

Planning Committee – 25 April 2018

Present: - Councillor Bowrah (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Coles, Gage, Horsley, Martin-Scott, Morrell, Mrs Reed,
Mrs Smith, Sully, Townsend and Watson

Officers: - Bryn Kitching (Area Planning Manager), Tim Burton (Assistant Director – Planning and Environment), John Burton (Planning Manager, Hinkley Point C and other N.S.I.P.'s), Jo Humble (Housing Development and Enabling Manager), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry, Farbahi, Habgood and Nicholls. Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 6.15 pm)

30. Apologies/substitutions

Apologies: Councillors Mrs Adkins, M Adkins, Brown, Nicholls and Wedderkopp

Substitutions: Councillor Sully for Councillor Adkins;
Councillor Horsley for Councillor Nicholls;
Councillor Mrs F Smith for Councillor Wedderkopp

31. The minutes of the meeting of the Planning Committee held on the 31 January and 28 February 2018 were taken as read and were signed.

32. Declarations of Interest

The Chairman and the other Members of the Committee all declared that they had received various communications from 'Bluebridge Communications' regarding application No. 42/14/0069. All confirmed that they had not 'fettered their discretions'.

33. 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 **Outline planning permission be granted** for the under-mentioned development:-

Outline planning application with all matters reserved (except points of access) for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a Primary School, a mixed use Local Centre and a 300 space 'Park and Bus' facility on land at Comeytrowe/Trull – reporting back issues relating to affordable housing as a result of viability issues, with all matters remaining as previously agreed by Members of the Planning Committee (42/14/0069)

Considered report previously circulated, which set out in detail the viability exercise that had been undertaken in connection with the application for planning permission that had been previously considered by Members in November 2015 and January 2016.

The Committee resolved to approve the application at their meeting on the 27 January 2016, subject to the conditions and subject to the applicant entering into a Section 106 Agreement to secure, amongst other items, 25% affordable housing. The Assistant Director (Planning and Environment) was authorised to determine the application in consultation with the Chairman or Vice-Chairman, on the clear understanding that if it did not prove possible to agree all of the obligations, the matter would need to be reported back to the Committee for further consideration.

Since the matter was considered by Members, the Applicants have formally submitted a Viability Assessment (March 2017) to support their assertion that, with a policy-compliant 25% level of affordable housing, the tenure mix set out in the adopted Supplementary Planning Documents is jeopardising the viability of the overall proposal when infrastructure delivery, CIL and proposed Section 106 Agreement obligations are taken into account. This had been the subject of negotiations and debate in the intervening period. Based on an independent examination of the facts and figures, Officers are now satisfied as to the amount of affordable housing and the appropriate tenure split, that the development can afford.

A recorded vote was proposed by Councillor Mrs Smith, seconded by Councillor Morrell.

In accordance with Standing Order 18(2)(a), the Chairman called for a formal roll call of votes to be taken in respect of the above motion and recorded in the Minutes.

The motion was put and was approved with seven Councillors in favour, four against and one abstention, as follows:-

| Yes | No | Abstain |
|-------------------------|--------------------|---------------------|
| Councillor Bowrah | Councillor Coles | |
| Councillor Gage | | |
| | | Councillor Mrs Hill |
| | Councillor Horsley | |
| Councillor Martin-Scott | | |

| | | |
|---------------------|----------------------|--|
| | Councillor Morrell | |
| Councillor Mrs Reed | | |
| | Councillor Mrs Smith | |
| Councillor Sully | | |
| Councillor Townsend | | |
| Councillor Watson | | |

Reported this application.

Resolved that:-

Subject to the applicant entering into a Section 106 Agreement to secure the following:-

- 17.5% affordable housing with a tenure split of 60% affordable rent and 40% intermediate housing to be transferred to a Registered;
- Provider or such other person/body approved in writing by the Housing Enabling Lead;
- Highway works comprising bus priority measures near school and at Silk;
- Mills roundabout;
- Heatherton Park Crossroads safety scheme;
- Galmington/Trull Road improvements;
- Provision of park and bus and associated junction works;
- Comeytrove Lane Access junction including works to Comeytrove Manor;
- Farm;
- Honiton Road access junction;
- Travel Plan and Car Club benefits;
- Improvements to bus services serving the site
Timing of spine road;
- Provision of on- site play equipment and sports facilities;

Conditions

(a) Approval of the details of the layout, scale, appearance, and landscaping of each phase of the Development (hereinafter called “the reserved matters”) shall be submitted to, and approved in writing by, the Local Planning Authority before any development in that phase is commenced and the development of that phase shall (unless otherwise agreed with writing by the local planning authority) be carried out as approved. 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) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A2) DrNo 9604 Rev K Green Infrastructure Parameter Plan;
- (A2) DrNo 9603 Rev H Access and Movement Parameter Plan;
- (A1) DrNo 9602 Rev k Scale Parameter Plan;
- (A2) DrNo 9601 Rev I Density Parameter Plan;
- (A2) DrNo 9600 Rev L Land Use Parameter Plan;
- (A0) DrNo 9010 Rev M Site Location Plan;
- (A0) DrNo 9003 Rev B Existing Topographical Survey;
- (A1) DrNo 9001 Rev A Site Location Plan (Wider Area);

(c) An application for approval of reserved matters shall not be submitted until there has been submitted to, and approved in writing by, the local planning authority a phasing and phasing and place-making strategy covering (where relevant) the phasing of the delivery of housing, infrastructure, transport links, community facilities and the associated mechanisms and timescales for the necessary land transfers within the Development. The Phasing Strategy shall set out information on how the delivery of these elements will be integrated through green infrastructure to ensure that a cohesive and high quality place is created. The strategy should identify any potential opportunities for the consultation with or the involvement of the local community or other stakeholders in the delivery and/or maintenance of community facilities. Thereafter each application for approval of reserved matters shall include an explanation of how the development of the phase of sub phase it covers relates the phasing strategy of the overall development;

(d) An application for approval of reserved matters for a phase or sub phase shall not be submitted until there has been submitted to, and approved in writing by, the local planning authority a Neighbourhood Masterplan and Design Guide for the Neighbourhood Area to which that application for approval of reserved matters relates. The Neighbourhood Masterplan and Design Guide shall be accompanied by a statement explaining how they accord with the Masterplan Principles Document and Parameter Plans or if they do not so accord why they do not. The Neighbourhood Masterplan and Design Guide shall provide information on the proposed arrangement of development blocks, streets and spaces for the Neighbourhood Area to which they relates. The Neighbourhood Masterplan and Design Guide should demonstrate how the Neighbourhood Area will function and its overall character and grain;

(e) An application for approval of reserved matters which encompasses a geographical area shown in the Urban Design Framework Plan on pages 12 and 13 of the Masterplan Principles Document (September 2015) as being subject to a Design Brief, shall not be submitted until such a Design Brief has been submitted to, and approved in writing by, the Local Planning Authority. The Design Brief shall, for the area to which it relates, provide information on the principles for the detailed design of the following

matters - areas of public open space and public realm, and the landscaping of those spaces; streets; buildings including the proposed approach to architectural design and material; 'Key Buildings' as shown on the Urban Design Framework Plan at pages 12-13 of the Masterplan Principles Document;

- (f) Applications for the approval of reserved matters shall be accompanied by a statement explaining how they accord with the Parameter Plans, Masterplan Principles Document and with the applicable approved Detailed Masterplan and Design Guide, Appearance Palette, Neighbourhood Masterplan or Design Brief or (where relevant) explaining why they do not;
- (g) No development shall take place in an Archaeological Mitigation Area (those areas hatched in pink in Figure J2: Outline Archaeological Mitigation Area Plan drawing number SDP 782/115 which appears at Appendix 13.5 to the Environmental Statement) or in its immediate vicinity until a written scheme of archaeological investigation for that Archaeological Mitigation Area has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the written scheme of archaeological investigation shall be implemented in accordance with its terms unless otherwise agreed by the local planning authority;
- (h) Each application for approval of reserved matters shall include a hard and soft landscaping scheme for the phase or sub phase of the Development to which it relates. The hard and soft landscaping scheme shall include for the phase or sub phase to which it relates details of the landscaping; details of the surface treatment of the open parts of the site; a programme of implementation; and a planting schedule include numbers, density, size, species and positions of all new trees and shrubs. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development phase;
- (i) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development. whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local Planning Authority gives written consent to any variation;
- (j) Prior the commencement of each phase of the Development a foul water drainage strategy for that phase shall be submitted to, and approved in writing by, the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. The foul water drainage strategy shall include appropriate arrangements for the points of connection and the capacity improvements required to serve the phase to which it relates. The

foul water drainage strategy shall thereafter unless otherwise agreed in writing by the Local Planning Authority, be implemented in accordance with the approved details;

- (k) The first application for approval of reserved matters shall be supported by an updated outline surface water drainage strategy for the whole site covered by this outline permission based on the Flood Risk Assessment (Ref. 24721/020 and dated May 2015). This strategy (including the design) shall be submitted to and agreed in writing by the Local Planning Authority and shall incorporate measures to manage flood risk and water quality utilising sustainable drainage techniques;
- (l) Prior to the commencement of development in a phase of the Development, a detailed scheme for surface water drainage and watercourse proposals for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The detailed scheme of surface water drainage shall include:
 - (a) evidence that an appropriate right of discharge for surface water and any necessary improvements has been obtained;
 - (b) details of the drainage during construction of that phase or sub phase;
 - (c) details of the final drainage scheme for that phase or sub phase (including, where applicable, gullies, connections, soakaways and means of attenuation) demonstrating how a 2 l/s/ha discharge rate can be accommodated;
 - (d) identification of all future land-use limitations, ownership, operation and maintenance arrangements for the works over the lifetime of the scheme;
 - (e) provision for exceedance pathways and overland flow routes;
 - (f) a plan for the future maintenance and management of the system and overland flow routes; and
 - (g) appropriate use of interception and porous paving/surfacing infiltration techniques detection/attenuation facilities and wetlands. The approved scheme will need to meet the requirements of both the Environment Agency and the Parrett Internal Drainage Board. Prior to occupation of each phase it shall be demonstrated to the satisfaction of the local planning authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority;
- (m) No phase or sub phase of development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for that phase or sub phase has been submitted to, and approved in writing by, the local planning authority. In discharging this condition the following information shall be supplied:
 - (a) Locations for the storage of all plant, machinery and materials

- including oils and chemicals to be used in connection with the construction of that phase or sub phase;
- (b) Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
- (c) Construction delivery hours;
- (d) Expected number of construction vehicles per day;
- (e) Car parking for contractors;
- (f) A scheme to encourage the use of Public Transport amongst contractors; and
- (g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
- (h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- (i) The control and removal of spoil and wastes;
- (j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
- (k) The proposed hours of operation of construction activities;
- (l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- (m) Sound attenuation measures incorporated to reduce noise at source;
- (n) Details of measures to be taken to reduce the generation of dust; and
- (o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

The agreed Construction Environmental Management Plan shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority;

- (n) Before each phase of the Development is commenced the following shall in respect of that phase be submitted to and approved in writing by the local planning authority:
 - (a) a plan showing the location of and allocating a reference number to each existing tree on the part of the site within that phase which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained, the crown spread of each retained tree and which are to be removed;
 - (b) details of the species, height, trunk diameter at 1.5m above ground level, age, vigour, canopy spread and root protection area of each tree identified in the plan prepared pursuant to paragraph (a);
 - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site];
 - (e) Details of the specification and position of fencing and of any other

measures to be taken for the protection of any retained tree from damage before or during the course of development.

The development of that phase shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above;

- (o) The development of a phase of the Development shall not be commenced until a scheme for prevention of pollution during the construction of that phase has been approved by the Local Planning Authority. The scheme should include details of the following:
- (a) Site security;
 - (b) Fuel oil storage, bunding, delivery and use;
 - (c) How both minor and major spillage will be dealt with;
 - (d) Containment of silt/soil contaminated run-off.
 - (e) Disposal of contaminated drainage, including water pumped from Excavations;
 - (f) Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented;
- (p) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority to, a remediation strategy detailing how this unsuspected contamination shall be dealt with;
- (q) No works (including demolition, ground works, vegetation clearance) shall be commenced on any phase of the development hereby permitted until details of a wildlife strategy (incorporating an Ecological Construction Method Statement [ECMS] and a Landscape and Ecological Management Plan [LEMP]) to protect and enhance that phase of 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 all the submitted wildlife reports to date (EDP's Extended Phase 1 survey, Hedgerow survey 2011 and 2013, Bat and Building assessments 2012 and 2013, Breeding bird survey 2012, Hobby Survey 2013, Dormouse Survey 2012 and 2013, Water vole and Otter surveys 2012, Badger surveys 2012 and 2013, Amphibian survey 2012 and Reptile survey 2012.), and up to date surveys and include –
1. An Ecological Construction Method Statement (ECMS) containing details of protective measures to avoid impacts on protected species during all stages of development;
 2. Details of measures to prevent pollution of Galmington Stream and other water courses on site;

3. Details of the timing of works to avoid periods of work when protected species could be harmed by disturbance;
4. Arrangements to secure an Ecological clerk of Works on site;
5. Measures for the enhancement of places of rest for protected species;
6. A Landscape and Ecological Management Plan (LEMP) covering a period agreed by the LPA;
7. Details of a sensitive lighting strategy;
8. Use of protective fences, exclusion barriers and warning signs;
9. The preservation of the Galmington Stream corridor including that of any tributaries, in order to conserve the integrity of the watercourse and its riparian habitats as a linear feature, and to provide connectivity between the downstream Local Nature Reserve and the countryside beyond;

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 mitigation planting and maintenance of the hibernacula, bat, dormice and bird boxes and related accesses have been fully implemented. Thereafter the new planting and the wildlife resting places and agreed accesses shall be permanently maintained;

- (r) Prior to the commencement of the Development an Ecological Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Ecological Management Plan shall demonstrate how the long-term conservation of new and retained environmental resources, including habitats and species of biodiversity value, shall be secured and shall include arrangements for implementation responsibilities for the operation of the Plan following completion of development of each phase or sub phase of the Development;
- (s) No more than 12 months prior to the commencement of works on a phase of the Development in which breeding sites or resting places of European Protected Species may be present, updated surveys for that phase shall be undertaken. The species in question include but are not necessarily limited to:
 - (a) Bats;
 - (b) Dormice;
 - (c) Great crested newts; and
 - (d) Otters;

The survey results shall be submitted in writing to the Local Planning Authority together with details of any required mitigation measures and the appropriate mechanism for delivery of such measures;

- (t) No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
- (c) Show that street lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels;

Unless otherwise agreed in writing by the local planning authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy;

- (u) Prior to the commencement of the phase of the Development within which the road bridge crossing the Galmington Stream will lie, a detailed specification for the bridge shall have been submitted to and approved by the Local Planning Authority. In discharging this condition the Local Planning Authority will expect to see design details which assist protected wildlife species associated with the Galmington Stream, particularly dormice and otters, to continue to disperse along the stream corridor unhindered. The agreed bridge specification shall thereafter be implemented in full and retained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority;
- (v) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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. 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 before the commencement of each phase of the development, or as otherwise may be agreed in writing with the Local Planning Authority;
- (w) The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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;

- (x) No phase of the development hereby permitted shall be occupied or brought into use until the part of the Spine Road that provides access to that phase has been constructed in accordance with plans that shall previously have been submitted to, and approved by, the Local Planning Authority;
- (y) In the interests of sustainable development none of the dwellings in the first phase (as will be agreed by condition 3 of this permission) shall be used or 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;
- (z) No more than 150 dwellings within the development hereby permitted shall be occupied until a site of at least 2.2 hectares for a primary school (being one of the two sites shown on Land Use Parameter Plan drawing no. 9600 RWL) has been offered for transfer to the Education Authority, unless otherwise agreed with the Local Planning Authority. If the offer is accepted, the site once transferred shall be fully serviced, level and in a condition suitable for the immediate construction of the school with access to the public highway constructed to an adoptable standard in accordance with a timetable to be agreed with the Local Planning Authority;
- (aa) The vehicular access shown off Comeytrove Lane shall be for emergency service vehicles and public transport vehicles only and shall be retained as such at all times by means of a 'bus gate' system, the details of which shall have been submitted to, and approved by, the Local Planning Authority before the road becomes operational. There shall be no vehicular access to individual residential properties whatsoever, except as provided for by this condition;
- (bb) No development shall commence on any phase until a proposed layout scheme and phasing programme for the provision of access to the parts of the allocated site known as Higher Comeytrove farm as identified in Policy TAU1 of the adopted Site Allocations and Development Management Plan has been submitted for approval in writing to the Local Planning Authority. The layout scheme and phasing programme shall include provision for such access, or temporary means of access, to be provided to the boundary of Higher Comeytrove Farm and will be in a form that is adequate to accommodate public transport, vehicles, cycleways and footpath linkages. The development shall thereafter be carried out strictly in accordance with the approved details and programme;

(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 with the applicant and entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised on 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; (3) Applicant was advised that the condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement for each phase of the development clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; (4) Applicant was advised that Dormice and bats are known to be present on site as identified in submitted ecological surveys. Both species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2010. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations; (5) Applicant was advised that it should be noted that the protection afforded to badgers under the Protection of Badgers Act 1992 is irrespective of the planning system and the applicant should ensure that any activity they undertake on site must comply with the legislation; (6) Applicant was advised that Nesting birds are present on site and all operatives on site must be appropriately briefed on their potential presence. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed; (7) Applicant was advised that the point of water connection for the overall Comeytrove development has been identified as off the new 450mm diameter main near Cannonsgrove House. Temporary connections prior to the construction of a trunk main to the point of connection to the south will need to be agreed with Wessex Water under Section 41 of the Water Industry Act. Outline details as follows;

Subject to application 100 – 150 dwellings at the northern extent of the site may connect at an agreed point to one of the mains in the A38 close to Stonegallows. This connection will necessitate some upgrade works to Stonegallows pumping station. System valves are likely to be required with installation proposed at Heron Drive and Heron Close.

The remaining properties and ancillary development (subject to agreement of

demand requirements and application, not exceeding 800 dwellings total, including the 100 - 150 above) will connect to the 300mm DI main in Comeytrowe Lane. Properties above 55mAOD seeking connection to the 300mm DI main will require an on-site booster(s) station; (8) Applicant was advised that Somerset Industrial Archaeological Society (SIAS) have drawn attention to a relatively small but important industrial archaeological site at the former Comeytrowe Farm. Research has traced sales particulars at the Somerset Heritage Centre dated 1901 which identifies the Mill House and the overshot waterwheel driving machinery via six pulleys, shafting and brackets. This particular example is worthy of consideration for retention within the overall planning scheme. It is understood that they are likely to be listed by virtue of being within the curtilage of Comeytrowe Manor. If they are curtilage listed, Listed Building Consent would be required to demolish or alter any of the curtilage structures. If they are not curtilage listed, the water wheel would be classed as a non-designated heritage asset and the applicant would need to make provision for the water wheel within any reserved matters application, as clearly, its loss would represent substantial harm. Every effort should be made to retain this feature; (9) applicant was advised to formulate all physical security specifications of the dwellings i.e. doorsets, windows, security lighting, intruder alarm, cycle storage etc. in accordance with the police approved 'Secured by Design' award scheme, full details of which are available on the SBD website; (10) Applicant was advised that if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group. A PROW being made less convenient for continued public use. New furniture being needed along a PROW. Changes to the surface of a PROW being needed. Changes to the existing drainage arrangements associated with the PROW. If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided; (11) Applicant was advised that it is noted that there is reference in the flood risk section of the Environmental Statement to the Routes to the River Tone Project. The applicant should be liaising with the Project team to ensure that the development contributes to the Project and vice versa; (12) applicant was that attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.)

34. (2) That **planning permission be granted** for the under-mentioned developments:-

52/17/0044

Erection of first floor extension and single storey extension on the north east elevation and summer house in the rear garden of 2 Trendle Road, Taunton

(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 that following approved plans:-

- (A4) Location Plan;
- (A4) Site Plan;
- (A4) Proposed First Floor Plan;
- (A4) Proposed Front Elevation;
- (A4) Proposed Ground Floor Plan;
- (A4) Proposed Rear Elevation;
- (A4) Proposed Side Elevation;
- (A4) Front and Side Elevations of Summerhouse;

(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.)

35. Appeals

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

(The meeting ended at 9.05 pm)

Planning Committee – 23 May 2018

Present: - Councillor Bowrah, Brown, Cavill, Coles, Hall, Mrs Hill, Morrell, Mrs Reed, Townsend and Watson

Officers: - Tim Burton (Assistant Director – Planning and Environment), Joanne O'Hara (Wellington Heritage & Risk Project Manager), Martin Evans (Solicitor, Shape Partnership Services) and Tracey Meadows (Democratic Services Officer)

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

(The meeting commenced at 6.15 pm)

36. Appointment of Chairman

Resolved that Councillor Bowrah be appointed Chairman of the Planning Committee for the remainder of the Municipal Year.

37. Appointment of Vice-Chairman

Resolved that Councillor Mrs M Hill be appointed Vice-Chairman of the Planning Committee for the remainder of the Municipal Year.

38. Apologies/substitutions

Apologies: Councillors Mrs Adkins, M Adkins, Gage, Martin-Scott, Nicholls C Hill and Wedderkopp

Substitutions: Councillor Hall for Councillor Gage;
Councillor Cavill for Councillor Martin-Scott;

39. Minutes

The minutes of the meeting of the Planning Committee held on the 14 March and 4 April 2018 were taken as read and were signed.

40. Public Question Time

Mrs Rudland, a resident of Upcott Crescent Taunton declared that a new resident had moved into number 39. The owner had the front garden flattened and now has up to 12 plus cars parked there which are for sale on the internet under various different Christian names and can be viewed at various addresses but still with the same mobile phone number. The owner had stated that the cars were only stored there as he did not have room on his commercial premises.

Taunton Deane Borough Council had investigated this complaint but as long as the owner stated that he was not selling cars from the property there was nothing that could be done to stop this happening.

The owner's activities had increased the traffic in the Crescent, this included car transporters delivering and removing cars from the property.

Number 39 Upcott Crescent was now an environmental eyesore and was detrimental to the pleasant nature of the neighbourhood. If these activities are allowed to persist it would set a precedent and it could mean that it could happen to other properties nearby and spread like throughout other areas.

In response Tim Burton, Director, Planning and Environment commented that this was something that was reported and a lot of information had been submitted. The Planning Enforcement Team had investigated this matter and the facts are a matter of degree and was not clear cut. Cars parked on the residents drive were not a 'Change of Material Use'. Officers had concluded that the extent of car sales on the property did not constitute a 'Material Change of Use'. That was the Council's stance on the position, the situation would continue to be monitored.

Jackie Calcroft on behalf of the Residents of Staplegrove Action Group

All members of the planning committee [except those acting as substitutes] and some officers present will be aware of my letters of concern sent on behalf of RoSAG regarding progress since the Staplegrove outline planning application was granted on October 24th 2017.

This evening I would like to pose several of those related but still unanswered questions.

I appreciate that it was intended to consider the minutes of Oct 24 to-night but it will now be 8 months until the next meeting when these minutes are considered for approval. How can officers carry out duties when members have not approved minutes?

I would like to concentrate on the £7.2 million funding for the spine road. The minutes of Oct 24 clearly state that the member's approval includes Corkscrew Lane as access for the drop down road. There is no reference to the Housing Infrastructure Fund [HIF] £7.2 million to build the spine road and negate the need for this ridiculous and dangerous access point to which Full Council were all publicly opposed in December 15. The Council vociferously celebrated in the media their success in securing this £7.2million fund at the start of February. It is well documented "There will be no drop down road" Hopefully this will not turn out to be another administrative oversight.

In his letter April 25th to RoSAG which was not copied to planning committee members Councillor Williams's states "discussions around the S106 Agreement at Staplegrove West are at an advanced stage. The S106 has had to be drafted largely on the basis of no HIF award as any detail on how and when the money will be available has yet to be determined. When this becomes clearer a separate agreement [outside of the formal planning process] will need to be agreed "-----He goes on to outline the right of appeal on the part of the developers. But says that "I can assure you that the Council would in these circumstances, wish to defend the decision in a robust fashion and I would expect Somerset County Council to support any appeal in the same way"

3 questions: Have officers now secured a definitive timescale with Central Govt for the scrutiny of their bid and a possible release date of monies?

In addition how confident can officers be that the £7.2million funds will materialise before the land promoters push for detailed planning application? How confident are officers that Ptarmigan land promoters would enter into a, separate agreement to build the spine road and not use Corkscrew Lane for access?

I apologise if I appear overly concerned, cynical and even suspicious but hopefully you will understand my rationale.

Many of you seated around the table this evening will be feeling very frustrated, disappointed and even embarrassed. Please play your part in helping to unravel what we all wish to avoid That is --.a potential fiasco.

In response, Tim Burton, Director, Planning and Environment referred to the minutes in October. Before the award of the Housing Infrastructure Fund. In this was not available at that time. An answer could not be given in relation to a definitive time scale. Contact from the Project Manager from Homes England who was administering the fund for the awards in the South West last week that was simply to ask a number of detailed questions as part of the due diligence, some of which the Council would be able to provide a response to and some of which relied on answers from the site promoters and those that had been contacted to that effect. In relation to the housing infrastructure fund being confirmed before they press for a detailed permission, there was no straight answer with no time scale for the detail for the award of the infrastructure fund, there were no ongoing detailed negotiations with any developer on either Staplegrove East or Staplegrove West in terms of a detailed commission. Any background work being undertaken was uncertain at this point. A submission could be some time away but there was no control over when planning applications were submitted. The question of the developers entering into a separate agreement would have to be a benefit to the developers of the site to come forward more quickly as the infrastructure is all around accelerated. Developers looking at that site would want to an accelerated delivery and if it can be achieved without due detriment to their profit which is how the infrastructure fund works. The view was ultimately down to the developers. There was a resolution to grant planning permission

based on a certain set of circumstances which couldn't be taken into consideration at this point, if they chose to implement the planning permission as resolved by Members, there was no choice there, the hope was to see the benefits of any delivery.

41. Declarations of Interest

Councillor Brown declared that he was Ward Councillor for application No. E/0244/43/17.

42. E/0244/43/17 – Unauthorised works to listed building to front of Tonedale House, Wellington

Reported that a complaint had been received in July 2017 regarding alleged unauthorised works being carried out to the interior of Tonedale House, Wellington.

A site visit was carried out on the 20 July 2017, it found that a significant part of the interior of the building floors, ceilings and walls had been demolished. Following this incident, various interviews had been carried out to ascertain who actually carried out the works and on whose orders.

Historic England had assessed the demolition and its effects on the special character of the listed building. A building surveyor accredited in building conservation also assessed the structural integrity of the building.

Following concerns at the poor condition of the building resulting from the demolition, the Local Planning Authority served an S.54 Urgent Works Notice, Planning Listed Buildings and Conservation Areas Act 1990 to prevent the possible collapse of the building.

The owners of the building did not respond to the notice and did not carry out the works as set out. As such the Local Authority had stepped in an appointed contractors through its procurement regulations to carry out the works.

Resolved that :-

(1) To institute prosecution proceedings against the owner, Mancraft Ltd and named individuals associated with that company and the Contractor Haveco UK Ltd in respect of unauthorised works carried out to Tonedale House, Wellington

(2) Delegated authority be given to officers in consultation with the Chairman and Vice-Chairman in terms of the process of prosecution.

43. Appeals

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

(The meeting ended at 6.05 pm)