

Planning Committee – 5 June 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, Mrs Gaden,
Gaines, C Hill, Mrs Hill, Miss James, Mrs Smith, Watson,
A Wedderkopp and Wren

Officers: - Bryn Kitching (Development Management Lead), Tim Burton (Growth and Development Manager), Matthew Bale (Area Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Maria Casey (Planning and Litigation Solicitor), Jo Humble (Housing Enabling Lead) and Andrew Randell (Corporate Support Officer)

Also present: Tonya Meers (Legal and Democratic Services Manager), Roy Pinney (Legal Services Manager) and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

73. Apologies

Councillors Tooze and D Wedderkopp.

74. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared he had had a telephone conversation with a resident in connection with application No 41/13/0001. He felt that he had not 'fettered his discretion'. Councillor Bishop also declared that he had received telephone calls and emails regarding application No 41/13/0001. He also did not feel that he had 'fettered his discretion'. 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. Councillors Coles (Vice-Chairman) and A Wedderkopp declared personal interests as Members of Somerset County Council.

75. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments:-

42/13/0023

Erection of single storey extension and porch to the front, single storey extension to the side and carport at 13 Orchard Close, Trull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo 4 Elevations;
 - (A3) DrNo 3 Ground Floor Plan;
 - (A3) DrNo 2 Elevations as Existing;
 - (A3) DrNo 1 Ground Floor Plan as Existing;
 - (A4) DrNo 5 Site Layout Plan; and
 - (A4) Location Plan.

(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 and has granted planning permission.)

Reasons for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

38/13/0105

Change of use from A1 (retail) to A5 (hot food takeaway), alterations to the shop front, erection of two condenser units and installation of extraction flue at 40 Station Road, Taunton (as amended)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A3) DrNo A139013/01 Rev E Existing and Proposed Floor Plans;
 - (A3) DrNo A139013/02 Rev A Existing and Proposed Elevations;
 - (A3) DrNo A139013/03 Signage Details;
 - (A3) DrNo A139013/04 Rev B Existing and Proposed Rear Elevation;
 - (A3) DrNo A139013/05 Existing Side Elevation;
 - (A3) DrNo A139013/06 Rev B Proposed Side Elevation;
 - (A3) DrNo 2030-01 Location Plan and Block Plan.

(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 to enable the grant of planning permission).

Reasons for granting planning permission:-

The proposed change of use would bring the empty shop back into use, to the benefit of the vitality and viability of the town centre. Any impacts on neighbouring properties would be acceptable given the town centre location. It was, therefore, in accordance with Retained Policy T21 (Secondary Shopping Areas) of the Taunton Deane Local Plan and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

- (2) That **planning permission be refused** for the under-mentioned developments:-

41/13/0001

Erection of 16,632 solar PV panels generating up to 4.16mw at Glebe Farm, Tolland

Reasons

- (a) The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the scattered, small scale and highly dispersed rural development in the area. This incongruous proposal would be highly visible from a large number of sensitive receptors which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy;
- (b) The application has not satisfactorily demonstrated that the development can satisfactorily mitigate the risks of off site flooding. It is, therefore, contrary to Policy CP8 (Environment) of the Taunton Deane Core Strategy.

(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 had detailed discussions and site meetings to consider points of concern. However in this case the applicant was unable to satisfy the Local Planning Authority that the development would not give rise to unacceptable impacts and as such the application has been refused).

07/13/0010

Erection of two storey extension to the rear of The Waggon House, Bradford on Tone

Reason

The proposed extension by reason of its scale and design details fails to respect the character of the existing dwelling. As such the development would be contrary to Policy DM1 of the adopted Core Strategy and the retained Policy H17 of the Taunton Deane Local Plan.

(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 looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused).

76. Outline planning application for residential development at land adjoining Sherlands, Stonegallows, Bishop Hull (05/13/0011)

Reported this application.

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

- (i) Affordable Housing – two discount market dwellings to be provided at Creech St. Michael or a contribution of £189,000 in lieu of such provision;
- (ii) Highways – Alterations to highway to provide suitable access to the site; alterations to the junction with A38;
- (iii) Children’s Play – Contribution of £2,688, per dwelling;
- (iv) Active Outdoor Recreation – Contribution of £1,454 per dwelling;
- (v) Allotment provision – Contribution of £194 per dwelling; and
- (vi) Community Halls – Contribution of £1,118 per dwelling,

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, access 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 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) No development including site clearance or topsoil stripping shall take place until alterations to the junction of Stonegallows with the A38 and the new site access have been completed in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority;
- (c) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such;
- (e) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Updated Ecological Impact Assessment report, dated March 2013 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.
 - Arrangements to secure the presence of an ecological clerk of works on site.
 - 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 and thereafter the resting places and agreed accesses for bats, birds and reptiles shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and reptile hibernacula and related accesses have been fully implemented;

(f) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any Order revoking and re-enacting the 1995 Order with or without modification), no buildings or other ancillary structure, no gates, walls, fences or other means of enclosure other than those that may be expressly authorised by this permission and any subsequent reserved matters approval shall be carried out within the areas coloured pale green on drawing number 4166/11 hereby permitted without the further grant of planning permission;

(g) No more than 8 dwellings shall be constructed on the site.

(Notes to applicant:- (1) 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 entered into pre-application discussions to enable the grant of planning permission; (2) Applicant was advised that the condition relating to wildlife requires the submission of information to protect the species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the bats, badgers, reptiles, amphibians and nesting birds will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal).

Reasons for outline planning permission, if granted:-

The site was located at the edge of the existing Taunton Urban Area and had good public transport links. It would provide improvements to an existing poorly aligned junction to the A38, to the benefit of all users of this part of the highway network. The development would not cause significant adverse impact on the local highway network, amenity of neighbouring residents or ecological impacts. The setting of Rumwell Park to the west would be preserved. Given that the development plan was silent on where future housing allocations in Taunton would be, it was considered that the appropriate test was the presumption in favour of sustainable development outlined in Policy SD1 (Presumption in Favour of Sustainable Development) of the Taunton Deane Core Strategy and the National Planning Policy Framework. It was considered that the test was passed and the development was acceptable in accordance with Policy CP1 (Climate Change), CP6 (Transport and Accessibility), CP8 (Environment) and DM1 (General Requirements) of the Taunton Deane Core Strategy, the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1991.

77. Miscellaneous report – Local Connection Clauses

Reference Minute Nos 67, 68 and 69 Members had requested that the two applications relating to developments at Hyde Lane, Creech St Michael and Land off Burges Lane Wiveliscombe should be brought back to the Committee

with regard to the details of the Section 106 Agreement in relation to affordable housing.

This was in response to the comments of the Housing Enabling Lead on these three applications where it had been stated that a local connection clause was to be included in the S106 Agreement to prioritise the homes for local people.

A local connection clause ensured the parish that was having the impact of the development had the priority to access the affordable homes and contributed to absorbing their parishes' local housing need. The clause would remain in perpetuity and therefore applied on first and subsequent relets ensuring local homes for local people.

To avoid empty properties in the event that no one with a local connection submitted a bid for a home, the clause would then cascade out to neighbouring parishes' and then the Homefinder Somerset/Homebuy list as appropriate. For each subsequent relet/sale the clause would default back to the parish in the first instance.

Rented properties would be advertised through the choice based lettings system Homefinder Somerset. The system provided regular information to registered applicants on the available lettings in the area. It invited potential applicants to apply or 'bid' for properties for which they qualified.

Those interested in shared ownership or discounted open market properties would need to register on the 'Homebuy List' and in the case of shared ownership also register with the housing association. For those intermediate properties potential purchasers would also need to have sufficient finances in order to meet the commitment of owning their own home and be able to secure a mortgage for their share of the property.

As a local authority Taunton Deane was responsible for making sure housing needs were met and by incorporating a local connection clause this would ensure the affordable homes were local houses for local people and provided a broader choice of homes within those communities.

Resolved that:-

(1) The recommendation that the affordable housing local connection clause was incorporated into the Section 106 Agreements for any development proposal with affordable housing requirements other than in the Strategic Sites identified with the Core Strategy be referred to the Community Scrutiny Committee for further consideration; and

(2) That the Section 106 Agreements for the following applications should include a local connection clause:-

(i) 14/12/0043 – Outline application for the residential development of 44 No dwelling houses, Scout Hut and recreational open space, drainage works and associated access at land to south of Hyde Lane, Creech St Michael.

(ii) 14/13/0006 – Erection of 55 dwellings. Provision of school car park, vehicular access, public open space and associated works on land to the North of primary school, Hyde Lane, Creech St Michael; and

(iii) Outline application for the erection of up to 71 dwellings with associated access and infrastructure on land off Burges Lane, Wiveliscombe.

78. Appeals

Reported that one new appeal had been lodged since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.20 pm.)