

Planning Committee – 16 March 2016

Present: - Councillor Bowrah (Chairman)
Councillor Coles (Vice-Chairman)
Councillors M Adkins, Mrs Adkins, Cavill, Gage, C Hill, Martin-Scott,
Mrs Reed, Townsend, Watson and Wedderkopp

Officers: - Matthew Bale (Area Planning Manager), Julie Moore (Monkton Heathfield Project Team Leader), Tim Burton (Assistant Director - Planning and Environment), Maria Casey (Planning and Litigation Solicitor) and Andrew Randell (Democratic Services Officer)

Also present: Councillor Parrish and Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

29. Apologies/Substitutions

Apologies: Councillors Brown, Morrell, Nicholls and Wren

Substitutions: Councillor Mrs Adkins for Councillor Wren
Councillor Cavill for Councillor Brown

30. Minutes

The minutes of the Planning Committees held on the 6 January, 27 January and 24 February 2016 were taken read and were signed.

31. Declarations of Interest

Councillors M Adkins, Coles and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Mrs Adkins declared that she was Vice Chairman of the West Somerset Railway Partnership Development Group in connection with application No.06/16/0002. Councillor Coles declared that he had had a conversation with West of England Developments in relation to application No. 14/15/0034. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to Bishop Fox's Educational Foundation and a trustee to Trull Memorial Hall. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Cavill declared that he was the Ward Councillor for application No. 48/15/0053. Councillor Watson declared that he was Ward Councillor for application No. 06/16/0002.

32. 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:-

43/15/0152

Variation of Condition No 24 (to extend the stores delivery times window) of application 43/07/0163 at Waitrose Food Store, High Street, Wellington (amended scheme to 43/15/0135)

Conditions

- (a) No deliveries, including loading and unloading of the delivery vehicles, shall be made between the hours of 2300 on any one day and 0700 on the following day;
- (b) Any alteration to the external lighting or car park lighting shall be undertaken so as not to cause inconvenience from glare whether directed or reflected, to any other premises;
- (c) The proposed lay-by and cross-hatched area adjacent to the boundary with 48 High Street and 1 and 2 Orchard Villas shall not be used other than for the purposes of loading/unloading and turning by vehicles accessing those properties;
- (d) The lighting to the car park and the external surfaces of the building shall be switched off within 30 minutes of the closure of the supermarket;
- (e) Noise emissions arising from the air handling plant, refrigeration or other machinery 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, 1 Min Leq, when measured at any point on the boundary of any residential or other noise sensitive premises. For the purpose 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.

27/15/0025

Change of use from agricultural to agricultural and flexible use Class D2 (Assembly and Leisure) at Knapp Farm, Hillfarrance Road, Hillfarrance (retention of works already undertaken)

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A4) Barn Licensed Area;
 - (A4) Knapp farm Plan (received 01.03.2016);
- (b) The permission for the change of use hereby permitted relates solely to the building hatched yellow on the site plan drawing hereby approved. The hatched building may be used for purposes falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) except that the building shall only be used for purposes falling within Class D2 for a maximum of five events in any given calendar year and no more than two events shall be held in any given seven day period. For the purposes of this condition, an event shall be defined as commencing no earlier than 10.00 on any given day and concluding no later than 00:30 the following day and the said hatched building to which this permission relates shall be clear of people by 00:30 at the end of the event;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 4, Class B or any Order revoking and re-enacting the 2015 Order with or without modification), the land edged red shall not be used for any purpose for more than 10 days in any calendar year without the further grant of planning permission, except that this restriction shall not apply to car parking or camping in connection with activities permitted in the barn hatched on the approved plans and permitted in accordance with condition (b).

06/16/0002

Change of use from Class D2 (part of children's play and recreation area) to Class Sui Generis (car park) and provision of improved children's play area on remainder of site at Broadgauge Business Park, Westridge Way, Bishops Lydeard

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) Equipment Layout Plan;
 - (A3) DrNo SPP1965P007 Proposed Play Area Layout;
 - (A3) DrNo SPP1965P007 Planning Proposal Overflow Car Park with Play Area;
 - (A3) SPP1965P005 Layout Plan;
 - (A4) Location Plan;

- (c) (i) Before any part of the permitted car park 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) No development shall take place on the play area until details of the proposed play equipment 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;

(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 entered into pre-application discussions to enable the grant of planning permission.)

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

14/15/0034

Outline application with some matters reserved for the erection of 35 No. dwellings on land to the south west of Creech St Michael Medical Centre, Hyde Lane, Creech St Michael

Reason

- (a) The proposed development lies outside the settlement limits of Creech St Michael and would add to the existing housing already granted impacting on the scale and character of the village while adversely impacting on landscape views from the canal. The development is considered to be contrary to Policies SP1, CP8 and DM2 of the Taunton Deane Core Strategy 2011- 2028 and Policy SB1 of the draft Site Allocations and Development Management Plan;
- (b) The proposal does not provide a suitable means for securing the appropriate affordable housing and maintenance of on-site leisure facilities, including any Sustainable Urban Drainage scheme for the site, Travel Plan and off site highway improvements 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 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 applicants and looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application had been refused.)

33. Erection of local centre including 5 No. retail units with 18 No. apartments above plus 69 No. dwellings with associated works and access including highway works to the adjacent A38 on land off Bridgwater Road, Monkton Heathfield (48/15/0053)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement for the provision of a suitable number of affordable housing units within the development, the Assistant Director for Planning and Environment be authorised to determine the application in consultation with the Chairman / Vice-Chairman and if planning permission was granted, the following conditions be imposed:-

(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) Dr No LC101 Site Location Plan;
- (A1) DrNo LC100 Rev G Planning Layout;
- (A1) Dr No LC102-1 Rev C Street Scenes;
- (A1) Dr No LC 102-2 Rev B Street Scenes;
- (A1) DrNo LC103 Rev E Materials Key Plan;
- (A3) DrNo LC104 Rev A Fencing and enclosure details;
- (A3) DrNo LC104-2 fencing and enclosure details;
- (A1) DrNo LC106 Rev D Affordable Housing key plan;
- (A1) DrNo LC105 Rev C Building Heights Key Plan;
- (A1) Dr No LC107 Rev C Bin Storage and Refuge Vehicle Tracking key plan 200LC Rev C Engineering Layout;
- (A0) Dr No JBR 1851 251 Rev C Section 278 Legal Agreement;
- (A3) DrNo 010-2 House Type Design Sheets;
- (A3) DrNo LC120-1 Rev House Type Ha. Brick;
- (A3) DrNo LC121-1 House Type Ru Brick;
- (A3) DrNo LC122-1 House Type Ht Render to Front Elevation;
- (A3) DrNo LC124-1 Rev A House Type Ro. Brick;
- (A3) DrNo LC125-1 House Type Mo. Brick;
- (A3) DrNo LC126-1 House Type Al Brick;
- (A3) DrNo LC127 1 House Type CH Brick;
- (A3) DrNo LC128-1 Rev A House Type CI Corner (brick);

- (A3) DrNo LC129-1 Rev B Retail and Commercial Units Ground Floor Plan;
- (A3) DrNo LC129-2 Rev B Retail/Commercial Units and Apartments First Floor Plan;
- (A3) DrNo LC129-3 Rev B Retail and Commercial Units and Apartments Second Floor Plan;
- (A3) DrNo LC129-4 Rev B Retail and Commercial Units and Apartments elevation;
- (A3) DrNo LC129- 5 Rev B Retail/ Commercial Units and Apartments Elevation;
- (A3) DrNo LC129-6 Rev B/ Commercial Units and Apartment Elevation;
- (A3) DrNo LC 129-7 rev B Retail/Commercial Units and Apartments Elevation;
- (A3) DrNo LC130-1 Affordable House Type 2B Brick;
- (A3) DrNo LC 131-1 Affordable House Type 3B Brick;
- (A3) DrNo 140-1 Garages;
- (A3) DrNo JBR1851 010-1 garage floor plan and elevations;
- (A3) DrNo JBR 1851 010-2 garage floor plan and elevations;
- (A3) DrNo JBR 1851 002-1 Rev A Evesham floor plans;
- (A3) DrNo JBR 1851 002-2 Rev C Evesham elevations;
- (A3) DrNo JBR 1851 002-3 Rev B Evesham elevations;
- (A3) DrNo JBR 1851 003-1 Rev B Warwick floor plans and elevations;
- (A3) DrNo JBR 1851 004-1 rev B Stratford floor plans and elevations;
- (A3) DrNo JBR 1851 005-1 Kenilworth/Kenilworth 4 floor plans;
- (A3) DrNo JBR 1851 005-2 Kenilworth/Kenilworth 4 floor plans;
- (A3) DrNo JBR 1851 005-3 Kenilworth/Kenilworth 4 elevations;
- (A3) DrNo JBR 1851 006-1 Rev A Kenilworth floor plans;
- (A3) DrNo JBR 1851 006-2 rev A Kenilworth elevations;
- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-2 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-3 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-4 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-5 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-6 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-7 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 008-1 Rev A Warwick cnr Floor plans and Elevations;

- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A3) DrNo JBR 1851 007-1 Rev A House Type Apartment and Retail Block Floor Plans;
- (A0) DrNo 300 Rev e Landscape Proposals;
- (A3) DrNo 301 Plant Schedule and Landscape Specification;
- (A0) DrNo 302 Rev C Landscape Proposals;
- (A3) DrNo 303 Plant Schedule and Landscape Specification;
- (A1) DrNo 304 Tree Pit in Hard Works;
- (A2) DrNo 305 Tree Pit in Soft Works;
- (A0) DrNo 306 Tree Pit Detail Tee Pits between Parking Bays;
- (A0) DrNo 310 Rev Q Cricket Green and Dyers Book Corridor North POS Landscaping Layout;
- (A1) DrNo 311 rev D Landscape Proposals;
- (A0) DrNo 321 Rev J Strategic footway/cycle Network Plan;

- (c) No development other than the highway works along Bridgwater Road between the proposed local centre and new primary school (covered under condition (e)) 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 proposed estate roads, footways footpaths, tactile paving, cycleways, bus stops, 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 approved by the Local Planning Authority in writing. 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;
- (e) None of the dwellings or retail units hereby permitted shall be occupied/ used until the proposed highway works, including the alterations to and junctions onto Bridgwater Road are constructed generally in accordance with plan number JBR1851 251 rev C. Prior to the construction full details of the layout and surface materials to be used for the road and junctions shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) 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;

- (g) The proposed public parking area between the front of the retail units and Bridgwater Road shall remain available for the parking of cars by the general public at all times;
- (h) No development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, shall be commenced until details of the design, implementation, maintenance and management of the sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. Those details shall include:-
1. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (t metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 2. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwall or removal of unused culverts where relevant);
 3. Flood water exceedance routes, both on and off site;
 4. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development;
- (i) Prior to the occupation of any of the dwellings hereby permitted full construction details of the proposed footpath and cycleway links shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of any of the dwellings hereby approved the 3m wide bitmac footpath running to the south of the application site shall be provided on site and available for public use. Prior to the occupation of 50% of the dwellings hereby permitted the footpath and cycle link running west to east across the site and located to the north of the retail units and the 3m wide bitmac link running north-south through the Dyers Brook wildlife corridor shall be constructed on site and available for use by the general public;
- (j) No dwelling shall be occupied until space had been laid out within the site in accordance with the approved plan for cars and cycles to be parked;
- (k) (i) The landscaping/planting scheme shown on the submitted plans 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;

- (l) The applicant shall undertake all the recommendation made in EAD's Wildlife Management Sub Plan for Phase 2 Monkton Heathfield dated September 2014 and the overarching Landscape and Wildlife management Plan for the site and provide mitigation for wildlife as recommended. 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 and bird boxes and related accesses had been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.
- (m) Prior to the commencement of the development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, a Landscape Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan shall include a maintenance plan specifying the extent and timing of grass cutting, shrub pruning and tree maintenance. The approved Landscape Management Plan shall thereafter be implemented;
- (n) Prior to the commencement of construction work on site for the residential buildings hereby permitted a programme for the delivery of the proposed open spaces, including Dyers Brook, shall be submitted to, the Local Planning Authority for approval. Once approved the open spaces shall be provided in strict accordance with the approved programme and thereafter remain available for public use at all times;
- (o) Notwithstanding the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 2 Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (p) No development, other than the highway works along Bridgwater Road between the proposed local centre and new primary school, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (q) Prior to their installation on site, full details for the proposed lighting, seats, litter bins, Parish notice board and other furniture (as defined in the Taunton Deane Areas of Open Space note for guidance of developers

attached to the Unilateral Undertaking) shall be submitted to, and approved in writing by the Local Planning Authority. The lights, seats, litter bins and other furniture shall then be installed prior to the completion of the area of open space within which it lies, in strict accordance with the approved details and shall thereafter be maintained in a safe and useable condition;

- (r) 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;
- (s) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development and thereafter maintained until the use of the site discontinues;
- (t) No work shall commence on the development hereby permitted until details of the proposed off-site highway works have been submitted to, and approved in writing by, the Local Planning Authority;
- (u) There shall be an area of hard standing at least 6m in length (as measured for the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type;
- (v) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular route to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- (w) There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points of the nearside carriageway edge 43m either side of the access. Such

visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times;

- (x) Before the dwellings are occupied the noise mitigation measures outlined in the submitted Entrant letter dated 19 February 2016 shall be fully provided on site and shall thereafter be maintained;
- (y) The commercial/retail unit (114 sq m) located below the shared equity flats shall at no times be used for any use contained within Classes A3, A4 and A5 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to those classes in any statutory instrument;

(Notes to applicant:- (1) Applicant was advised that the condition relating to wildlife required a mitigation proposal favourable status for these species that are affected by this development proposal; Most resident nesting birds were protected under the Wildlife and Countryside Act 1981 (as amended); it should be noted that the protection afforded to species under UK and EU legislation was irrespective of the planning system and the developer should ensure than any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (2) Applicant was also 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; (3) Applicant was also advised that no work shall commence on the development site until an appropriate right of discharge for surface water had been obtained).

34. E/0242/30/15 – Alleged unauthorised works within the curtilage of a listed building to the rear of the Lamb and Flag Inn, Blagdon Hill

Reported that a complaint had been received in November 2015 regarding unauthorised works which had taken place within the curtilage of a listed building to the rear of the Lamb and Flag Inn, Blagdon Hill.

The public house was set within boundary walls which were approximately 2m high of natural stone. Part of the boundary wall to the car park was in a state of disrepair and a section of garden boundary wall had been removed without consent.

This unauthorised work had taken place following the sale of the rear garden and part of the car park to a separate land owner in connection with a proposal to erect a new dwelling.

A listed building application for the retention of the works to the stone boundary wall and an outline planning application for a dwelling on the site had been submitted in early March 2016, both of which were refused.

Resolved that:-

- (1) A Listed Building Enforcement Notice be served to requiring the owner of the relevant land at the Lamb and Flag Inn, Blagdon Hill, to:-
 - (a) Reinstate the boundary wall using the original stone material or, if sufficient original stone was not available, stone of the same type;
 - (b) Reconstruct the wall in the same style (including coursing, pointing and mortar) as the rest of the wall;
 - (c) Remove the new post and metal fencing erected in the car park between Curdleigh Lane and the stone wall;
- (2) Any enforcement notice served to have a three month compliance period from the date on which the notice took effect in respect of all the alleged breaches of Planning Control set out above; and
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to take prosecution action should the notice not be complied with.

35. Appeals

Reported that four new appeals and two decisions had been received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 6.40pm.)