

Planning Committee – 14 August 2013

Present: - Councillors Mrs Allgrove, Bishop, Bowrah, Coles, Denington, Gaines, C Hill, Mrs Hill, Morrell, Nottrodt, Mrs Smith, Tooze, Watson and A Wedderkopp

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (Area Co-ordinator East), Tim Burton (Planning and Development Lead), Julie Moore (Major Applications Co-ordinator), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Ms Palmer in connection with application No 48/13/0040 and Mrs A Elder, a Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

93. Appointment of Chairman

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

94. Appointment of Vice-Chairman

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

95. Apologies/Substitutions

Apologies: Councillors Mrs Gaden and D Wedderkopp

Substitution : Councillor Mrs Smith for Councillor D Wedderkopp

96. Minutes

The minutes of the meeting of the Planning Committee held on the 17 July 2013 were taken and read and were signed.

97. Public Question Time

Mr Mike Davis reported that a year ago he and others campaigned against the 43 acre solar industrial complex at Halse.

Subsequently a Judicial Review was bought and after extensive meetings with the Council a compromise deal with Hazel Capital was agreed. However, legal action was now pending as the company had walked away from that agreement. They had refused to build the flood defences that were recommended, following a jointly commissioned report by JBA Consulting. who had a very different view of the flood risk that emanated from solar panels.

Last year we presented specific calculations on the agricultural value that would be lost and questioned the net carbon reduction benefit. Our report will show validated calculations that demonstrate over half of the carbon reduction benefit is taken up in the building of panels, development of the site, disposal of panels and incremental mileage from importing additional food to the UK.

At Halse, the original application was expanded and the overhead cable work not stated. The stated 80 lorry movements exceeded 400, as did the stated lorry size; the lane used was extensively damaged and closed for three weeks to residents. Development started before the agreed ploughing and seeding of the land occurred. 43 fertile acres are now dust and high weeds. Extra aggregate was bought in to build up the tracks and to provide extra tracks not specified in the permission. Now removed, or reduced, the aggregate has simply been spread across the land, having a detrimental effect on soil quality. No sheep graze on the thistles and ragwort. This will be another site that has herbicides sprayed on it for the next 25 years adding to soil pollution and degradation.

To fund the scheme Hazel Capital pay interest of 9% per annum, capital secure. In short Investment bankers are getting rich at the expense of the environment, paid for by guaranteed rises in energy prices and complex subsidy schemes, which are paid for through all our rising energy bills.

As a consequence of such renewable schemes, fertile land is lost, whilst we import more food so pushing up food prices. In Germany, it has been identified that large schemes like Halse suffer from large transmission losses and smaller solar schemes are now being promoted adjacent to settlements and industry where it can be used directly and minimise losses.

My questions to the Committee and Officers are:-

- 1) Have you been to see the finished site at Halse? Have you compared the impact as expressed in the Officers report versus the reality?
- 2) Do you know what the net carbon benefit of such schemes really are?
- 3) Do you understand the arguments about run off calculations from panels?
- 4) Do you think the industrialisation of our agricultural land improves the economy, environment or society? If so how?
- 5) Do you understand the difference in amounts generated versus delivered for use, after transmission loss?

The Chairman thanked Mr Davis for his statement and questions.

98. Declarations of Interest

Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he had received telephone calls and emails on all

of the applications. He felt that he had not 'fettered his discretion' in dealing with these enquiries. Councillor Mrs Hill declared a personal interest as an employee of Somerset County Council. Councillors Coles and A Wedderkopp declared personal interests as Members of Somerset County Council. Councillors Bowrah, Coles and Watson declared that they too had received calls and emails on various applications included on the agenda. They all considered that they had not 'fettered their discretions'. Councillor Tooze declared a personal interest as an employee of the UK Hydrographic Office. Councillor Bishop, Ward Councillor for Bradford on Tone declared that application No 07/13/0016 had been discussed at their Parish Council meeting. He too felt that he had not 'fettered his discretion'. Councillor Gaines declared a prejudicial interest in application No 07/13/0016 as he was known to the applicant. He left the room during the discussion of the application.

99. 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:-

05/13/0025

Erection of detached dwelling with associated access on garden land to the north of Uplands, Bishop's Hull Road, Bishop's Hull

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 plans:-
- (A3) DrNo 1473/13/6 Block Plan (received 2 August 2013);
 - (A3) DrNo 1473/13/2 Iss 5 Elevations;
 - (A3) DrNo 1473/13/1 Iss 6 Ground and First Floor Plans;
 - (A3) Amended First Floor Plan (received 14 August 2013);
- (c) The dwelling hereby permitted shall not be occupied until the access, turning and parking spaces have been fully provided within the site in accordance with approved drawing no. 1473/13/6. The access, parking and turning areas shall be hardsurfaced (not loose stone or gravel) and provision shall be made within the site for the disposal of surface water within the site so as to prevent its discharge onto the highway. Once provided, the access, parking and turning areas shall thereafter be maintained in perpetuity;

- (d) There shall be no obstruction to visibility greater than 900 mm above adjoining road level forward of a line 2.4 m back and for a distance of 25 m to the south, as provided on approved drawing no. 1473/13/6. Such visibility shall be fully provided before the dwelling hereby permitted is first occupied and shall thereafter be maintained in perpetuity;
- (e) The boundary treatment shown on drawing no 1473/13/6 shall be completed before the dwelling is first occupied and shall thereafter be maintained as such and thereafter shall not be increased in height above that shown on the approved drawing;
- (f) (i) Prior to its implementation 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 of similar size and species, or the appropriate trees or shrubs and may be approved in writing by the Local Planning Authority;
- (g) 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), there shall be no addition or extension to the dwelling (including the insertion of dormer windows) unless an application for planning permission in the behalf is first submitted to, and approved by, the Local Planning Authority;
- (h) 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), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to, and approved by, the Local Planning Authority;
- (i) The development shall provide for covered and secure storage facilities for a minimum of three bicycles, details of which shall be submitted to, and approved in writing prior to implementation. Such facilities shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be retained for those purposes;
- (j) The first floor windows on the northern side elevation shall be obscure glazed and fixed shut or of limited opening in a manner to be agreed in writing by the Local Planning Authority prior to their installation and shall thereafter be retained as such.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way and had imposed planning conditions to enable the grant of planning permission; (ii) New water supply and waste water connections will be required from Wessex Water to serve this development. As from the 1 October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made; (iii) Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) Your attention is drawn to the presence of the wall to the northern site boundary. This wall is understood to be listed as a curtilage structure/feature associated with the Former United Reformed Church. Appropriate on site management of works, particularly excavation works should be ensured during all phased of construction so as not to undermine the stability of this wall. Any damage caused to this wall is likely to require remedial works that should first be discussed with the Council's Conservation Officer.)

48/13/0040

Erection of dwelling at 49 Greenway, Monkton Heathfield

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 PL – 1 Location Plan;
 - (A3) DrNo PL – Site Plan;
 - (A3)DrNo PL – 3 Block and Roof Plan;
 - (A3) DrNo PL – 4 Proposed Floor Plan;
 - (A3) DrNo PL – 5 Proposed Elevations;
 - (A3)DrNo PL – 6 Proposed Garage and Store;
 - (A3) DrNo PL – 7 Indicative Site Sections;
- (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 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) The area allocated for parking and turning on the submitted plan, drawing no 2026-PL-3, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted;
- (e) The proposed access shall be constructed in accordance with details as shown on the submitted plan, drawing no 2026-PL-3, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times;
- (f) At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plan Drawing no. 2026-PL-2. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times;
- (g) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before occupation of the dwelling hereby permitted and thereafter maintained at all times;
- (h) The development hereby permitted shall not be commenced until details of a strategy to safeguard protected species had been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report, dated May 2013 and include; (i) Details of protected measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; (iii) Measures for the retention and replacement and enhancement of places of rest for the species. 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 wildlife shall be permanently maintained and provision of the new bat boxes and related accesses have been fully implemented;
- (i) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 additional window/dormer windows/rooflights shall be installed in the northern, eastern or southern elevations or the roofspace of the development hereby permitted without the further grant of planning permission;
- (j) 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 extensions or loft conversions/extension shall be carried out without the further grant of planning permission.

- (k) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) the living room side window and first floor en-suite windows to be installed in the northern and southern elevations of the dwelling shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed or as a means of escape). The type of obscure glazing shall be submitted to, and agreed in writing by, the Local Planning Authority prior to its installation and shall thereafter be so retained.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way and has imposed planning conditions to enable the grant of planning permission; (ii) WILD LIFE 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 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. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development; (iii) Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991); (iv) New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commenced; (v) Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.)

53/13/0006

Erection of a Community Church and café at Rogers Walk, Cotford St Luke

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:-
- (A1) DrNo P/01 rev A Site Plan;
 - (A1) DrNo P/02 rev B Proposed Floor Plans;
 - (A1) Dr No P/03 Proposed Roof Plan and Sections;
 - (A1) DrNo P/04 Proposed Elevations;
 - (A1) DrNo P/05 Proposed Steps Section;
- (c) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) The western most (left hand) first floor on the south-west elevation shall be obscure glazed and non opening. The type of obscure glazing shall be submitted to, and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained;
- (e) Prior to its installation, full details and a specification of the proposed 'plant for heat pump' together with a noise assessment detailing the impact on neighbouring properties shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details and any required mitigation detailed in the assessment or required as part of the approval of those details shall be implemented before the plant is brought into use and shall thereafter be maintained as such. The plant shall not be subsequently changed, upgraded or altered without the prior approval of the Local Planning Authority;
- (f) (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, together with measures to protect the existing trees off the north and north-eastern site boundaries 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 period of five years after the completion of each landscaping scheme, the trees and shrubs (including the protected off-site trees) 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 a similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

- (g) Before the development hereby permitted is brought into use, provision shall be made for covered and secure cycle parking facilities for at least eight cycles, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority;
- (h) Prior to the building hereby permitted being brought into use, full details of the proposed means of enclosure and gates to the north-east of the proposed 'Safe Play Space' and the south-west of the proposed 'Sanctuary Space' shall be submitted to, and approved in writing by, the Local Planning Authority. Such means of enclosure shall be implemented prior to the building being brought into use and shall thereafter be maintained as such;
- (i) No external lighting shall be installed without the prior approval of the Local Planning Authority;
- (j) With the exception of the Sanctuary Space and the use of the building for 'divine services' the building shall not be occupied other than between the hours of 09.00 and 22.00 Monday to Saturday and 08.00 and 20.00 on Sundays and Bank Holidays;
- (k) Before the building hereby permitted is brought into use a barrier capable of preventing vehicular access to the site shall be placed between the grass area on site and the public footpath/cycleway on the northern site boundary in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority. Such a barrier shall thereafter be maintained as such.

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

06/12/0067

Erection of 3 No detached dwellings with associated parking, access and landscaping at Station Farm, Station Road, Bishops Lydeard (resubmission of 06/12/0007)

Reasons

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' in that it would lead to the loss of a potential employment use that has an extant consent and that insufficient evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of employment land.

(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 had 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 had been refused).

06/12/0068

Erection of 6 No dwellings with associated garages and parking, landscaping and provision of open space at land at Station Farm, Bishops Lydeard (amended scheme to 06/12/0036)

Reasons

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' and SP4 'Realising the vision for rural areas' together with Taunton Deane Local Plan Policy EC22 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a potential tourist/employment use that has an extant consent and insufficient evidence in the form of marketing has been submitted to demonstrate that such a use is not viable and material considerations do not outweigh the loss of the tourist/employment use.

(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 had 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).

07/13/0016

Installation of solar PV arrays and associated works with a capacity of up to 9.5 megawatts of power at land north-west of Ritherdens Farm, Bradford on Tone as amended

Reasons

The proposed solar photovoltaic installation and associated works would change the Farmed and Settle Low Vale Landscape Character of the area resulting in an unacceptable and detrimental impact to the visual amenity of the area. The detrimental impact is particularly damaging to the local area and especially when viewed from the residential properties at Hele, Wheaton Farm, Stonegallows Hill and the three public footpaths which cross the site where the proposal would be uncharacteristic and dominating in the landscape. The proposal is therefore considered to be contrary to Government advice contained within the National Planning Policy Framework and Planning Practice Guidance for Renewable and Low Carbon Energy and Policies CP1(g), CP8, DM1(d) and DM2(8) 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 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).

51/13/0003

Demolition of dwelling and erection of replacement dwelling at Saltmoor, Burrowbridge (amended siting and design following refusal of application 51/12/0010)

Reasons

The design of the proposed replacement dwelling is considered out of character by reason of its materials and design which are inappropriate and unacceptable in this location and is likely to cause harm to the visual amenity and character of the area, contrary to Taunton Deane Core Strategy Polices DM1 (d) (General Requirements) and CP8 (Environment).

100. Change of use of shop unit (A1) to create Café/Bar/Bistro (A3/A4) use, new shop front and cantilevered terrace to the side at 2 Bridge Street, Taunton (38/13/0129)

Reported this application.

Subject to no further representations raising new issues by 23 August 2013, the Development Manager be authorised to determine the application in consultation with the Chairman/Vice Chairman and if planning consent was granted, the following conditions be imposed:-

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 J48/01 Existing Ground Floor Plan;
- (A3) DrNo J48/02 Existing River Elevation;
- (A3) DrNo J48/03B Proposed Ground Floor Plan;
- (A3) DrNo J48/04A Proposed Bridge Street Elevation;
- (A3) DrNo J48/05C Propose River Elevation;
- (A3) DrNo J48/06 Existing Bridge Street Elevation;
- (A3) DrNo J48/07 Location and Block Plans;
- (A3) DrNo J48/08A Terrace Plan;
- (A3) DrNo J48/09 Existing and Proposed North West Elevations;
- (A3) DrNo J48/10 Terrace Elevations;
- (A3) DrNo J48/11 Proposed Section through New Terrace;

- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted and the doors design has been submitted to, and approved in otherwise agreed in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority;
- (d) Details of any external lighting to the terrace area shall be submitted to, and approved in writing by, the Local Planning Authority before the terrace is brought into use;
- (e) The development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA – prepared by Harcombe Environmental Services and dated 20 June 2013) and the following specific measures:-
 - (i) The soffit level of the terrace shall be no lower than 15.55m AOD, and
 - (ii) An Otter ledge shall be provided in accordance with the details set out in paragraph 3.2.2. prior to the use commencing;
- (f) No part of the building shall be used or occupied for the purposes hereby permitted under this planning permission until a Flood Evacuation Plan and an Operation and Maintenance Manual has been submitted to, and approved in writing by, the Local Planning Authority. The Manual shall include details of how the terrace will be maintained to ensure that flood flows are not impeded by the structure or associated debris. The Manual shall also include details of appropriate access routes for emergency maintenance and operations during a flood.

(Notes to applicant:- Applicant was advised to take the following matters into account:- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and proactive way with the applicant and had negotiated amendments to the application to enable the grant of planning permission. (ii) Flood Defence Consent (FDC) will be required for both the permanent and temporary works within 8m of the River Tone. As part of the FDC application, the applicant is required to provide the Environment Agency with the drawings submitted with this planning application and a method statement detailing how the decking will be built.)

101. Appeals

Reported that two new appeals and one decision had been lodged since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 10.50 pm.)