

Planning Committee – 6 January 2016

Present: - Councillor Bowrah (Chairman)
Councillor Coles (Vice-Chairman)
Councillors M Adkins, Brown, Gage, C Hill, Martin-Scott, Morrell,
Nicholls, Mrs J Reed, Townsend, Watson, Wedderkopp and Wren

Officers: - Matthew Bale (Area Planning Manager), Gareth Clifford (Principal Planning Officer), Tim Burton (Assistant Director Planning and Environment), Roy Pinney (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Democratic Services Officer)

Also present: Councillors D and K Durdan for application No.14/15/0027. Councillor Horsley for application No. 38/15/0491. Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

1. **Apology**

Apology: Councillor Mrs Floyd

2. The minutes of the meetings of the Planning Committees held on the 12, 25 of November and 9 December 2015 were taken and read and were signed.

3. **Proposed change to the Constitution part 4, paragraph 6, revised wording.**

Resolved that this was agreed at the Constitutional Sub Committee and Translated into a formal amendment at Full Council on the 15 December 2015.

4. **Public Question Time**

(a) Councillor Martin-Scott referred to the Comeytrowe/Trull application which had been considered at the meeting on 4 November 2015. He was slightly confused as to the current status of this application. His understanding was that be deferring the application the consortium was being provided with sufficient time for the preparation of a comprehensive Masterplan which would involve engagement with relevant stakeholders and placed particular emphasis on the issues on the highways, education and health. Was this still the situation?

In response the Assistant Director – Planning and Environment, Tim Burton, confirmed that a Masterplan was submitted by the Consortium with their application. Since the November meeting a further document had been produced which had set out to address the reasons for deferral that had been accepted by the Committee. This document had been made available to Members.

The Consortium had also requested that the application be returned to the Planning Committee for determination at the earliest opportunity. Mr Burton informed Members the provisional arrangements had been made for the application to be considered at the scheduled meeting of the Planning Committee on 27 January 2016. The likely venue was The Castle School, Wellington Road, Taunton.

Councillor Martin-Scott went on to ask for clarification as to the Consortium's request that there should be a Strategic Environmental Assessment (SEA) undertaken in respect of the Trull Neighbourhood Plan which was a significant part of this application.

The legal Services Manager, Roy Pinney, informant Members that he had given specific consideration to the issue of whether an SEA was required, in response to a legal view put forward by the Consortium. While not all elements of the Consortium's legal views were acceptable, it was the view of the Legal Services Manager that an SEA was indeed required, and this view had been communicated to others, the Leader of the Council and the Portfolio Holder. He added that the application had included an Environmental Impact Assessment at the time of submission, so that aspect of the application had already been fully covered.

- (b) Mr Steve Smith also sought clarification as to the correct wording of the deferral motion made by the Committee in November. He was aware of four different versions currently being available.

Mr Pinney confirmed that the Minutes of the meeting held on 4 November 2015 recorded details of the deferral. From this it was clear that the Committee desired the applicants undertake further masterplanning to encompass the effects of the development on the wider area including highways, education and health, but not limited solely to these elements.

5. Declarations of Interest

Councillors Coles, M Adkins and Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Townsend declared personal interests as Vice-Chairman of Kingston St Mary Parish Council and Chairman of the Kingston St Mary Village Hall Association. Councillor Martin-Scott declared personal interests as a trustee to the Home Service Furniture Trust, trustee to bishop Fixes Education Foundation and a trustee to Trull Memorial Hall. Councillor Nicholls declared personal interest as a Member of the Fire Brigade. Councillor Wren declared a personal interest as he was Clerk to Milverton Parish Council. Councillor Wedderkopp declared that he had met with a member of the public on application No. 38/15/0491, he stated that he had not 'fettered his discretion'. Councillor Bowrah declared he had brought application No. 43/14/0105 to the committee under delegated powers as he felt that this should be dealt with by the Planning Committee. He also declared that application No. 43/15/0082 was discussed at the Wellington

Town Council meeting, he declared that he did not participate in the discussion.

6. Applications for Planning Permission

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

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

38/15/0491

Conversion and extension to detached garage to form an annexe at 17A The Avenue, Taunton (amended scheme to 38/15/0346) as amended by plans received 14 December 2015

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 J133/02C Proposed Floor Plan, Elevations and Block Plan;
- (c) The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17A The Avenue.

(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 and had granted planning permission.)

38/15/0144

Demolition of garage blocks and erection of 3 No. four bedroomed terraced dwellings with associated parking and amenity space on land to the side of 79 Belvedere Road, Taunton

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) Dr No 2542 201 Rev A Proposed Elevations;
 - (A1) 2542 101 Proposed Floor & Roof Plans;
 - (A1) Dr No 2542 003 Rev A Proposed Site Plan;
 - (A1) 2542 004 Existing Site Plan;
 - (A4) Dr No 2542 001 Rev A Site Location & Block Plan;
 - (A4) Floorplan;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window to be installed in the east and west elevations of the building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). 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;
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class' A, B & C of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;
- (e) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear;
- (f) The development shall provide for bin storage facilities, details of which shall be submitted and approved in writing prior to occupation of the dwellings. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (g) (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;
- (h) No site clearance works or development (or specified operations) shall take place between March and September without the prior written approval of the Local Planning Authority;

- (i) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority; The strategy shall be based on the advice of a First Ecology's Ecological Appraisal dated May 2015 and include:

A further bat activity survey to ascertain the usage of the garages by bats. In the event that evidence of bats is found a dusk emergence and pre-dawn survey shall be required. The surveys shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances; A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances; 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.

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 any resting places and agreed accesses for the relevant species shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;

(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 negotiated amendments to the application to enable the grant of planning permission.)

43/14/0105

Erection of 102 No. dwellings with associated landscaping, engineering, highways, parking and open space on land at Cades Farm, off Taunton Road, Wellington

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:-
- (A0) DrNo 100 Rev Y Planning Layout;
 - (A3) DrNo 101 Rev H Location Plan;
 - (A2) DrNo 104 Rev P Materials Key Plan;

- (A1) DrNo 105 Rev J Refuse Key Plan;
- (A2) DrNo 106 Rev M Affordable Housing Key Plan;
- (A1) DrNo 107 Rev B Fences & Enclosure Details;
- (A1) DrNo 150 Rev F Street Scenes;
- (A0) DrNo 202-3 Rev E Engineering Layout Sheet 3 of 5;
- (A0) DrNo 202-4 Rev D Engineering Layout Sheet 4 of 5;
- (A0) DrNo 202-5 Rev E Engineering Layout Sheet 5 of 5;
- (A1) DrNo 203-1 Rev B Road Construction Details Sheet 1 of 2;
- (A1) DrNo 203-2 Rev B Road Construction Details Sheet 2 of 2;
- (A1) DrNo 208-4 Rev A Road & Sewer Sections Roads 12,13 and 13 Turning Head;
- (A1) DrNo 208-5 Rev A Road & Sewer Sections Roads 14,15 and 14 Turning Head;
- (A0) DrNo 211 Rev F Section 38 Plan;
- (A0) DrNo 302 Rev H Landscaping Layout Sheet 3 of 5;
- (A0) DrNo 303 Rev F Landscaping Layout Sheet 4 of 5;
- (A0) DrNo 304 Rev G Landscaping Layout Sheet 5 of 5;
- (A2) DrNo 305 On-Plot Plant Schedule and Landscape Specification;
- (A0) DrNo 307 Rev H POS Landscaping Layout Sheet 1 of 5;
- (A0) DrNo 309 Rev F POS Landscaping Layout Sheet 3 of 5;
- (A0) DrNo 310 Rev F POS Landscaping Layout Sheet 4 of 5;
- (A0) DrNo 311 Rev F POS Landscaping Layout Sheet 5 of 5;
- (A2) DrNo 312 Rev B POS Plant Schedule and Specification;
- (A3) DrNo 800-3-1 Rev B House Type AI;
- (A3) DrNo 800-4-1 Rev B House Type AI;
- (A3) DrNo 800-6-1 Rev A House Type AI;
- (A3) DrNo 801-3-1 Rev B House Type Ha;
- (A3) DrNo 801-4-1 Rev D House Type Ha;
- (A3) DrNo 801-6-1 Rev A House Type Ha;
- (A3) DrNo 802-2-1 Rev C House Type Ro;
- (A3) DrNo 802-6-1 Rev C House Type Ro;
- (A3) DrNo 802-6-2 Rev B House Type Ro;
- (A3) DrNo 806-2-1 Rev B House Type Ru;
- (A3) DrNo 806-6-1 Rev B House Type Ru;
- (A3) DrNo 807-1-1 Rev B House Type Ht;
- (A3) DrNo 807-2-1 Rev A House Type Ht;
- (A3) DrNo 807-6-1 Rev / House Type Ht;
- (A3) DrNo 808-4-1 Rev B House Type 2B;
- (A3) DrNo 808-5-1 Rev B House Type 2B;
- (A3) DrNo 809-4-1 Rev B House Type 3B;
- (A3) DrNo 809-5-1 Rev B House Type 3B;
- (A3) DrNo 810-4-1 Rev B House Type 1B;
- (A3) DrNo 811-3-1 Rev A House Type Mo;
- (A3) DrNo 812-2-1 Rev / House Type Ha Corner;
- (A3) DrNo 812-6-1 Rev A House Type Ha Corner;
- (A3) DrNo 820 Rev A Garages;

Where there is any discrepancy between the details contained within the layout/house type drawings, the planning layout shall take precedence;

- (c) Prior to the commencement of the development hereby permitted, full details of the proposed means of surface water drainage shall be submitted to, and agreed in writing by, the Local Planning Authority. The strategy shall ensure that surface water run-off from the site is limited to no more than 2 litres per second per hectare of impermeable area unless otherwise agreed in writing by the Local Planning Authority. The approved surface water drainage details shall subsequently be implemented so as to ensure that each part of the site is not occupied/brought into use prior to being drained in accordance with the details so approved and such drainage facilities shall thereafter be maintained as such;
- (d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of EDP's submitted report, dated October 2010 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; 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. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.
- (e) The proposed estate road, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority; 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;

The roads and footways shall be completed in complete accordance with the approved plans prior to the occupation of the 90th Dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority;

- (f) Prior to the occupation of plots 185-202 a post and wire mesh fence shall be installed along the boundary of these properties with the adjoining hedge in accordance with details that shall previously have been submitted to, and approved in writing by the Local Planning Authority;
- (g) Prior to the occupation of any dwellings hereby permitted, full details of the proposed layout of the public open space identified on drawing 309 Rev F hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority; The details shall indicate the location of any equipment, benches, bins, footpaths and other facilities that may be provided together with details of these items. The approved details shall be implemented prior to the occupation of the 50th dwelling hereby permitted and shall thereafter be maintained as such;

43/15/0083

Variation of condition No. 2 (approved plans) of application 43/13/0127 to move development further north on land to the rear of 39A Mantle Street, Wellington

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 MS.2 Elevations;
 - (A3) Block Plan & Floor Plan;
- (c) Prior to the occupation of the dwelling hereby permitted, full details of the proposed bin storage facilities, shall be submitted to, and approved in writing by, the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes;
- (d) Prior to the occupation of the dwellings hereby permitted covered and secure spaces for no less than 2 bicycles shall be provided in accordance with further details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented and available for use prior to the occupation of the dwelling hereby permitted and shall thereafter be retained as such;

05/15/0035

Change of use of land from amenity to domestic and repositioning of boundary wall at 15 Waterfield Close, Bishops 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 approved plans:-
- (A4) DrNo P.01 Site Location Plan;
 - (A3) DrNo P.03 Rev A Site plan As Proposed;
 - (A3) DrNo P.05 Elevations As Proposed;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission;

(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 and had imposed planning conditions to enable the grant of planning permission.)

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

10/15/0026

Erection of single storey holiday let, demolition of stables and erection of two storey holiday let at Cleve Farm, Oatens farm Lane, Churchstanton

Reason

The National Planning Policy Framework seeks to locate developments in areas that facilitate the use of sustainable modes of transport, while development plan policies specifically direct permanently built holiday accommodation to within existing settlements, which are accessible by public transport, cycling and on foot, unless the proposal would support the vitality and viability of the rural economy in a way that cannot be sited within the defined settlement limits. The proposed holiday accommodation would not utilise existing buildings, but would require the erection of two new purpose-built buildings in a remote, rural location, distanced from adequate services and facilities, which would result in future occupiers being largely reliant upon the use of the private car. The proposal would not support the rural economy in a way that could not be achieved if located within the defined limits of a settlement, nor would it support economic diversification of existing farming or service enterprises. As such, the proposal is contrary to the provisions of policies DM1 (General Requirements) and DM2 (Development in the

Countryside) of the Taunton Deane Borough Council Core Strategy and the relevant sections of the National Planning Policy Framework;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the national Planning Policy Framework the Council works in a positive and pro-active way with the applicants and looks 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.)

14/15/0027

Erection of 4 No. detached dwellings with associated works in the garden to the rear of Somersby Lodge, Langaller Lane, Creech St Michael

Reason

The proposed development, particularly as a consequence of the location of the proposed access point would impact upon the setting of the listed building and the amount of development proposed would detract from the historic pattern of the settlement. The proposal would result in less than substantial harm to the setting of the listed building. However, given the limited public benefits that would arise from the development, these are not considered to outweigh this harm identified and the proposal is, therefore, contrary to Policy CP8 of the Taunton Deane Core Strategy.

43/15/0082

Variation of condition No. 2 (approved plans) of application 43/12/0081 on land to the rear of 39A Mantle Street, Wellington as amended

Reason

The development is considered to be unacceptably overbearing in relation to the neighbouring garden of 37 Mantle Street, detrimental to the amenity of that dwelling. It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy.

7. Appeals

Reported that two appeals and one decision were received details of which were submitted.

Resolved that the report be noted.

(The meeting ended at 9.10 p.m.)