

48/18/0035

MASHMRC

Report Addendum for 48/18/0035 - Variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardys Road, Monkton Heathfield

Location: LAND ADJACENT TO A38 AND HARDYS ROAD, BATHPOOL,
TAUNTON

Grid Reference: 325820.126248

Removal or Variation of Condition(s)

At the committee meeting on 7 November 2018 Members resolved to defer the decision on this application so that amendments could be sought which involve the provision of additional landscaping to the north of the site to protect residential amenity.

At the time of writing, discussions with the applicant are ongoing, however it is expected that these could be concluded by the time that the Planning Committee meets on 5 December 2018.

A further report will be made on the update sheet and any amended proposals will be uploaded to the applications details available on the Councils website as soon as they are available.

Following this report addendum is a copy of the original committee report and update sheet from 7 November 2018

Contact Officer: Mr B Kitching

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Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 17-16.01B Location and Block Plan

(A1) DrNo 17-16.03.J Proposed Site Layout Plan

(A1) DrNo 17-16.04.D Proposed Site Sections

(A2) DrNo 17-16.08.H Block D, Proposed Plans, Elevations and Section

(A1) DrNo 120904-C.01 Rev D Drainage Layout

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to the construction of the buildings samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings and the surrounding area.

3. (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to the use of the building commencing. The scheme 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.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. Prior to use of the building commencing works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with the approved details. The works shall be retained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

5. No deliveries or vehicle movements, other than staff arriving and leaving, to and from the premises, shall take place within the site outside the hours of 7.30hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

6. No business operations, other than within the building, including staff arriving and leaving the premises, shall take place within the site outside the hours of 6.00hrs – 22.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring properties.

7. The use of the building shall not be commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan for the parking, turning, loading and unloading of vehicles, and such areas shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

Reason: To ensure that there is adequate space within the site for the parking, turning, loading and unloading, of vehicles clear of the highway, in the interests of highway safety.

8. Prior to the use commencing the cycle parking shall be provided on site in accordance with the approved details and shall be maintained thereafter in connection with the use hereby granted.

Reason: In the interests of highway safety.

9. The waste storage facilities shown on the approved plan shall be constructed and fully provided prior to the use of the building commencing , and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

10. There shall be no storage of materials and waste other than in the designated areas shown on the approved plan.

Reason: To ensure the proposed development does not harm the character and appearance of the area and the residential amenities of surrounding properties.

11. 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 fences or means of enclosure shall be erected on the site, other than that expressly authorised by this permission, without the further grant of planning permission.

Reason: To prevent adverse impacts upon the visual amenity of the area.

12. The Travel Plan approved for this development shall be implemented within two months of the development being first used or occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first use or occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. 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. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff and other users will travel to and from the premises by means other than the private car.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the windows to be installed in the north elevation of the all blocks shall be constructed with tinted glass. The details of the tinted glass shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

14. Prior to the use of the building commencing, the details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be carried out in accordance with the approved details and thereafter maintained as such.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no other external lighting shall be erected without the benefit of planning permission.

Reason: To safeguard the amenities of surrounding residents.

15. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Richard Green Ecology's Preliminary Ecological appraisal dated August 2017, and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for reptiles, bats and, nesting birds.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new reptile hibernacula, bat and bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife

Reason for pre-commencement - To ensure site works do not detrimentally affect wildlife

16. Development shall be constructed in accordance with the levels shown on the approved plans.

Reason In order to protect the amenity of adjacent residential properties.

17. No development shall commence unless a Construction Traffic 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 routes 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.

Reason; In the interest of the amenities of surrounding properties.

Reason for pre-commencement; In the interest of the amenities of surrounding properties.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

Retrospective planning permission is sought to variation of Condition No. 02 (approved plans) of application 48/17/0043 on land adjacent to the A38 off Hardy's Road, Monkton Heathfield. The changes to the approved plans comprise;

- Finished floor levels raised from 22.45 to 22.475 and slight change to level of access road
- Increase in height of the building – eaves height from 5.8m to 6.6m, ridge height from 7.8m to 8.8m.
- Reduces amount of landscaping – one tree removed from the east elevation of the building and one tree removed from the southern elevation of the building.
- Addition of enclosure attached to the west elevation for 3no. skips and an oil tank.
- Removal of detached structure for storage of skips.
- Alterations to the doorway on east elevation
- Alterations to internal layout

Site Description

The site forms part of an allocated site for employment use and has full planning consent for class B1 & B8 use as part of Monkton Heathfield Urban Extension. An access road has been put into the site and the building is under completion.

To the north of the site are residential properties which have been built as part of Monkton Heathfield Urban Extension, access to these properties is off Hardy's Road. Two of the properties to the North front directly onto the site access. There were also residential properties to the South West boundary of the site.

Relevant Planning History

48/17/0043 Erection of commercial building for Class B1/B8 usage, with amenities, on land adjacent to the A38 off Hardys Road, Monkton Heathfield

48/05/0072 PROPOSED MIXED USE URBAN EXTENSION DEVELOPMENT COMPRISING RESIDENTIAL, EMPLOYMENT, LOCAL CENTRE, NEW PRIMARY SCHOOL, A38 RELIEF ROAD, GREEN SPACES AND PLAYING FIELDS AT MONKTON HEATHFIELD

48/13/0005 CHANGE OF USE FROM RESIDENTIAL TO COMMERCIAL DEVELOPMENT SITE HUT AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 07/03/2013

48/15/0037 CONSTRUCTION OF SITE ACCESS ROAD EXTENDING FROM EXISTING ACCESS HEAD AT WHITE COTTAGE, BRIDGWATER ROAD, BATHPOOL Conditional Approval 15/10/2015

Consultation Responses

WEST MONKTON PARISH COUNCIL - no comment

SCC - TRANSPORT DEVELOPMENT GROUP - no comment

BIODIVERSITY - no comment

WESSEX WATER - no comment

LANDSCAPE – Increasing of the height will exaggerate the issue further

Representations Received

17 letters of objection have been received;

- Overlooking into houses & gardens.
- Electrical transformer has been erected.

- Heavy planting should surround the site around residential housing.
- Property values affected.
- Increased risk of traffic accidents.
- Increased noise pollution.
- Invasion of privacy.
- Misrepresentation of what land was originally meant to be used for.
- Increased traffic.
- Request for trees to be planted around the building.
- Contractors should compensate the immediate properties which are affected.
- Lack of detail on precise changes to approved plan.
- If the building is substantially different to what was granted the application should be refused as it is directly contrary to the interests of the residents which had been taken into account on the original application.
- Objection to increase in height.
- A condition stopping any mezzanine should be added if planning permission is granted.
- TPO's should be applied to the trees otherwise the landscaping could be removed.
- Application has been started with complete disregard for the original permission, with no consideration for the environment and occupants of surrounding properties.
- Building is out of character with everything around it.
- There should be sufficient landscaping to hide the variations along with complete screening on the northern and eastern faces of the building that faces properties.
- It would appear that the builder has blatantly disregarded the height previously agreed. There is no excuse for such an error by an experienced builder.
- The builder should be required to make such adjustments necessary so that the building complies with what was granted.
- Building will tower over other buildings planned for the site.
- Granting planning permission will leave the door open for others to disregard any future restrictions.

Cllr Cavil - the steelwork is 1 metre higher than the original at the ridge; any reduction in landscaping should be resisted; the raised access road will enable lorry drivers to see into first floor windows; the application should include a reasonable landscaping scheme to the north of the building; A comparatively small landscaping scheme against the perimeter fence in the triangular piece of land to the north should be included and would make a difference for those affected properties.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

A1 - Parking requirements,
A2 - Travel Planning,
A3 - Cycle network,
A5 - Accessibility of development,
ENV2 - Tree planting within residential areas,
ENV4 - Archaeology,
D7 - Design quality,
D8 - Safety,
D13 - Public art,
CP1 - Climate change,
CP2 - Economy,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SP2 - Realising the vision for Taunton,
SS1 - Monkton Heathfield,
DM4 - Design,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

No increase in floorspace – no change to CIL requirements

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The application seeks to approve revised plans for the building. The only issues which can be considered are the impacts from the alterations to the consented scheme.

This site adjoins residential properties to the north and to the West. On the original application it was acknowledged that the height of the building was intentionally designed to be low to minimize its overall impact. The main consideration is the impact of the increase in height of the building on the amenities of the surrounding properties and the character of the area. The proposed amendments are not considered of detriment to the appearance of the building itself. The building will be more dominant as a result of the increase height so there may be a small increase in its impact upon the amenities of surrounding residents, in terms of its overbearing

impact. The proposed building will be significantly higher than the adjoining dwellings and therefore be more dominant in the street scene. However, there is considered to be no increase in loss of privacy.

In an attempt to negotiate some improvements on the scheme and to ease the concerns of surrounding residents the applicant was asked to provide some additional landscaping to reduce the increased impact, but this has not been forthcoming and the application needs to be determined as submitted.

Whilst there is considered to be an increase in impacts from the proposed buildings the surrounding properties are sufficient distance away for the impacts to not be significant. The impacts therefore are not considered sufficient to warrant a refusal.

Other matters

The transformer building which has been erected is located outside of the red line boundary and does not form part of this application.

The proposals will not increase traffic to the site or noise pollution from the building.

TPO's cannot be implemented or conditioned through this application.

The use of the site and the adjoining land do not form part of the material considerations of this application.

Conclusion

Whilst there is a small increase in the impacts from the proposed alterations they are not significant enough to warrant a refusal and the application is recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Ms F Wadsley

AMENDMENT SHEET – PLANNING COMMITTEE 07 NOVEMBER 2018

AGENDA ITEM - 07

APPLICATION NUMBER – 48/18/0035

AMENDED CONDITIONS –

No.02.

Prior to the construction of the external finishes of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings and the surrounding area.

No.15.

The details approved on the 23rd August 2018 shall be fully implemented in accordance with the approved details and timing of the works.

The development shall not be occupied until the scheme for the maintenance and provision of the new reptile hibernacula, bat and bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to protect and accommodate wildlife

No.17.

Conditioned removed due to building already being significantly constructed except for the finishes.

AMENDED REPRESENTATIONS–

Agent advises work commenced due to urgency of relocation of Coker Engineering who will employ over 30 people at the site and is working to a tight timetable to avoid job losses. This site was allocated for employment development as part of the planned Monkton Heathfield urban extension and has outline planning permission for B1 use. Your Economic Development officer confirmed in his consultation response to the original application that *“employment zones within new housing areas are critical to the success of the economy of the wider borough”* and that he supports the application which he says, *“will provide modern, flexible accommodation potentially enabling a number of businesses to develop and grow.”*

The building which has been erected is 648mm taller at the eaves and 929mm taller at the ridge in comparison with the originally approved scheme.

The following are important considerations

- The nearest dwellings are 35 metres from the building. The next nearest are over 50 metres away;
- The distance between the building and the boundary of the site is illustrated on the photographs;
- The positioning and heights of the fenestration on the northern elevation of the building is not proposed to be altered from what has been approved. It is solely the roof section of the building which has altered;

The proposals already include landscaping in front of the northern elevation of the building;

- The building as built (and as built) is still lower than the recommended heights set out within the approved Design Brief for the allocated site;
- The triangle area to the north of the building is not within the application site red line area but for the reasons set out below additional landscaping is not justified;
- The change in height of the building in comparison with what has been approved has no material difference to the impact of the building on the residential properties to the north, which are all a significant distance away from the building. At the distances involved, the building as approved and proposed does not have an overbearing or overlooking impact on those residential properties and the building is not significantly taller than those nearest residential properties.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: MRS F WADSLEY