

Planning Committee – 25 November 2009

Present:- Councillor Mrs Hill (Chairman)
Councillor Mrs Allgrove (Vice-Chairman)
Councillors Bowrah, Brooks, Mrs Copley, Ms Court, Critchard,
Denington, Ms Durdan, Mrs Floyd, C Hill, House, Miss James,
McMahon, Watson and D Wedderkopp

Officers:- Mr T Burton (Growth and Development Manager), Mr G Clifford (Area
Planning Manager, South), Mr P Lowdnes (Group Manager, Transport
Development, Somerset County Council) Mrs J Jackson (Legal
Services Manager), Ms M Casey (Planning and Litigation Solicitor)

Also present: Councillor Coles and Councillors Morrell, Paul and Stuart-Thorn all in
connection with application No. 05/07/005

(The meeting commenced at 6.15 pm)

131. St. Andrews Church Hall, Taunton

The Chairman welcomed everyone to St. Andrews Church Hall, Taunton for
the resumption of the consideration of application No. 05/07/005 in relation to
land west of Bishops Hull Road, Bishops Hull.

132. Apology

Councillor Bishop.

133. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests
as Members of Somerset County Council. The Chairman (Councillor Mrs Hill)
declared a personal interest as an employee of Somerset County Council.
Councillor Miss James declared a personal interest as an employee of Viridor.
Councillor Coles declared a personal interest as a Director of Southwest One.
Mr J Hamer (Development Control Area Manager) declared a prejudicial
interest as a local resident and left the meeting during the consideration of the
item.

134. Residential development of 7.65 ha, together with open space provision and access on land west of Bishops Hull Road, Bishops Hull (05/07/0057)

Reference Minute No. 99/2009, the Committee received the further report of
the Growth and Development Manager on the above application following
deferral of the matter at the meeting of the Committee on 23 September 2009.

Further consideration of the transport and highway issues had taken place
between the County Highway Authority and the Developer.

The conclusion had been reached that the proposed development was in a sustainable location and the highway works proposed would assist in addressing safety concerns and would not have a significant impact on the local highway network. It was also considered that the works would also assist in the promotion of sustainable travel. The County Highway Authority therefore supported the proposals and the granting of outline planning permission.

The Committee took into account this information and the representations of the Ward Councillors, the County Councillor, the Bishops Hull Parish Council and many local residents who had attended the meeting to oppose the application. Representations were also received from the developer.

Resolved that subject to:-

(1) referral of the application to the Government Office for the South West under the Departure Procedures; and

(2) the applicant entering into a Section 106 Agreement to provide for the following:-

(i) A commuted sum for the provision of open space, hedgerows and play area maintenance and the submission of an agreed Ecological Management Plan to cover the future maintenance responsibilities and management of the landscape framework, hedges ponds and surface water attenuation areas, detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species and measures for the enhancement of biodiversity;

(ii) A commuted sum of £1023 per dwelling for sport/playing pitch provision;

(iii) An affordable housing provision of 35% on the basis of these being 50% social rented, 25% shared ownership and 25% low cost open market;

(iv) A contribution of £186,120 towards the provision of a community hall facility in the village to be returned if a suitable project cannot be identified;

(v) The provision of a contribution of £115,000 to the reinforcement of off-site water supply facilities;

(vi) The provision of a commuted sum for the maintenance for the surface water control and attenuation device;

(vii) An education contribution that equates to £15,531 for each additional secondary school place required to be provided,

(viii) The provision of off site highway works including improvements on the A38 at Bishops Hull crossroads, including an enhanced Right Turn Lane together with a Prohibition of Entry Order into Bishops Hull Road to enable a footway to be provided along the western side, the design to be determined prior to commencement, and the provision of footways to link the site to both Bishops Hull village and Waterfield Drive and on to Bishops Hull Crossroads. An assessment of the existing traffic calming and, if appropriate, the carrying out of alterations to facilitate a reduction in speed; and

(ix) The production and implementation of a residential travel plan to provide sustainable transport measures in the vicinity. This to include the enhancement of the Local Shuttle Service 3 to half hour frequency. The provision of a £300 green travel voucher for a maximum of three different tenures in each dwelling for a five-year period,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to, and approved in writing, by the Local Planning Authority;
- (b) Application for approval of the reserved matters under (1) above shall be made to the Local Planning Authority within 3 years of the date of this permission;
- (c) Within a period of 3 years from the date of this permission, details of the arrangements to be made for the disposal of foul water drainage from the proposed development shall be submitted to, and approved in writing by, the Local Planning Authority before any work hereby permitted is commenced;
- (d) Within a period of 3 years from the date of this permission, a programme of the phasing of the development shall be submitted to, and approved in writing by, the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme;
- (e) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- (f) No development shall be commenced until a scheme for the provision of surface water drainage works, including attenuation to the 1 in 2 year Greenfield Run-off has been submitted to, and approved in writing by, the Local Planning Authority. The drainage and attenuation works shall be completed in accordance with the details and timetable agreed;
- (g) No development approved by this permission shall be commenced until a full operation and maintenance strategy has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall identify all future land use limitations, identify the ownership, operational and maintenance arrangements for the works over the lifetime of the

- development scheme;
- (h) No development approved by this permission shall be commenced until a scheme preventing the retained water in the pond from flooding the existing garden located north-east of the pond. This must be submitted to, and approved in writing by, the Local Planning Authority;
 - (i) Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority;
 - (j) Before any part of the permitted development is commenced a phased landscape scheme of planting of trees and shrubs which shall include details of species, siting and numbers to be planted shall be submitted to, and approved in writing by, the Local Planning Authority. Each phase shall be completed to the satisfaction of the Local Planning Authority before the development of the following phase commences. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs as may be approved in writing by the Local Planning Authority;
 - (k) Before any part of the development is commenced detailed drawings shall be submitted to, and approved in writing by, the Local Planning Authority showing existing and proposed levels and contours of the development site;
 - (l) Details of the hedges and trees to be retained on site shall be submitted to, and approved in writing by the Local Planning Authority and the hedges so identified shall thereafter be retained and not removed or lowered in any way without the prior written approval of the Local Planning Authority;
 - (m) Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5m high, placed at a minimum distance of 2m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered;
 - (n) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development shall be submitted to, and approved in writing by, the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place;
 - (o) Public open space shall be provided in accordance with the Local Planning Authority's approved standards and detailed site layout shall provide for these accordingly. These areas shall be laid out to the satisfaction of the Local Planning Authority at a timescale to be agreed in writing by the Local Planning Authority;
 - (p) A children's play area shall be provided in accordance with the Local Planning Authority's approved standards and the detailed site layout shall provide for this accordingly. This area shall be laid out to the satisfaction of the Local Planning Authority within 18 months of the date of

commencement unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be used solely for the purpose of children's recreation;

- (q) No development shall take place until details of a scheme for the retention of the badger sett(s), including the establishment of a 30m exclusion zone around which all building, engineering and other operations and all vehicles and personnel working on the site should be excluded shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the means of fencing off the exclusion zone (and restoration of the area around the exclusion zone within 3 months of completion of the development). The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority;
- (r) No construction work shall commence on site until details of a scheme for water efficiency has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (s) No dwelling construction work shall commence on site until details of a scheme of energy efficiency measures and sustainable construction have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details;
- (t) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved in writing by, the Local Planning Authority before development is commenced;
- (u) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed;
- (v) Details of siting and design of any electricity substation required to serve the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to work on its provision commencing;
- (w) No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological works involving both a phased evaluation (earthwork survey, geophysical survey) and appropriate mitigation (excavation) in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority;
- (x) Details of the restoration of the ponds on the site shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the work commencing and shall include details of any planting which shall thereafter be carried out;
- (y) Details of any street lighting or any exterior lighting to be installed adjacent to or within the public open space or next to public rights of way shall be submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be installed as agreed;
- (z) The development hereby permitted shall not be commenced until a further wildlife survey is carried out to support the provision of the ecological management plan and shall be agreed in writing by the Local Planning Authority;
- (aa) Visibility splays of 2.4m x 43m in both directions shall be provided at the

- point of access to Bishops Hull Road prior to occupation of any dwelling and there shall be no obstruction within the splays in excess of 300mm unless otherwise agreed in writing by the Local Planning Authority;
- (bb) A 2m wide footway along the whole site frontage in a specific location to be agreed in writing with the Local Planning Authority shall be provided prior to the occupation of any dwelling;
 - (cc) No development shall take place until the scheme for the alterations of Bishops Hull crossroads shall have been agreed in writing with the Local Planning Authority;
 - (dd) No dwelling shall be occupied until the junction works agreed at the Bishops Hull crossroads shall be constructed and opened to traffic;
 - (ee) The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, emergency access barriers, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. 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;
 - (ff) The proposed roads, including footpaths and turning spaces, where applicable, shall be constructed in such a manner 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;
 - (gg) A wheel wash facility for construction vehicles shall be provided within the site and employed on vehicles leaving the site;
 - (hh) The hours of working on site during construction shall be restricted to 08:00hrs - 18:00hrs Monday to Friday and 08:00hrs – 13:00hrs on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery, the carrying out of any maintenance/cleaning work on any plant/machinery, deliveries to the site and movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.
- (Notes to Applicant:- (1) Applicant was advised that the ecological management plan should be based upon the recommendations in the Extended Phase 1 Survey by Michael Woods Associates dated September 2007. It should be noted that the protection afforded to species under UK and EU 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 permission) must comply with the appropriate wildlife legislation; (2) Applicant was advised of the need to maintain the public right of way of footpath T3/18 and you should contact the County Council Rights of Way section to discuss any works affecting the route; (3) Applicant was advised that no approval is hereby given to the indicative site layout and details of the children's play area needs to be re-sited away from the pond; (4) Applicant was strongly recommended to include sustainable design and construction measures, which comply with the Code for Sustainable Homes,

within the development. The development should aim to achieve the highest number of stars possible, preferably six. The applicant is advised to visit www.planningportal.gov.uk/uploads/codeforsusthomes.pdf for detailed advice on how to comply with the Code. It includes sections on energy and water efficiency and will soon be compulsory for all housing. In a sustainable building, minimal natural resources and renewables are used during construction and the efficient use of energy is achieved during subsequent use. This reduces greenhouse gas emissions and helps to limit and adapt to climate change. Running costs of the building can also be significantly reduced;

(5) Applicant was advised that water availability is limited in the south-west even though both Wessex Water and Bristol Water are deemed to be at a low level of water stress. Further abstraction from current licences or the development of new sources could have a local impact on the environment and exacerbate current low flow issues. We therefore strongly encourage the efficient use of all water to minimise the need for further abstraction, especially with the unknown influences of climate change. Water efficiency measures incorporated into this scheme would assist in conserving natural water resources and offer some contingency during times of water shortage. Please note the following condition has been supported in principle by The Planning Inspectorate (North Dorset District Council Public Inquiry, APP/N1215/1191202 & APP/N1215/1191206, decisions dated 12 February 2007):- The Government has recently stated that a minimum standard of water efficiency of 125 l/p/d is to be introduced through revised Building Regulations in 2008. We would strongly encourage the developer to go beyond this minimum standard and to adopt the Code for Sustainable Homes Level 3/4 target of 105 l/p/d. This code gives guidance on how this could be achieved and includes fitting devices such as 6/4 dual flush toilets, flow reducing/aeration taps, 6-9 litre/minute shower, smaller shaped bath, 18 litre maximum volume dishwasher and 60 litre maximum volume washing machine. It would also include the collection of rainwater for garden use. The applicant/developer must be aware that it is their responsibility to ensure that the development does not adversely affect any existing legal water interests in the area. In addition, local water interests in the area such as wells and springs must not be adversely affected;

(6) It is recommended to the applicant that a penn stock or similar arrangement is placed at the outlet of the surface water lagoon, or a smaller pond is located between the development and the lagoon, which could be isolated. This would ensure that should a spillage occur on the site it can be contained and prevented from entering the watercourse, and thus prevent pollution of controlled waters. The surface water lagoon must be maintained in order to prevent excess sediments from entering the watercourse. There should be a point of contact responsible for the maintenance of the lagoon;

(7) Applicant was advised that during construction vehicles should not cross or work directly in a watercourse. Pumps for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Discharge of silty or discoloured water should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. The Environment Agency must be advised if any discharge to a watercourse is proposed or notified immediately of any incident likely to cause pollution. Storage of any fuels should be sited well away from watercourses. The tanks should be bunded or surrounded by oil absorbent material to

control spillage and leakage. Any waste generated or brought onto site must be handled as per the Waste Management Licensing Regulations 1994; (8) It is recommended to the applicant to investigate the use of Sustainable Drainage Systems (SuDS) for surface water drainage on site in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water and include a) interception and reuse, b) porous paving/surfaces, c) infiltration techniques, d) detention/attenuation, e) wetlands; (9) Applicant was advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the area are not adversely affected; (10) Applicant was advised that the footway shown to the north of the access on Figure 12 is illustrative and is subject to condition (bb) concerning the detail design.)

Reasons for outline planning permission, if granted:-

The proposed development site was considered to be in a sustainable location and the Transport Authority has not objected on highway safety grounds. The development provided housing to meet an identified need in Taunton given the current shortage of supply, the town's Growth Point status, the Regional Spatial Strategy targets and advice in Planning Policy Statement 3. It did not compromise the future Local Development Framework strategy and given the site had previously been considered suitable for housing by a Planning Inspector through a Public Local Inquiry, it was considered acceptable for development in principal, these issues, together with the necessary Section 106 provisions were considered to outweigh any objection on the basis of the site being outside the current development limits as currently identified in the Development Plan.

135. Development not as approved plans together with unauthorised boundary fence at Eastwick Farm, Eastwick Road, Taunton

Reference Minute No. 126/2009, reported that the Committee had previously authorised enforcement action to ensure the new development accorded with the approved plans.

However, this resolution had not made any reference to the unauthorised development which had occurred outside the application site which comprised the erection of a 1.8m high fence, the formation of a paved storage area, gravelling of an area of land, erection of light bollards/posts and the erection of a gate pier.

Resolved that in addition to the action authorised under Minute No. 126/2009:-

- (i) enforcement action be taken to remove the unauthorised fence, gate pier, paved storage area, gravel/chippings and light bollards/posts with appropriate reinstatement of the land at Eastwick Farm, Eastwick Road, Taunton: and

- (ii) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

(The meeting ended at 8.45 pm.)