

## **Planning Committee – 31 August 2016**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs M Hill (Vice-Chairman)  
Councillor M Adkins, Booth, Brown, Gage, C Hill, Martin-Scott, Morrell,  
Nicholls, Mrs Reed, Sully, Townsend, Watson and Wedderkopp

Officers: - Tim Burton (Assistant Director - Planning and Environment),  
Bryn Kitching (Area Planning Manager), Matthew Bale (Area Planning  
Manager), Gareth Clifford (Principal Planning Officer), John Burton  
(Principal Planning Officer), Louise Portman (Solicitor), Brendan Cleere  
(Director - Growth and Development), David Evans (Economic  
Development Manager), Tom Gillham (Assistant Director - Asset  
Development Projects), Les Owen (Principal Accountant,  
Growth), Trevor Slack (Locum Lawyer) and Andrew Randell  
(Democratic Services Officer)

Also present: Councillors Berry, Cavill, Coles, Edwards, Farbahi, Gaines, Habgood,  
Horsley, Williams and Wren in connection with application No.  
38/15/0475. Councillor Mrs J Adkins in connection with application  
No. 25/16/0011. Councillor Miss Durdan in connection with application  
No. 14/16/003. Representatives from St Modwen - Mark Thorne,  
Stephen George and Ian Yallop. Craig O'Brien representative from  
Savills and Mrs A Elder, Chairman of the Standards Advisory  
Committee.

(The meeting commenced at 5.00 pm)

### **78. Apology/Substitution**

Apology: Councillor Wren.

Substitution: Councillor Sully for Councillor Wren.

### **79. Minutes**

The minutes of the meeting of the Planning Committee held on the 10 August  
2016 were taken read and were signed.

### **80. Declarations of Interest**

Councillors M Adkins and Wedderkopp declared a personal interest as  
Members of Somerset County Council. 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. He  
also declared a personal interest in application No. 38/15/0475 as a member  
of his family lived in Greenbrook Terrace, Taunton. Councillor Townsend

declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and as Chairman of the Kingston St Mary Village Hall Association. He also declared a personal interest in application No. 38/15/0475 as he rented office space on The Bridge in Taunton and had received a letter regarding potential flooding. He declared that he had not 'fettered his discretion'.

## 81. 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 development:-

**25/16/0011**

**Erection of single storey two classroom block to east of main school building at Norton Fitzwarren Primary School, Blackdown View, Norton Fitzwarren**

### 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 H7330/200 Site and Location Plans;
  - (A3) DrNo H7330/202 Block Plan as Proposed;
  - (A3) DrNo H7330/203 Proposed Floor Plan, Elevations and Roof Plan;
  - (A3) DrNo H7330/204 Elevations as Proposed;
  - (A3) DrNo H7330/206 Car Parking as Proposed;
- (c) 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. 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;

- (d) With the exception of the trees shown to be removed on the approved plan, no tree shall be felled, lopped, topped, lifted, pruned or disturbed in any way without the prior written consent of the Local Planning Authority;
- (e) Within three months of the occupation of the building hereby permitted the temporary classrooms E433 and E626 shall be removed from the site and the land restored and reinstated to its former condition;
- (f) (i) Replacement planting shall be carried out at the site, details of which shall have previously been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include details of the species, siting and numbers to be planted; (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) The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the building(s) hereby permitted is first occupied and shall not be used other than for the parking of vehicles in connection with the school site.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning 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.)

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

**38/15/0475**

**Outline planning application with some matters reserved for the redevelopment of the former cattle market site to provide up to 3500 sq m of convenience retail development, up to 6000sq m of non-food development (class A1), up to 4000sq m of office (B1) or hotel (C1) use, up to 2400sq m for a cinema (D2), up to 2600sq m of food and drink establishments (A3/A4/A5) and up to 200 residential units with redevelopment of the former Priory Bridge Road Car Park to provide up to 4014sq m of office (B1) and 4475sq m of office (B1) or hotel (C1) uses and a further 1300sq m of A3/A4/B1 (office) D2 uses with car parking, landscaping, public realm, access, highways, infrastructure works and relevant demolition at Firepool, Priory Bridge Road, Taunton**

**Reasons**

The development proposed was in direct conflict with Core Policies from the adopted development plan (the Taunton Deane Core Strategy (CS) Policies CP2, CP3, CP5, CP6 and CP8 and the Taunton Town Centre Area Action Plan (TCAAP) Policies FP1 and FP2). In particular, the proposed development fails to deliver the majority of the requirements of Policy FP1 of the TCAAP including:-

- The quantum of allocated office space;
- The quantum of housing;
- A multi storey car park screened where it adjoins public space;
- Primary health care facilities;
- A high quality pedestrian boulevard that links the Railway Station with both the River Tone and Priory Bridge Road;
- Active street frontages in accordance with the proposals map;

The proposed development was also contrary to Policy DM4 of the CS and ED1 of the TCAAP as well as Policy D7 of the Taunton Deane Site Allocations and Development Plan as a result of parameter plans that would deliver a poor quality layout that fails to take the opportunities available for improving the character and quality of the area and the way it functions. The form and format of the core part of the development proposed would be dominated visually by a surface level car park giving an appearance akin to that of a retail park. This will risk it becoming primarily a retail destination in its own right, mainly serving car borne custom and therefore competing with, rather than complementing, the town's primary shopping area;

The economic benefits that arise from redevelopment of this vacant site do not in this instance outweigh the conflict with the development plan, nor the demonstrable harm that would result from the proposed form and layout. As a result the development does not constitute sustainable development as defined in paragraph 14 of the National Planning Policy Framework.

(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 looked for solutions to enable the grant of planning permission. During both the pre-application and applications stages, positive suggestions as to how to make amendments to the proposals that would overcome the Council's objections had been made. However in this case, the applicant was unable to satisfy the key policy test and as such the application had been refused.)

**14/16/0031**

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

### **Reasons**

(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 did not provide a suitable means for securing the appropriate affordable housing and maintenance of onsite leisure facilities, including any Sustainable Urban Drainage scheme for the site and Travel Plan and therefore would be contrary to Policies CP4, CP5 and CP6 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.)

#### **49/16/0006**

#### **Change of use of land to allow the siting of storage containers in the farm yard at Candletrees, Jews Lane, Wiveliscombe**

#### **Reason**

The proposed location of the shipping containers was considered to be detrimental to the amenities of the neighbouring properties and the visual amenities of the area, particularly when viewed from the public footpath to the north contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy;

Also **resolved** that:-

- (1) An enforcement notice be served requiring the cessation of all storage uses within the containers and the removal of all the containers from the site;
- (2) Any enforcement notice served to have a six month compliance period from the date on which the notice took effect; 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.

## **82. Exclusion of the Press and Public**

**Resolved** that the press and public be excluded from the meeting for the following item because the likelihood that exempt information would otherwise be disclosed relating to Clause 1 of Schedule 12(A) to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

**83. E/0154/24/12 – Untidy site at 12 Town Close, North Curry**

Reference Minute No 91/2014, reported that further clearance had taken place on the site and a new fence was being erected to the boundary.

The Council had still not pursued legal proceedings for the reasons set out in the confidential papers.

The report set out various alternative courses of action that could result in the clearance of the site and remedy the harm to the residential amenity of neighbours which could be employed by the Council. However it was considered by officers that proceeding with prosecution at present would not achieve further clearance of the site any quicker.

**Resolved** to defer prosecution action and continue to monitor the situation for a further period of six months for the reasons outlined in the confidential report.

**84. Appeals**

Reported that two appeal decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 9.50pm)