

Planning Committee – 17 April 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Brooks, Denington,
A Govier, Mrs Hill, Miss James, Morrell, Mrs Reed, Watson,
A Wedderkopp and D Wedderkopp.

Officers: - Tim Burton (Planning and Development Manager), Bryn Kitching
(Development Management Lead), Matthew Bale (Area Co-ordinator
West), Nick Bryant (Policy Lead), Helen Vittery (Transport
Development Group Manager, Somerset County Council), John
Fellingham (Senior Transport Officer, Somerset County Council),
Judith Jackson (Legal Services Manager), Maria Casey (Planning and
Litigation Solicitor) and Richard Bryant (Democratic Services Manager
and Corporate Support Lead)

Also present: Councillors Edwards, Hall, Mrs Herbert and Meikle all in connection
with application No 38/12/0203 and Mrs A Elder, a Co-opted Member
of the Standards Committee.

(The meeting commenced at 6.30 pm)

48. Welcome

The Chairman welcomed everyone to the meeting – the first time the Planning
Committee had met at the Blackbrook Pavilion Sports Centre, Blackbrook
Way, Taunton.

49. Apologies/Substitutions

Apologies : Councillors C Hill, Mrs Hill, Tooze and Wren.

Substitutions : Councillor Brooks for Councillor Tooze;
Councillor Mrs Reed for Councillor Wren.

50. Declarations of Interest

Councillors Brooks, A Govier and D Wedderkopp declared personal interests
as Members of Somerset County Council. Councillor Nottrodt declared a
personal interest as a Director of Southwest One. Councillor Mrs Hill declared
a personal interest as an employee of Somerset County Council. Councillor
Wren declared a personal interest as an employee of Natural England.
Councillor Denington stated that he was one of the Ward Councillors
representing the Killams Area of Taunton. In the long process towards the
meeting taking place, he considered that he had not 'fettered his discretion'.

51. Outline planning permission with some matters reserved for the formation of access from Killams Drive and Avenue and for the

development of up to 315 dwellings, up to 5 live/work units, 2 commercial start units (up to 50 square metres each), provision of land (up to 1.2 hectares) for a primary school together with associated areas of open space (formal and informal), cycleways, footpaths and infrastructure at land off Killams, Taunton (38/12/0203)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the provision of:-

1. Affordable Housing

25% of the dwellings to be affordable, of which:-

- (i) 60% social rented
- (ii) 40% intermediate.

2. Education

- (a) Transfer of site for primary school to Somerset County Council provided that, if the County Council determine that they do not wish to provide a school on site, it is returned to the applicant subject to payment of £772,191 towards the provision of additional primary school places elsewhere;
- (b) Payment of £831,105 towards the provision of additional secondary school places; and
- (c) Payment of £110,313 towards the provision of pre-school places.

3. Highways

- (a) Implementation of an on-site travel plan or a contribution of £90,000 towards the same provision;
- (b) Implementation of Personalised Travel Planning across the South Taunton area or a contribution of £500,000 to achieve the same;
- (c) Contribution of £210,000 to provide improvements to cycle routes in the area.

4. Community Leisure

- (a) Provision of public open space and children's play facilities on site, together with future a maintenance arrangements;
- (b) Provision of allotments on site; and
- (c) Contribution of £1,118 per dwelling towards community hall provision in the area.

5. Public Art

The integration of public art into the development, through the

involvement of an artist in the detailed design process.

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

- (a) Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters, for the first phase of development indicated on the plans hereby permitted, shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. Application for approval of the reserved matters for all subsequent phases shall be made to the Local Planning Authority not later than the expiration of six 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 for the phase to which it relates 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 general accordance with the following approved plans:-
 - (A4) DrNo Fig 1 Site Location Plan;
 - (A0) DrNo 0338-2003 Rev D Land Use Plan;
 - (A0) DrNo 0348-2009 Rev D Phasing Plan; and
 - (A3) DrNo 6857.13 Rev A Proposed Revisions to Access;
- (c) Prior to any reserved matters approval, details of a foul and surface water Drainage Strategy shall be submitted to, and agreed in writing by, the Local Planning Authority. The Surface Water Strategy shall be in accordance with the approved Flood Risk Assessment (prepared by Clarkebond and dated July 2012) and demonstrate through appropriate calculations that the surface water run-off generated from the development up to and including the 1 in 100 year critical storm with climate change will not exceed the run-off from the undeveloped site for the 1 in 2 year Greenfield rainfall event. The submitted information shall incorporate an assessment of the capacity and condition of the culvert on the Stockwell Stream under the access to Pool Farm. The strategy shall include a Masterplan showing details of the phasing of surface water drainage infrastructure, attenuation requirements and run-off rates for each phase including source control measures. The development shall be implemented in accordance with the approved scheme;
- (d) Details of all cycleway and footpath routes and connections for each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the footpaths and cycleways. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;
- (e) Details of all areas of public open space and children's play equipment for

each phase of development shall be submitted to the Local Planning Authority for approval with any reserved matters applications relating to that phase. The details shall include a schedule for the timing of delivery of the open space and play areas. The development shall be carried out in accordance with those approved plans and timetable and shall thereafter be maintained as such;

- (f) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include details of the southern access to Killams Avenue. The junction shall be laid out in accordance with the details approved pursuant to that application prior to the occupation of any dwellings within Phase 3 and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (g) Any reserved matters application for Phase 3 of the development (as indicated on the phasing plan hereby permitted) shall include a thorough assessment of likely noise disturbance from the M5 Motorway to dwellings within that phase and proposed mitigation measures. The mitigation measures approved pursuant to that application shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such unless otherwise agreed in writing by the Local Planning Authority;
- (h) No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates;
- (i) No works shall commence on land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until full details of a flood compensation scheme have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be supported by hydraulic flood modelling and include details of maintenance access and responsibilities. The development shall thereafter be carried out in accordance with the details of the approved scheme;
- (j) No dwelling shall be occupied on any land shown in Phase 3 on the approved Phasing Plan (prepared by Focus DP and dated April 2012 Ref: 0348-2009 Rev D) until a flood emergency plan for the development has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include the following:-
 - Details of safe routes for pedestrian and vehicles during a flood;
 - The location and type of signage to ensure that occupiers are aware of appropriate routes and actions to take in the event of flooding; and
 - Maintenance arrangements for access routes and infrastructure likely to be affected by flooding;
- (k) No works shall commence until an Ecological Management Plan for the Black Brook for the phase of development to which the works relate has been submitted to, and agreed in writing by, the Local Planning Authority. The plan shall include details of measures to protect and enhance habitat

along the Black Brook during the construction and operation of the development. The development shall be carried out in accordance with the details of the plan;

- (l) No development shall take place on land to which reserved matters relate until a Construction Environmental Management Plan to reduce risks of pollution to the adjacent watercourses from construction works for that phase has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the details of the approved plan;
- (m) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

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

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

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

- An assessment of the potential risks to:-

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

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

(b) Submission of Remediation Scheme

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

(c) Implementation of Approved Remediation Scheme

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

(d) Reporting of Unexpected Contamination

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

(e) Verification of remedial works

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

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

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

(f) Long Term Monitoring and Maintenance

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

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

- (m) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority;
- (n) 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 EAD's Ecological Impact Assessment dated May 2012 and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.
 - A Landscape and Ecological Management Plan.
- 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 badger sett and bat, dormice and bird boxes, and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained;
- (o) The proposed estate roads, footways, footpaths, tactile paving, 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, carriageway gradients, drive gradients, car parking, and street furniture 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. The proposed roads, including footpaths and turning spaces where applicable, 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;
- (p) (i) The landscaping/planting scheme that shall be submitted and approved pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of phase of the development to which it relates. (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (p) The new access to Cutliff Farm shall be provided and capable of use prior

- to the occupation of the 50th dwelling within the first phase of development and shall thereafter be maintained as such;
- (r) There shall be no vehicular access/egress to/from the site from/to Mountfields Road or Mountfields Avenue including during the construction phase;
 - (s) No more than 315 dwellings shall be constructed on the site.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application and secured appropriate planning obligations to enable the grant of planning permission.)

Reasons for outline planning permission, if granted:-

The proposed development would provide additional market and affordable housing contributing to the housing needs of Taunton and helping to achieve the housing targets of the Taunton Deane Core Strategy (TDCS). It was considered that the development would not cause any material harm to the Vivary Green Wedge, which would continue to fulfil its stated objectives detailed in paragraph 3.110 of the TDCS. It was considered that the proposed development would not harm highway safety and, subject to the proposed mitigation, would have a neutral impact on the wider highway network. The development would not harm ecological interests, nor would it give rise to any increase in off-site flooding. The indicative details submitted with the application demonstrated that the development had been well conceived, following established urban design principles fitting for its urban fringe location. It would provide good quality children's play and recreational open space to meet the needs of its residents and would mitigate its impact on local schools. The site was in an accessible location in reasonably close proximity to employment, leisure and retail opportunities, all of which could be easily reached by means other than the private car. It was, therefore, considered to be sustainable development and any adverse impacts could not be seen to significantly and demonstrably outweigh the benefits arising from the development. It was considered that this consideration outweighed the conflict with Policy CP8 of the TDCS making the development acceptable, in accordance with Policies SD1 (Presumption in Favour of Sustainable Development), CP1 (Climate Change), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport and Accessibility), CP7 (Infrastructure) and DM1 (General Requirements) of the Taunton Deane Core Strategy and guidance contained in the National Planning Policy Framework.

52. E/0044/43/13 – Siting of Sales Office on Public Open Space at Cades Farm, Wellington

Reported that it had come to the attention of the Council that part of an area of public open space at the new housing development at Cades Farm, Wellington was currently being used by one of the building companies to site a sales office.

The company had been advised that planning permission was required for the change of use of the land. As a result, an application for temporary permission was submitted, but this had been declined.

To date, the sales office had not been removed from the public open space.

Resolved that:-

- (1) Enforcement action be authorised to secure the removal of the sales office from the land at Cades Farm, Wellington;
- (2) Any enforcement notice served should have a two month compliance period and;
- (3) 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 9.59 pm.)