

Planning Committee – 6 December 2017

Present: - Councillor Mrs Hill (Vice-Chairman) (in the Chair for this meeting)
Councillors Adkins, Booth, Brown, Coles, Gage, Hall, C Hill, Morrell,
Mrs Reed, Sully, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principle
Planning Officer), Martin Evans (Solicitor, Shape Partnership Services)
and Tracey Meadows (Democratic Services Officer)

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

(The meeting commenced at 6.25 pm)

74. Apologies/Substitutions

Apologies: Councillors Mrs J Adkins, Bowrah, Martin-Scott, Nicholls

Substitutions: Councillor Wren for Councillor Mrs J Adkins
Councillor Hall for Councillor Bowrah
Councillor Sully for Councillor Martin-Scott
Councillor Booth for Councillor Nicholls

75. Declarations of Interest

Councillor Wren declared that he was the Parish Clerk to Milverton Parish Council. He also declared that there were two former work colleagues in the audience who were objecting to application No. 05/17/0047, he stated that he would not take part in the debate or the vote of this application. Councillor Coles declared that he knew a number of people in the audience, he declared that he had not spoken on any of the items on this committee. Area Planning Manager, Matthew Bale declared a Personal Interest in application 05/17/0047. He declared that he would leave the room whilst the application was presented and voted on.

76. 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:-

05/17/0047

Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishop's Hull

- (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 2471-PL-01 Site & Location Plan;
 - (A3) DrNo 2471-PL-02 Rev C Block Plan;
 - (A3) DrNo 2471-PL-03 Indicative Section Views;
 - (A3) DrNo 2471-PL-04 Floor Plan;
 - (A3) DrNo 2471-PL-05 Elevations;
- (c) No wall construction, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (d) No roof construction shall take place until samples of the roof 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;
- (e) (i) The landscaping/planting scheme shown on the submitted plan 2471-PL-02C 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;
- (f) The development hereby permitted shall be implemented in accordance with the mitigation in the wildlife report and approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The mitigation shall thereafter be maintained;
- (g) 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 1 Classes B and E

of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

(Notes to applicant:- (1) 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 negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed. It should be noted that the protection afforded to species under UK and UK legislation is irrespective of the planning system and the applicant 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; in light of evidence of neighbours you are advised to ensure that there are up to date surveys to ensure there is no harm to slow worms or any newts which may inhabit nearby ponds. Harm to protected species is a criminal offence and you should ensure that appropriate steps are taken to ensure there is no harm.)

10/17/0015

Erection of extensions to free range poultry shed with associated works and formation of access at Higher Willand Farm, Churchstanton

(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 PA-001 Rev A Site Location Plan;
- (A3) DrNo PA-002 Rev A Block Plan - Landscaping & Planting Scheme;
- (A3) DrNo PA-100 Rev A Elevations 1;
- (A3) DrNo PA-101 Rev A Elevations 2;
- (A3) DrNo PA-200 Rev A Floor Plan;
- (A3) DrNo PA-201 Rev A Roof Plan;
- (A3) DrNo PA-300 Rev A Site Sections;
- (A3) DrNo PA-400 Rev A Indicative Perspective;
- (A3) DrNo PA-500 Rev A Proposed Entrance From Existing Farm Access Way;

(c) There shall be no external lighting of the site without the prior written consent of the Local Planning Authority;

(d) (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;

- (e) There shall be no obstruction to visibility greater than 900mm above the 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 on the nearside carriageway edge 43m either side of the access.

Such visibility shall be fully provided before the new access is brought into use and shall thereafter be maintained at all times in the approved form;

- (f) Before the proposal hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before works commence on site and thereafter maintained at all times;
- (h) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 12 metres from the carriageway edge and shall thereafter be maintained in that condition at all times;
- (i) The development hereby permitted shall not be commenced until details of a wildlife enhancement scheme to enhance the site for bats has been submitted to, and approved in writing by, the Local Planning Authority. Once approved the works shall be implemented in accordance with the approved details and timings of works unless otherwise approved in writing by the Local Planning Authority and thereafter permanently maintained;
- (j) Prior to the building hereby permitted being brought into use, a scheme for the disposal of foul water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the containment and disposal of contaminated water arising from cleaning out processes. The approved scheme shall be fully implemented prior to the building hereby permitted being brought into use and 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 has negotiated amendments to the application to enable the grant of planning permission.)

14/17/0020

Erection of 11 No. light industrial units (2 No. buildings) for Class B1/B8 usage on land at Walford Cross Depot, Walford Cross

- (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 5046_PL_01A Location Plan;
 - (A1) DrNo 5046_PL_02B Proposed Site Plans UNITS 1-10 & 11;
 - (A1) DrNo 5046_PL_03 Proposed Plans & Elevations UNIT 11;
 - (A1) DrNo 5046_PL_04 Proposed Plans & Elevations UNIT 1-10;
- (c) There shall be no exterior storage around the building 11 other than specified in areas on plan 5046_PL_02B and only parking in the locations indicated on plan 5046_PL_02B;
- (d) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority;

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

(e) Noise emissions from any part of the unit 11 premises or land to which this permission refers, when measured at the point X marked on the attached plan (which is level with the façade of the nearby residential properties) shall not exceed background levels by: more than 3 decibels expressed in terms of an A-Weighted, 1hour Leq, at any time between the hours of 07:00 – 19:00; more than 0 decibels expressed in terms of an A-Weighted, 15minute Leq, at any time between the hours of 19:00 and 07:00 the following day;

For the purposes 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 for a period of 1 hour for measurements between 07:00 -19:00 and a period of 15 minutes between 19:00 and 07:00 the following day;

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above;

(f) The car parking shown on drawing No.5046_PL_02B shall be provided prior to the units being brought into use and shall thereafter be retained for the use of the approved units;

- (g) Prior to the development being brought into use, a Measures Only Travel Plan is to be submitted to, and approved in writing by, the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel. The measures should continue to be implemented as long as any part of the development is occupied;
- (h) Prior to the construction of any buildings on the site, a scheme for the disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented prior to the buildings hereby permitted being brought into use and shall thereafter be maintained as such;
- (i) No lighting shall be installed at unit 11 within the area included in the part of drawing number 5046_PL_02 titled 'Site Layout – Unit 11';

(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.)

26/17/0007

Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)

- (a) The development hereby permitted must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following conditions;
- (b) Unless within 3 months of the date of this decision a landscaping scheme which shall include details of the species, siting and numbers to be planted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site the fencing hereby permitted shall be removed from the site until such time as a scheme is approved and implemented; If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fencing hereby permitted shall be removed from the site until such time as a scheme approved by the local planning authority is implemented;

Upon implementation of the approved landscaping scheme specified in this condition, the planting shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of similar size and species, or any other appropriate planting as may be approved in writing by 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.)

77. Appeals noted

(The meeting ended at 9.05 pm)