission was granted the following conditions be imposed:-

**Conditions**

- (a) Approval of the details of the layout, scale, appearance 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 three 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) 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) 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 hydro-geological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall ensure that surface water run-off rates from the developed site are restricted to a maximum rate of not more than 2 litres per second per hectare for all storm periods up to and including for the 1 in 100 year plus climate change event and shall include details of phasing and maintenance for all surface water drainage infrastructure. The development shall subsequently be implemented in accordance with the details approved;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of WYG's Extended Phase 1 Habitat Survey Report dated December 2013, Bat Activity Survey Report dated January 2014, Great Crested Newt survey report dated January 2014, Hazel Dormouse Survey dated January 2014 and Reptile survey dated January 2014 and include:
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
  - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
  - Measures for the retention and replacement and enhancement of places of rest for the species;
  - Details of lighting;
- 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;
- (e) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
- (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;
- (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;
- (g) Details of the siting of any temporary building(s) construction and materials storage compound will be agreed in writing before commencement of works on site. The above details should also include details of where soil or materials is to be stored on site. Development shall, thereafter, be carried out in accordance with the agreed details;
- (h) Before any part of the development hereby permitted is commenced a plan showing:
- (a) the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 100 mm, showing which trees are to be retained and which are to be removed and the crown spread of each retained tree (in accordance with Section 5 of BS 5837:2012); and
- (b) details of the species, height, trunk diameter at 1.5 metres above ground level, age, vigour and canopy spread of each tree on the site and on land adjacent to the site;
- (i) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use;
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:2012 (Tree Work)];
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;
- (j) 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; Note: the protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012;

- (k) Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery;
- (l) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. Details of the proposed play area shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the first dwelling hereby permitted. The scheme shall be constructed in accordance with approved details within 18 months of the first occupation and shall thereafter be retained as such and used solely for the purpose of children's recreation;
- (m) No dwelling shall be occupied until a Travel Plan for this development has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan implemented within two months of the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (n) At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road levels within the visibility splays shown on the submitted plan (00244\_L021RevG). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (o) There shall be an area of hard standing at least 6 meters in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (p) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times;
- (q) Prior to the commencement of development hereby permitted a drainage survey shall be carried out and submitted in writing by the Local Planning Authority and no work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to, and approved in writing by, the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless

otherwise agreed in writing with the Local Planning Authority and thereafter maintained as such;

- (r) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (s) In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority prior to the commence of development;
- (t) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle, and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;

(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 planning permission.)

## **121. Appeals**

Reported that one decision and one appeal were received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.10 p.m.)